

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 24 JUNE 2010

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

AGENDA - OPEN

CHRISTCHURCH CITY COUNCIL

**Thursday 24 June 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.

ITEM NO	DESCRIPTION	PAGE NO
1.	APOLOGIES	1
2.	CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 27.5.2010 AND 10 .6.2010	1
3.	DEPUTATIONS BY APPOINTMENT	1
4.	PRESENTATION OF PETITIONS	1
5.	SPARC RURAL TRAVEL FUND FOR BANKS PENINSULA WARD	23
6.	REPORT OF THE HEARINGS PANEL ON THE GARDEN OF TANE SCENIC RESERVE MANAGEMENT PLAN	25
7.	BROOKLANDS LAGOON AREA DRAFT PARKS MASTER AND MANAGEMENT PLANS (ATTACHMENTS SEPARATELY CIRCULATED)	109
8.	DELEGATION OF POWERS TO TEMPORARILY CLOSE A PARK FOR A PERIOD LONGER THAN FORTY DAYS PER YEAR; FOR LONGER THAN SIX CONSECUTIVE DAYS; AND FIX CHARGES THAT MAY BE MADE TO ENTER THE CLOSED AREA OF A RECREATION RESERVE	113
9.	CHRISTCHURCH CITY PROPOSED NEW OR AMENDED SPEED LIMITS	119
10.	HEREFORD STREET – PROPOSED CHANGES TO PARKING FOR NEW CIVIC OFFICES.	137
11.	TRAM EXTENSION PROJECT – PROPOSED PARKING CHANGES AND STREET MODIFICATIONS IN LICHFIELD STREET, MANCHESTER STREET, HIGH STREET, TUAM STREET, ASH STREET, BEDFORD ROW AND OXFORD TERRACE	145
12.	NEW REGENT STREET AUTOMATED BOLLARDS	165
13.	PROPOSED NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN STRUTHERS LANE USING BOLLARDS FOR CLOSURE EVERY NIGHT	169
14.	PROPOSED NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN POPLAR STREET USING BOLLARDS FOR CLOSURE EVERY NIGHT	189
15.	KERBSIDE PARKING LIMIT LINES	215
16.	REPORT FROM THE BANKS PENINSULA CHARITABLE TRUST SUBCOMMITTEE ON THE PROPOSED ROD DONALD BANKS PENINSULA TRUST	219
17.	ESTABLISHMENT OF CHRISTCHURCH AGENCY FOR ENERGY TRUST – PART ONE	259
18.	HERITAGE GRANT APPROVAL – REPERTORY THEATRE 146 KILMORE STREET, CHRISTCHURCH	283
19.	REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 3 JUNE 2010 (ATTACHMENTS SEPARATELY CIRCULATED)	291
	1. APPLICATION IN RELATION TO THE GAMBLING POLICY BY NEW ZEALAND METROPOLITAN TROTTERING CLUB INC.	293
	2. INFRASTRUCTURE DESIGN STANDARD	300
	3. ADOPTION OF BELFAST PLAN	306

ITEM NO	DESCRIPTION	PAGE NO
4.	PROPOSED PLAN CHANGE 32 – WAIMAKARIRI STOPBANK FLOODPLAIN LAND USE CONTROLS	311
5.	PROPOSED PRIVATE PLAN CHANGE 19 ISLINGTON PARK	320
6.	DEPUTATIONS BY APPOINTMENT	332
7.	DIRECT REFERRAL OF APPLICATIONS TO THE ENVIRONMENT COURT	332
20.	NOTICES OF MOTION	333
21.	RESOLUTION TO EXCLUDE THE PUBLIC	335

24. 6. 2010

1. APOLOGIES

Councillor Withers.

2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 27.5.2010 AND 10.6.2010

Attached.

3. DEPUTATIONS BY APPOINTMENT

A request to speak has been received from Dean Marshall in respect of item 11.

4. PRESENTATION OF PETITIONS

24. 6. 2010

5. SPARC RURAL TRAVEL FUND FOR BANKS PENINSULA WARD

General Manager responsible:	General Manager Community Services DDI 941-8607
Officer responsible:	Recreation & Sport Unit Manager
Author:	Maggie Button Community Activities officer

PURPOSE OF REPORT

1. To assess a funding application from Banks Peninsula Netball Club and recommend to the Council a grant from the balance of the funds remaining from the 2009/10 SPARC Rural Travel Fund allocated to the Banks Peninsula area.

EXECUTIVE SUMMARY

2. SPARC Rural Travel Funds are provided to encourage participation in sport by young people living in rural communities. It is open to rural sports clubs and rural school teams in areas that have less than 10 people/km². The fund is for young people aged between 5 to 19 years who require subsidies to assist with transport expenses to local sporting competitions. The fund is not available for travelling to regional or national events. A school club team is defined as one participating in regular local sport competitions in weekends, excluding inter-school and intra-school competitions during school time. A sports club is defined as participating in organised, regular sport competition through membership outside of school time. 'Local' for Peninsula young people means travelling to other sub-unions such as Ellesmere, Waihora, Lincoln and further a-field to participate in regular competitions.
3. This financial year the closing date of grant applications was brought forward to 1 November 2009 to align with the funding allocation dates from SPARC. In the past the grant funding has been deposited into the Council account in August but applications were not called for until the following March.
4. For the 2009/10 financial year Banks Peninsula Wards had a total of \$9,621 for distribution.
5. At the extraordinary joint Lyttelton/Mt Herbert and Akaroa/Wairewa Community Boards meeting on 2 December 2009 a decision was made to grant \$3,500 to Diamond Harbour Rugby Football Club and \$5,000 to Banks Peninsula Rugby Football Club.
6. It was the expressed wish of both boards that they receive any late applications for the grant. Any unallocated funds are to be returned to SPARC.
7. The Banks Peninsula Netball Club has made a late application for \$1,500. They have five junior teams in the Lincoln competition. From Little River there is a Primary C (8 to 9 years) and from Akaroa Primary B (8 to 10 years), Primary A (11 to 12 years), Senior B (12 to 13 years) and Senior A (14 to 17 years). On average the return trip from Akaroa is 150 kilometres. There is a total of 18 games in the season.

FINANCIAL IMPLICATIONS

8. The balance of funds left to distribute from the 2009/10 grant allocation is \$1,121. The total amount of funds requested by Banks Peninsula Netball Club is \$1,500.

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

9. Yes, the funding has been provided to Christchurch City Council from SPARC and is aligned to the Council's community grants scheme on page 185 of the 2009-2019 LTCCP; "community grants made on behalf of other organisations."

LEGAL CONSIDERATIONS

10. There are no legal considerations.

24. 6. 2010

5 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. This funding assists the Council to meet the community outcomes under Recreation on page 54 of the 2009– 2019 LTCCP – “ more people participate in sporting activities.”

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

12. Yes, as above.

ALIGNMENT WITH STRATEGIES

13. The recommendations align with the Physical Recreation & Sport Strategy 2002, objective 4.1 “Sports clubs and associations are meeting the needs of the public.”

CONSULTATION FULFILMENT

14. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council make a grant of \$1,121 from the 2009/10 SPARC Rural Travel Fund to the Banks Peninsula Netball Club as a contribution towards the travel costs of their junior netball teams.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

24. 6. 2010

6. DRAFT PANEL REPORT TO THE GARDEN OF TANE SCENIC RESERVE MANAGEMENT PLAN HEARINGS PANEL

General Manager responsible:	General Manager City Environment, DDI 941-8608
Author:	Garden of Tane Scenic Reserve Management Plan Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report from the Hearings Panel is to seek approval from the Council that the revised Garden of Tane Scenic Reserve Management Plan be approved as the operative plan.

EXECUTIVE SUMMARY

2. At its meeting on 14 May 2009 the Council received a report from the Akaroa/Wairewa Community Board of 8 April 2009 recommending to the Council that it approve the release of the draft Garden of Tane Scenic Reserve Management Plan 2009 for public consultation. The report and accompanying recommendations from the Board were submitted to the Council meeting on 14 May 2009 as a report from the Chairperson.
3. The Council adopted the Board's recommendations, and further resolved:
 - (a) That the outcome of the consultation process be used to inform the 2012-22 LTCCP Programme
 - (b) That the Hearings Panel comprise Councillor Reid (Chair), Councillor Corbett, and Board member Pam Richardson, and that the Council Secretary and the Chair of the Hearings Panel be authorised to amend the panel should it be necessary.
4. The draft Garden of Tane Scenic Reserve Management Plan 2009 was publicly notified and open for public submissions from 17 June 2009 to 24 August 2009, for a period of not less than two calendar months as specified by Section 41(6)(a) of the Reserves Act 1977. A total of 38 submissions were received (five submissions were received from groups), supporting, opposing or making requests for action by the Council in relation to the area covered by the draft plan. Twelve submitters indicated that they wished to present their verbal submissions in support of their written submissions.
5. The hearing of submissions commenced on 21 and 22 September 2009. The key items raised in the submissions were the exclusion of exotic tree replacement planting, the lack of emphasis on the associated heritage values of the reserve and structures that once occupied the site. There was reference to the importance of the preservation of the mature exotic tree heritage and the loss of the former Domain character (the reserve openness and playground area) and there was a desire to retain the rocking horse in working order.
6. The Hearings Panel adjourned after Hearing submissions and then reconvened to consider all the submissions and the changes to the draft plans in relation to the submissions. The Hearings Panel had before it, copies of all the submissions in a summary spreadsheet listing key submitter comments and staff responses to these, including suggestions for changes to the draft plan. The Hearings Panel discussed all the submissions, made decisions and requested additional information regarding the rocking horse, walking tracks, potential open areas and commemorative trees to be provided at the next Hearings Panel deliberations meeting.
7. The Hearings Panel reconvened on the 9 October 2009. The Hearings Panel had before it the minutes and decisions of the first meeting of the Hearings Panel and the requested additional information. The Hearings Panel reviewed the additional information and made decisions regarding the outstanding items. The Hearings Panel decisions to change and/or amend the draft plan based on the submissions included:
 8. *Exotic Tree Replanting and Vegetation*
Eighteen submitters called for exotic tree planting to occur to ensure that the historical significance of the mature exotic trees is retained and that the existing mix of both native/exotic tree species is maintained. The submitters noted that exotic tree specimens are a significant part of the history of the reserve and character of Akaroa. The draft plan did not identify replacement planting of the mature exotic tree species.

24. 6. 2010

6 Cont'd

The hearings panel agreed to amend the draft plan to include the following:

- (a) Amend policy so that replacement plantings of same or similar exotic tree species occurs.
- (b) Amend the Vision for the management plan to emphasis management of both exotic and native species and preserving heritage values.
- (c) Change any reference within the draft plan to include the preference of management of both exotics and native species.
- (d) Additional policies regarding the maintenance and management of specimen trees and vegetation, including a policy for the propagation of historic commemorative trees species.
- (e) Additional appendix of exotic specimen trees, based on an existing site tree survey.

9. *Heritage Values*

Twelve submissions commented on the heritage values of the reserve. Submissions noted the lack of emphasis on heritage values in particular the lack of exotic tree replacement, which are important features of the reserve and hold significant heritage and in some cases commemorative value to both the reserve and the Akaroa community. Submitters commented on the lack of acknowledgement to the historical features that once occurred on the reserve (summer house, fountain, grotto, etc) and the historic Domain character of the reserve.

The hearings panel agreed to amend the draft plan to include the following:

- (a) A policy to develop a heritage interpretation plan that investigates opportunities to highlight the historic features and values of the reserve.
- (b) A policy that all new structures (site furniture, signs, fences etc) shall be sympathetic to the heritage and natural setting and not detract form the character of the reserve. Amend references within draft plan regarding structures to be in keeping with the heritage values of the reserve.
- (c) A policy to acknowledge the maintenance and preservation of the commemorative plaques and trees.
- (d) Supporting text and images regarding heritage values and an appendix list of commemorative trees and plaques.

10. *Pathways*

Eleven submissions received commented on the need to maintain pathways and to update some of the alignments of the existing tracks.

The hearings panel agreed to amend the draft plan to include the following:

- (a) Edit the Indicative Development Plan to realign necessary tracks.
- (b) Add additional maintenance policies around the continual maintenance of the reserve, erosion and tracks.

11. *Disused Toilet Block*

Nine submissions commented on the existing toilet building, eight submitters called for a toilet to be located in the Garden of Tane, either utilising the existing toilet block or constructing new toilet structure. One submitter agreed that the existing toilet block should be demolished, but asked for a toilet to be considered within the area. The draft plan recommended the removal of the disused toilet block and suggested not to replace it. The location of toilets should be considered for the overall Akaroa Township to determine the most appropriate location; this is deemed to be outside the scope of this management plan.

24. 6. 2010

6 Cont'd

The hearings panel agreed to amend the draft plan to include the following:

- (a) Amend indicative development plan to remove the reference to recommend to remove the existing disused public toilet block and not replace.

12. *Open areas and playground*

Seven submissions raised concerns over the lack of openness/ views into the reserve. Seven submitters called for the retention, enhancement, or referred to the existing playground as an asset to the reserve. Six submitters support the use of the reserve for passive recreation (playing and picnicking). The draft plan stated that the playground would be removed when the equipment can no longer be repaired and replaced with play equipment within the reserve that meets Council standards or placed in an alternative location in Akaroa.

The hearings panel agreed to amend the draft plan to include the following:

- (a) Amend policy to reflect that the playground facilities would be replaced, on a 'like for like basis', and sympathetic to the natural and historic setting of the reserve.
- (b) Amend the Indicative Development Plan to show potential areas that could be managed as more open areas.
- (c) Additional policies to allow views into the playground and to retain and enhance views to the Akaroa Harbour at viewpoints/lookouts.

13. *Rocking Horse*

Five submissions called for the Rocking Horse be retained and kept mobilised. One of the five submitters, the Akaroa Area School included submissions from 14 students and a small group of students verbally presented their written submissions to the Hearings Panel for their consideration.

The rocking horse does not comply with New Zealand Safety Standard NZS5828, for the basis for installing and maintaining play equipment and the draft plan proposed to retain and immobilise the rocking horse on site to meet these standards and to mark the heritage values of the playground.

The Hearings Panel requested additional information, into the possibility of the rocking horse remaining on site in safe working order. Staff highlighted the elements of the play structure that do not meet the NZS5828 playground standards and suggested that the rocking horse could be investigated to modify the play equipment design to remain mobile, and comply with the NZS5828 standards. The Panel indicated a strong preference for the rocking horse to be retained on site, in safe working order and it is intended the investigations will involve the best endeavours to find a complying working solution.

The hearings panel agreed to amend the draft plan to include the following:

- (a) A policy to reflect that the rocking horse will return to the site, preferably in working safe order that meets the NZS5828 playground standards. If it can not be modified then it will return to site immobilised to meet the above standards.

- 14. The draft Garden of Tane Management Plan has been changed in accordance to these decisions, as seen in the attached tracked changed version of the Management Plan, March 2010 (**Attachment 1**).

FINANCIAL IMPLICATIONS

- 15. The management plan identifies 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.

24. 6. 2010

6 Cont'd

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

16. Specific proposals in the Garden of Tane Scenic Reserve Management Plan, which are tagged with identified costs, do not align with the Long-Term Council Community Plan 2009-19, because they have not been previously raised for inclusion in the LTCCP. The management plan is the appropriate vehicle to contain these potential proposals and can be considered as part of the preparation of the 2012-22 LTCCP or a subsequent version of the LTCCP. There are therefore, no cost implications for these proposals arising from the approval of the plan.

LEGAL CONSIDERATIONS

17. The Garden of Tane Scenic Reserve Management Plan complies with the management plan review process set down in Section 41 of the Reserves Act 1977.

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

18. Yes, the plan has been prepared and reviewed in accordance with the relevant sections of the Reserves Act 1977. In particular, it is in accordance with section 41 (specifying the process of preparation of a management plan) of the Reserves Act.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. The Garden of Tane Scenic Reserve is a garden and heritage park activity. The management plan will assist the Council, in ensuring the best management, provision of activities and services are maintained to protect Christchurch's biodiversity, the Garden City image and to provide relaxation and enjoyment to the community.

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

20. Yes, provide and manage garden and heritage parks so as to:
 - (a) Strengthen Christchurch's identity as the Garden City.
 - (b) Reflect and protect the city's botanical, cultural and social heritage.
 - (c) Encourage relaxation and recreation for all.
 - (d) Protect and promote biodiversity, and display plant collections in locations throughout the city.
 - (e) Promote amenity and cultural uses of plants.
 - (f) Cater for visitors, educational activities and social programmes.
 - (g) Ensure that park design, development and maintenance is sustainable and timely.
 - (h) Preserve heritage items and outdoor art work.

ALIGNMENT WITH STRATEGIES

21. See below.

Do the recommendations align with the Council's strategies?

22. Yes, the Management Plan aligns with the following strategies:
 - (a) Draft Open Space Strategy 2010-2040.

24. 6. 2010

6 Cont'd

- (b) Physical Recreation and Sport Strategy 2002 – Objective 2.4 Physical recreation and sports programmes and activities are accessible to people with disabilities, older people, ethnic groups, parents with small children. Parks and Waterways Access Policy 2002.
- (c) Biodiversity Strategy 2008-2035.

CONSULTATION FULFILMENT

23. Yes, two periods of public consultation were undertaken during the process of preparing the draft plan. These included the initial public notification (issues gathering) in July 2008 notifying of the Council's intent to prepare the draft plan, and the notification in June 2009 of the draft plan for public comment (2 month period). Both consultations fully complied with Section 41 of the Reserves Act 1977.

STAFF RECOMMENDATION

It is recommended that:

- (a) The Hearings Panel accept the revised Garden of Tane Scenic Reserve Management Plan March 2010 (Attachment 1) attached tracked changed copy of the as the operative plan.
- (b) That the clean final Garden of Tane Scenic Reserve Management Plan March 2010 (Attachment 2) of the plan be recommended to the Council for approval as the operative plan.

24. 6. 2010

7. BROOKLANDS LAGOON AREA DRAFT PARKS MASTER AND MANAGEMENT PLANS

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Asset and Network Planning Unit Manager
Author:	Derek Roozen, Parks and Waterways Planner

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval of the Draft Spencer Park Management Plan 2009 (**Attachment 1**), Draft Seafeld Park Management Plan 2009 (**Attachment 2**) and Draft Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan 2009 (**Attachment 3**), with recommended changes incorporated, as the operative plans. The attachments are separately circulated.

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 Seafeld 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.
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 three track changed draft plans and a clean copy of the revised master plan (**Attachment 4**) are separately circulated.

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 Seafeld 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.
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.

24. 6. 2010

7 Cont'd

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. The 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.

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.

24. 6. 2010

7 Cont'd

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, as the operative plans.
- (b) This report is forwarded to the Shirley/Papanui Community Board for information.
- (c) 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.

24. 6. 2010

8. DELEGATION OF POWERS TO TEMPORARILY CLOSE A PARK FOR A PERIOD LONGER THAN FORTY DAYS PER YEAR; FOR LONGER THAN SIX CONSECUTIVE DAYS; AND FIX CHARGES THAT MAY BE MADE TO ENTER THE CLOSED AREA OF A RECREATION RESERVE

General Manager responsible:	General Manager City Environment DDI 941-8608
Officer responsible:	Asset & Network Planning Manager
Author:	John Allen – Policy & Leasing Administrator

PURPOSE OF REPORT

1. The purpose of this report is to gain Council approval to the delegation of the following powers to the Chief Executive Officer:
 - (a) To determine to temporarily close part or all of a recreation reserve (noting that the Chief Executive must seek consent from the Minister of Conservation as required by section 53(1)(d) or 53 (1)(e) of the Reserves Act 1977 (The Act) where it is proposed to close part or all of the recreation reserve:
 - (i) For a total of number of days in excess of 40 days in any year;
 - (ii) For a single period in excess of six consecutive days.
 - (b) The responsibility to specify the maximum, and specific charges that may be charged for admission to the closed area of a recreation reserve as required under section 53(1)(e) of the Act.
 - (c) The responsibility to approve such other charges being made with respect to a specific reserve either generally or with respect to a specified occasions except for the park temporary hire charges which are part of the LTCCP process.

These delegations will be subject to conditions as set out in the Staff Recommendations section of this report.

EXECUTIVE SUMMARY

2. The Council delegated its authority to 'Grant or decline permits (other than leases and licences) for activities', on parks to the then Parks Manager to administer at its meeting held on 23 October 1996. The delegations made at the time reflected similar delegations put in place by other territorial authorities elsewhere in New Zealand. The reasoning at the time was that in a city the size of Christchurch it is essential, in the interests of good management and effective administration, to encourage the delegation of decision-making to the lowest competent level. This will achieve the best use of the abilities of elected representatives and officers minimising delays experienced by residents in their dealings with the Council. This reasoning still applies today.
3. The author of this report has discussed the extent of the delegations made in 1996 to the then Parks Manager, now absorbed into the position of the Transport & Greenspace Manager, with staff from the Legal Services Unit. At the time the delegations were made, there was a view that some specific delegations made to Local Authorities by the RA and the Minister of Conservation could not be further delegated. These powers include the delegations granted by section 53(2) of the Act, to administering authorities who are local authorities to exercise the Minister of Conservations powers, under section 53(1) (except for two particular powers). This view was further reinforced when the Reserves Act Guide was published in 1999¹.
4. However, since 1996, staff are now of the view that there is a need to better clarify the delegations that were made in 1996. Furthermore since the delegations from the Council were made in 1966, the Local Government Act 2002 (LGA) has come into force. Clause 32 of Schedule 7 of the LGA enables the Council unless expressly provided otherwise, to delegate most of its powers under this Act or any other Act for the purposes of efficiency and.

¹ The *Reserves Act Guide* was published in 1999 being formulated be a committee made up of staff from the Department of Conservation, Local Government New Zealand, and regional and territorial local authorities.

24. 6. 2010

8 Cont'd

effectiveness in conducting its business to a committee, other subordinate decision-making body, community board, or member or officer of the Council. Since the enactment of the LGA further delegations from the elected arm of Local Authorities have been made

5. A legal opinion has been sought, which has confirmed that the delegations being sought from the Council can be made.
6. Officers are recommending to the Council that they formally delegate the following powers to the Chief Executive Officer:
 - (a) The responsibility for the temporary closure of a recreation reserve for a period longer than 40 days in any one year with consent from the Minister of Conservation as required by section 53(1)(d) of the Act.
 - (b) The responsibility for the temporary closure of a park for a recreation reserve for a period longer than six consecutive days with consent from the Minister of Conservation as required by section 53(1)(e) of the Act.
 - (c) The responsibility to specify the maximum, and specific charges that may be charged for admission to the closed area of a recreation reserve as required under section 53(1)(e) of the Act.
 - (d) The responsibility to approve such other charges being made with respect to a specific reserve either generally or with respect to a specified occasions except for the park temporary hire charges which are set as part of the LTCCP process.

FINANCIAL IMPLICATIONS

7. There are no financial implications to the Council with the proposed delegations of the Council's powers to the Chief Executive Officer. Savings in staff time will eventuate, because of not being required to formally report to the Council whenever an application is received to temporarily close a park for an extended period for a recreational activity to take place, or set the maximum charges that may be made to enter the closed area of a recreation reserve, or such other charges that the Council sees fit to be made. This delegation will greatly reduce the time it takes to respond to such applications.

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

8. Yes – see above.

LEGAL CONSIDERATIONS

9. Section 53(1)(d) of the Act allows the administering body of a recreation reserve (e.g. the Council) to prescribe not more than 40 days in any one year as it thinks fit, that the public shall not be entitled to have admission to a park or to any part or parts thereof set aside for a particular purpose or purposes unless the public makes a payment to enter the closed area.

With the prior consent of the Minister of Conservation this number of days may be increased.

10. Section 53(1)(e) of the Act allows the administering body of a recreation reserve (e.g. the Council) to grant temporary exclusive use of part or all of a park for up to six consecutive days.

Again with the prior consent of the Minister this consecutive number of days may be increased.

11. Section 53(1)(e) also permits the Minister of Conservation to specify from time to time the maximum amounts that can be charged to enter the closed area; and such other charges in relation to a specific reserve either generally or with respect to a specific occasion that the Minister thinks fit.

24. 6. 2010

8 Cont'd

12. However, by virtue of section 53(2) of the RA the Council is not required to obtain the consent of the Minister of Conservation as set out in section 53(1) except for prescribing more than 40 days as set out in the first proviso in 53(1)(d), and prescribe more than six consecutive days as set out in the second proviso in 53(1)(e).
13. Clause 32 in Schedule 7 of the LGA enables the Council unless expressly provided otherwise, to delegate most of its powers under the LGA or any other Act for the purposes of efficiency and effectiveness in conducting its business to a committee, other subordinate decision-making body, community board, or member or officer of the Council.
14. The practice since the LGA has been put in place is for the Council to delegate the powers that it decides to delegate to the Chief Executive Officer, who has the legal power to further sub-delegate these powers to other officers of the Council as he or she thinks fit, for the efficient running of the Council business ⁽²⁾.
15. The legal opinion indicates that the Council can delegate all its functions to officers under section 53 of the RA, however it will still be necessary for officers to get the Minister of Conservation's consent to increase the maximum number of days in any one year a specific area of a recreation reserve where the recreation reserve is temporarily closed to the public without the payment of a fee for more than 40 days in any one year in the case of section 53(1)(d), or more than six consecutive days in the case of section 53(1)(e).

Have you considered the legal implications of the issue under consideration

16. Yes - see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. The LTCCP's strong communities strategic directions section prioritises: providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; and protecting and promoting the heritage character and history of the city. The holding of different events on parks and reserves supports and adds to the range of experiences people are able to enjoy and experience, within the City be that of a temporary, nature.
18. The LTCCP's healthy environment strategic directions section prioritises: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas of open spaces within the metropolitan area. The holding of events on parks enhances the character of parks for a period, be that of a temporary nature.
19. The LTCCP's liveable city strategic directions section prioritises: improving the way in which public and private spaces work together. The holding of events on parks and reserves adds temporarily to the private infrastructure on the particular park thereby improving the value of the experiences members of the public can have at the park.

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

20. Yes – see above.

ALIGNMENT WITH STRATEGIES

The proposed delegations support the following strategies:

21. The Christchurch Active Living Strategy, by adding value through mental stimulation, the general public will gain from attending the event that the park or reserve is closed for.

² Section 32 clause 3 and section 32B of schedule 7 of the Local Government Act.

24. 6. 2010

8 Cont'd

22. The Christchurch Visitor Strategy because often events held on Council owned or managed and controlled parks and reserves attract visitors to Christchurch from other parts of New Zealand, with resulting economic spin offs for the private sector within the City
23. The holding of events on parks is in alignment with the Council's Strategic Direction to support Strong Communities, It encourages residents to enjoy living in the city and to have fun, thereby supporting Christchurch as being a good place to live.

Do the recommendations align with the Council's strategies?

24. Yes –see above.

CONSULTATION FULFILMENT

25. Public consultation is not required under section 53 of the Reserves Act 1977 before the Council resolves to temporarily close part of, or a whole park for a temporary period to enable an event to be held, even if the Minister of Conservation consents to an extension to the time periods as required by sections 53(1)(d), and 53(1)(e) of the RA.
26. On some parks, a temporary event will disrupt other programmed organised activities that are held on the park. Officers' work with these organisations, usually sports orientated, to temporarily relocate their activities to another area of the park or another park for the duration of the temporary event.
27. In some cases the temporary activity will disrupt a transport route, for example cycle route through the park or something similar. In these cases Council staff work with any representative bodies of the activity, for example 'Spokes' in the case of cycling, to find alternatives, for example temporary alternative cycle routes, to minimise the disruption caused by the temporary park closure.

CONCLUSION

28. The Council is legally able to delegate its powers to officers of the Council to approve the temporary closure of a part or all of a recreation reserve for a period up to 40 days in one year, six of which can be consecutive, and with the Minister of Conservation consent for periods longer than this. The Council is also able to delegate to officers the decision on the maximum charges that may be made for admission to the closed off area, the specific charges that may be made to enter the closed off section of a recreation reserve, and any other charges in relation to the hire of the recreation reserve that it thinks fit.
29. In accordance with current Council practice since the LGA has been put in place the Council should delegate the powers that they decide to delegate to the Chief Executive, who has the legal power to further sub-delegate as he/she think fit to other officers of the Council, for the efficient running of the Council business.

STAFF RECOMMENDATIONS

That Council delegate its powers as detailed below to the Chief Executive Officer.

- (a) To determine to temporarily close part or all of a recreation reserve (noting that the Chief Executive must seek consent from the Minister of Conservation as required by section 53(1)(d) or 53(1)(e) of the Reserves Act 1977 where it is proposed to close part or all of the recreation reserve:
 - (i) For a total of number of days in excess of 40 days in any year;
 - (ii) For a single period in excess of six consecutive days.

24. 6. 2010

8 Cont'd

- (c) The responsibility to specify the maximum, and specific charges that may be charged for admission to the closed area of a recreation reserve as required under section 53(1)(e) of the Reserves Act 1977.
- (d) The responsibility to approve such other charges being made with respect to a specific reserve either generally or with respect to a specified occasions except for the park temporary hire charges which are part of the LTCCP process.

The above delegations are subject to the following conditions.

- (i) Liaising with organisations that have programmed organised activities on the park or reserve, which will be affected by the temporary closure, to temporarily relocate their activities to another area of the park, or another park for the duration of the temporary closure.
- (ii) Liaising with other organisations whose activities will be disrupted by the temporary closure of the park to minimise disruption to their activities by finding acceptable alternatives for the duration of the park closure.

24. 6. 2010

8 Cont'd

BACKGROUND

31. Officers have been required to report to the Council to get approval for the specific delegations being requested, because there have been no specific delegations to Council officers in place to enable staff to make these decisions on behalf of the Council.
32. The Council has twice been required to close an area of a recreation reserve temporarily for more than 40 days in one year, this being for a single event, that being the North Hagley Events Area for the Ellerslie Flower Show, this period included the time taken to set up, hold, and dismantle the event, followed by reinstatement of the park. It has however been necessary to close a particular area of more than one recreation reserve for more than six consecutive days on a number of occasions.

THE OBJECTIVES

33. To obtain the delegation from the Council to the Chief Executive Officer of its powers to temporarily close a recreation reserve held under the Act for periods longer than a total of 40 days in any one year; more than six consecutive days; and the responsibility to specify, the maximum and specific charges that may be made for admission, to the closed area of the recreation reserve, and such other charges to be made with respect to a specific reserve either generally or with respect to a specified occasions, as delegated to the Council the administering body by section 53(2) of the Act.

THE OPTIONS

34. To approve that delegations as set out in section 30 of this report above, be made to the Chief Executive, thereby saving staff time, through not needing to formally report to the Council for a decision whenever an application is received to temporarily close a recreation reserve which requires such decisions to be made. This delegation will greatly reduce the time it takes to respond to third parties applications to temporarily use recreation reserves held under the Act for the benefit of the city.
35. To not approve the delegations as set out in section 30 of this report above, be made to the Chief Executive, thereby requiring staff time, to formally report to the Council whenever an application is received to temporarily close a recreation reserve which requires such decisions to be made. By not approving the proposed delegation this will maintain the status quo, which officers believe unnecessarily greatly increases the time it takes to respond to third parties applications to temporarily close a recreation reserve held under the Act for the benefit of the citizens of Christchurch.

PREFERRED OPTION

36. To approve the application, thereby increasing the administering efficiency of the Council as elaborated upon in section 34 above.

24. 6. 2010

9. CHRISTCHURCH CITY PROPOSED NEW OR AMENDED SPEED LIMITS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport & Greenspace Manager
Author:	Barry Cook, Team Leader Network Operations & Traffic Systems

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's consent to undertake the consultation required in order to set new or amended Speed Limits as shown on the attached map (see **Attachment 1**) and listed in the table attached to this report (see **Attachment 2**).

EXECUTIVE SUMMARY

2. The speed limits on the roads in **Attachment 2** have been reviewed in accordance with the Land Transport Rule: Setting of Speed Limits 2003, Rule 5004 ("The Rule").
3. These were presented to a Council workshop on 23 February 2010. Councillors expressed concern over some streets which were not included. These were not included because they did not comply with "The Rule". Subsequent informal discussions with Councillors Wells, Shearing and Buck and a formal approach to New Zealand Transport Agency (NZTA) and New Zealand Police have resulted in minor changes which have now been included (see map at **Attachment 1**, locations 31-34). Note: Cashmere Road, from Oderings nursery to Penruddock Rise, was not included as the existing speed limit is currently lower than the calculated speed limit (see paragraph 24).
4. Although this process initially set out to review all speed limits in the former Banks Peninsula District Council area to ensure they complied with the requirements of "The Rule", Councillors agreed to not include changes to speed limits in the former Banks Peninsula District Council area unless they had been specifically requested. The one road that has been requested is State Highway 75 through Little River.
5. Speed limits can be set using the Christchurch City "Council Speed Limits Bylaw 2010", which came into force on 1 January 2010.
6. Once approved, the consultation on the roads in **Attachment 2** will be carried out in accordance with "The Rule" (see Background) and subsequent steps in the process of changing these limits will take place. A proposed timetable is shown in paragraph 30.
7. No additional speed limits, other than the ones noted in this report, or changes to urban traffic areas will be considered as part of this review but will be included in the next speed limit review.

FINANCIAL IMPLICATIONS

8. The estimated cost of new signs and the relocation of existing speed limit signs for this proposal is \$11,000.
9. Budget for the signs will be funded in the 2010/2011 financial year.

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

10. The estimated cost for the review, consultation and legal process is covered in the Traffic Operational budget and the cost of new signs are covered by the New Regulatory Sign budget.

LEGAL CONSIDERATIONS

11. This process is being carried out in accordance with the requirements set out in the Local Government Act 2002, the Land Transport Rule, Setting of Speed Limits 2003 Rule 5004, and the Christchurch City Speed Limits Bylaw 2010.

24. 6. 2010

9 Cont'd

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

12. As above. The Bylaw provides for the Council to set speed limits by resolution, but it must comply with section 7.1 of "The Rule" before it does so. Rule 7.1 sets out who the Council, as road controlling authority, must consult with before setting a speed limit and also provides for additional information that must be provided for some speed limits (e.g. when a proposed speed limit is 50 kilometres per hour or more and is not the calculated speed limit, or when it is less than 50 kilometres per hour). The Council must consult with the listed persons by writing to them advising them of the proposed speed limit and giving them a reasonable time, which must be specified in the letter, to make submissions on the proposal.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

14. As above.

ALIGNMENT WITH STRATEGIES

15. The recommendations align with the Road Safety Strategy 2004 and the Safer Christchurch Strategy 2005.

Do the recommendations align with the Council's strategies?

16. As above.

STAFF RECOMMENDATION

It is recommended that the Council resolve:

- (a) That consultation now be undertaken in respect of the proposed new or amended speed limits, as set out in the table attached to this report (Attachment 2);
- (b) That in each case, the persons required to be consulted be given not less than four weeks in which to make submissions on the proposals;
- (c) That consultation be undertaken with the Selwyn District Council being a Road Controlling Authority that is responsible for roads that join or are near to city roads on which it is proposed that the speed limit be changed;
- (d) That consultation be undertaken with the Waimakariri District Council being a Road Controlling Authority that is responsible for roads that join or are near to city roads on which it is proposed that the speed limit be changed;
- (e) That consultation is undertaken with New Zealand Transport Agency being a Road Controlling Authority that is responsible for roads that join or are near to city roads on which it is proposed that the speed limit be changed;
- (f) That for the purposes of consultation, "any local community" shall be those persons or organisations referred to in paragraph 27.
- (g) That Cashmere Road not be included in the table of roads for a speed limit change and that other avenues for addressing speed on Cashmere Road be pursued;
- (h) That the Council request the New Zealand Transport Agency to review the speed limit on State Highway 75 through the township of Little River.

24. 6. 2010

9 Cont'd

BACKGROUND

17. The Council is responsible for setting speed limits on those roads within its district, in respect of which it is the Road Controlling Authority. The authority for the Council to do this is contained in the Land Transport Rule: Setting of Speed Limits 2003, Rule 5004 ("The Rule").
18. The Council is not the Road Controlling Authority for State Highway 75 through Little River, therefore the Council cannot set speed limits on this section of road. The Council can only request NZTA to review the speed limit on this road.
19. A Speed Limit is set using the Christchurch City Speed Limits Bylaw 2010.
20. In setting speed limits on its roads, the Council must comply with the requirements of "The Rule". "The Rule" requires the Council to apply the "guidelines for setting speed limits and procedures for calculating the appropriate speed limits" as set out in "Schedule 1, Speed Limits New Zealand" of "The Rule". "The Rule" also prescribes the consultation that is required to be carried out for any proposed speed limit change (see paragraph 27).
21. Once the provisions of "The Rule" have been complied with in relation to determining an appropriate speed limit and the necessary consultation has been undertaken, the Council may set that speed limit by passing a resolution under Clause 5 of the Bylaw. The new speed limit will then be recorded in the Council's Speed Limit Register and maps.
22. The particular roads in respect of which it is now proposed that new speed limits be set are set out in the table attached to this report (**Attachment 2**). The table (**Attachment 2**) details the precise portions of the roads in question, the existing speed limits, the proposed new speed limits and the reasons why it is proposed that the existing speed limits be changed. Where the proposed speed limit differs from the speed limit calculated in accordance with Speed Limits New Zealand, they are detailed together with the reasons specified in the table.
23. The posted speed limit on Cashmere Road, from Oderings Nursery to Penruddock Rise, is 70 kilometres per hour. Residents of Westmorland have expressed concern that this is too high. This is also a well known cycle training route and cyclists also have concerns. This section of road has been recently evaluated in accordance with "The Rule" and the speed limit should be 80 kilometres per hour. An evaluation of Cashmere Road, from Oderings Nursery to Hendersons Road, comes out to be nearer 100 kilometres per hour. Staff therefore are clear that 50 kilometres per hour is not appropriate for this stretch of road. Wayne Osmer from NZTA has visited the site and agrees that the 70 kilometres per hour speed limit is acceptable. The Police also agree with this evaluation.
24. The Council at its meeting on 27 August 2009 discussed in depth the issues around speed limits in Aldwins Road. Although staff recommended that the speed limit remain at 60 kilometres per hour, the Council resolved to go out to consultation to gauge the feedback on "reduction in the speed limit from 60 kilometres per hour to 50 kilometres per hour". The Council also wanted to gauge the feedback on leaving the speed limit at 60 kilometres per hour and "that the review also incorporate the existing 50 kilometre per hour speed limit on Aldwins Road". This is the reason why there are two different proposals for Aldwins Road in the table at Proposed New or Amended speed Limits (**Attachment 2**).
25. In respect of each proposed speed limit, the evaluation prescribed by Speed Limits New Zealand has been carried out by an independent consultant, Antoni Facey of Facey Consultants.
26. The attached table (**Attachment 2**) lists roads where it is appropriate to change the speed limit. This is generally because the traffic environment has changed due to development which necessitates a corresponding change in the speed limit.

24. 6. 2010

9 Cont'd

27. Before a speed limit is set or changed Section 7.1(2) of "The Rule" requires that consultation is carried out with the following persons that may be affected by the proposed speed limit:
 - (a) Road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed;
 - (b) A territorial authority that is affected by the existing or proposed speed limit;
 - (c) Any local community that the road controlling authority considers to be affected by the proposed speed limit;
 - (d) The Commissioner (Police);
 - (e) The Chief Executive Officer of the New Zealand Automobile Association Incorporated;
 - (f) The Chief Executive Officer of the Road Transport Forum New Zealand;
 - (g) Any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit: and
 - (h) The Agency (NZTA).
28. "The Rule" requires the Council to consult each of the persons listed above in writing, advising them of the proposed speed limit and giving them a reasonable time in which to make submissions on the proposal.
29. The term "Any Local Community" is not defined for the purposes of Section 7.1(2) (c) of "The Rule". However, in respect of the roads referred to in the attached table (**Attachment 2**), it is considered that the appropriate persons to consult are the occupiers of those properties which adjoin those parts of the roads upon which it is proposed that the speed limits be changed and each Community Board in respect of whose area the roads lie. Environment Canterbury and affected bus companies, who drive any of the road listed in **Attachment 2**, will also be consulted.
30. The proposed timetable for the completion of this review is as follows:
 - (a) 24 June 2010: Report to Council seeking consent to consult.
 - (b) July 2010: Consultation to be carried out as detailed in paragraph 27.
 - (c) 30 July 2010: Closing date for consultation responses.
 - (d) August 2010: Prepare summary of consultation comments.
 - (e) 23 September 2010: Present report to Council on consultation feedback and request the Council to resolve Speed Limit changes.
 - (f) December 2010: Arrange for sign changes and the update of Speed Limit Register, Maps and the Council Website.

24. 6. 2010

10. HEREFORD STREET – PROPOSED CHANGES TO PARKING FOR NEW CIVIC OFFICES.

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

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to install new parking restrictions in Hereford Street and Cambridge Terrace.

EXECUTIVE SUMMARY

2. The Christchurch City Council will move to new premises in Hereford Street in August/September 2010.
3. In preparation for this move, a review of the existing parking in the vicinity was done to determine whether any changes were needed to meet an expected increase in demand for vehicle parking in the area.
4. The review identified that existing on-street parking in the area bordered by Cambridge Terrace, Rolleston Avenue and Armagh Street was sufficient to accommodate any increase in demand for medium term parking. However, changes are needed in Hereford Street immediately outside the main entrance into the new building to provide more short term parking and to provide for persons with disabilities. (**Attachment 1**). Longer term parking is provided for in the nearby five Council and privately owned public car parks, including the Art Gallery Car Park which is currently under-utilised.
5. The parking layout that was in place outside the new Civic Offices building before construction started cannot be reinstated due to construction of a kerb build-out at the main entrance. This will require the installation of broken yellow "no stopping" lines along what was an area of metered parking.

Existing parking on the North side of Hereford Street between Montreal Street & Cambridge Terrace.

From Montreal Street in an easterly direction.

6. No stopping restrictions extend for 7.5 metres from the intersection with Montreal Street.
7. Six x P60 Pay & Display Metered Parking Spaces extend for 36.5 metres to the western boundary of the new Civic Offices.
8. The restricted and metered parking spaces that previously extended from that point for a further 71.5 metres east along the front of the building are currently being utilised as part of the construction zone.
9. No stopping restrictions then extend from the end of the previous parking area to the intersection with Cambridge Terrace.

Proposed alteration to parking in the above area.

From Montreal Street in an easterly direction.

10. The existing 7.5 metre length of no stopping restrictions extending east from Montreal Street is retained.
11. The existing 36.5 metres of P60 Metered Parking Spaces between the end of the stopping restrictions and the start of the current construction zone is retained.

24. 6. 2010

10 Cont'd

12. A 13.5 metre length of Metered Disabled Parking with a time limit of 60 minutes incorporating 2 x 6 metre spaces with a 1.5 metre wide "access aisle" between the spaces is installed between the eastern end of the above Metered Parking Spaces and the new kerb build-out for the main entrance. Note: Payment for parking will be required during the hours of operation of the parking meters, but not at other times. The restriction that these spaces be for Mobility Permit holders only to apply at any time.
13. No stopping restrictions are installed for 24 metres along the front of the new kerb build-out.
14. A 24.5 metre length of P10 restricted parking applying at any time is installed from the eastern end of the build-out.
15. A 10 metre long P5 Goods Vehicles Only Loading Zone applying at any time is installed to the east of the P10 parking.
16. No stopping restrictions be installed for 52.5 metres from the eastern end of the loading zone to the intersection with Cambridge Terrace.

Existing parking on the South side of Hereford Street between Montreal Street & Cambridge Terrace.

From Cambridge Terrace in a westerly direction.

17. No stopping restrictions extend for 13 metres west from Cambridge Terrace.
18. 120.5 metres or 19 x P60 Metered Parking Spaces extend west.
19. No stopping restrictions extend for 37 metres from the last metered parking space to the intersection with Montreal Street.

Proposed alteration to parking in the above area.

From Cambridge Terrace in a westerly direction.

20. The existing 13 metre length of stopping restrictions is retained.
21. That 96 metres or 15 x P60 Metered parking spaces are installed.
22. That 24.5 metres or the last 4 metered parking spaces are changed to P10 parking spaces.
23. That the existing 37 metres of no stopping restrictions extending to Montreal Street is retained.
24. These changes will add to the existing range of short, medium and long term parking options available for visitors to the new civic buildings and to other properties both residential and commercial nearby.

Christchurch Police Requests

25. The Christchurch Police were consulted about the proposed changes. They supported the changes outlined above, but asked if it was possible to make alterations to parking immediately outside the Police Station on Cambridge Terrace.
26. To improve the visibility of approaching vehicles for vehicles leaving the Police Station via the Cambridge Terrace vehicle entrance exit from the Police Station, they requested that consideration be given to removing the closest parking space to the vehicle entrance.
27. They also requested whether it was possible for P10 parking for two vehicles to be installed near the main entrance into the Police Station to provide parking for short term visitors.

24. 6. 2010

10 Cont'd

Existing parking on Western side of Cambridge Terrace immediately outside the Police Station.

28. There are three metered P60 parking spaces on the western side of Cambridge Terrace outside the Police Station. It is the third or southern most of these parking spaces from Hereford Street that the Police would like removed to improve visibility.

Proposed alteration to parking in the above area.

From Hereford Street in a southerly direction.

29. The existing three x P60 metered parking spaces on the western side of Cambridge Terrace south of Hereford Street be changed to P10 parking for the two spaces closest to Hereford Street with the third space or southernmost space being changed to no stopping restrictions.

FINANCIAL IMPLICATIONS

30. The estimated cost of this proposal is \$1,800.

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

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

LEGAL CONSIDERATIONS

32. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides Council with the authority to install parking restrictions by resolution.
33. The Council has determined that parking restrictions in this area of the Christchurch Central Business District are to be approved by the Council as set out in the Register of Delegations dated 10 December 2009.
34. The installation of any parking restriction signs and/ or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

35. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

37. As above.

ALIGNMENT WITH STRATEGIES

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

Do the recommendations align with the Council's Strategies?

39. As above.

24. 6. 2010

10 Cont'd

CONSULTATION FULFILMENT

40. There has been no consultation other than with the Christchurch Police in regard to these proposed changes.
41. There is no residents group that covers the area of Hereford Street and Cambridge Terrace where it is proposed to make changes to parking.

STAFF RECOMMENDATION

It is recommended that the Council:

1. Resolve to revoke the following:
 - (a) That all existing parking restrictions on the north and south side of Hereford Street between Cambridge Terrace and Montreal Street be revoked.
 - (b) That all existing parking restrictions on the western side of Cambridge Terrace commencing at its intersection with Hereford Street and extending south for 34 metres be revoked.
2. Approve the following parking restrictions on the north side of Hereford Street:
 - (a) That the stopping of vehicles be prohibited at any time on the north side of Hereford Street commencing at its intersection with Montreal Street and extending in a easterly direction for a distance of 7.5 metres.
 - (b) That Parking Meters with a time limit of 60 minutes be installed on the north side of Hereford Street commencing at a point 7.5 metres east from its intersection with Montreal Street and extending in a easterly direction for a distance of 36.5 metres. This restriction to apply from Monday to Sunday and from 9am to 6pm.
 - (c) That a Mobility Parking space in which parking meters with a time limit of 60 minutes operating from Monday to Sunday from 9am to 6pm be installed on the north side of Hereford Street commencing at a point 44 metres east from its intersection with Montreal Street and extending in a easterly direction for a distance of 13.5 metres. The restriction that these spaces be restricted for Mobility Parking only is to apply at any time.
 - (d) That the stopping of vehicles be prohibited at any time on the north side of Hereford Street commencing 57.5 metres from its intersection with Montreal Street and extending in a easterly direction for a distance of 24 metres.
 - (e) That the parking of vehicles be restricted to a maximum period of 10 minutes on the north side of Hereford Street commencing at a point 81.5 metres east from its intersection with Montreal Street and extending in a easterly direction for a distance of 24.5 metres. This restriction is to apply at any time.
 - (f) That a time limited Loading Zone-Goods Vehicles Only (maximum period of five minutes) be installed on the north side of Hereford Street commencing at a point 106 metres east from its intersection with Montreal Street and extending in a easterly direction for a distance of 10 metres. This restriction to apply at any time.
 - (g) That the stopping of vehicles be prohibited at any time on the north side of Hereford Street commencing 116 metres from its intersection with Montreal Street and extending in a easterly direction for a distance of 53 metres to the intersection with Cambridge Terrace.
3. Approve the following parking restrictions on the south side of Hereford Street:
 - (a) That the stopping of vehicles be prohibited at any time on the south side of Hereford Street commencing at its intersection with Cambridge Terrace and extending in a westerly direction for a distance of 13 metres.

24. 6. 2010

10 Cont'd

- (b) That parking meters with a time limit of 60 minutes be installed on the south side of Hereford Street commencing at a point 13 metres west from its intersection with Cambridge Terrace and extending in a westerly direction for a distance of 96 metres. This restriction to apply from Monday to Sunday and from 9am to 6pm.
 - (c) That the parking of vehicles be restricted to a maximum period of 10 minutes on the south side of Hereford Street commencing at a point 109 metres west from its intersection with Cambridge Terrace and extending in a westerly direction for a distance of 24.5 metres. This restriction is to apply at any time.
 - (d) That the stopping of vehicles be prohibited at any time on the south side of Hereford Street commencing 133.5 metres west from its intersection with Cambridge Terrace and extending in a westerly direction for a distance of 37 metres to the intersection with Montreal Street.
4. Approve the following parking restrictions on the west side of Cambridge Terrace:
- (a) That the stopping of vehicles be prohibited at any time on the western side of Cambridge Terrace commencing at its intersection with Hereford Street and extending in a southerly direction for a distance of 14 metres.
 - (b) That the parking of vehicles be restricted to a maximum period of 10 minutes on the western side of Cambridge Terrace commencing at a point 14 metres south from its intersection with Hereford Street and extending in a southerly direction for a distance of 13 metres. This restriction is to apply at any time.
 - (c) That the stopping of vehicles be prohibited at any time on the western side of Cambridge Terrace commencing 27 metres south from its intersection with Hereford Street and extending in a southerly direction for a distance of six metres.

24. 6. 2010

11. **TRAM EXTENSION PROJECT – PROPOSED PARKING CHANGES AND STREET MODIFICATIONS IN LICHFIELD STREET, MANCHESTER STREET, HIGH STREET, TUAM STREET, ASH STREET, BEDFORD ROW AND OXFORD TERRACE**

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 Matt Cummins, Project Manager, Capital Programme Group

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council approve proposed changes to parking and street modifications in Lichfield Street between Manchester Street and Madras Street; Poplar Street; Tuam Street between Poplar Street and High Street; High Street from Tuam Street to Lichfield Street; Ash Street east of Poplar Street; Bedford Row east of Manchester Street and Oxford Terrace north of Hereford Street.

EXECUTIVE SUMMARY

2. This report and its attachments detail changes to parking and kerb alignments that are necessary for the safe and efficient travel of the tram when it uses the extended stage 1 route from High Street, into Lichfield Street, along Poplar Street, along Tuam Street, across the reserve adjacent to Alice in Videoland and into High Street to rejoin the High Street line at its intersection with Lichfield Street and Manchester Street. A minor change to the location of car parks and a bus stop in Oxford Terrace is also sought.
3. In February 2009, the Council confirmed the overall route of the tram extension, to be built in two stages, firstly to Tuam Street via High, Lichfield and Poplar Streets, to be completed in 2011 and open in time for the Rugby World Cup and secondly to Barbadoes Street, near the Cathedral, Music Centre and Christchurch Polytechnic. The tram extension proposal, including provision of funding, was consulted on as part of the draft 2009-2019 Long Term Council Community Plan (LTCCP). This included a well-publicised Statement of Proposal for the tram extension, incorporating a map of the proposed route.
4. The Council's LTCCP decision on 30 June 2009 confirmed the extended tram route and funding.
5. More recently, as detailed design has proceeded there has been on-going dialogue with owners and occupiers along the route of the extension and some have raised concerns about car parking. This led to the project design team considering and assessing some alternatives, which have been discussed at several meetings as well as individually with the affected parties.
6. Following detailed investigations a "Have your say" process was initiated in April 2010, and an information leaflet was distributed. This outlined the changes to parking and street layout required to allow the safe passage of the tram around Lichfield, Poplar, Tuam and back along High Street to Manchester Street. It confirmed the need for the northern parking lane alignment in Lichfield Street requiring the removal of 15 parking spaces. It also showed three parking spaces being removed on the south side for an unrelated proposal for a kerb build-out to facilitate the adaptive re-use of a heritage building. Other changes include the removal of eight spaces in Poplar Street, two spaces in Tuam Street and two spaces in High Street – a total of 30 spaces.
7. Additional parking spaces are however proposed, including 2 spaces on Manchester Street and one mobility park on Bedford Row, both outside Majestic House, (see location A on **Attachment 1**). Additionally, one new parking space on Ash Street will be provided and a goods loading zone will be created on the south side of Lichfield Street, immediately east of Poplar Street. Note: After the proposed changes are made, there will be 181 on street car parking spaces within: Manchester Street between Cashel Street and Tuam Streets, Bedford Row, Lichfield Street between Colombo Street and Madras Street, High Street between Manchester Street and Tuam Street, Tuam Street between Colombo Street and Madras Street. There are also 746 casual off-street parking spaces at the Council's Crossing and Tuam Street Car Parks and Wilson Parking's Bedford Row, Urban Winery and Tuam Street Car Parks. The Council car park on Tuam Street is free on a Saturday.

24. 6. 2010

11 Cont'd

8. In total, 19 responses were received to the “have your say” consultation, 14 of which expressed concern about the parking changes. Eight of these referred specifically to the Lichfield Street changes. The design team has considered these responses and recommends that two changes be made to the parking layout.

FINANCIAL CONSIDERATIONS

9. The Central City tram extension project is included in the 2009-2019 Long Term Council Community Plan and funding for Stage 1 is provided for in the 2010/11 and 2011/12 financial years.

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

10. As above.

LEGAL CONSIDERATIONS

11. There are no land ownership issues associated with this project. The project is within existing land boundaries. An easement is currently being sought to permit the tram to cross the reserve area adjacent to Alice in Videoland (corner of High Street and Tuam Street). This is a separate process and will be subject to a separate report to Council in July 2010.
12. There are no notable trees and no heritage trees involved in this part of the project.
13. There are no heritage or historic buildings, places and objects affected by the project.
14. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw provides the Council with the authority to install parking restrictions by resolution.
15. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

16. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

17. Yes - the tram extension project is included in the 2009-19 LTCCP.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

18. Yes - The proposals align with the Central City Revitalisation Strategy and related policies and plans, the Central City Transport Concept, the Greater Christchurch Urban Development Strategy the Christchurch Visitor Strategy, the Parking Strategy 2003, Pedestrian Strategy 2001, and the Road Safety Strategy 2004 and is consistent with the findings of the Gehl Report (Public Space - Public Life).

CONSULTATION FULFILMENT

19. Distribution of the public information leaflet was carried out in the area from Manchester Street to Madras Street on Lichfield Street, Manchester Street, Poplar Street and Tuam Street. The leaflet was mailed to 77 property owners, hand delivered to approximately 140 business premises and emailed to a further 30 stakeholders.

24. 6. 2010

11 Cont'd

20. The April 2010 "Have Your Say" was specifically about parking changes and street modifications (kerb build-outs) necessary for safe passage of the tram around the loop. It did not discuss the tram route as this had already been adopted by the Council and included in the LTCCP
21. Nineteen responses were received. The issues are summarised as follows.
 - (a) Anecdotal feedback from property occupiers contacted during the hand delivery of the consultation leaflet was positive about the tram route extension proposal apart from two people (one building owner and one shop manager). Most people look forward to the tram bringing fresh customers, mainly tourists, who want to spend.
 - (b) In the nineteen written submissions, feedback was widely varied and in the main negative. There were four that were largely composed of positive comments about the tram proposal in general. In addition to the specific issues raised below there was only one that was generally against the tram route extending into the area.
 - (c) Removal of parking on the north side of Lichfield Street attracted the most comments – with eight submissions containing comments against this loss, and one supporting the need for the tram to use the parking lane. The removal of three parking spaces on the south side of Lichfield Street (for a project for kerb build out for outdoor dining not related to the tram) attracted one submission for and one against. One person wants to hurry up and change Lichfield Street to two-way. One person wrote about concerns that the removal of parking on Lichfield Street would create risk for people emerging from Majestic House. This person and one other objected to the loss of ability to use the loading bay access on Lichfield Street for Majestic House.
 - (d) There were two submitters who were confused about the plan and sought clarification about removal of parking – one in Tuam Street and one in High Street – both were satisfied with the explanations given and happy with the proposal.
 - (e) Two people expressed concern about the location of the proposed new mobility and P5 parking spaces on Manchester Street and requested that the P5 be extended to P15.
 - (f) Four people wrote of their concern about removal of parking in Poplar Street, and one said that the proposed nine metre goods vehicle space in Lichfield Street is no help to businesses in Lichfield Street.
 - (g) One person was concerned about the safety of the Tuam/ High/ Poplar intersection. One asked for a tram stop in Lichfield St.
 - (h) Four suggested modifications to the route including a proposal for a 'crossover' on High Street to enable closure of Poplar Street for events and/or recommend that the project be delayed until the whole second stage can be completed or else until there is more support for it in the area.
 - (i) One person said that they don't want to lose the left turn change from High northbound to Manchester southbound.
 - (j) One person asked that there be no seating placed around the kerb build-out at the Lichfield High Manchester Street intersection because seating attracts poorly behaved people who sit about all day.
 - (k) Two people noted concerns that the tram project is compromising qualities of High Street and Tuam Street for cycling (and asked for cycle lanes on Tuam Street between Manchester Street and High Street be widened), said that curved tram lines hazardous for cyclists, and cited lack of provision for cyclists between moving trams and parked cars. One requested that the plan incorporate cycle ways and crossing lights in the area on the North West side of the Manchester/ Lichfield Street intersection.

24. 6. 2010

11 Cont'd

- (l) One person said that the tram would cause a lot of noise and disturbance for the Majestic House Church services, and one person requested a construction timeline.
- (m) There were two requests for copies of reports and further information about tram route, engineering, location of tram stops, tram timetables, signage and other issues, and three people criticised the consultation process, saying that the proposal does not represent the wishes of people who attended earlier meetings including requests for no parking loss.
- (n) Three submitters in the "Have Your Say" have suggested that the double track be continued along High Street to Tuam Street as an alternative to the Lichfield/Poplar route and adding a "crossover" or a turning loop in the vicinity of Tuam Street. This was previously considered by the Council and rejected for engineering, operational and traffic management reasons, (see paragraph 44).

22. Changes made to the proposed plan after consideration of the feedback include:

- (a) Refer to **Attachment 1**, "Proposed changes to Parking and Street Modifications".
 - (i) Two P30 spaces are now proposed on Manchester Street near to Bedford Row in place of the earlier proposed P5 and mobility park (location 'A' on plan). These spaces can be used by the church for loading and unloading – directly to and from the auditorium through the front doors.
 - (ii) In addition, one mobility parking space is proposed to be created on the southern side of Bedford Row, at the Manchester street end, (location 'A' on plan).
 - (iii) Note, the Team Leader, Parking Enforcement has been advised of all the proposed parking changes and has no objection to these.

STAFF RECOMMENDATION

1. That the Council resolves the proposed changes to parking and street modifications as shown in the Tram Extension Project plan Attachment 1 (TG103640, Issue 2), as follows.

Location A

- (i) That all existing parking restrictions on the east side of Manchester Street commencing at its intersection with Bedford Row and extending in a southerly direction for a distance of 16 metres, be revoked.
- (ii) That the parking of vehicles be prohibited at all times on the east side of Manchester Street, commencing at its intersection with Bedford Row and extending in a southerly direction for a distance of six metres.
- (iii) That the parking of vehicles be restricted to a maximum of 30 minutes (at any time) on the east side of Manchester Street commencing at a point 6 metres south of its intersection with Bedford Row and extending in a southerly direction for a distance of 10 metres.
- (iv) That all existing parking restrictions on the south side of Bedford Row commencing at a point 10 metres east of its intersection with Manchester Street and extending in an easterly direction for a distance of 3 metres, be revoked.
- (v) That a 90 degree angled mobility park, be created for disabled persons, displaying the appropriate Operation Mobility Card on their vehicle, and further restricted to a maximum of 60 minutes parking, be created on the south side of Bedford Row commencing at a point 10 metres east of its intersection with Manchester Street and extending in an easterly direction for a distance of three metres. This restriction to apply at any time.

24. 6. 2010

11 Cont'd

Location B

- (vi) That all existing parking restrictions on the north side of Lichfield Street commencing at its intersection with High Street and Manchester Street and extending in an easterly direction for a distance of 121 metres, be revoked.
- (vii) That the parking of vehicles be prohibited at all times on the north side of Lichfield Street commencing at its intersection with High Street and Manchester Street and extending in an easterly direction for a distance of 121 metres.

Location C

- (viii) That all existing parking restrictions on the south side of Lichfield Street commencing at its intersection with Poplar Street and extending in a westerly direction for a distance of 19 metres, be revoked.
- (ix) That the parking of vehicles be prohibited at all times on the south side of Lichfield Street commencing at its intersection with Poplar Street and extending in a westerly direction for a distance of 19 metres.

Location D

- (x) That all existing parking restrictions on the south side of Lichfield Street commencing at its intersection with Poplar Street and extending in an easterly direction for a distance of 10 metres, be revoked.
- (xi) That the parking of vehicles be prohibited at all times on the south side of Lichfield Street commencing at its intersection with Poplar Street and extending in an easterly direction for a distance of one metre.
- (xii) That a Loading Zone, restricted to a maximum period of 5 minutes and further restricted to Goods Vehicles Only, be created on the south side of Lichfield Street commencing at a point 1 metre east of its intersection with Poplar Street and extending in an easterly direction for a distance of nine metres.

Location E

- (xiii) That all existing parking restrictions on both sides of Poplar Street for its entire length (between Lichfield Street and Tuam Street), be revoked.
- (xiv) That the parking of vehicles be prohibited at all times on the west side of Poplar Street commencing at its intersection with Tuam Street and extending in a northerly direction to its intersection with Lichfield Street.
- (xv) That the parking of vehicles be prohibited at all times on the east side of Poplar Street commencing at its intersection with Tuam Street and extending in a northerly direction to its intersection with Ash Street.
- (xvi) That the parking of vehicles be prohibited at all times on the east side of Poplar Street commencing at its intersection with Ash Street and extending in a northerly direction to its intersection with Lichfield Street.

Location F

- (xvii) That all existing parking restrictions on the north side of Ash Street, commencing at a point 6.5 metres east of its intersection with Poplar Street and extending in an easterly direction for a distance of 11.5 metres be revoked.

24. 6. 2010

11 Cont'd

- (xviii) That the parking of vehicles be restricted to a maximum of five minutes (at any time), on the north side of Ash Street commencing at a point 6.5 metres east of its intersection with Poplar Street and extending in an easterly direction for a distance of 11.5 metres.

Location I and J

- xix) That all existing parking restrictions on the south side of Tuam Street commencing at its intersection with the High Street south east approach, and extending in a westerly direction for a distance of 45 metres, be revoked.
- (xx) That the parking of vehicles be prohibited at all times on the south side of Tuam Street commencing at its intersection with the High Street south east approach, and extending in a westerly direction for a distance of 45 metres.

Location L

- (xxi) That all existing parking restrictions on the north side of Tuam Street commencing at its intersection with the High Street north west approach and extending in a westerly direction for a distance of 58 metres, be revoked.
- (xxii) That the parking of vehicles be prohibited at all times on the north side of Tuam Street commencing at its intersection with the High Street north west approach, and extending in a westerly direction for a distance of 31 metres.

Location M

- (xxiii) That the parking of vehicles be restricted to a maximum of 10 minutes on the north side of Tuam street, commencing at a point 31 metres west of its intersection with the High Street north west approach, and extending in a westerly direction for a distance of 27 metres.

Location N

- (xxiv) That all existing parking restrictions on the south west side of High Street, commencing at a point 34 metres north west of its intersection with Tuam Street and extending in a north westerly direction for a distance of 13 metres, be revoked.
 - (xxv) That the parking of vehicles be prohibited at all times on the south west side of High Street, commencing at a point 34 metres north west of its intersection with Tuam Street and extending in a north westerly direction for a distance of 13 metres.
2. That the Council resolves for the proposed Give Way and Stop control changes at the High street (south-east) / Poplar street / Tuam street intersection as follows.
 - (xxvi) That the Give Way control on the High Street, southeast approach to its intersection with Poplar Street and Tuam Street, be revoked.
 - (xxvii) That a Stop control be placed against the High Street, southeast approach at its intersection with Poplar Street and Tuam Street.
 - (xxviii) That a Stop control be placed against Poplar Street at its intersection with Tuam Street and High Street.
 3. That the Council resolves for the proposed following changes to Oxford Terrace, as shown in Attachment 2 (TG103646, Issue 1).
 - (xxix) That all existing parking restrictions on the west side of Oxford Terrace commencing at its intersection with Hereford Street and extending in a northerly direction to its intersection with Worcester Street, be revoked.

24. 6. 2010

11 Cont'd

Location A

- (xxx) That the parking of vehicles be prohibited at all times on the west side of Oxford Terrace, commencing at its intersection with Hereford Street and extending in a northerly direction for a distance of 12 metres.

Location B

- (xxxii) That a Loading Zone, restricted to a maximum period of 5 minutes (5am to 9pm, seven days per week) and further restricted to Goods vehicles Only, be created on the west side of Oxford Terrace commencing at a point 12 metres north of its intersection with Hereford Street and extending in a northerly direction for a distance of 22 metres.

Location E

- (xxxiii) That a Bus Stop (9pm to 5am the following day, seven days per week) be created on the west side of Oxford Terrace commencing at a point 12 metres north of its intersection with Hereford Street and extending in a northerly direction for a distance of 34 metres.

Location C

- (xxxiiii) That the parking of vehicles be restricted to a maximum of five minutes (5am to 9pm, seven days per week) on the west side of Oxford Terrace commencing at a point 34 metres north of its intersection with Hereford Street and extending in a northerly direction for a distance of 12 metres.

Location D

- (xxxv) That the parking of vehicles be prohibited at all times on the west side of Oxford Terrace, commencing at a point 46 metres north of its intersection with Hereford Street and extending in a northerly direction to its intersection with Worcester Street.

THE OBJECTIVES

23. Project objectives are:

- (a) To design and construct a safe and efficient extension of the tram route.
- (b) To minimise conflict between tram and all other road users.

THE OPTIONS

24. A number of options have been considered to mitigate the loss of parking.

25. **Option A - Tram in the live traffic lane**

- (a) **Advantage:** All parking on the north side of Lichfield St is retained.
- (b) **Disadvantages:** Severe reduction in the level of service to the intersection of Manchester Street/ High Street/ Lichfield Street and extending to the network; noted by the safety auditors as a serious safety risk.

24. 6. 2010

11 Cont'd

26. **Option B – Combination of tram in live traffic lane and north side parking lane**

- (a) **Advantages** – Reduces the number of parking spaces lost by approximately six.
- (b) **Disadvantages** – Impact on level of service to the intersection of Manchester Street/ High Street/ Lichfield Street and extending to the network; three locations for potential risk to cyclists; tram could be trapped in live lane prior to right turn into Poplar Street, by passing and queuing vehicles; noted by the safety auditors as a serious safety risk.

27. **Option C - Tram in the north side parking lane**

Under this option the tram enters Lichfield Street from High Street and runs along what is currently the parking lane until it arrives near the intersection of Poplar Street. When the road is clear, the tram driver will make the right turn south into Poplar Street.

(a) **Advantages:**

- (i) The tram, which is generally slower than motor vehicle traffic, can proceed at its own pace along its own lane without holding up traffic both as it crosses Manchester Street and as it proceeds along Lichfield Street. Signals release the tram from High Street at the same time as east bound traffic on Lichfield Street, thus removing the need for either a delayed start for other vehicles or a separate signal phase for the tram.
- (ii) The tram still has to cross two live lanes with traffic travelling in the same direction; however any risk is minimised by it being able to wait in its own lane until the road is clear. In a one way street situation there are adequate gaps in traffic in both lanes to enable the tram to move safely from the side of the road. It also has a better view of on coming traffic when sited in the parking lane. This is supported by Paramics modelling and on-street observations by Council's Network Planning Team (Transport).
- (iii) The tram is not required to stop in a live traffic lane, holding up other traffic, while waiting for the adjacent live traffic lane to clear.
- (iv) This option is regarded as the safest of those investigated for all vehicles by the various independent audits undertaken, by the tram operator and by the Council's professional staff. This option will be recommended to the New Zealand Transport Agency (NZTA) who is responsible for licensing the tram operation.
- (v) If in the future the tram was to be unduly delayed by traffic inhibiting its turn into Poplar Street an additional set of signals can be incorporated without significantly affecting the Manchester Street intersection - the track design will provide ducting to allow for this.
- (vi) If there was a future need for a tram stop in Lichfield Street it could be readily accommodated (as in Worcester Boulevard) as the tram is following the kerb line.

(b) **Disadvantages:**

- (i) The tram still has to cross two live lanes with traffic travelling in the same direction;
- (ii) Fifteen car parking spaces need to be removed, inconveniencing both short term loading and longer term parkers.
- (iii) An existing water main will need to be relocated.

24. 6. 2010

12. NEW REGENT STREET AUTOMATED BOLLARDS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Barry Cook, Team Leader Network Operations & Traffic Systems

PURPOSE OF REPORT

1. The purpose of this report is to provide an update on the Council's request for automated bollards in New Regent Street.

EXECUTIVE SUMMARY

2. The Council, at its meeting of 25 March 2010, approved the report of the Hearing Panel on Oxford Terrace, City Mall and New Regent Street.
3. As part of the recommendations, the Council endorsed the Hearing Panel's request for staff to investigate further, the use of automated bollards in New Regent Street and whether these could be funded from existing budgets (see Background, paragraph 17, for full recommendation).
4. There are a number of other similar sites, particularly associated with the tram extension, where automated bollards would be very effective. Currently contractors are used to raise and lower manual bollards in a number of locations.
5. The installation of automated bollards would allow bollards to lower and rise when the tram operates and also provide emergency vehicles immediate access during the times access for loading is not permitted.

FINANCIAL IMPLICATIONS

6. The cost of providing automated bollards at both ends of New Regent Street together with the control equipment, project management and consultation, is estimated to be \$65,000.
7. This work can be carried out using unallocated funds from "City Mall additions" and/or "Miscellaneous projects to support new development".

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

8. As above.

LEGAL CONSIDERATIONS

9. The legal issues around loading times in New Regent Street were finalised at the Council's meeting held on 25 March 2010.

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

10. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

12. As above.

ALIGNMENT WITH STRATEGIES

13. The recommendations align with the Council Strategies including Safer Christchurch Strategy.

24. 6. 2010

12 Cont'd

Do the recommendations align with the Council's Strategies?

14. As above.

CONSULTATION FULFILMENT

15. No consultation has been carried out to date. However, the project to install the automated bollards in New Regent Street will include consultation with the affected parties.

STAFF RECOMMENDATION

It is recommended to Council:

- (a) That the information be received;
- (b) That staff proceed with the installation of automated bollards at both ends of New Regent Street with funding coming from existing budgets.

24. 6. 2010

12 Cont'd

BACKGROUND

16. When the Hearing Panel considered the proposed changes to the times that loading and unloading could take place in New Regent Street, they questioned the value of making the restrictions due to the lack of enforcement at night.
17. The Hearing Panel therefore made the following recommendations to Council:
 - (a) Approve the proposed changes to the New Regent Street Mall Declaration of a Special Order as shown in **Attachment 1**:
 - (i) Give public notice as soon as practicable, that the Christchurch City Council New Regent Street Mall Declaration of a Special Order as shown in **Attachment 1** has been amended by Council;
 - (ii) Send copies of the amended declaration to those people or organisations that made submissions, advising them of the outcome;
 - (b) Request staff to report to the Council on the potential to provide automated bollards for both ends of New Regent Street, and whether it is possible, within current budgets, to find the funding for the automated bollards immediately. This recommendation is made on the basis that the Hearings Panel is concerned that the New Regent Street Mall restrictions are not able to be effectively enforced, and that without enforcement there is questionable value in making the restrictions in resolution (a);
 - (c) Review the level of service around after-hours enforcement.
18. Currently, there is a capital works project programmed to be carried out in Oxford Terrace where a part time pedestrian mall will be created. As the tram extension runs through this area, manually raised bollards are not a viable option. Automated bollards are to be installed.
19. Likewise, the tram extension will go through Poplar Street where a part time pedestrian mall exists (see separate report on Poplar Street in this order paper). Automated bollards will need to be installed as part of this project.
20. City Mall has manual bollards at all exits and entrances. These are raised at 10am and lowered at 4pm. They will have to remain in the down position when the tram extension becomes operational. This will allow vehicles to physically enter City Mall during the busy lunch time period from 10am to 4pm when loading is prohibited.
21. Automated bollards were not costed into the City Mall revitalisation project. However, pits with ducts were installed with the view that automated bollards could be installed at a later time.
22. There is budget provision for "*City Mall additions*" and for "*Miscellaneous projects to support new developments*" which is used for a variety of initiatives. Because of the benefits automated bollards will provide, and the advantage in providing immediate access for emergency vehicles, this would be good use of these budgets.
23. When the Council moves to its new premises in Hereford Street the control of traffic signals and other systems will be upgraded at the same time.
24. As part of these improvements it would be easy to set up a parallel system for controlling inner city automated bollards. The existing traffic systems are monitored from 7.30am to 6.30pm each working day.
25. However, with the automation of the public car parking buildings, this is likely to be extended. Staff operating these systems can monitor and control the automated bollards.
26. Discussions with the New Zealand Fire Service have determined that there are only ten fire tenders that operate in the central city. It is proposed that each unit will be provided with a sensor that would automatically lower a bollard when approached.

24. 6. 2010

12 Cont'd

27. A capital works project has been established to use unallocated funding from within these budgets to install automated bollards at both ends at New Regent Street.
28. Depending on other demands, it may be possible to fund automated bollards at entrances / exits to the City Mall in the same manner. If this could be achieved before the tram extension commences, it will eliminate a lot of traffic issues and it would also enable the night time loading ban which comes into effect on 30 September 2010 to work effectively.

24. 6. 2010

13. 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 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).

24. 6. 2010

13 Cont'd

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)...*

24. 6. 2010

13 Cont'd

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.

24. 6. 2010

13 Cont'd

- (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.

24. 6. 2010

13 Cont'd

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.

24. 6. 2010

13 Cont'd

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.

24. 6. 2010

13 Cont'd

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.

24. 6. 2010

14. PROPOSED 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 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 the commencement of a statutory special consultative procedure for
 - (a) **Proposal A** - to create a permanent part time pedestrian mall in Poplar Street at night time (from 6pm to 6am the following day) using one set of 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.
 - (b) To recommend that the Council approve 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.
 - (c) **Proposal B** – to change the one-way direction of travel in Poplar Street (currently flowing from south to north) so that the tram can travel from north to south along the street from Lichfield Street to Tuam Street.

EXECUTIVE SUMMARY

2. This report and its attachments 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 1 (One Way Streets) of the Traffic and Parking Bylaw 2008 to change the one way in Poplar Street to flow north south from Lichfield Street to Tuam Street.
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, tram and vehicles.
 - (c) To enable the extension of the tram route via Poplar Street.
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 trial in Struthers Lane is the topic of a separate report to the Council.
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 Poplar Street and Ash Street.

24. 6. 2010

14 Cont'd

- (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.
- (d) To adopt for consultation through the special consultative procedure the proposed changes to Poplar Street, 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 Council Service Centres, 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.

24. 6. 2010

14 Cont'd

- (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. A report on the results of the study is available on request. These 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 designated parking spaces and across the street in an unstructured way. An extension of the trial is needed 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, Council staff now recommend that part time pedestrian mall continue as a permanent fixture.
 8. Tram tracks are scheduled to be laid along Poplar Street during the winter of 2010 and the design for the tracks includes provision for automatic bollards. The introduction of the tram, and the decision of the Council on 30 June 2009 for the direction of the tram route to flow from north to south along Poplar Street, requires that the one way flow in the street be changed for all vehicles.
 9. 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 the Traffic and Parking Bylaw Schedule One, and the declaration of a part time pedestrian mall in Poplar Street.

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

Proposal A – Poplar Street part time pedestrian mall

13. 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 trial, and both responded without any objection to the proposed trial.
14. 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.
15. 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 (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 Poplar Street and an associated report deals with Struthers Lane.
16. This report recommends the declaration of a part time pedestrian mall in Poplar Street.

24. 6. 2010

14 Cont'd

17. 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).”
18. 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.
19. 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 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 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 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 Poplar Street from Lichfield Street to Tuam 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 Ash Street.
 - (iv) Create a new 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.
 - (v) Create a part time pedestrian mall in Poplar Street as described in (iv) above every night from 11pm to 5am the following day.

24. 6. 2010

14 Cont'd

- (b) Option (iv) is the preferred option. It is aligned to and meets the project objectives.

ADDITIONAL CONSIDERATIONS

20. 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.
21. 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.
22. 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 to preliminary community consultation, 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 tow 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.

24. 6. 2010

14 Cont'd

CULTURAL CONSIDERATIONS

23. 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

24. The Council is 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

25. 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).

26. Appropriate way to address problem:

- (a) The proposed changes to the First Schedule (One Way Streets) have 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 proposed tram route and remove possible vehicle conflict.

27. Analysis of Options considered by the Council:

- (a) The following options exist for the Council in relation to managing direction of travel on sections of Poplar Street:
 - (i) **Option 1:** Retain the Status quo ie: 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 preferred because it does not support the Council's desire for the extension to the tram route and the revitalisation of the inner city. The street is not wide enough for safe two way flow. With the extension of the tram route this option will create potential for confusion and conflict between the trams and other vehicles.
 - (ii) **Option 2:** Change the direction of travel so that it flows from north to south in Poplar Street.
- (b) Option 2 is the preferred 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.

28. Appropriate form of bylaw:

24. 6. 2010

14 Cont'd

- (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.

29. 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.

30. Proposed Bylaw amendments:

- (a) The amendments proposed to the Traffic and Parking Bylaw 2008 is 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?

- 31. 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?

32. 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) 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

24. 6. 2010

14 Cont'd

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

Proposal A – Poplar Street part time pedestrian mall

33. On 31 January 2009, in conjunction with the Struthers Lane bollard trial, staff installed two bollards at one location 30.6 metres south of the intersection of Poplar Street and Lichfield Street, to prevent through traffic along Poplar Street, in order to effect the trial.
34. 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 driers 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.
35. 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.
36. 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.
37. The recommendation includes that the time for raising and lowering these bollards be the same as the trial and on a nightly basis.
38. 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 Struthers Lane where a trial of one bollard has also been carried out over the same period. (An associated report for Struthers Lane is to be presented to 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.

Proposal B - one way street bylaw amendments

39. Consultation on the tram extension in the area of Poplar Street was carried out in the 2009-19 LTCCP. This included the direction of travel in Poplar Street.

STAFF RECOMMENDATION

Staff recommend 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.

24. 6. 2010

15. KERBSIDE PARKING LIMIT LINES

General Manager responsible:	General Manager, City Environment DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace
Author:	Barry Cook, Team Leader Network Operations and Traffic Systems

PURPOSE OF REPORT

1. The purpose of this report is to provide the Council with the information requested on "Kerbside Parking Limit Lines".

EXECUTIVE SUMMARY

2. The Council at its meeting on 13 May 2010, when reviewing the Burwood/Pegasus Community Board Report of 12 April 2010, requested:
 - (a) "that the policy on Parking Kerbside Policy Limit be reviewed to consider giving Community Boards delegation to approve parking kerbside policy limit lines, and that the review is to be presented to the Council in one month."
3. The Council approved its policy on Kerbside Parking Limit Lines on 23 October 1996 (see paragraph 16).
4. This policy with no delegations has worked well for handling requests from the public.
5. The reason why the policy was formed is set out in the background of this report.

FINANCIAL IMPLICATIONS

6. There are no financial implications with the preparation of this report, or with the staff recommendations. However if the decision was to change the existing policy, then there may be an impact on 'new road markings' and 'maintenance of road markings'.

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

7. As above.

LEGAL CONSIDERATIONS

8. Markings are legally required to define angle parking. For parallel parking, 'parking limit lines' have no legal standing as motorists must park parallel to the kerb face. Therefore, 'parking limit lines' are installed only to assist motorists when parking.

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

9. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

11. As above.

ALIGNMENT WITH STRATEGIES

12. The recommendations align with the Council Strategies including the Safer Christchurch Strategy and the Parking Strategy.

24. 6. 2010

15 Cont'd

Do the recommendations align with the Council's strategies?

13. As above.

CONSULTATION FULFILMENT

14. No consultation has been carried out as this report is for information only.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receive the information requested.
- (b) Confirm that the current Council policy on 'Kerbside Parking Limit Lines' remains, and that no delegations for exemptions be made.
- (c) Change the words in point (v) from 'City Streets Manager' to 'The Manager at the time who has responsibility as the roading asset owner'.
- (d) Change the words in '(c)' from 'City Services Committee' to 'Council'.

24. 6. 2010

15 Cont'd

BACKGROUND (THE ISSUES)

15. Current Council Policy –

Kerbside Parking Limit Lines

(a) The following guidelines be adopted as Council policy.

- (i) Parallel and angle kerbside parking spaces to be individually marked in areas controlled by parking meters or parking coupons.*
- (ii) All angle parking spaces to be individually marked on roads in the city. This is a legal requirement as motorists must park their vehicles parallel to the kerb face unless signs or markings indicate that angle parking is permissible.*
- (iii) Individual parking spaces may be marked on arterial or other roads within shopping centres where parking (P30, P60 etc) restrictions apply. If there are benefits to traffic management, (including the marking of cycleways) along arterial roads, parking limit lines may be extended to areas outside the restricted parking zone.*
- (iv) As a matter of practice driveways are not to be individually marked with parking lines either side. However, in certain areas of the city where parking limit lines have been painted in the past to define driveways, consideration should be given to allow them to wear out and not be repainted.*
- (v) Owners of property who have caused white lines to be painted on the roadway outside their business premise or residence are approached with a view to having the lines removed. All road markings on roads under the Council's control must be duly authorised by delegated authority from the City Streets Manager.*

(b) Community Boards be advised that the policy must be adhered to.

(c) Community Boards may make a recommendation to the City Services Committee for the installation or maintenance of parking limit lines for private driveways where the proposed installation falls outside the Council policy.

16. This policy was formulated to provide clear guidance to staff when processing requests from the public and has worked well.

17. In effect, the 'parking limit lines' are installed for three reasons:

- (a) To indicate to motorists that they must park at an angle to the kerb or edge of roadway;
- (b) To mark an area for parking for which a payment has been made; and
- (c) To minimise the disruption to through traffic on arterial roads where there is a high turnover of parking; ie there is a parking restriction of 60 minutes or less.

18. 'Parking limit lines' are not installed to reinforce traffic rules; ie to define driveways. The traffic rules are sufficient for enforcement purposes.

OPTIONS

Option 1 Status Quo

19. Since October 1996 when the current policy was approved by the Council it is estimated that on average there has been a request for an exemption from the policy every three years.

24. 6. 2010

15 Cont'd

20. The indiscriminate use of 'parking limit lines' will result in a reduction in the parking available. When a space is marked, it has to be large enough to allow for 90 per cent of vehicles. Many cars require less space than this, and therefore more vehicles will fit in an area which is unmarked.
21. The policy was formulated to ensure consistency in the installation of 'Kerbside Parking Limit Lines' across the city.
22. The Community Board has a say in the exemptions as a 'Part A' Board Report is already required for this process.
23. Maintaining the status quo is the staff preferred option.

Option 2 Delegate the Installation of all 'Kerbside Parking Limit Lines' to Community Boards

24. If the delegation was given to Community Boards for the installation of **all** 'Kerbside Parking Limit Lines' then there would be a requirement for a Board Report each time 'Kerbside Parking Limit Lines' were installed. This would create unnecessary workloads as 'Kerbside Parking Limit Lines' do not require formal approval as they have no legal standing except in the case of angle parking.
25. This option is not supported by staff.

Option 3 Delegate any exemptions from Council policy to Community Boards

26. If the delegation for **exemptions** to the current Council policy was given to Community Boards, then there is a risk that a Community Board that does not agree with the policy will issue exemptions freely and other Community Boards may not issue any. This has the potential to create an inconsistency across the city and create unbudgeted costs.
27. The initial installation of 'parking limit lines' are relatively inexpensive, approximately \$10 per limit line. However the 'life cycle cost' (maintenance from then on) can be more significant. The cumulative effect of marking increasing numbers of 'parking limit lines' is substantial.
28. This option is not supported by staff.

24. 6. 2010

16. REPORT FROM THE BANKS PENINSULA CHARITABLE TRUST SUBCOMMITTEE ON THE PROPOSED ROD DONALD BANKS PENINSULA TRUST

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Manager
Author:	Banks Peninsula Charitable Trust Subcommittee

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Provide to the Council the results of consultation with the Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards in respect to the proposed Rod Donald Banks Peninsula Trust; and
 - (b) Provide a Draft Trust Deed and Draft Statement of Intent for the proposed Rod Donald Banks Peninsula Trust to the Council for its approval.

EXECUTIVE SUMMARY

2. The Council has previously approved the establishment of a charitable trust to administer the funds received from the sale of endowment properties owned by the former Banks Peninsula District Council.
3. By a resolution dated 11 October 2007, the Council established the Banks Peninsula Charitable Trust Subcommittee. The Council requested that the Subcommittee undertake further consultation with communities with an interest in the proposed objects of the Trust, draft a Statement of Intent and Trust Deed for the Trust, report to the Banks Peninsula Community Boards in respect to the draft documents and consider the potential to increase the Trust funds. The Council also requested that the Subcommittee report back to it in respect to these matters.
4. At its meeting on 9 March 2009, the Banks Peninsula Charitable Trust Subcommittee selected seven people with interests in the Banks Peninsula area to develop a framework for the operation of the proposed Rod Donald Banks Peninsula Trust. These people, the "Initial Trustees", have now prepared a draft Trust Deed (**Attachment 1**) and draft Statement of Intent for the Trust. (**Attachment 2**).
5. The Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards have been consulted in respect to the documents. A summary of the comments made by the Community Boards, and the staff response to these comments, is attached to this Report.
6. The draft documents are now submitted to the Banks Peninsula Charitable Trust Subcommittee for approval and for recommendation to the Council.

FINANCIAL IMPLICATIONS

7. As noted in previous Council reports in respect to the proposed Rod Donald Banks Peninsula Trust, the proceeds of sale of the Banks Peninsula District Council endowment properties have been held un-dispersed in a special fund to date. The sale proceeds and accumulated interest of approximately \$3,400,000 will be settled on the Trust when the Trust is established.

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

8. The use of the proceeds of sale of the endowment properties was indicated in the 2004-14 LTCCP adopted by the Banks Peninsula District Council.
9. The funds have been held un-dispersed in a special fund by the Christchurch City Council and are therefore available to be used for purposes consistent with the original endowments.

24. 6. 2010

16 Cont'd

LEGAL CONSIDERATIONS

10. The Council has previously received legal advice that establishing a charitable trust to administer the funds for the benefit of the Banks Peninsula and Christchurch City communities is an acceptable use that is consistent with the purposes of the original endowments.

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

11. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

12. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. A special consultative procedure in respect to the establishment of the Rod Donald Banks Peninsula Trust was conducted in September and October 2007. The Hearings Panel reported back to the Council on 11 October 2007 and the Council adopted the Hearings Panel recommendations. The recommendations are discussed in further detail in the Background section of this Report.
15. The Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards were also consulted in respect to the proposed draft Trust Deed and draft Statement of Intent for the Trust, at their respective meetings of 7 and 13 April 2010. A summary of the comments made by the Community Boards, and the staff response to the comments, is attached to this Report.

SUBCOMMITTEE RECOMMENDATION

That the Council resolve:

- (a) The draft Trust Deed and draft Statement of Intent, as amended, for the proposed Rod Donald Banks Peninsula Trust be adopted in the forms attached to this Report, subject to such amendments as may be required by the Registrar of Charitable Trusts or the Charities Commission; and
- (b) The Trust be registered under the Charitable Trusts Act 1957 and the Charities Act 2005.

24. 6. 2010

16 Cont'd

BACKGROUND (THE ISSUES)

17. On 30 August 2007, the Council passed a resolution approving in principle the establishment of a charitable trust to administer funds obtained from the sale of endowment properties owned by the former Banks Peninsula District Council. The Council resolved that the purpose of the Trust should be to aid the maintenance and development of the natural and built heritage in the Banks Peninsula area, and to aid the maintenance and development of environmental and community based projects in the area. The Trust is dedicated to the memory of Rod Donald, to recognise his commitment to the Banks Peninsula area.
18. Consultation was carried out in respect to the proposal in September and October 2007, as summarised in the Consultation Fulfilment section of this report.
19. The Hearings Panel recommended that the Council -
 - (i) Establish a charitable trust as a council-controlled organisation, for the purpose of administering the funds obtained from the sale of endowment properties owned by the former Banks Peninsula District Council;
 - (ii) Appoint a subcommittee comprising Garry Moore, Bob Parker and Sue Wells to attend to the formation of the Trust (the Banks Peninsula Charitable Trust Subcommittee).
20. The Banks Peninsula Charitable Trust Subcommittee was asked to:
 - (i) Undertake further consultation with the communities affected by or with an interest in the proposed objects of the Trust;
 - (ii) Draft a Statement of Intent to be available for consideration by the Council in due course;
 - (iii) Consider the potential for increasing the level of Trust funds from sources other than (and in addition to) the funds obtained from the sale of the endowment properties;
 - (iv) Prepare a report for consideration by the Banks Peninsula Community Boards and the Council containing the Subcommittee's recommendations in respect to the Deed of Trust and the Statement of Intent.

The Council adopted the recommendations of the Hearings Panel on 11 October 2007.

21. At its meeting of 9 March 2009 the Subcommittee elected seven people with interests in the Banks Peninsula area to be "Initial Trustees" for the Trust. The "Initial Trustees" were invited to conduct the groundwork required to establish the Trust and to represent the various communities with an interest in the proposed objects of the Trust. The "Initial Trustees" are Nuk Korako, Nicola Shirlaw, Simon Mortlock, Stuart Wright-Stow, Garry Moore, Claudia Reid and Stewart Miller. The "Initial Trustees" will be formally appointed as trustees when the Trust is settled.
22. The "Initial Trustees" met on several occasions in 2009. They have now developed recommended objectives for the Trust and a framework for its operation in the future. The objectives and operational framework are set out in the draft Trust Deed and draft Statement of Intent that have been prepared for the Trust.
23. The views of the Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards were sought on the Initial Trustees' proposals. A summary of the comments made by the Community Boards, and the staff response to the comments, is attached to this Report.
24. The Draft Trust Deed and Draft Statement of Intent, amended as noted for the Community Boards' comments, are attached to this Report.

24. 6. 2010

16 Cont'd

SUMMARY OF COMMUNITY BOARD COMMENTS AND STAFF RESPONSE

Community Board Comment	Staff Response
<p>The Lyttelton/Mt Herbert Community Board questioned the definition of Region in the Trust Deed. It was considered inappropriate to use obsolete political boundaries, it was suggested that the wider Banks Peninsula area should be included.</p>	<p>Careful consideration has been given to whether an alternative boundary could be adopted for the definition of Region in the Trust Deed. However, the Deed must include a legally defensible and precise boundary and it is considered that the former Banks Peninsula District Council boundary provides the most certainty in this respect. The Local Government (Canterbury Region) Reorganisation Order 1989 states that the District comprises the area delineated on SO Plan No. 18084 deposited with the Chief Surveyor of the Canterbury Land District (page 2312 New Zealand Gazette 13 June 1989 – Issue No. 99). SO Plan No. 18084 is attached to the Statement of Intent.</p> <p>Consideration was given to whether the definition could refer to the Banks Peninsula Ecological District. However, the boundaries of the Ecological District are not clearly or precisely defined, but rather relate to the geological characteristics of the Peninsula (for example, where the volcanic rock meets the Canterbury Plains). This is not sufficiently precise for the purposes of the Trust Deed.</p> <p>It is also noted that the use of the former Banks Peninsula District Council boundary is more consistent with the purposes of the original endowments of land.</p> <p>Recommend that no change be made to the Trust Deed.</p>
<p>Recommended inclusion of a map into the documents to show the areas focussed on/designated areas and where the boundaries are.</p>	<p>A map can be included to show the boundary of the Region. However, the particular areas to be focussed on/designated areas will not be determined until the Trustees have identified the particular projects that they wish to be involved with. Therefore, it is not possible to provide a map to show these details at this stage.</p> <p>A map has been attached to the Statement of Intent to show the boundary of the Region to which the Trust will apply.</p>
<p>Clause 4.1(a) of the Trust Deed refers to sustainable management and conservation “...(consistent with the purposes and principles of the Resource Management Act 1991 and the Conservation Act 1987 and any replacement legislation)...”.</p> <p>Suggested that the words in brackets could be removed.</p>	<p>The Trustees must act in accordance with the principles of the Resource Management Act 1991 and the Conservation Act 1987 when carrying out the Objects of the Trust, whether this is included in Clause 4.1(a) or not. By including references to this legislation in the Trust Deed, focus is drawn to the importance of the principles established by the Acts.</p> <p>Recommend that no change be made to the Trust Deed.</p>
<p>Clause 4.1(a) of the Trust Deed states that an Object of the Trust is “to promote sustainable management and conservation...of the natural environment in the Region”. Questioned whether the word “natural” is necessary, is this to distinguish from the built environment?</p>	<p>The word “natural” is necessary, it is used to distinguish from the built environment. Clause 4.1(a) relates to sustainable management and conservation, these are terms that commonly relate to the natural rather than the built environment. Historical and community based projects, including the built environment, are referred to in later parts of Clause 4.</p> <p>Recommend that no change be made to the Trust Deed.</p>

24. 6. 2010

<p>Clause 4.1(b) of the Trust Deed states that one of the Trust's Objects is to "establish, support or facilitate environmental based projects that are focussed on..." various matters. Suggested that to keep options open the words "are focussed on" could be replaced by "can include".</p>	<p>The use of the words "are focussed on" is intentionally narrow, so the particular projects mentioned receive support, rather than all environmental based projects which may be only partly related to these matters.</p> <p>Recommend that no change be made to the Trust Deed.</p>
<p>Clause 4.1(b)(iii) of the Trust Deed includes as an object of the Trust to "establish, support, or facilitate environmental based projects that are focussed on the reinstatement and preservation of native bush in the Region".</p> <p>It was considered that this Object should encompass more than just native "bush". A suggestion was made to refer to indigenous ecosystems and habitats.</p>	<p>The use of the word "bush" was intended to encompass all forms of vegetation, therefore it is considered that for clarity the words "native vegetation" should be used.</p> <p>In respect to the addition of "indigenous ecosystems and habitats" it is considered that this is encompassed by Clause 4.1(b)(iv) (the enhancement of the natural biodiversity of the Region), Clause 4.1(b)(v) (the restoration of the Region's waterways to their natural state) and by amending the word "bush" in Clause 4.1(b)(iii) to refer to "vegetation".</p> <p>Amend Clause 4.1(b)(iii) to refer to "native vegetation" in the Region, rather than native bush.</p>
<p>Clause 4.1(b)(vi) of the Trust Deed includes as an Object of the Trust "to establish, support or facilitate environmental based projects that are focussed on the protection of endangered species present in the Region".</p> <p>Recommended adding the word "indigenous" before endangered species.</p>	<p>Agree that the Trust should focus on species that occur naturally in the Banks Peninsula area. However, the word indigenous is more commonly used in respect to people rather than animals. Suggest the word "native" is more appropriate, and is consistent with Clause 4.1(b)(iii).</p> <p>Amend Clause 4.1(b)(vi) to refer to "native endangered species present in the Region".</p>
<p>The Trust Deed and Statement of Intent refer to preserving and restoring the Region's built heritage, suggested that the focus should be on the natural environment only.</p> <p>The Lyttelton/Mt Herbert Community Board commented that projects involving the built environment can consume a significant amount of financial resources.</p>	<p>When the option of forming a charitable trust was first proposed to the Banks Peninsula District Council, Mayor Parker suggested as example projects for the trust stone/beach front wall restoration and the preservation of historic structures such as community halls.</p> <p>The 30 August 2007 resolution of the Council that approved the establishment of the Trust states that its purpose is to aid the maintenance and development of the natural and built heritage of the Banks Peninsula area.</p> <p>This theme was continued in the Statement of Proposal for the trust, which referred to the establishment of a charitable trust to have as its objectives "<i>historical, environmental and community based</i> projects in the Banks Peninsula area" [emphasis added].</p> <p>A number of submissions in respect to the Statement of Proposal supported the inclusion of projects relating to the built heritage.</p> <p>Given that preservation and enhancement of the built heritage has been included as one of the objects of the trust since it was first proposed, and that this has been the subject of public consultation and support, it is considered that it would be inappropriate to remove these references from the Trust Deed and Statement of Intent at this stage.</p>

24. 6. 2010

	<p>The Trustees have a duty to consider the merits of particular projects when making decisions about how the Trust funds will be used. This would include consideration of whether it would be appropriate to support a particular project relating to the built environment if the project would have a significant associated cost.</p> <p>Recommend that no change is made to the Trust Deed or the Statement of Intent.</p>
<p>A member of the public has noted that the winding up clause in the Trust Deed (Clause 19) allows the trust funds to be distributed for charitable purposes, but there is no restriction to require consistency with the original endowment (except that the charitable purposes must be similar to those of the Trust).</p>	<p>Clause 19 allows the Trustees to apply the net assets of the Trust to matters that are similar to the Trust's objects because it may be difficult for the Trustees, on winding up, to find other organisations or projects that have objects that are identical to those of the Trust. However, the Council could require that before the Trustees apply the net assets to objects similar to the Trust's, they assure themselves that it is not possible to apply the net assets to organisations or projects that have objects identical to those of the Trust.</p> <p>Clause 19 of the Trust Deed has been amended to require the Trustees on winding up to first use their best endeavours to vest the net assets exclusively for charitable purposes that are identical to the Objects of the Trust.</p>
<p>Clause 2.1(g)(iv) of Schedule 2 of the Trust Deed allows the Trustees to appoint people to act as employees of the Trust, including the appointment of the Trustees themselves. The Lyttelton/Mt Herbert Community Board was opposed to Trustees acting as both Trustees and employees, as this could result in a conflict of interest.</p>	<p>This is a standard Clause included in many Trust Deeds. The Clause recognises that the Trustees may have special skills that would be useful to the Trust, but exercising those skills would be outside their role as a Trustee.</p> <p>Any person acting in both the capacity of Trustee and employee would need to be aware of their differing duties in these respective roles.</p> <p>Clause 13 of the Trust Deed deals with conflicts of interest. Clause 13 requires any Trustee who has a conflict of interest to disclose the nature of that interest at a trust meeting and to record it in the minutes of the meeting. The Trustee will not be able to vote on the matter in which the Trustee is interested, unless all of the Trustees unanimously permit the interested Trustee to vote. It is considered that Clause 13 deals adequately with any conflict of interest that may arise as a result of a person acting in the capacity of both an employee and a trustee.</p> <p>Clause 13 deals adequately with this issue, no change is required.</p>
<p>The Trust Deed should require the Council to appoint at least some of the Trustees from specific interest groups (such as from each Community Board and from the local Runanga).</p>	<p>The Council has the right to appoint up to 7 of the Trustees to the Trust (Clause 2.2(a) of Schedule 3 of the Trust Deed). In exercising the power of appointment the Council is required to be mindful of the need to provide balanced representation in the Trust, including appropriate representation for relevant interest groups (Clause 2.3 of Schedule 3 of the Trust Deed).</p> <p>The wording of Clause 2.3 allows the Council the flexibility to appoint people with relevant skills and a passion for the Banks Peninsula area to be Trustees on the Trust, but still requires the Council to consider the need for relevant groups to be represented. If the Council is confined to appointing some Trustees from particular groups this could mean that some people with relevant skills and experience miss out on the role.</p>

24. 6. 2010

	<p>It is recommended that no change is made to the Trust Deed, but the requirements of Clause 2.3 of Schedule 3 of the Trust Deed should be drawn to the Council's attention when new Trustees are appointed.</p>
<p>Clauses 4.1 and 4.2 of Schedule 3 of the Trust Deed set out the Term of Appointment of Trustees. The Clauses do not limit the number of terms that a Trustee can serve. A maximum consecutive term of, for example, 9 years, should be stipulated.</p>	<p>The Council's Policy on the Appointment and Remuneration of Directors does not address the length of tenure of trustees of a Council Controlled Organisation. The Policy does however state that for directors of Council Controlled Trading Organisations, the length of tenure will generally be between 6 and 9 years, with a maximum of 12 years in special circumstances.</p> <p>There are two alternative views on whether the tenure of trustees should be limited to a finite number of consecutive years. One view is that a person's contribution to a board may diminish as the person's length of tenure increases. Over time a trustee may become more entrenched and less responsive to new and innovative ideas.</p> <p>An alternative view is that a longer tenure period is essential to confer on a trustee a deeper understanding of a trust's objects and how to achieve them.</p> <p>In the present case, several of the "Initial Trustees" have indicated that they would like to be involved with the Trust on a long term basis, so that they can implement some significant projects.</p> <p>Taking into account the two alternative views above, it is considered that a limit on tenure of 9 consecutive years would be appropriate. This allows a trustee time to see significant projects implemented, but the finite period should assist to prevent issues of non performance.</p> <p>Clause 4.1 of Schedule 3 of the Trust Deed has been amended to provide a maximum tenure of nine consecutive years.</p>
<p>The Trust Deed does not indicate whether both public and private land can be included. The Deed should be clarified to state that both public and private land is relevant, with the consent of private land owners if private land is concerned.</p>	<p>The Trust Deed does not limit projects to public land only, private land could be included where appropriate. It is considered that no change is required to the Trust Deed to allow this.</p> <p>Recommend that no change be made to the Trust Deed.</p>
<p>A request was made that the Trust's Annual Reports be made available to the two Banks Peninsula Community Boards as a matter of course for their information.</p>	<p>The Annual Reports of the Trust are required to be publicly available, and they can be made available to the Community Boards.</p> <p>The Statement of Intent has been updated to include a requirement that the Trust's Annual Reports be provided to the Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards for information purposes.</p>

24. 6. 2010

17. ESTABLISHMENT OF CHRISTCHURCH AGENCY FOR ENERGY TRUST – PART ONE

General Manager responsible:	General Manager Corporate Services, DDI 941- 8528
Officer responsible:	Energy Manager
Author:	Nadine Daines, Solicitor, Legal Services Unit

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval for the terms of a draft Trust Deed and a draft “Deed Dealing with an Appointor in Relation to the Christchurch Agency for Energy” (“Appointor Agreement”) which have been prepared for the Christchurch Agency for Energy Trust.

EXECUTIVE SUMMARY

2. On 27 September 2007 the Council adopted the Sustainable Energy Strategy for Christchurch 2008–2018 (“the Strategy”). The initiatives in the Strategy include the establishment of the Christchurch Agency for Energy (“CAfE”).
3. A Statement of Proposal to establish the CAfE as a charitable trust was included in the draft 2009–19 Long Term Council Community Plan. It was proposed that the CAfE would be a council controlled organisation.
4. On 26 June 2009, following public consultation, the Council resolved to adopt the proposal that the CAfE be established, to carry out the initiatives in the Strategy and for the purposes of promoting energy efficiency and renewable energy in the Council’s district.
5. Kerry Ayers, a Senior Partner at law firm Helmore Ayers, has prepared a draft Trust Deed (**Attachment 1**) and draft Appointor Agreement for the café (**Attachment 2**). These draft documents are attached to this report for the Council’s approval.
6. The draft Trust Deed establishes the CAfE as a Council controlled organisation. The draft Trust Deed gives the Council the power to appoint 50 per cent of the Trustees of the CAfE. The Council also has the power to appoint the CAfE Chairperson. The CAfE Chairperson has a second and casting vote in the event that any vote is tied. In addition, clause 19.1 of the draft Trust Deed gives the Council the power of veto if required in respect to the exercise of powers by the Trustees.
7. Approval is sought in Part Two of this report, which is a Public Excluded item, for three Council representatives to be appointed as Trustees to the CAfE, including one Council representative to be appointed as the CAfE Chairperson.
8. The following organisations have indicated an interest in joining the CAfE and a willingness to provide financial support towards the administrative costs of the CAfE:
 - Orion New Zealand Limited
 - Meridian Energy Limited
 - Environment Canterbury
 - The Energy Efficiency and Conservation Authority
 - Solid Energy (through Solid Energy Renewable Fuels Limited).
9. The details of the financial support offered by these organisations are set out in Part Two of this Report. Approval is sought in Part Two for the Council to appoint these organisations as “Appointors” under the Trust Deed. Each Appointor organisation has the right to appoint a trustee to the CAfE. Any organisation wishing to become an Appointor is required to sign an Appointor Agreement setting out the financial contributions they agree to make to the CAfE.

FINANCIAL IMPLICATIONS

10. The funding for the first five year period of the action plan in the Sustainable Energy Strategy for Christchurch 2008–2018 is to come from revenue received from the sale of carbon credits

24. 6. 2010

17 Cont'd

to British Gas. This includes a five year commitment to provide \$100,000 per annum towards the administration costs of the CAfE. The Council earned the carbon credits following the successful commissioning of the project to use gas captured at the Burwood landfill as an energy source for the QEII sports and recreation facility.

11. The Appointor organisations recommended in Part Two of this report have all indicated that they will provide financial assistance to the CAfE.

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

12. Yes, as above.

LEGAL CONSIDERATIONS

13. The Local Government Act 2002 requires a local authority to carry out a Special Consultative Procedure before establishing a council controlled organisation. As discussed below in the "Consultation Fulfilment" section of this report, the Special Consultative Procedure in respect to the establishment of the CAfE was carried out as part of the consultation for the 2009-19 LTCCP. Section 56(2) of the Local Government Act 2002 states that the Special Consultative Procedure required for establishing a council controlled organisation can be conducted in this manner.
14. The draft Trust Deed and Appointor Agreement have been prepared by Kerry Ayers, in conjunction with the Christchurch City Council's Legal Services Unit. Mr Ayers and the Legal Services Unit consider that the terms included in the draft Trust Deed and Appointor Agreement provide the most appropriate arrangements for the establishment of the CAfE as a charitable trust.
15. If the Trust Deed is approved by the Council, the CAfE will need to apply for registration under the Charitable Trusts Act 1957 and the Charities Act 2005.

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

16. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. The establishment of the CAfE is included as a Major Initiative on page 20 of the 2009-19 LTCCP.
18. The Energy Conservation Activity Management Plan includes as a performance standard the establishment of a local Energy Agency to implement the Sustainable Energy Strategy for Christchurch 2008-18.

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

19. Yes, as above.

ALIGNMENT WITH STRATEGIES

20. On 27 September 2007 the Council adopted the Sustainable Energy Strategy for Christchurch 2008 -2018. The purpose of the Strategy is to lead the Christchurch community towards a more sustainable energy future.
21. The Strategy includes 28 energy efficiency and renewable energy initiatives. The initiatives include the establishment of the CAfE. The Strategy states that the purpose of the CAfE is to organise and manage the implementation of the other strategic initiatives included in the Strategy.

24. 6. 2010

17 Cont'd

Do the recommendations align with the Council's strategies?

22. Yes, as above.

CONSULTATION FULFILMENT

23. Consultation in respect to the establishment of the CAfE was carried out in 2009 in conjunction with the special consultative procedure used for the 2009–19 LTCCP.
24. The results of the consultation process were reported back to the Council on 26 June 2009. The Council resolved to adopt the proposal that the CAfE be established for the purposes set out in the Statement of Proposal.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the Deed of Trust in the form attached to this report as the form to be used in the establishment of the Christchurch Agency for Energy, subject to such amendments as may be required by the Registrar of Charitable Trusts or the Charities Commission.
- (b) Authorise the registration of the Christchurch Agency for Energy under the Charitable Trusts Act 1957 and the Charities Act 2005.
- (c) Approve the Deed Dealing with an Appointor in Relation to the Christchurch Agency for Energy in the form attached to this Report.

24. 6. 2010

17 Cont'd

BACKGROUND (THE ISSUES)

25. On 27 September 2007 the Council adopted the Sustainable Energy Strategy for Christchurch 2008–18. The Strategy includes 28 energy efficiency and renewable energy initiatives. The initiatives include the establishment of the CAfE.
26. The draft 2009–19 Long Term Council Community Plan included a Statement of Proposal that the CAfE be established as a charitable trust, to carry out the initiatives in the Strategy and for the purposes of promoting energy efficiency and renewable energy in the Council's district. It was proposed that the CAfE would be a council controlled organisation.
27. The Statement of Proposal anticipated that the founding partners of the CAfE would represent a number of different sectors, including local government, transport, electricity, environmental protection bodies and the Government's Energy Agency - the Energy Efficiency and Conservation Authority. The overall budget for the CAfE would depend on the contributions received from these founding partner organisations.
28. Public consultation was carried out in respect to the proposal as part of the 2009–19 LTCCP process. The submissions were reported back to the Council on 26 June 2009. The Council resolved to adopt the proposal that the Christchurch Agency for Energy be established as a charitable trust, for the purposes set out in the Statement of Proposal.

Trustees

29. The Trust Deed prepared by Kerry Ayers provides three different ways in which a person can be appointed as a Trustee to the CAfE, as discussed below. The Council has direct control over the appointment of the Council appointed Trustees. The Council also has indirect control over the appointment of the Trustees nominated by Appointor Organisations (because the Council selects the Appointor organisations); and indirect control over the appointment of Elected Trustees (because the Council has the power to remove any Elected Trustees).

Council Appointed Trustees

30. The draft Trust Deed provides authority for the Council to appoint up to 50 per cent of the Trustees of the CAfE. The Council also has the power to appoint the Chairperson of the CAfE. In the event that any vote of the CAfE Board is tied, the Chairperson has a second and casting vote.
31. Part Two of this report, which is a public excluded item, includes a recommendation that three Trustees for the CAfE be appointed by the Council, including one person to act as the Chairperson.

Trustees Nominated by Appointor Organisations

32. The draft Trust Deed also states that the Council can invite organisations to be "Appointor" organisations for the purposes of the CAfE. An Appointor organisation has the right to appoint one Trustee to the CAfE (see clause 6.2(b) of the Trust Deed).
33. Any organisation wishing to be an Appointor organisation is required to sign an Appointor Agreement. The purpose of the Appointor Agreement is to set out the financial contributions that the Appointor organisation will make to the CAfE in return for the right to appoint a Trustee.
34. Council officers have approached certain organisations to ascertain their interest in becoming Appointors (and therefore financial partners) of the CAfE. The organisations approached were selected on the basis of the following criteria:
 - The organisation's track record and philosophy in the promotion of the vision and ideals of energy efficiency and renewable energy.
 - The organisation's ability (in public eyes), to be an ambassador for these ideals.

24. 6. 2010

17 Cont'd

- The organisation's connections to the community of Christchurch - being a visible local player, introducing their own local energy efficiency initiatives, sponsoring other (non-energy) community events.
 - The organisation expressed an interest in the implementation of the Sustainable Energy Strategy for Christchurch (during the public consultation period in 2007 and after).
 - The organisation's ability to contribute to the success of specific initiatives of the action plan in the Strategy.
35. The following organisations have indicated an interest in becoming an Appointor organisation and a willingness to provide financial support towards the administrative costs of the CAfE:
- Orion New Zealand Limited
 - Meridian Energy Limited
 - Environment Canterbury
 - The Energy Efficiency and Conservation Authority
 - Solid Energy (through Solid Energy Renewable Fuels Limited).
36. The details of the financial support offered by these organisations are set out in Part Two of this Report, which is a Public Excluded item. Approval is sought in Part Two for the Council to appoint these organisations as "Appointors" under the Trust Deed.

Elected Trustees

37. Clause 6.2(d) of the Trust Deed also allows the Council and Appointor Trustees to appoint, by unanimous resolution, one or more further Trustees to the Trust (the "Elected Trustees"). These Elected Trustees have the same voting rights as the other Trustees, except that they cannot vote on the appointment of other Elected Trustees.
38. The Trust Deed gives the Council the power to remove any Elected Trustees.

Partner Organisations

39. Part 14 of the draft Trust Deed provides an additional way for organisations to be involved in the activities of the CAfE. This Part allows the Trustees to appoint organisations to be "Partners" to the CAfE. The purpose of Part 14 is to allow organisations that cannot make a financial commitment to the CAfE to nevertheless be involved in particular projects that they have an interest in.
40. The Trustees of the CAfE can determine the rights and privileges that any Partner organisation will have, and the terms and conditions that an organisation is required to comply with in order to obtain Partner status.

24. 6. 2010

18. HERITAGE GRANT APPROVAL – REPERTORY THEATRE 146 KILMORE STREET, CHRISTCHURCH

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

PURPOSE OF REPORT

1. The purpose of this report is to obtain approval for a Heritage Incentive Grant (HIG) for the Repertory Theatre, 146 Kilmore Street, which is owned by the 'Repertory Theatre Society' and is listed as a Group 2 protected building in the City Plan.

EXECUTIVE SUMMARY

2. The Repertory Theatre was constructed in 1929 as the 'Radiant Theatre' for the Radiant Hall Limited. Ownership was transferred to the Repertory Theatre Society in 1950. There have been a number of changes to the building, in particular, in 1967 with the extension of the gallery and the re-modelling of the foyer. The building was registered by the New Zealand Historic Places Trust Pouhere Taonga as a Category 2 heritage place in 1981.
3. The theatre was designed by architect Francis Willis in the Spanish Mission Revival style. H F Willis was a specialist in cinema design, and brought the Art Deco and Spanish Mission Revival styles to Christchurch in the interwar period. His best known other extant work in the Spanish Mission Revival style is New Regent Street. Willis was also responsible for the design of a number of commercial, cinema and residential buildings in the city.
4. The theatre which has 424 seats is constructed in brick, with a timber-trussed roof, a small fly tower and extensive interior decorative plaster work. The building has a rectangular footprint and a two storey cement plaster façade (in near original condition), with shaped parapet, barley-twist columns and canopy. The application is supported by a conservation report, condition report, consultant engineering, business case reports and costings. The proposal has not been submitted for a Resource Consent approval.
5. The theatre has been used for over 75 years by the Repertory Theatre Society and other local groups for drama, dance and other performing arts. The most significant heritage values of the building include the historical, social and cultural association of the building with the continuous use of the theatre by the Repertory Theatre Society since its design and construction to the present day. The proposed works to the building include the seismic upgrade, re-roofing, the heating and ventilation, and the provision of a safe and technically suitable fly tower structure to current theatre standards. Without these essential upgrades the theatre could not continue in its present use in the future and the loss of its association with the Repertory Theatre Society since 1929 would be significant both to the Society and the Christchurch community.
6. The most extensive change proposed is to the fly tower. The existing tower which has been previously modified is not visible from the immediate surrounding area. The tower has been identified as a serious safety hazard in a report of 11 February 2010 by the structural engineer, Mr R D Sullivan. The tower also fails to meet current standards for theatre use, to the point where continued use of the theatre for performance is dependent on the re-construction of the fly tower as noted by Theatre Systems and Design Ltd, March 2009. The proposal is to retain the existing brick walls, to seismically strengthen the walls and to construct a new tower structure, with a new roof form to a slightly greater height.
7. The building is owned by the Canterbury Repertory Society and the Incentive Grant application has been made on their behalf. There has not been any previous heritage incentive grant funding for this building. The extent and funding for all of the proposed works is estimated at \$1,983,000. A donation of \$500,000 has been approved by the Luney family subject to additional funding being raised. Application will be made to the Lotteries Commission and other not-for-profit funding authorities. The work that the applicant is seeking grant support for will ensure the future protection and continuing use of this significant heritage building. The application meets the criteria for a grant as provided in the Heritage Incentive Grants Policy – Operational Guidelines.

24. 6. 2010

18 Cont'd

SCOPE OF WORK

8. A summary of conservation and maintenance works for Section 1 (Front of House) and Section 2 (Auditorium):
- (a) Replacement of the roofing and box gutters;
 - (b) Preparation and repainting of the street façade, including windows and repair of the other external walls;
 - (c) Seismic strengthening of the building with both concrete and steel supporting structure including the construction of a new roof structure to the fly tower;
 - (d) New concrete foundation pads pinned to the existing foundations; and
 - (e) Site works for surface drainage.
9. Costs for conservation, including code compliance and maintenance works are outlined in the table below for Sections 1 (s1) and 2 (s2), the front of house and the auditorium. The applicant has sought funding for fit out of the theatre; this is not included in the grant funding as this is inconsistent with the policy.

Particulars – Section 1 (Front of House) and Section 2 (Auditorium)	Costs
Concrete foundations	\$34,631
Seismic strengthening (concrete walls) including flooring repairs	\$62,199
Repair of exterior windows and doors	\$35,400
Structural Steel and connections	\$32,985
Roofing, steel cladding and internal box gutter replacement	\$78,273
Façade repairs to plaster and repainting	\$16,455
Site works	\$5,870
Exterior maintenance	\$8,085
Auditorium flooring repair	\$16,663
Total of conservation and maintenance works (S1 & S2)	\$290,561

Note that Section 3 (s3) for the fly tower (which is to be substantially re-built) includes a greater amount of works which are not confined to conservation and maintenance works but which cannot be readily separated out. The estimate of the proportion of works for s3 which can be regarded as being appropriate for grant assistance is less than for s1 & s2, s3 has therefore been separately considered and it is recommended that 75 per cent of the overall works be considered towards grant funding because of the extent of new works detailed in paragraph 6. No allowance has been made for new fly or lighting equipment, or other items which are to be provided directly by the Society.

Particulars – Section 3 (Fly Tower)	Costs
Concrete and reinforcing steel	\$127,724
Structural Steel and fire protection	\$136,476
Roofing and gutters	\$38,768
Exterior wall repairs	\$10,370
Main Switch Board (50%)	\$12,500
Total of conservation and maintenance works S3 (75%)	\$244,378
Total of conservation and maintenance works S1-S2	\$290,561
Overall total of conservation and maintenance works (S1-3)	\$534,939

HERITAGE INCENTIVE GRANTS POLICY

10. The Operational Guidelines for the Policy provide for a grant of up to 40 per cent of the total heritage related costs for a Group 2 heritage building.

Proposed heritage grant (40%)	\$213,976
--------------------------------------	------------------

The proposed grant approval for the Repertory Theatre of \$213,976, is to be covered for 2009/10 (\$110,449) and 20010/11 (\$103,527).

24. 6. 2010

18 Cont'd

FINANCIAL IMPLICATIONS

11.

	2009/10
Annual Budget	\$842,106
Commitment from previous year (St Paul's Presbyterian Church)	\$142,000
Total Grant funds committed year to date	\$589,657
Balance of 09/10 funds	\$110,449
Fund approval 146 Kilmore Street	\$110,449
Total Available Funds 2009/10	\$000,000
Fund requirements 2010/2011	\$103,527

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

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

LEGAL CONSIDERATIONS

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

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

14. Yes. Covenants are a more comprehensive form of protection of the buildings because they are registered against the property title, ensuring that the Council's investment is protected. Given the nature of the work, it is recommended that a Full Conservation Covenant be required for the uplifting of this grant.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

24. 6. 2010

18 Cont'd

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

18. Yes.

ALIGNMENT WITH STRATEGIES

19. Alignment of the requirement for Heritage Incentive Grants and Conservation Covenants stems from the Heritage Conservation Policy which in turn is relevant to:

Greater Christchurch Urban Development Strategy (UDS)

Heritage development projects provide opportunities for increased commercial and residential activity in the City while at the same time enhancing the heritage townscape. The UDS considers heritage as an integral part of Christchurch and an aspect of growth management provided for is through the protection, maintenance and enhancement of heritage.

Christchurch City Plan

Heritage redevelopment projects are consistent with the Heritage provisions of the City Plan: Volume 2, Section 4, City Identity, Objective 4.3 Heritage Protection provides for objectives and policies in relation to Heritage protection. It recognises that Christchurch is a cultural and tourist centre, a role mainly dependent on its architectural, historic and scenic attractions. Much of its distinctive character is derived from buildings, natural features, other places and objects which have over time, become an accepted part of the cityscape and valued features of the City's identity ... Protection of heritage places includes cultural, architectural, ... areas of character, intrinsic or amenity value, visual appeal or of special significance to the Tangata Whenua, for spiritual, cultural or historical reasons. This protection may extend to include land around that place or feature to ensure its protection and reasonable enjoyment. A heritage item may include land, sites, areas, buildings, monuments, objects, archaeological sites, sacred sites, landscape or ecological features in public or private ownership.

Central City Revitalisation Strategy

Inner city heritage improvement projects are consistent with the vision for the Central City to cultivate a distinct identity that is unique to the city's environment and culture. This strategy places particular emphasis on the heritage of our Central City. The Christchurch Central City contains over half of the city's entire heritage assets.

New Zealand Urban Design Protocol

Heritage projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The Limited Covenants will contribute towards the implementation of the New Zealand Urban Design Protocol of March 2005 of which the Council is a signatory body.

Heritage Conservation Policy

The Heritage Incentive Grants are provided for under section 8 of the Heritage Conservation Policy. As noted above under the LTCCP heading, the Heritage Conservation Policy aligns with the Community Outcome "An attractive and well-designed City" through the indicator "Number of heritage buildings, sites and objects".

The Heritage Grants Policy is aligned with the ICOMOS New Zealand Charter 1993 for the Conservation of Places of Cultural Heritage Value, which the Council has adopted. The concept of places incorporates landscape, buildings, archaeological sites, sacred places, gardens and other objects. ICOMOS considers that countries have a "general responsibility towards humanity" to safeguard their heritage for present and future generations.

Do the recommendations align with the Council's strategies?

20. Yes.

24. 6. 2010

18 Cont'd

CONSULTATION FULFILMENT

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

STAFF RECOMMENDATION

It is recommended that the Council approve:

- (a) A Heritage Incentive Grant of up to \$213,976 for conservation and maintenance work for the protected heritage building 'Repertory Theatre' at 146 Kilmore Street subject to approval and compliance with any conditions of Resource Consent, the agreed scope of works and certification of the works upon completion. The phasing of the grant funding is recommended as follows: -

\$110,449 for 2010/2011

\$103,527 for 2011/2012

- (b) That payment of this grant is subject to the applicants entering a Full Conservation Covenant with the signed covenant having the Council seal affixed prior to registration against the property title.

HERITAGE GRANTS AND COVENANTS COMMITTEE RECOMMENDATION

That the staff recommendations be adopted.

24. 6. 2010

19. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 3 JUNE 2010

Attached.

24. 6. 2010

20. NOTICES OF MOTION

21. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 24 JUNE 2010

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 22 and 23.

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

	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
22.	CONFIRMATION OF MINUTES: MEETING OF 27 MAY 2010 AND 10 JUNE 2010)))	
23.	ESTABLISHMENT OF CHRISTCHURCH AGENCY FOR ENERGY – PART TWO) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7))	SECTION 48(1)(a)

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

Item 22	Council to make a recommendation	(Section 48(1)(d))
Item 22	Right of appeal exists	(Section 48(2)(a))
Item 22	Protection of privacy of natural persons	(Section 7(2)(a))
Item 22	Conduct of negotiations	(Section 7(2)(i))
Item 22	Prejudice commercial position	(Section 7(2)(b)(ii))
Item 23	Protection of privacy of natural persons	(Section 7(2)(a))
Item 23	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.”