



**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 9.30AM ON THURSDAY 27 MAY 2010**

PRESENT: 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.

1. APOLOGIES

Nil.

3. DEPUTATIONS BY APPOINTMENT

This item was taken at this stage of the meeting

The Mayor took no part in the hearing of depositions on this item. The Deputy Mayor took the chair for this item.

Euan Champan of Duncan Cotterill, legal counsel for Murray and Caroline Craw, made a deputation to the Council regarding Item 6 – Old Port Levy Road – Road Formation Application and Gate Issues.

John Craw made a deputation to the Council regarding Item 6 – Old Port Levy Road – Road Formation Application and Gate Issues

Catherine Solomon made a deputation to the Council regarding Item 6 – Old Port Levy Road – Road Formation Application and Gate Issues.

Richard West made a deputation to the Council regarding Item 6 – Old Port Levy Road – Road Formation Application and Gate Issues.

6. OLD PORT LEVY ROAD – ROAD FORMATION APPLICATION AND GATES ISSUE

This item was taken at this stage of the meeting.

The Mayor took no part in this item. The Deputy Mayor took the chair for this item.

Councillor Reid moved, seconded by Councillor Wall:

- (a) *That the Council, having considered the submissions received and deputations made to the Council, approves the application made by Mr Richard West to form that part of Old Port Levy Road as is shown as area B on the plan attached to this report in the agenda as Annexure A, subject to the following:*
- (i) *The applicant paying all costs associated with the road formation; and*
 - (ii) *The road formation works being completed and monitored in accordance with the Council's engineering and other requirements as determined by the Asset and Network Planning Manager; and*
 - (iii) *The applicant obtaining and complying with any regulatory consents required (if any).*
- (b) *In relation to the issue of the five gates erected across Old Port Levy Road and used by C J Craw and the M A W Craw Family Trust as shown on the plan attached to this report in the agenda as Annexure A, having considered the submissions received and the deputations made to the Council (if any), that the Council considers that for the purposes of section 344(3) of the Local Government Act 1974 that the said gates are not redundant and do not constitute an inconvenience on the basis that the gates are managed on the following basis:*

- (i) Gate 1 – is to be usually left open, but may, if stock are required to be retained in the lower paddock adjoining Gate 1 for inspection purposes, be closed (but not locked) periodically, but for no more than a total of 10 days in a calendar year and for no more than a single day at a time.
 - (ii) Gate 2 – is to be generally closed (but not locked at all times) to contain stock within the paddock to which it provides access.
 - (iii) Gates 3 & 4 – are to be usually left open, except if stock are required to be moved or controlled when they may be closed (but not locked) for no more than for up to two hours at a time and no more than once in each week.
 - (iv) Gate 5 – is to be usually left open, except if stock are required to be moved or controlled when it may be closed (but not locked) for no more than on one hour and no more than once in each calendar month.
 - (v) That (b (i) to (iv) apply unless a mutually acceptable alternative arrangement can be agreed between the parties and the Council by 31 August 2010.
 - (vi) That the signage required by section 344(2) of the Local Government Act 1974 is immediately erected by the M A W Craw Family Trust and C J Craw.
 - (vii) That the requirements of the Christchurch City Council Stock Control Bylaw 2008, where applicable, be complied with at all times.
 - (viii) That the Council reserves its position to review these arrangements in the event that further complaints concerning the gates are received.
 - (ix) That, if any grant of a licence made or found to have been made by the Council, or its predecessors, to the M A W Craw Family Trust and C J Craw, or their predecessors, to erect the gates on Old Port Levy Road is found to be unlawful then that licence shall be deemed to be terminated without compensation and the gates will be immediately removed.
- (c) That an appropriate road sign be erected at the junction of Wharf Road and Old Port Levy Road identifying Old Port Levy Road as a public road.
- (d) Note that Council as defined in (b) (v) is the Chief Executive.

The clauses were put to the meeting on a clause by clause basis.

Clause (a) was declared **carried** on division No. 1 by 9 votes to 4, the voting being as follows:

For (9): Councillors Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff, Wall, Withers.

Against (4): Councillors Broughton, Johanson, Wells and Williams.

Clause (b) was declared **carried**.

Clause (c) was declared **carried** on division No. 2 by 9 votes to 4, the voting being as follows:

For (9): Councillors Buck, Button, Cox, Reid, Shearing, Sheriff, Wall, and Williams.

Against (4): Councillors Broughton, Corbett, Johanson and Wells.

Clause (d) was declared **carried**.

2. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 22 APRIL 2010

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It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the open minutes of the Council meeting held on Thursday 22 April 2010 be confirmed subject to amending the record of a division in item 23.2.

EXTRAORDINARY COUNCIL MEETING OF 12 MAY 2010

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the open minutes of the Extraordinary Council meeting held on Wednesday 12 May 2010 be confirmed.

COUNCIL MEETING OF 13 MAY 2010

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the open minutes of the Council meeting held on Thursday 13 May 2010 be confirmed.

4. PRESENTATION OF PETITIONS

Nil.

5. 2010 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE

It was **resolved** on the motion of Councillor Williams, seconded by Councillor Withers, that:

- (a) The Mayor and Councillors Shearing, Broughton, Buck, Wall and Button, be authorised to attend the 2010 Local Government New Zealand Conference in Auckland.
- (b) The Council appoint the Mayor as the presiding voting delegate and Councillor Shearing as the alternate voting delegate, and up to three Councillors and the Chief Executive attending the conference, as the Council's viewing delegates at the Annual General Meeting.

7. REPORT OF THE HEARINGS PANEL ON THE MONTGOMERY SPUR RESERVE MANAGEMENT PLAN

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Williams, that:

- (a) Subject to (b) the Council approves the Montgomery Spur Reserve Management Plan, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, as the operative plan.
- (b) That staff report back to the Council on the Maori name for the reserve referred to in paragraph 1.5 of the management plan.

8. CHRISTCHURCH SYMPHONY TRUST APPLICATION TO THE METROPOLITAN DISCRETIONARY RESPONSE FUND - 2009/10 FUNDING PERIOD

Councillor Broughton moved, seconded by Councillor Cox, that:

The Metropolitan Funding Committee approve the Discretionary Response Fund application of \$61,000 from the Christchurch Symphony Trust subject to the Trust confirming, to the Council, that it has raised the total of the remaining balance of \$250,000 that it requires to complete its recapitalisation programme as submitted in their application to the Council.

The Christchurch Symphony Trust provides quarterly financial reports and its audited financial statements for the 2010 year to the Council's Corporate Finance Manager for review.

The motion when put to the meeting was declared **carried** on division No. 3 by 9 votes to 5, the voting being as follows:

For (9): Councillors Broughton, Cox, Johanson, Reid, Shearing, Sheriff, Wall, Withers and the Mayor.

Against (5): Councillors Buck, Button, Corbett, Wells and Williams.

9. CHILDCARE CENTRE LEASES

Councillor Shearing moved, seconded by Councillor Sheriff,

- (a) *That the existing lessees for the childcare centres as listed in the attached schedule be offered a new lease upon expiry of their existing lease terms on 30 June 2010.*
- (b) *That the new leases be generally on the Council's generic lease terms and conditions.*
- (c) *That the initial term of the leases be six years with one right of renewal for a further six years, which provides for a final expiry date of 30 June 2022 if the right of renewal is exercised.*
- (d) *That the market rentals as set out in the attached schedule be adopted from lease commencement, with market related rent reviews at three yearly intervals.*
- (e) *That the Corporate Support Unit Manager be granted delegated authority to conclude and administer the leases, as generally set out in the above resolutions.*

Centre	Legal Description	Current Rent	Proposed Market Rent 2010
Kidsfirst Early Learning Centre 284 Breezes Road, Aranui	LOT 1 DP 27621	\$23,467	\$30,000
New Brighton Community Preschool 109 Beresford Street, New Brighton	LOT 25 DP 100	\$18,000	\$14,600
North Beach Community Child Care Centre 102 Marriotts Road, North Beach	LOT 3 DP 6151	\$27,600	\$27,200
Bishopdale Community Crèche 129 Farrington Ave, Bishopdale (13 Bishopdale Courts)	LOT 10 DP 42896	\$28,500	\$45,000
136 Aldwins Road, Linwood	PT RS 347 DIST CANTERBURY	\$40,800	\$36,000
Woolston Community Child Care Centre 52 Glenroy Street, Woolston	LOT 1 DP 63343	\$40,800	\$39,000
Springs Community Preschool 10 Weaver Place, Sockburn	PT LOT 1 DP 23275	\$20,400	\$33,250
Redwood Early Childhood Centre 339 Main North Road, Redwood	RS 41271	\$28,800	\$34,000
St Albans Edu-care Centre 3 Thames Place, St Albans	PT LOT 63 DP 3115 and PT LOT 64 DP 3115	\$15,600	\$31,500
Hoon Hay Community Preschool 113 Mathers Road, Hoon Hay	LOT 2 DP 30805	\$16,800	\$17,000
Sydenham Community Preschool 113 Huxley Street, Sydenham	LOT 1 DP 72739	\$26,400	\$28,500

Councillor Broughton moved by way of amendment:

- (f) *That a clause be incorporated in the leases identifying that the lessees may apply for Council funding as a contribution to their lease rental.*

The amendment was seconded by Councillor Johanson and when put to the meeting was declared **carried** on division No. 4 by 9 votes to 5, the voting being as follows:

For (9): Councillors Broughton, Buck, Corbett, Johanson, Reid, Wells, Williams, Withers and the Mayor.

Against (5): Councillors Button, Cox, Shearing, Sheriff and Wall.

The substantive motion with the amendment was then put to the meeting and declared **carried**.

10. METROPOLITAN STRENGTHENING COMMUNITIES EARLY LEARNING CENTRE FUND 2010-11

Councillor Wells moved, seconded by Councillor Withers,

1. *That the Council fund the following grants for the 2010/11 and 2011/12 financial years:*

- (a) *Makes a grant of \$40,000 to the Bishopdale Community Preschool towards rental costs of their Council-owned premises.*
 - (b) *Makes a grant of \$17,000 to the Hoon Hay Community Pre-school towards the rent cost of their Council-owned premises.*
 - (c) *Makes a grant of \$30,000 to Kidsfirst Early Learning Centre Aranui towards rental costs of their Council-owned premises.*
 - (d) *Makes a grant of \$36,000 to New Beginnings Preschool Inc towards rental costs of their Council-owned premises.*
 - (e) *Makes a grant of \$27,200 to the North Beach Community Childcare Centre Inc towards rental costs of their Council-owned premises.*
 - (f) *Makes a grant of \$34,000 to the Redwood Early Learning Centre towards rental costs of their Council-owned premises.*
 - (g) *Makes a grant of \$33,250 to the Springs Community Early Learning Centre Incorporated towards rental costs of their Council-owned premises*
 - (h) *Makes a grant of \$31,500 to St Albans Edu-care towards rental costs of their Council-owned premises.*
 - (i) *Makes a grant of \$28,500 to the Sydenham Community Pre-School towards rental costs of the Council-owned premises.*
 - (j) *Makes a grant of \$39,000 to Woolston Preschool Inc. towards rental costs of their Council-owned premises.*
2. *That this issue be reconsidered as part of the 2012-2022 LTCCP.*
 3. *That the New Brighton Community Preschool, that has not applied for a grant in the 2010/2011 year, can apply in the 2011/2012 financial year.*
 4. *That the shortfall for 2010/11 year between the \$281,418 available and the \$316,450 be funded from the forecasted 2009/10 operating surplus.*

The clauses were put to the meeting on a clause by clause basis.

Clause 1 was declared **carried**.

Clause 2 was declared **carried**.

Clause 3 was declared **carried**.

Clause 4 was declared **carried**.

Councillor Shearing asked that his vote against clause 4 be recorded.

The Council adjourned at 1.24pm and resumed at 2.02pm.

11. CANTERBURY COMMUNITY TRUST FESTIVALS FUNDING

It was **resolved** on the motion of Councillor Reid, seconded by Councillor Broughton, that the Council:

- (a) Approve a resolution to apply for funds as outlined below:

Event	Amount Requested 2010/11	Amount Received 2009/10
The World Buskers Festival	\$60,000	\$40,000
ASB Classical Sparks & New Years Eve	\$61,800	\$50,000
Beca Heritage Week	\$25,000	\$20,000

TV2Kids Fest	\$61,500	\$45,000
NZ Antarctic Festival	\$30,000	\$0

12. RICcarton BUSH TRUST HALF-YEAR REPORT FOR THE PERIOD TO DECEMBER 2009

It was **resolved** on the motion of Councillor Shearing seconded by Councillor Withers, that the Council receive the report.

13. REPORT OF THE HEARINGS PANEL ON THE PROPOSED CHRISTCHURCH CITY COUNCIL CRUISING BYLAW 2010

Councillor Wall moved, seconded by Councillor Wells, that the Council:

- (a) *Adopt the Christchurch City Council Cruising Bylaw 2010, as amended and attached to the agenda as Attachment 2.*
- (b) *Amend Clause 4 of the proposed bylaw to add a subclause providing for a register of roads to which the cruising prohibitions apply.*
- (c) *Add a definition of how the terms 'convoy' and 'repeatedly' will be interpreted by the NZ Police, as an explanatory note to the bylaw under the definition of cruising.*
- (d) *Amend Clause 4(5) to correct a drafting error.*
- (e) *Use the best process to add the following streets to the register of roads on which cruising is prohibited:*
 - *The single lane portion of Deans Avenue.*
 - *The parts of Manchester Street between Bealey and Moorhouse Aves.*
 - *Rossall Street.*
 - *Helmores Lane.*
- (f) *Resolve, under clause 4(2) of the Christchurch City Council Cruising Bylaw 2010 that the cruising prohibition apply 7 days a week between the hours of 10pm to 5am;*
- (g) *Resolve under clause 5 of the Christchurch City Council Cruising Bylaw 2010 that the period of time referred to in that clause will be 60 minutes.*
- (h) *Write to the Minister of Transport to:*
 - (i) *Register its concern that the application of the Land Transport Rule: Traffic Control Devices 2004 in relation to the Cruising Bylaw provisions of the Land Transport Act 1998 results in an unnecessary proliferation of signs and effectively removes the option of applying the bylaw to the whole of the City (should the Council determined a whole city prohibition is appropriate).*
 - (ii) *Reinforce its concerns that the application of signage regulations in the Land Transport Rule: Traffic Control Devices 2004 to bylaws in general made under the Land Transport Act 1998 creates an unnecessary proliferation of signs and place an unnecessary burden on Territorial Authorities.*
 - (iii) *Vigorously advocate for a reduction in the noise limits that apply to vehicles to 90 decibels.*
- (i) *Place a public notification of the bylaw becoming effective 1 July 2010.*
- (j) *Send a copy of the bylaw to the Minister of Transport within one week of the bylaw being made in accordance with s22AB(4) of LTA98.*
- (k) *That the estimated budget of \$340,000, for the provision of signs be met from the forecasted 2009/10 operating surplus.*

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Clause (h) was put to the meeting separately.

Clauses (a) to (g) and (i) to (k) on being put to the meeting were declared **carried** on division No. 5 by 13 votes to 1, the voting being as follows:

For (13): Councillors Broughton, Buck, Button, Corbett, Cox, Johanson, Reid, Shearing, Sheriff, Wall, Wells, Withers and the Mayor.

Against (1): Councillor Williams.

Clause (h) when put to the meeting was declared **carried**.

14. CONSULTATION ON ADDITIONAL ROADS FOR CRUISING BYLAW 2010

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Buck, that the Council adopt the Hearing Panel recommendation to include pursuant to clause 4 (3) of the Christchurch City Council Cruising Bylaw 2010 that the single lane portion of Deans Avenue, the part of Manchester Street, between Bealey Avenue and Moorhouse Avenue, Rossall Street, and Helmores Lane will be subject to a prohibition on cruising seven days a week between the hours of 10pm and 5am and to record this resolution and the above roads in the register referred to in clause 4 (6) of the Bylaw.

15. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 6 MAY 2010

1. NOTIFICATION OF COUNCIL PLAN CHANGE 44 TO CITY PLAN – LISTING OF THE LOWLAND KAHIKATEA FOREST REMNANT, WHICH FORMS PART OF THE GREATER RICCARTON BUSH AND HOUSE RESERVE AT 12-16 KAHU ROAD, UNDER VOLUME 3, APPENDIX 4 – HERITAGE/NOTABLE TREES, CATEGORY 2 NOTABLE TREES

Councillor Mike Wall declared an interest and took no part in the discussion or voting on this item.

Councillor Broughton abstained from voting on this item

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Withers, that the Council:

- (a) Adopt the attached Proposed Plan Change 44 in the agenda - Listing of the Lowland Kahikatea Forest Remnant, which Forms Part of the Greater Riccarton Bush and House Reserve at 12-16 Kahu Road, under Volume 3, Appendix 4 – Heritage/Notable Trees.
- (b) Adopt the attached Section 32 assessment in the agenda.
- (c) Agree to publicly notify Proposed Plan Change 44 - Listing of the Lowland Kahikatea Forest Remnant, which Forms Part of the Greater Riccarton Bush and House Reserve at 12-16 Kahu Road, under Volume 3, Appendix 4 – Heritage/Notable Trees pursuant to Clause 16a in Schedule 1 of the Resource Management Act 1991.

2. PROPOSED TERRITORIAL AUTHORITY REORGANISATION SCHEME IN THE VICINITY OF TEMPLETON AND OLD TAI TAPU ROAD

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Shearing, that the Council:

- (a) Approve for public notification the two draft reorganisation schemes pursuant to clause 12(3), Schedule 3 of the Local Government Act 2002.
- (b) Appoint a hearings panel (a committee under clause 16 of Schedule 3 of the Local Government Act 2002) to consider submissions on the draft reorganisation schemes and make recommendations on any submissions to the Council.

3. DIRECT REFERRAL OF APPLICATIONS TO THE ENVIRONMENT COURT

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Shearing, that the report lie on the table until the June 2010 Regulatory and Planning Committee meeting.

On the motion of Councillor Wells, seconded by Councillor Corbett, the report as a whole was adopted.

27. RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORT

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, to receive and consider the report on Government Proposal - Financial Assistance Package for Leaky Homes at the meeting of the Council on 27 May 2010.

28. GOVERNMENT PROPOSAL - FINANCIAL ASSISTANCE PACKAGE FOR LEAKY HOMES

Councillor Shearing moved, that the Council:

1. *Agree to advise the Government that the Christchurch City Council supports the financial assistance package subject to working with the Government and reaching agreement on the details of the package.*
2. *Agree to delegate the Chief Executive to work with the Government officials and the Local Government sector to agree the details of the financial assistance package for reporting to Council for final approval.*
3. *Further considers the necessary financial commitment to support the scheme in successive year's Annual Plans once the demand is better known.*

The motion was seconded by Councillor Corbett and when put to the meeting was declared **carried** on division No. 6 by 13 votes to 1, the voting being as follows:

For (13): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff, Wall, Wells, Williams, Withers and the Mayor.

Against (1): Councillor Johanson.

16. NOTICES OF MOTION

Nil.

17. RESOLUTION TO EXCLUDE THE PUBLIC

The Mayor moved, seconded by Councillor Withers that the resolution to exclude the public set out on page 293 of the agenda be adopted.

Councillor Johanson moved by way of amendment that item 20 be considered in the open part of the meeting.

The amendment was seconded by Councillor Williams and when put to the meeting was declared **lost** on division No. 7 by 2 votes to 12, the voting being as follows:

For (2): Councillors Johanson and Williams.

Against (12): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff, Wall, Wells, Withers and the Mayor.

The original motion was then put to the meeting and declared **carried**.

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24. RESOLUTION TO EXCLUDE THE PUBLIC (CONTINUED)

It was **resolved** on the motion of the Mayor moved, seconded by Councillor Withers that the resolution to exclude the public set out on page 3 of the agenda continued be adopted

CONFIRMED THIS 24TH DAY OF JUNE 2010

MAYOR