

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 23 SEPTEMBER 2010**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES,  
53 HEREFORD STREET**

**PART ONE**

## CHRISTCHURCH CITY COUNCIL

**Thursday 23 September 2010 at 9.30am**  
**in the Council Chamber, Civic Offices, 53 Hereford Street**

**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.	DEPUTATIONS BY APPOINTMENT	1
3.	PRESENTATION OF PETITIONS	1
4.	PROPOSED POLICY FOR TREES ON COUNCIL OWNED LAND	3
5.	REPORT OF A MEETING OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 30 JULY 2010	73
6.	REPORT OF A MEETING OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 28 JUNE 2010	85
7.	REPORT OF A MEETING OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 7 JULY 2010	87
8.	REPORT BY THE CHAIRMEN OF THE AKAROA/WAIREWA AND THE LYTTTELTON/ MT HERBERT COMMUNITY BOARDS: 17 AUGUST 2010	93
9.	REPORT OF A MEETING OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 2 AUGUST 2010	101
10.	REPORT OF A MEETING OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 16 AUGUST 2010	103
11.	REPORT OF A MEETING OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 4 AUGUST 2010	111
12.	REPORT OF A MEETING OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 17 AUGUST 2010	113
13.	REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 14 JULY 2010	117
14.	REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 21 JULY 2010	131
15.	REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 4 AUGUST 2010	135
16.	REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 18 AUGUST 2010	141
17.	REPORT OF A MEETING OF THE LYTTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 13 JULY 2010	151
18.	REPORT OF A MEETING OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 13 JULY 2010	171
19.	REPORT OF A MEETING OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 3 AUGUST 2010	173
20.	REPORT OF A MEETING OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 17 AUGUST 2010	185

9. 9. 2010

<b>ITEM NO</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
21.	REPORT OF A MEETING OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 31 AUGUST 2010	189
22.	REPORT OF A MEETING OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 4 AUGUST 2010	195
23.	REPORT OF A MEETING OF THE SHIRLEY/PAPANUI COMMUNITY BOARD SMALL PROJECTS FUND ASSESSMENT COMMITTEE: MEETING OF 10 AUGUST 2010	201
24.	REPORT OF A MEETING OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 18 AUGUST 2010	209
25.	CANTERBURY WATER MANAGEMENT STRATEGY: SELWYN/WAIHORA COMMITTEE MEMBERSHIP APPROVAL	215
26.	REVIEW OF EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY	223
27.	NOTICES OF MOTION	257
28.	RESOLUTION TO EXCLUDE THE PUBLIC	259

9. 9. 2010

**1. APOLOGIES**

**2. DEPUTATIONS BY APPOINTMENT**

The following requests to speak have been received:

- (1) Sharon McGarry with respect to the Hagley/Ferrymead Report regarding item 16.
- (2) Alison Ross with respect to the Lyttelton/Mt Herbert Report regarding item 17.
- (3) Antony Gough (Hereford Holdings) regarding item 26.
- (4) Paul Lonsdale (Central City Business Association) regarding item 26.

**3. PRESENTATION OF PETITIONS**

9. 9. 2010

## 4. PROPOSED POLICY FOR TREES ON COUNCIL OWNED LAND

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Shane Moohan, City Arborist, Transport and Greenspace

## PURPOSE OF REPORT

1. The purpose of this report is seek adoption of the proposed Policy for Trees on Council Owned Land (**Attachment 1 - Clean Version, Attachment 2 – Tracked Change Version**), and make the necessary changes to the Council's register of delegations.

## EXECUTIVE SUMMARY

2. On 25 March 2010 the amended proposed Tree Policy was adopted by the Council for consultation with Community Boards.

Consultation with all Community Boards has taken place and their comments are attached (**Attachment 3**). Comments included requests that the Tree Policy Working Party be reconvened to consider the comments from all Community Boards, this request was supported by the Board Chairpersons' Forum at its meeting of 23 July 2010 .

The Working Party met on 6 August 2010 to consider the Community Boards' comments. The Working Party consideration and staff recommendations and comments have been summarised and are attached (**Attachment 4**). This included renaming the Policy.

3. The need for this Policy arose because there is ambiguity in the Community Boards' and Transport and Greenspace Manger's delegations whereby both hold delegations for the planting and removal of trees. The proposed Policy for Trees on Council Owned Land (**Attachment 1**) removes that ambiguity by standardising existing practices, giving clear parameters over what decisions staff can make as well as greater clarity over when decisions are to be made by Community Boards, along with timely and pragmatic decisions for residents requesting tree removals.
4. The Transport and Greenspace Manager's delegation in Section 4 (Relevant Delegations) includes planning programmes for planting, maintenance and renewals along with planting of trees under Section 3.3, removal of trees under Section 3.4 and maintenance of trees under Section 3.7.

The Community Board delegations include anything outside the delegation of the Transport and Greenspace Manager, delegation for tree removals under Section 3.5, and a delegation under Sections 3.3 and 3.4 and 3.7 to review and either uphold the Transport and Greenspace Manager's decision or substitute its own decision where the issue has remained contentious and is unable to be resolved by the Transport and Greenspace Manager.

Where the proposed decision by a Community Board is not consistent with the Objectives of the Policy or the Long Term Council Community Plan, the matter is referred to Council for a decision.

To enable the proposed Policy for Trees on Council Owned Land to cover all Council owned land delegations for the Unit Managers of City Water and Waste, Recreation and Sports, Community Support, Libraries and Information and the Art Gallery Director have been included giving them delegated authority for the planning, planting, maintenance and removal of trees from any reserve or other property under their respective control.

It is recommended that a clause in the Relevant Delegations section be inserted to give the Chief Executive delegation to waive and reduce fees under the proposed Policy for Trees on Council Owned Land. By giving this delegation to the Chief Executive a more consistent, City wide approach to applying "user pays" is expected to be achieved.

Legal Services were asked to review the Delegation section of the proposed Policy for Trees on Council Owned Land. Following their review there have been word amendments made to the delegations. These amendments can be found in clause 46.

9. 9. 2010

#### 4 Cont'd

5. The proposed Policy for Trees on Council Owned Land incorporating recommended changes is attached (**Attachment 1**). Updated process maps for removals, maintenance and planting are attached (**Attachment 5**).

The recommendation is to adopt the proposed Policy for Trees on Council Owned Land and make the necessary changes to the Council's register of delegations.

#### FINANCIAL IMPLICATIONS

6. Adoption of the proposed Policy for Trees on Council Owned Land is not expected to have significant effects on operational or capital budgets.
7. The proposed Policy for Trees on Council Owned Land contains a "user pays" process for some tree planting (3.3.1 Commemorative Trees), some tree pruning (3.7 Pruning Trees in Public Spaces) and some tree removals (3.4 Removal of Trees in Public Spaces, 3.5 Requests to Remove Trees in Public Spaces, 3.6 Cost of Removal of Trees in Public Spaces). This involves the actual cost to complete the work and the cost incurred in gathering sufficient information for Community Boards to make an informed decision.
8. The proposed Policy for Trees on Council Owned Land also proposes that for some tree removals that applicants pay for the value of the tree (3.6 Cost of Removal of Trees in Public Spaces). The value of the tree is based on the Standard Tree Evaluation Method (STEM) which is the nationally recognised system for evaluating and valuing trees (see "Definitions" in proposed Policy for Trees on Council Owned Land (**Attachment 1**)).

It is recommended that a limit to the maximum amount of money charged for the value of the tree is introduced. This limit is based on the age of the tree as follows:

0-5 yrs	\$0
6-10 yrs	\$5,000
11-20 yrs	\$10,000
21-50 yrs	\$20,000
51+ yrs	\$50,000

9. "User pays" (for the cost to remove and replace trees) is an existing practice albeit inconsistently applied by Community Boards across the City. The inclusion of cost recovery for work undertaken to obtain a decision from Community Boards (i.e. the cost of consultation, specialist reports, staff time) and "user pays" for some pruning are new concepts.
10. The "user pays" system is incorporated into the Council's Fees and Charges Schedule under Section 12 Local Government Act 2002 but is dependant on the adoption of the "user pays" part of this proposed Policy.
11. It is recommended that a clause in the Relevant Delegations section be inserted to give the Chief Executive delegation to waive and reduce fees under the proposed Policy for Trees on Council Owned Land. By giving this delegation to the Chief Executive a more consistent, City wide approach to applying "user pays" is expected to be achieved.

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

12. The recommendations align with the current LTCCP budgets.

#### LEGAL CONSIDERATIONS

13. Alignment with Principal legislation:
- (a) Resource Management Act 1991
    - (i) Banks Peninsula District Plan
    - (ii) City of Christchurch City Plan
  - (b) Reserves Act 1977

9. 9. 2010

**4 Cont'd**

- (c) Biosecurity Act 1993
  - (d) Health and Safety in Employment Act 1992 plus amendments and regulations
  - (e) Electricity Act 1992 plus regulations
  - (f) Telecommunications Act 2001
  - (g) Property Law Act 2007
  - (h) Public Works Act 1981
  - (i) Local Government Act 1974 and 2002
  - (j) Christchurch City Council Parks & Reserves Bylaw 2008
14. The following Council Policies will need to be rescinded:
- (a) Tree Planting in Streets Policy
  - (b) Banks Peninsula District Council Tree and Vegetation Policy Resolutions 98/178 and 97/404
  - (c) Banks Peninsula District Council Tree Trimmings (Private Plantings) Policy Resolution 94/636
  - (d) Banks Peninsula District Council Tree Planting on Reserves Policy Resolution 99/236
  - (e) Banks Peninsula District Council Wildling Trees – Removal from Road Reserve Resolution 98/178
15. At present there is no specific delegation to waive or reduce fees applicable to this proposed Policy. It is suggested that the appropriate delegation be set under the Delegations section of the proposed Policy for Trees on Council Owned Land.

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

- 16. The Council has the legal right to adopt the proposed Policy for Trees on Council Owned Land.
- 17. Irrespective of Council Policies and Strategies the District Court can order the pruning or removal of trees under The Property Law Act 2007.
- 18. Irrespective of Council Policies and Strategies some pruning and removal of protected trees may require a Resource Consent be granted prior to work to being undertaken.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

- 19. Recommendation aligns with current LTCCP and Activity Management Plans.

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

- 20. Supports the following Levels of Service:
  - (a) 6.0 Neighbourhood Parks 6.06 Planted areas and trees.
  - (b) 6.1 Sports Parks 6.1.8 Maintain planted areas and trees.
  - (c) 6.2 Garden and Heritage Parks 6.2.9 Planted areas and trees.
  - (d) 6.3 Regional Parks 6.3.2 Protecting biodiversity values.

## 9. 9. 2010

### 4 Cont'd

- (e) 6.4 Cemeteries 6.4.8 Maintain planted areas and trees.
- (f) 6.5 Waterways and Land Drainage 6.5.3 Cost of maintaining waterways and land drainage system.
- (g) 10.0 Road Network 10.0.11 Road landscaping and street trees.

21. Supports the Capital tree replacement programmes for street and park trees.

#### ALIGNMENT WITH STRATEGIES

22. There is currently no overarching city wide policy for vegetation management. In the Memorandum from the Tree Policy Working Party it is suggested that funding for the commencement of a City wide policy be included for consideration in the next LTCCP.
23. The proposed Policy for Trees on Council Owned Land aligns with the following Strategies:
- (a) New Zealand Biodiversity Strategy.
  - (b) Christchurch City Council Biodiversity Strategy 2008-2035.
24. The proposed Policy for Trees on Council Owned Land aligns with Council Policies:
- (a) Traffic Calming Policy.
  - (b) Sponsorship of Trees and Other Plantings on Reserves.
  - (c) Proposed Central City Street Tree Plan.
  - (d) Central City Streetscape Plan.
  - (e) Consultation Policy.
  - (f) Seeking Community Views Policy.
  - (g) Residents' Association – Formation and Recognition Policy.
25. The proposed Policy for Trees on Council Owned Land aligns with the following sections of the Christchurch City Plan:

#### Volume 2: Section 4 City Identity

- (a) 4.2.1. Policy: Tree Cover

To promote amenity values in the urban area by maintaining and enhancing the tree cover present in the City.

Tree cover and vegetation make an important contribution to amenity values in the City. Through the redevelopment of sites, existing vegetation is often lost and not replaced. The City Plan protects those trees identified as "heritage" or "notable" and the subdivision process protects other trees which are considered to be "significant". The highest degree of protection applies to heritage trees.

Because Christchurch is largely built on a flat plain, trees and shrubs play an important role in creating relief, contributing to visual amenity and attracting native birds.

The amount of private open space available for new planting and to retain existing trees is influenced by rules concerning building density and setback from boundaries. The rules do not require new planting for residential development but landscaping is required in business zones.

- (b) 4.2.2. Policy: Garden City



9. 9. 2010

#### 4 Cont'd

To recognise and promote the "Garden City" identity, heritage and character of Christchurch.

A key aspect of achieving this policy will be maintaining and extending environments and vegetation types which compliment this image. A broad range of matters influence and contribute to this image, including the following:

- (i) Tree-lined streets and avenues.
  - (ii) Parks and developed areas of open space.
- (c) 14.3.2. Policy: "Garden City" image identity.

To acknowledge and promote the "Garden City" identity of the City by protecting, maintaining and extending planting which compliments this image.

#### Volume 3: Part 8 Special Purpose Zone.

- (a) 14.3.5. Street Trees

Nearly half the length of streets within the city contains street trees, but the presence of very high quality street trees which add considerable presence to streets and neighbourhoods is confined to a relatively small proportion of the road network. These streets add particular character and amenity of the city, either in the form of avenues which form points into the city, or an important part of the local character of particular streets.

#### CONSULTATION FULFILMENT

26. All eight Community Boards appointed representatives to the Tree Policy Working Party to ensure their Ward's views and concerns were represented.
27. On 16 October 2009 the Combined Community Board Chairpersons' Forum recommended that the original first draft of the proposed Tree Policy be presented to the Council for adoption.

The Council was consulted in a workshop in February 2010 and further amendments including changes to delegations were made. These were incorporated into the report to Council in March 2010. Council asked for this later version of the policy for be subject to formal consultation with all Community Boards.

28. Eight Community Boards have had seminars with seven Community Boards providing comments on the proposed Policy by way of Resolution. The Shirley/Papanui Community Board held their Board meeting on 18 August 2010 and their comments are not by way of Resolution.
29. The Working Party met again on 6 August 2010 and made recommendations and further comment on each of the Community Board comments (including the comments from the Shirley/Papanui Community Board seminar).
30. No public consultation has been undertaken as this document is intended for internal use.

#### STAFF RECOMMENDATIONS

- (a) That the Council rescind the following policies:
- (i) Tree Planting in Streets Policy
  - (ii) Banks Peninsula District Council Tree and Vegetation Policy Resolutions 98/178 and 97/404
  - (iii) Banks Peninsula District Council Tree Trimmings (Private Plantings) Policy Resolution 94/636

9. 9. 2010

4 Cont'd

- (iv) Banks Peninsula District Council Tree Planting on Reserves Policy Resolution 99/236
  - (v) Banks Peninsula District Council Wildling Trees – Removal from Road Reserve Resolution 98/178.
- (b) That the Council rescind the following delegations:
- (i) Greenspace Manager:  

In consultation with any other units affected and the relevant Community Board, authorise the planting or removal of trees from any reserve or other property under the Manager's control. (CR 23.10.96)
  - (ii) Community Boards:  

To plant, maintain and remove trees on reserves, parks and roads under the control of the Council within the policy set by the Council. (CR 13.12.07)
- (c) That the Policy for Trees on Council Owned Land, as attached (**Attachment 1**), be adopted.
- (d) That the delegations documented within the Policy for Trees on Council Owned Land be enacted and included within the Council's Register of Delegations.

9. 9. 2010

#### 4 Cont'd

##### BACKGROUND

31. On 12 June 2008 a workshop was held to discuss potential changes to the tree delegations. Currently delegations are:
- (a) Greenspace Manager:
- In consultation with any other units affected and the relevant Community Board, authorise the planting or removal of trees from any reserve or other property under the Manager's control. (CR 23.10.96)*
- (b) Community Boards:
- To plant, maintain and remove trees on reserves, parks and roads under the control of the Council within the policy set by the Council. (CR 13.12.07)*
32. Changes were suggested to enable:
- (a) Clear parameters governing the decisions staff can make.
- (b) Greater clarity over when decisions are to be made by Community Boards.
- (c) Timely and pragmatic decisions for residents requesting tree removals.
33. As a result of this meeting a Memorandum was issued to the Mayor, Councillors and Community Board Members on 1 August 2008 outlining the current tree delegations for the Community Boards and the Greenspace Manager, suggesting changes to the delegations, the reasons why the changes were being suggested and safe guards.
34. On 29 September 2008 a further workshop was held providing an outline of issues faced by the arborists. These included:
- (a) Removal, replacement, removing otherwise healthy trees
- (b) Pruning trees under power lines causing disfigurement to the tree
- (c) Removing trees which are overcrowded
- (d) Removing trees of poor shape
- (e) Removing trees which pose a health and safety risk
35. Proposals to clarify staff delegations were mainly around tree removal and tree planting. Some guidelines around staff decisions on tree removal and planting were suggested. These included the significance of the tree to be removed and the agreement of affected parties. Guidelines around tree planting included aligning to strategies or plans or direction, maintaining design integrity (eg Living Streets), maintaining existing levels of service for provision of street and park trees, and agreement of affected parties.
36. On 13 October 2008 the Combined Community Board Chairpersons' forum requested that a working party made up of both staff and one nominated member from each Community Board be formed to work through issues relating to a tree policy.

9. 9. 2010

## 4 Cont'd

37. The Working Party was made up of the following Community Board Members:

Paula Smith	Lyttleton/Mt Herbert (Chairperson)
Matt Morris	Shirley/Papanui (Deputy Chairperson)
Tim Carter	Hagley/Ferrymead
Mike Mora	Riccarton/Wigram
Val Carter	Fendalton/Waimairi
Stewart Miller	Akaroa/Wairewa
Linda Stewart	Burwood/Pegasus
Karolyn Potter	Spreydon/Heathcote
Tim Scandrett	Spreydon/Heathcote (proxy)

38. The following Terms of Reference were drawn up to guide the Working Party in its discussions:

- (a) Clarify understanding around proposed changes to the tree delegations
- (b) Clarify staff and Community Board roles in tree maintenance i.e. business as usual versus pruning for views or shade or light and cost recovery with pruning for views or shade or light
- (c) Clarify staff and Community Board roles in tree planting and removals and cost recovery with tree removal and replacement planting
- (d) Consider the application of Standard Tree Evaluation Method (STEM) in its application to tree maintenance and removal decision making
- (e) Recommend any changes to existing delegations or the implementation of a Tree Policy following on from discussions over the above.

39. During Working Party discussions matters that were outside of the scope were raised. These are detailed in a the attached Memorandum from the Working Party (**Attachment 6**).

40. The suggested changes to the proposed Tree Policy discussed at the Council workshop on 23 February 2010 were made and on 25 March 2010 the Council adopted the amended proposed Policy for consultation with the Community Boards.

41. Seminars were conducted with each Community Board prior to formal consideration at Community Board meetings on the dates indicated below:

<b>Community Board</b>	<b>Seminar</b>	<b>Board Meeting</b>
Spreydon/Heathcote	29 June 2010	29 June 2010
Burwood/Pegasus	28 June 2010	12 July 2010
Akaroa/Wairewa	29 June 2010	7 July 2010
Lyttelton/Mt Herbert	29 June 2010	13 July 2010
Fendalton/Waimairi	28 June 2010	13 July 2010
Riccarton/Wigram	14 July 2010	19 July 2010
Hagley/Ferrymead	14 July 2010	14 July 2010
Shirley/Papanui	4 August 2010	18 August 2010

42. A summary of Community Board comments/recommendations is below:

- (a) That the delegation where there is a disagreement between the Community Board and the Transport and Greenspace Manager the decision is referred to the Council be removed.
- (b) Definition of "Garden City" be included.
- (c) Inclusion of a "liveability" element.

### 9. 9. 2010

- (d) Additional assessment factor to reflect local/community significance
  - (e) Decisions to remove trees should not be based on an applicant's ability to pay
  - (f) Provision for a waiver or reduction in fees.
  - (g) More flexible approach to pruning and better selection of species when planting.
  - (h) Provision of a mediation service for tree disputes between private land owners.
  - (i) Removing the words "in consultation with the Transport and Greenspace Manager and, where appropriate, the relevant infrastructure Manager" from the Community Board delegation.
  - (j) Retention of Community Boards' current delegation for planting.
  - (k) Amendments to wording.
  - (l) STEM value criteria of 100 points too high.
  - (m) Policy should apply to all Council property including Metropolitan parks.
  - (n) Decisions to remove trees should not be based on an applicant's ability to pay
  - (o) Community Boards to use judgement and discretion on all delegated matters.
  - (p) Community Boards consulted on all tree activity in ward.
  - (q) Document to be an "operational framework" and not a Policy.
  - (r) User pays delegation is given to Community Boards.
  - (s) Resident groups consulted on all tree activities.
  - (t) Clarification to applicants that user pays includes the cost of preparing information for the Community Board.
  - (u) Change to STEM criteria to include species.
  - (v) Amendments to wording.
43. At the request of the Community Boards and the Community Board Chairpersons' Forum the Working Party reconvened on 6 August 2010 to consider and make recommendations/further comments on each of the Community Board comments (**Attachment 3**).

In summary, the Tree Policy Working Party agreed with the following:

- (a) Removing the clause "where there is a disagreement between the Community Board and the Transport and Greenspace Manager the decision is referred to the Council".
- (b) Additional assessment factor to reflect local/community significance.
- (c) Decisions to remove trees should not be based on an applicant's ability to pay.
- (d) Provision for a waiver or reduction in fees.
- (e) More flexible approach to pruning and better selection of species when planting.
- (f) Policy should apply to all Council property including Metropolitan parks.
- (g) Community Boards to use judgement and discretion on all delegated matters.

9. 9. 2010

#### 4 Cont'd

- (h) User pays delegation is given to Community Boards.
- (i) Clarification to applicants that user pays includes the cost of preparing information for the Community Board.
- (j) Some amendments to wording.

In summary, the Tree Policy Working Party disagreed with the following:

- (a) Definition of "Garden City" be included.
- (b) Inclusion of a "liveability" element.
- (c) Removing the words "in consultation with the Transport and Greenspace Manager and, where appropriate, the relevant infrastructure Manager" from the Community Board delegation.
- (d) Retention of Community Boards' current delegation for planting.
- (e) STEM value criteria of 100 points too high.
- (f) Document to be an "operational framework" and not a Policy.
- (g) Change to STEM criteria to include species.
- (h) Some amendments to wording.

In summary, the Tree Policy Working Party partially agreed with the following:

- (a) Community Boards consulted on all tree activity in ward.
  - (b) Provision of a mediation service for tree disputes between private land owners.
  - (c) Resident groups consulted on all tree activities.
  - (d) Document to be an "operational framework" and not a Policy.
44. Staff have reviewed and made recommendations and, where appropriate, commented on the Community Board recommendations and comments (**Attachment 4**).
45. Recommended changes to the proposed Tree Policy as a result of the Community Board consultation can be found in tracked changes in the attached Policy for Trees on Council Owned Land (**Attachment 2**).

#### KEY CHANGES ARE:

#### 46. Section 4: Relevant Delegations:-

- (a) The Transport and Greenspace Manager on the recommendation of the City Arborist, and where appropriate the relevant infrastructure Manager, has delegated authority for the tree planning programmes for planting, maintenance and renewals, the planting of trees under Section 3.3, the removal of trees under Section 3.4, and the pruning of trees under Section 3.7 of this policy.
- (b) The relevant Community Board has delegated authority, in consultation with the Transport and Greenspace Manager and, where appropriate, the relevant infrastructure Manager, to decide on any tree matter that falls outside of the Transport and Greenspace Manager's delegations, including the powers given to the Community Boards in Section 3.5 of this Policy.

## 9. 9. 2010

### 4 Cont'd

- (c) The relevant Community Board is also delegated authority to review a decision of the Transport and Greenspace Manager under Sections 3.3, 3.4, or 3.7 of this Policy, and either uphold the Transport and Greenspace Manager's decision or substitute its own decision where, after consultation with the affected parties, the issue has remained contentious and is unable to be resolved by the Transport and Greenspace Manager.
  - (d) Where the proposed decision of the relevant Community Board is not consistent with the Objectives of this Policy or the Long Term Council Community Plan, the matter must be referred to the Council for a decision
  - (e) The Unit Managers of City Water and Waste, Recreation and Sports, Community Support, and Libraries and Information and the Art Gallery Director have delegated authority to authorise the planning, planting, maintenance and removal of trees from any reserve or other property under that Manager's control.
  - (f) In an emergency situation, the Transport and Greenspace Manager or the City Arborist are delegated all powers of the Council to negate immediate danger to life or property. The Transport and Greenspace Manager or the City Arborist are delegated authority to determine whether a situation has become an emergency.
  - (g) The Chief Executive has the delegated authority to waive and reduce fees and charges applicable under Sections 3.4, 3.6 and 3.7 of this Policy
47. **Change title of document** to read - "Policy for Trees on Council Owned Land"
48. **1. Introduction**
- Second paragraph, third sentence to read – "Trees support the environment through releasing oxygen, removing carbon gases and other particulate pollutants from the atmosphere, collecting dust, moderating climates, providing shade and shelter, providing land stability and a habitat for wildlife, reducing excess water levels and assisting with storm water runoff, softening of harsh landscapes, increasing property values, increasing the life of roads, assisting with a decrease in noise levels."
49. **2.2. Objectives**
- (a) Change numbering to run sequentially ( two "h"s)
  - (b) Paragraph (i) to read – "To create and enhance wildlife habitat and ecological values including food trees for native birds"
  - (c) Paragraph (n) to read – "To provide public education on tree planning, tree planting, tree maintenance, tree removal and tree protection"
50. **3.1. Tree Management**
- Paragraph (a) to read - "Enhancing and protecting the surrounding environment and safeguarding biodiversity"
51. **3.3. Planning and Planting of Trees in Public Spaces**
- (a) Change priorities and wording in (f) under 1 New Street Tree Planting to read –
    - (i) CBD (inside four Avenues)
    - (ii) Kerb and channel upgrades
    - (iii) Roads in urban communities where there are few street trees
    - (iv) Arterial roads, including gateways to Christchurch
    - (v) Collector roads before road landscape upgrading

## 9. 9. 2010

## 4 Cont'd

(vi) Local roads by request.

- (b) Paragraph (a) under 2 Replacement Street Tree Planting to read – “Trees that are or will be severely disfigured through electrical line clearance”
- (c) Delete - “All trees must be appropriate in size for their intended position and purpose. Designs for new tree planting will be based on:”
- (d) Insert – “Designs for new tree planting must be appropriate in size for their intended positions and purpose and will be based on:”

52. **3.3.1. Commemorative Trees**

Paragraph 4 to read – “For trees commemorating visits by royalty, heads of state and other dignitaries or for special occasions (as determined by the Council) the Council will use either the Botanic Gardens, Mona Vale or the banks of the Avon River within the Central City or other appropriate areas.”

53. **3.3.2. Planting in Banks Peninsula**

Delete (e) “where appropriate, use locally sourced indigenous plant species for its own new projects”

54. **3.4. Removal of Trees in Public Spaces**

- (a) Paragraph (g) to read – “where the tree has been assessed as having poor structural branch form and shape which cannot be rectified by remedial works”
- (b) Paragraph (i) to read – “where the loss of the tree would have only a minor detrimental effect on the public treescape”
- (c) Paragraph (k) to read - “any tree listed in the Canterbury Regional Pest Management Strategy 2005-2015 plus amendments. Control of roadside pest trees that are listed in the Canterbury Regional Pest Management Strategy 2005-2015 in Banks Peninsula remain the responsibility of the adjacent land owner”
- (d) Paragraph (l) to read – “any tree planted without Council approval”
- (e) Paragraph (m) to read - “any wilding tree that constitutes a nuisance and is not listed as a threatened or endangered species either locally or nationally or internationally.”

55. **3.5. Requests to Remove Trees in Public Spaces**

Paragraph (k) insert – “(iv) including tree(s) of value and meaning to the community’.

56. **3.6. Cost of Removal of Trees in Public Spaces**

- (a) First paragraph (a) to read –

“The value of the tree (as determined by the City Arborist using STEM) up to the following maximum values –

0-5 yrs	\$0
6-10 yrs	\$5,000
11-20 yrs	\$10,000
21-50yrs	\$20,000
51+ yrs	\$50,000

- (b) First paragraph (b) to read – “The actual costs to the Council of removal and replacement of the tree”.



**9. 9. 2010**

**4 Cont'd**

- (c) Delete “The value of the tree is to be determined by the City Arborist using STEM”.
- (d) Insert - “Full or partial remission of the application fee or other costs, on the grounds of hardship or any other consideration will be considered.”

**57. 3.7. Pruning Trees in Public Spaces**

- (a) Paragraph 4 to read – “The actual costs to Council of pruning must be borne by the applicant(s) if the request to prune exceeds normal maintenance pruning (e.g. removal of lower branches for safe vehicular and pedestrian access, removal of dead and dying and diseased branches, overhead services line clearance) as determined by the City Arborist.”
- (b) Insert - “Full or partial remission of the application fee or other costs, on the grounds of hardship or any other consideration will be considered.”

**58. 6. Definitions**

- (a) Affected Community table - delete “<” and insert “approximate maximum”
- (b) Affected Community table: Local Park - delete “key stakeholders eg sports groups, lessees”
- (c) Affected Community (a) - delete “significant” and insert “important”
- (d) Insert “Minor detrimental effect is where the STEM evaluation conducted by the City Arborist is less than 100 points; and the tree can be replaced in the berm/verge from where the tree was removed from or, in the case of a park tree, elsewhere within the park; and if the removal is at the request of a member of the public that person agrees that a replacement tree can be planted and agrees to fund the removal and replacement of the tree; and all affected parties who make submissions on the removal of the tree agree to the tree’s removal”
- (e) Publicly owned land to read – “Council owned land for the purposes of this Policy are roads either formed or unformed and parks and reserves and any other land owned by the Council on behalf of the community”
- (f) Street Trees to read – “Street trees are trees located within the road boundary of either formed or unformed public roads”.

9. 9. 2010

## 25. CANTERBURY WATER MANAGEMENT STRATEGY: SELWYN - WAIHORA ZONE COMMITTEE MEMBERSHIP APPROVAL

<b>General Managers responsible:</b>	Mike Theelen, General Manager - Strategy and Planning, DDI 941-8281 Peter Mitchell, General Manager - Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Jenny Ridgen, Programme Manager - Healthy Environment
<b>Author:</b>	Peter Kingsbury, Principal Advisor - Natural Resources

### PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval of the recommended membership from the Canterbury Water Management Strategy (CWMS) Zone Facilitator, Mr Ian Whitehouse (on behalf of the CWMS Selection Working Group), for the CWMS Selwyn-Waihora Zone Committee.

### EXECUTIVE SUMMARY

#### Part A: Background

2. Following several years of collaborative work by the Mayoral Forum, the Steering Group, Environment Canterbury (ECan), and the region's ten territorial authorities, the Canterbury Water Management Strategy (the Strategy) is in the initial stages of being implemented.
3. To implement the Strategy, ECan has established a committee called the Canterbury Water Management Strategy Regional Water Management Committee (the 'Regional Committee') to take an overview of water issues for the region and deal with cross-zone issues.
4. In addition, ten joint committees ('zone committees') are currently being formed by ECan and territorial authorities to address local issues within each zone. Of the three zones of direct significance to Christchurch, the Banks Peninsula zone is completely within Christchurch City and the Christchurch - West Melton zone is predominantly within Christchurch City.
5. The purpose of the 'zone committees', which report to their constituent Territorial Local Authorities and ECan, is to develop strategies, tactics and activities to give effect to the fundamental principles and targets of the Strategy within each zone. The focus for the Regional Committee, which reports to ECan, is on infrastructure associated with managing large scale storage and the transfer of water across Canterbury, along with related issues such as energy generation and region-level biodiversity issues. The Regional Committee is also tasked with co-ordinating the development of a Regional Implementation Programme that gives effect to the Strategy and takes into account the work of the zone committees. The Regional Committee is funded by a regional rate.
6. The Selwyn - Waihora Zone Committee has been established under the auspices of the Local Government Act 2002 in accordance with the Strategy as a joint committee of ECan, Selwyn District Council and Christchurch City Council. The Selwyn - Waihora Zone includes that part of Lake Ellesmere/Te Waihora within the Christchurch City boundary. This is a small but significant part of Christchurch City in terms of water resource and water management matters.
7. Zone Committees have the following general membership:
  - One member appointed by ECan who is an "elected member" (to initially be filled by a commissioner under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010), (the ECan Act).
  - One member appointed by each Territorial Authority operating within the zone boundary who is an elected member (Christchurch City Council and Selwyn District Council both operate within the zone boundaries for the Selwyn - Waihora, and Christchurch - West Melton zones).
  - One member appointed by each Runanga with interests in the zone.
  - Between four and six members appointed from the community and who come from a range of backgrounds and interests within the community.
8. Further detailed information on the nature and purpose of zone committees, and other background information on the Strategy, was presented in a report to Council on 22 July 2010.

9. 9. 2010

25 Cont'd

**Part B: Recommended Membership of the Selwyn - Waihora Zone Committee**

9. The Council has received a recommendation from the CWMS Selection Working Group on the six community members for the Selwyn - Waihora Zone Committee. Approval of the membership of the Selwyn - Waihora Zone Committee by the Council is required before the Committee can commence its business.
10. The six community representatives for the Selwyn - Waihora Zone Committee recommended by the CWMS Selection Working Group are, Peter Jackson, Eugenie Sage, John Sunckell, Doug Catherwood, David Painter, and Sue Cumberworth. Some background information on the recommended community members is available in the attached letter from Mr Ian Whitehouse (CWMS Zone Facilitator).
11. The Selection Working Group comprised Mayor Kelvin Cole (Selwyn District Council), Councillor Sarah Waters (Selwyn District Council), Councillor Claudia Reid (Christchurch City Council), Ken Taylor (Director Investigations and Monitoring, ECan), Maani Stirling (Taumutu Runanga), and David Horn (Director Water Executive, ECan).
12. The Selection Working Group carried out a comprehensive selection process to select the six recommended community members. There were 29 applications received by CWMS for the Zone Committee community positions. The Selection Working Group believes the six people recommended cover the range of interests in water required and are an appropriate balance of interests for the Selwyn-Waihora Water Management Zone.
13. The following people have been recommended as representatives on the zone committee from the various organisations for which they work:  
 Councillor Claudia Reid (Christchurch City Council)  
 Commissioner Donald Couch (ECan)  
 Robin Wybrow (Wairewa Runanga)  
 June Swindells (Rapaki Runanga)  
 Teriranna Smith (Taumutu Runanga)
14. Tuahuriri, Onuku and Koukourarata Runanga also have an interest in the Selwyn - Waihora Zone but have not made appointments of representatives to the zone committee at the time of writing this report. The Council will be notified of these appointments on or before the Council meeting of 9 September 2010.
15. The Selwyn District Council (SDC) has not made their appointment of a representative to the zone committee at the time of writing this report. The SDC will appoint their representative to the committee on 26 August 2010. The Council will be notified of this appointment on or before the Council meeting of 9 September 2010.

**FINANCIAL IMPLICATIONS**

16. There are currently no direct financial implications for the Council in approving the membership of the Selwyn - Waihora Zone Committee. Other financial matters have been presented to the Council on 22 July 2010.

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

17. Yes. The cost of managing the appointment of members to the committees is included in existing budgets.

## 9. 9. 2010

### 25 Cont'd

#### LEGAL CONSIDERATIONS

18. Legal matters on the establishment and appointments to zone committees (and the Regional Committee) were reported to the Council on 22 July 2010, and include:
- Existing powers and/or new legislation will be used to ensure the implementation programmes are given appropriate legal status under the Local Government Act 2002 and the Resource Management Act 1991. The zone and regional committees will be joint committees of ECan and the relevant district councils. The committees will operate in accordance with Local Government Act powers and terms of reference drawn up by their parent councils. It is intended that decisions will be made on a consensus basis rather than by majority voting.
  - The Canterbury Water Management Strategy is now recognised in the ECan Act 2010.
  - The ECan Act 2010 provides that the Commissioners assume all the responsibilities of the elected representatives under the Local Government Act 2002. This means that as currently proposed, an Environment Canterbury Commissioner will be required to be a member of each joint zone committee.

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

19. Yes. Refer above.

#### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. The recommendations in this report support, through the establishment and operation of the Selwyn - Waihora Zone Committee, a wide range of environmental, governance, prosperity, health and recreational community outcomes. Of particular significance is the Council's responsibility of providing clean and reliable water supply.

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

21. Yes. The recommendations in this report, through the establishment and operation of the Selwyn - Waihora Zone Committee, supports levels of service under the areas of water supply, "A reliable supply of water that is safe to drink" (page 60), waterways and drainage (page 132), economic development (page 144), and city development (page 188).

#### ALIGNMENT WITH STRATEGIES

22. The recommendations are, through the establishment and operation of the Selwyn - Waihora Zone Committee, consistent with, and support, the Council's Surface Water Strategy and Water Supply Strategy.

#### Do the recommendations align with the Council's strategies?

23. As above.

#### CONSULTATION FULFILMENT

24. The steering group responsible for preparing the Canterbury Water Management Strategy consulted widely (over the last two years) with the public and the territorial authorities that were to participate in its implementation. Consultation on the selection and appointment process of zone committee members was an integral part of developing the Strategy.
25. It is the view of the Legal Services Unit that the process followed to select and appoint the various community, Runanga and other members of the zone committee is robust, and flows consequentially from decisions that were made earlier following public consultation.

9. 9. 2010

25 Cont'd

**STAFF RECOMMENDATION**

That the Council approves the membership of the Selwyn-Waihora Zone Committee as:

Councillor Claudia Reid (Christchurch City Council)  
Commissioner Donald Couch (ECan)  
Robin Wybrow (Wairewa Runanga)  
June Swindells (Rapaki Runanga)  
Teriranna Smith (Taumutu Runanga)  
Peter Jackson (community representative)  
Eugenie Sage (community representative)  
John Sunckell (community representative)  
Doug Catherwood (community representative)  
David Painter (community representative)  
Sue Cumberworth (community representative)

**Note:** The following members of the zone committee have not been appointed at the time of writing this report. The Council will be advised of the names of the councillor and Runanga representatives at or before the Council meeting on 9 September 2010.

Selwyn District Council Councillor  
Tuahuriri Runanga representative  
Onuku Runanga representative  
Koukourarata Runanga representative

9. 9. 2010

26. REVIEW OF EARTHQUAKE-PRONE, DANGEROUS AND INSANITARY BUILDINGS POLICY

	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Environmental Policy and Approvals Manager
<b>Author:</b>	Ingrid Gunby and John Buchan

This item was dealt with at the Extraordinary Council meeting on 10 September 2010.

9. 9. 2010

27. NOTICES OF MOTION

28. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

9. 9. 2010

THURSDAY 9 SEPTEMBER 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 29, 30, 31, 32, 33, 34 and 35.

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

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
29. REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 14 JULY 2010	) ) ) )	
30. REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 4 AUGUST 2010	) ) ) )	
31. REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 18 AUGUST 2010	) ) ) )	
32. REPORT OF A MEETING OF THE LYTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 13 JULY 2010	) ) ) )	
33. REPORT OF A MEETING OF THE RICCARTON/WIGRAM COMMUNITY BOARD: 13 JULY 2010	) ) ) )	
34. REPORT OF A MEETING OF THE RICCARTON/WIGRAM COMMUNITY BOARD: 17 AUGUST 2010	) ) ) )	
35. SUPPLY OF CORPORATE PRINT SERVICES CONTRACT	) )	
	) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION	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 29.	Protection of privacy of natural persons	7(2)(a)
Item 30.	Conduct of negotiations and Prejudice commercial position	7(2)(i) and 7(2)(b)(ii)
Item 31.	Commercial activities	7(2)(h)
Item 32.	Commercial activities	7(2)(h)
Item 33.	Protection of privacy of natural persons	7(2)(a)
Item 34.	Conduct of negotiations	7(2)(i)
Item 35.	Commercial activities	7(2)(h)



**9. 9. 2010**

**Chairman's**

**Recommendation:** That the foregoing motion be adopted.

**Note**

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

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

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 23 SEPTEMBER 2010**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES,  
53 HEREFORD STREET**

**PART TWO**

**CHRISTCHURCH CITY COUNCIL****Thursday 23 September 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.

<b>ITEM NO</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
36.	CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 26 AUGUST 2010 AND 10 SEPTEMBER 2010	1
37.	2010/11 METROPOLITAN DISCRETIONARY RESPONSE FUND – SEPTEMBER APPLICATIONS	33
38.	HIGH STREET TUAM STREET CORNER RESERVE EASEMENT HEARINGS PANEL REPORT TO COUNCIL REQUESTING AN EASEMENT FOR THE TRAM INFRASTRUCTURE ACROSS THE HIGH STREET TUAM STREET CORNER RESERVE	45
39.	REPORT OF THE CANTERBURY PARK DRAFT MANAGEMENT PLAN HEARINGS PANEL	87
40.	CHRISTCHURCH CITY PROPOSED NEW OR AMENDED SPEED LIMITS	93
41.	HERITAGE GRANTS AND COVENANTS COMMITTEE SIX MONTHLY REPORT	119
42.	URBAN DEVELOPMENT STRATEGY ACTION PLAN UPDATE	169
43.	CANTERBURY WATER MANAGEMENT STRATEGY: SELWYN - WAIHORA ZONE COMMITTEE MEMBERSHIP APPROVAL, AND AMENDED TERMS OF REFERENCE	173
44.	OLD TAI TAPU ROAD/TEMPLETON BOUNDARY CHANGES – REORGANISATION SCHEMES	187
45.	REPORT OF THE FENDALTON/WAIMAIRI SMALL GRANTS ASSESSMENT FUNDING COMMITTEE: 17 AUGUST 2010	213
46.	REPORT OF THE SPREYDON/HEATHCOTE SMALL GRANTS ASSESSMENT COMMITTEE: 4 AUGUST 2010	221
47.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 17 AUGUST 2010	229
48.	REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 2 SEPTEMBER 2010 (ATTACHMENTS SEPARATELY CIRCULATED)	241
	1. FREEDOM CAMPING MANAGEMENT PLAN	243
	2. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 31 – WAKEFIELD MEWS – FINAL APPROVAL	252
	3. PRIVATE PLAN CHANGE 47 – SIR JAMES WATTIE DRIVE, HORNBY	254
	4. TRADING AND EVENTS IN PUBLIC PLACES DRAFT POLICY FOR APPROVAL REPORT OF THE TRADING AND EVENTS IN PUBLIC PLACES POLICY HEARINGS PANEL	260
	5. ADOPTION OF REPORT ON DOG CONTROL POLICY AND PRACTICES 2009/10	267
	6. ADOPTION OF ANNUAL REPORT TO THE LIQUOR LICENSING AUTHORITY FOR THE PERIOD 30 JUNE 2010	269
	7. DISTRICT PLAN REVIEW PROPOSED TIMELINE	270
	8. SUBMISSIONS ON SELWYN DISTRICT PLAN CHANGE 23	275
	9. INSPECTIONS & ENFORCEMENTS UNIT ANNUAL PERFORMANCE REPORT	277
	10. HERITAGE REVIEW PROGRESS REPORT	277
49.	STAFF RECOMMENDATION FOR ROLLOVER OF BANKS PENINSULA DISTRICT COUNCIL EXISTING DESIGNATION AT BIRDLINGS FLAT	281
50.	RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D)	303

23. 9. 2010

**36. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 26 AUGUST 2010 AND  
10 SEPTEMBER 2010**

Attached.

23. 9. 2010

**37. 2010/11 METROPOLITAN DISCRETIONARY RESPONSE FUND – SEPTEMBER APPLICATIONS**

<b>General Manager responsible:</b>	General Manager Community Services DDI 941 8607
<b>Officer responsible:</b>	Community Support Manager
<b>Author:</b>	Courtenay Mackie, Community Grants Adviser

**PURPOSE OF REPORT**

1. The purpose of this report is for the Metropolitan Funding Committee to consider three applications to the 2010/11 Metropolitan Discretionary Response Fund.
2. Applications have been received, in the following order, from:
  - Port Hills Park Trust Board, Cashmere Forest Park – Plan Change Development, \$60,000.
  - Banks Peninsula Conservation Trust, Building Community Capacity to Enhance Banks Peninsula Biodiversity, \$55,302.
  - Christchurch Migrants Centre Trust - Te Whare Ta Wahi, Establishment of a Christchurch Migrants Centre, \$55,000.

**EXECUTIVE SUMMARY**

3. In 2010/11, the total pool available for allocation for the Metropolitan Discretionary Response Fund is \$145,057. At the time of writing, there is \$107,557 remaining in the Metropolitan Discretionary Response Fund for 2010/11.
4. The purpose of the Fund is to assist community groups where the project and funding request falls outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
5. Applications requesting over \$15,000 require consideration by the Metropolitan Funding Committee. Staff have delegated authority to consider applications for less than \$15,000.

**BACKGROUND****Discretionary Response Fund**

6. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The Strengthening Communities Grants Funding Programme comprises four funding schemes:
  - (a) Strengthening Communities Fund
  - (b) Small Grants Fund
  - (c) Discretionary Response Fund
  - (d) Community Organisations Loan Scheme.
7. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
8. For detailed information on the Strengthening Communities Strategy's Outcomes and Priorities please see **Attachment 1**. For detailed information on the specific criteria of the Discretionary Response Fund see **Attachment 2**.

**Application from Port Hills Park Trust Board**

9. During the 2009-19 LTCCP process, on 25 June 2009, Council resolved:
  1. *That the Council commit \$3 million from its parks reserves account for a period of five years as a contribution to the purchase of 350 hectares of land to form the Cashmere Forest Park. This commitment is conditional on:*

23. 9. 2010

## 37 Cont'd

- (i) *The Port Hills Park Trust Board securing the balance of the funding required to purchase the property within five years.*
  - (ii) *That upon purchase the land being vested in the Council.*
2. *That the Council work with the Port Hills Trust Board to determine and recommend to Council the ideal structure for management of the land once vested in Council.*
10. The Trust intends to raise the remaining \$6 million that it anticipates will be required to secure the purchase of the land through a variety of means, including: donations from the public, commercial sponsorship, and grants from other (non-council) organisations over the next three years.
11. An application from Port Hills Park Trust Board for a Cashmere Forest Park Project Co-ordinator was made to the Metropolitan Strengthening Communities Fund and considered in July 2010. At the Metropolitan Strengthening Communities decision-meeting, the Metropolitan Funding Committee resolved:
- That the Metropolitan Funding Committee declines the application from the Port Hills Trust Board for Cashmere Forest Park Campaign Project Coordinator; and*
- That staff discuss with the Port Hills Park Trust Board the possibility of funding for the Plan Change from the Discretionary [Response] Fund.*
12. Please see page one of **Attachment 3** for further detailed information on this application.
13. Staff have recommended that the application from Port Hills Park Trust Board as Priority Two and for a grant of \$20,000. This recommendation is consistent in the approach taken with other Priority 2 organisations that applied to the 2010/11 Strengthening Communities Fund.

**Application from Banks Peninsula Conservation Trust**

14. An application from the Banks Peninsula Conservation Trust (BPCT) for \$100,000 was made to the Metropolitan Strengthening Communities Fund 2010/11. This application received a grant of \$50,000. The Trust was notified of this decision in July.
15. The Trust has subsequently submitted a new application to the Metropolitan Discretionary Response Fund. This application contains nine separate sub-projects that were not part of the original Strengthening Communities Fund application. No application was made to the Small Grants Fund for any of these projects.
16. Staff have recommended the application from Banks Peninsula Conservation Trust as Priority Three.

**Application from Christchurch Migrants Centre Trust - Te Whare Ta Wahi**

17. The Christchurch Migrants Centre Trust is a new trust, formalised as an Incorporated Society on 23 August 2010, established to:
- (a) Facilitate the integration of new migrants into the social, economic and cultural fabric of Christchurch.
  - (b) Enhance the service provision of government agencies, NGO's and Charitable Trusts involved locally in the settlement process for new migrants.
  - (c) Establish and operate a central city office and "Centre" for referrals and links between service delivery agencies and new migrants;
  - (d) Allow new migrant community groups access to community building skills and opportunities; and
  - (e) Work towards the provision of a "One-Stop-Shop" facility for new migrant services in association with, or adjacent to the city's new bus exchange.
18. The manager of the Centre, Rex Gibson, was formerly the manager of the Refugee and Migrant Centre, which has subsequently ceased to operate.

23. 9. 2010

### 37 Cont'd

19. The Ministry of Social Development has provided some interim funding to support the transition period while a new service is established. However, this funding is only short term and the Trust must secure other funding sources in order to establish the Christchurch Migrants Centre.
20. At the time of writing, no other funding sources had been secured by the Trust, although a number of grant applications, including to the Canterbury Community Trust and Lotteries, are currently pending.
21. Additionally, the Trust does not have a bank account and staff have not been able to see provisional budgets for the Trust's first year of operation. While Trustees are in place, the composition of the Board has not been confirmed.
22. Members of the Trust have met with the Mayor, Councillor Button and Council staff to discuss their plans. Council staff have undertaken to assist the group to find suitable premises.
23. Staff have recommended the application from Christchurch Migrants Centre Trust - Te Whare Ta Wahi as Priority Three.

#### FINANCIAL IMPLICATIONS

24. Staff recommendations would reduce the Metropolitan Discretionary Response Fund from \$107,557 to \$87,557. This is within the budget as set out in the LTCCP/Annual Plan.

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

25. Yes, see LTCCP pages 176 and 177 regarding community grants schemes including Board funding.

#### LEGAL CONSIDERATIONS

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

26. Not applicable.

#### 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?

27. Yes. Strengthening Communities Funding and Community Board Funding, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding.

#### ALIGNMENT WITH STRATEGIES

#### Do the recommendations align with the Council's strategies?

28. Yes. The funding allocation process is covered in the Council's Strengthening Communities Strategy.

#### CONSULTATION FULFILMENT

29. Not applicable.

23. 9. 2010

**37 Cont'd**

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Make a grant of \$20,000 to the Port Hills Park Trust Board towards the Cashmere Forest Park – Plan Change Development.
- (b) Decline the application from the Banks Peninsula Conservation Trust.
- (c) Decline the application from the Christchurch Migrants Centre Trust - Te Whare Ta Wahi.



23. 9. 2010

**38. HIGH STREET TUAM STREET CORNER RESERVE EASEMENT HEARINGS PANEL REPORT TO COUNCIL REQUESTING AN EASEMENT FOR THE TRAM INFRASTRUCTURE ACROSS THE HIGH STREET TUAM STREET CORNER RESERVE**

<b>General Manager responsible:</b>	General Manager City Environment DDI 941-8608
<b>Officer responsible:</b>	Unit Manager Network Planning
<b>Author:</b>	John Allen, Reserves Hearings Panel

**PURPOSE OF REPORT**

1. The purpose of this report is for the Reserves Hearings Panel who have heard submitters views to recommend to the Council that it grant unto itself an easement in which to construct tram rails and erect a tram shelter in the High Street Tuam Street Corner Reserve, which is administered by the Council under the Reserves Act 1977 (the Act).

**EXECUTIVE SUMMARY**

2. Part of stage one of the extended tram route requires the tram to turn from Tuam Street into High Street by passing through the High Street /Tuam Street Corner Reserve. To enable this to occur the Council needs to grant unto itself an easement across the reserve pursuant to the requirements of section 48(6) of the Act.
3. The location and extent of the proposed easement is shown in the plan labelled 'High Street Tuam Street Tram Route Reserve Plan (number RD208937 Issue 6 dated 10 August 2010) attached as **Attachment 1**. A tram shelter is included in the proposed infrastructure to be built within the easement. The Council will own all the infrastructure that will be placed within the easement.
4. Public notice as legally required by section 48(2) of the Act has been given, this requirement being extended by hand delivering and posting letters to tenants and owners of properties that surround the reserve, inviting all interested parties to submit their views on the proposal, for one calendar month during April/May 2010. Two submissions, one in support and one opposing it, were received. The submitters were heard before the Reserves Hearings Panel on 20 July 2010. A full report on these submissions and the hearing are provided in this report and its attachments.
5. The Reserves Hearings Panel is recommending to the Council that it grant the proposed easement unto itself subject to a number of conditions.

**FINANCIAL IMPLICATIONS**

6. All costs associated with the granting and registration of the easement are covered by the Central City Tram Extension Project which is included in the 2009-19 Long Term Council Community Plan. 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?**

7. Yes.

**LEGAL CONSIDERATIONS**

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

8. The High Street Tuam Street Corner is a reserve held without title by the Christchurch City Council under the Christchurch City (Reserves) Empowering Act 1971 (CCREA) (item 34), which is a local act of parliament. The reserve is noted in the third schedule as the piece of land described under section 34 of this schedule. The "Reserves and Domains Act 1953", now superseded by the Reserves Act 1977, is the act by which all the land held under the CCREA is administered. This issue is addressed in section 12 of the CCREA.
9. Section 48(6) of the Act requires the Council to grant unto itself an easement.

23. 9. 2010

## 38 Cont'd

10. Part 1 of Section 48 of the Act allows for the granting of rights of way and other easements across reserves. Part 2 of this section requires that before granting the easement the Council must publicly advertise its intention to grant the easement, for one calendar month, to enable interested parties to make a formal objection or submission to the proposal. Part 3 of this section allows these advertising provisions to be dispensed with if the proposed easement is not likely to 'materially alter or permanently damage the reserve, and the rights of the public are not likely to be permanently affected'.
11. This application does not meet these requirements and therefore public advertising was carried out in accordance with the requirements of section 48 (2) of the Act.
12. A title to the reserve will need to be raised and the easement registered on this title.
13. The Legal Services Unit will be involved in the final documentation of the easement. A copy of the Reserves Hearings Panel report to Council and the decision of Council will be sent to the Minister of Conservation to gain consent for the easement to be granted.
14. The Council's standard easement instrument will be completed and survey plans of the easement will be provided within three months of completion of the works within the easement corridor so that the easement can be registered on the title to the reserve, after the Minister of Conservation's consent is obtained to the granting of the easement, as required by the Act.

**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?**

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

**ALIGNMENT WITH STRATEGIES****Do the recommendations align with the Council's strategies?**

16. The proposal aligns 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**

17. The Council's intention to grant the easement was advertised in the public notices column of The Press on Saturday 24 April 2010 and The Star on Friday 23 April 2010. The advertisement stated that interested members of the public had until Wednesday 26 May 2010 to make a formal submission to the Council about the proposal to grant an easement over the reserve. Copies of the advertisement are attached as **Attachment 2**.
18. The legal minimum public advertising requirement under section 119 of the Act is to advertise once in a newspaper circulating in the area in which the reserve is located for one calendar month. Therefore this minimum requirement was exceeded by advertising in two newspapers instead of just one; and also by hand delivering 46 individual letters as shown in **Attachment 3** to occupiers of nearby properties and posting 34 copies of the same letter to the owners of the same properties, in the areas outlined in the map attached as **Attachment 4**. In addition, notice was given about the easement proposal in a public information leaflet on a separate tram related proposal in Poplar Street, which was posted to property owners and hand delivered to occupiers of properties in a wider area contained within Lichfield Street, High Street, Tuam Street and Madras Street. This notice advised of the easement proposal (without elaborating upon the proposed easement) giving contact details for requests for further information. No requests were received.

23. 9. 2010

38 Cont'd

19. Two formal submissions were received. One opposed and one supported the proposal. The full text of the submissions is shown in **Attachments 5a & 5b**. Both submitters attended the hearing on 20 July 2010 and spoke in support of their submissions.
20. The Hearings Panel made up of Councillor Bob Shearing (Chairperson), Councillor Ngaire Button and Councillor Claudia Reid heard the submissions and discussed the issues raised by the submitters and staff. The staff report to the Panel and attachments are provided as **Attachment 6**.
21. Council officer comments were provided to members of the Reserves Hearings Panel and submitters prior to the hearing date.
22. In summary, the submitter opposing the easement proposal claimed that:
  - (a) The proposal is not only for an easement but also for a complete change of use and will have a major effect upon the reserve.
  - (b) When the tram is stationary it will impede pedestrians using the footpath on High Street.
  - (c) There will be disruption to traffic flows and general danger caused by the tram turning off Tuam Street into the reserve, and out of the reserve into High Street as well as it passing through the pedestrian precinct.
  - (d) The tram shelter will interrupt the view of the old Post Office Building which is a heritage building.
  - (e) The loss of parking will kill retail activity in the area.
23. Council officers' response to each point was as follows:
  - (a) Except for the time when trams are travelling over the reserve and approximately 10 square metres of the reserve taken up by the tram shelter, the activities taking place on the reserve will be much the same as at present, and therefore the change is considered to be no more than minor.
  - (b) As shown on **Attachment 2**, the point where the tram stops partly on the footpath up to the limit line allows 2.4 metres of footpath width, which is similar to the distance from the back of the kerb to the 'corgi sculpture' a few metres south east. Behind the tram, even with the longest tram likely to operate in the area (19.9 metres long) there will be 2.72 metres of pavement area available for pedestrians to pass safely along Tuam Street behind the stopped tram.
  - (c) The issue of danger and disruption to traffic flows on the legal road has no bearing on the issue of whether or not the easement over the reserve should be granted. Also, the scheme plan has been safety audited and no concerns were raised in relation to tram traffic turning into and out of the reserve.
  - (d) The tram shelter will be designed, and located a short distance from the building within the easement area so as not to obstruct the view of the building nor impede pedestrian access. The shelter will be a scaled down version of the heritage style shelters on the current tram route and located in Cathedral Square, Victoria Square and at the Arts Centre. It will occupy a footprint measuring approximately 3.6 x 1.6 metres.
  - (e) Feedback from retailers in the area indicates that most are anticipating increased business as a result of additional visitors coming into the area by the tram. There was no opposition to the two parking spaces being removed from High Street when the overall changes to parking in the area (relating to the tram route) was consulted on and then discussed and approved by the Council on 24 June 2010.

23. 9. 2010

38 Cont'd

24. The submitter who was in support of the easement claimed the following:
- (a) Because of the trams tow trailers and the most frequently used tram has forward facing seats and opening doors on the left side (like a bus) it is necessary to turn trams around before there return journey. Various alternatives were considered, but using this reserve to make the turn is the best and most practical option.
  - (b) By locating the tram stop in the reserve it enables the tram to be kept off the road when stopped, so as not to disrupt traffic, and also so as not to require a further reduction in car parks for a street side tram stop.
25. Council officers' response to each point was as follows:
- (a) The tram shelter is required to be on the building side of the track in the reserve to service the tram, which therefore by being in this location minimises the shelter's impact upon the reserve, it being towards the outside edge of the reserve.
  - (b) This point is supported by Council officers.

**RESERVES HEARINGS PANEL RECOMMENDATION**

The Tuam Street / High Street Corner Reserve Easement Hearings Panel recommends to the Council:

- (a) That the Council grant unto itself an easement, pursuant to section 48 (1)(a) as provided for by section 48 (6) of the Reserves Act 1977, over approximately 80 square metres, subject to survey, of the Tuam Street / High Street Corner Reserve (a reserve of approximately 286 square metres, held by the Council under the Christchurch City (Reserves) Empowering Act 1971 (item 34) as shown in the plan labelled 'RD 208937 Issue 6 dated 10/8/10' in which to lay tram rails, so as to allow for the passage and stopping of the tram, and to allow for the placement of tram shelter and tram wires, subject to the following conditions:
  - (i) The consent of the Minister of Conservation being obtained.
  - (ii) A title for the reserve being raised and the easement being registered on this title, as shown in plan RD208937 Issue 6 Attachment 1, in which to build tram tracks and a tram shelter.
  - (iii) The putting in place of a 'temporary protection plan' to be adhered to by the contractors undertaking the work to ensure that the historic rock wall around the garden is properly protected during the construction period.
  - (iv) The Corporate Support Manager in association with the Policy & Leasing Administrator being authorised to finalise and conclude the granting of the easement.

**Note:** As a result of this resolution, two sets of cycle stands and one seat will be relocated as shown in the plan (Attachment 1).

23. 9. 2010

## 39. REPORT OF THE CANTERBURY PARK DRAFT MANAGEMENT PLAN HEARINGS PANEL

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

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) Present staff proposals, including options, along with comments from the Riccarton/Wigram Community Board, Spreydon/Heathcote Community Board and the Canterbury Park Draft Management Plan Hearings Panel, for a name or names for the area covered by the Canterbury Park Draft Management Plan for the Council to consider, select and approve as the formal name or names of this area.
  - (b) Seek approval from the Council for the revised management plan for the area, named in accordance with the Council's resolution in relation to paragraph 1(a) above, to be adopted as the operative plan.

**EXECUTIVE SUMMARY**

2. The Canterbury Park Draft Management Plan was approved by both the Riccarton/Wigram Community Board and the Spreydon/Heathcote Community Board to be notified for public comment at their respective meetings on 2 February 2010 and 5 February 2010. The public was invited, upon notification, to comment on the draft plan and also, as part of a parallel planning process, to indicate a preference for a name or names to be formalised for Canterbury Park. The draft plan was available for public comment from 8 March 2010 to 10 May 2010. A total of 114 submissions were received. Eleven submitters indicated they wished to speak to their submissions at a hearing.
3. The submission response was weighted towards the Park naming with 95 per cent of the submitters making a choice of the naming options presented. 80 per cent of these selected Option 2 (no overall Park name, with "Canterbury Agricultural Park" being the name for the Open Space 3C (Agribusiness Centre) zoned area and a new name such as "Nga Puna Wai Reserve" for the recreation and esplanade reserves area). Over a third of all the submitters also commented strongly in writing on the Park naming issue, with there being predominant support for the use of the name "Canterbury Agricultural Park". Issues that received the next largest number of the submitter responses were fencing (12 per cent of the total number of submitters) and grazing (11 per cent). There was a lower level of response on the wider public open space/recreational and environmental matters to do with the Park, and a minimal level of requests for changes to the draft plan.
4. A hearing was held on 2 July 2010 where nine submitters made oral submissions. The Hearings Panel then undertook an inspection of parts of Canterbury Park with staff.
5. The Hearings Panel met on 31 August 2010 to consider staff suggestions for changes to the draft plan and make its determinations. The Hearings Panel also considered what comment it wished to make to the Council with regards to a formalised name or names for Canterbury Park.
6. No major changes have been made to the content of the draft plan. The changes are mostly corrections of identified errors, and adjustments to address some omissions and/or better clarify some points. Policy changes, suggested by staff and supported by the Hearings Panel, are the addition of tree management policies to address the health and safety implications of trees on Canterbury Park, amendment of the policy pertaining to the use of the Council's booking system for events, and the addition of accessways for use that does not include motorised vehicles to the policy referring to accessway developments on the Park requiring the consent of the Council's Transport and Greenspace Manager.
7. The revised management plan is attached, both in tracked changed (**Attachment A** separately circulated) and final (**Attachment B** separately circulated) versions and incorporating the changes determined by the Hearings Panel.

23. 9. 2010

## 39 Cont'd

## PARK NAMING OPTIONS

8. The Council purchased in 2001 the majority of the land lying between Wigram and Curletts Roads that was owned by the A&P Association. Shortly after, this land, in combination with the adjacent existing reserves, was referred to by staff in an initial planning report to Council as Canterbury Park, although this name has not been finalised. Staff have identified, through the process of preparation of the draft management plan, that a name or names for the area currently known as Canterbury Park be formalised by the Council prior to its approval of the draft plan as the operative plan. This will then enable both the Park and the management plan to carry the formalised name or names.
9. The power to resolve to formalise the name for Canterbury Park, and names of its parts if required, remains with the Council. The required process for this is that outlined in the Council's Naming of Reserves and Facilities Policy. This process involved naming proposals, including options, being referred first to the Riccarton/Wigram Community Board and the Spreydon/Heathcote Community Boards for comment. The naming proposals are presented in Table 1 below, with the location of the parcels of land making up the areas for which names are proposed shown in Figure 1.

Table 1

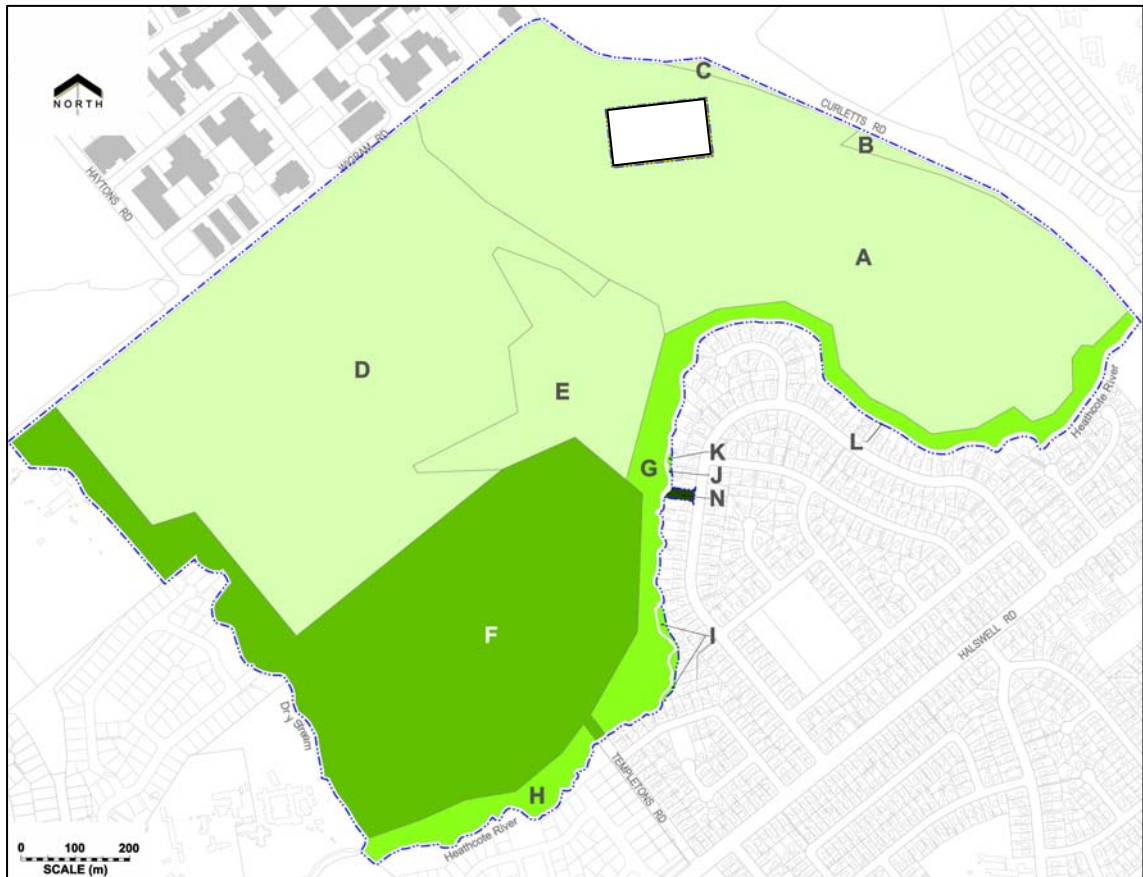
Land Parcel	Legal Description	Naming options		
		Option 1 – in the draft plan	Option 2 - alternative	Option 3 - alternative
All	All	Canterbury Park		Canterbury Agricultural Park
A	Lot 1 DP 302504	Agricultural Area	Canterbury Agricultural Park	Canterbury Showgrounds
B	Section 2 SO Plan 300665			
C	Section 1 SO Plan 300665			
D	Lot 2 DP 73928			
E	Lot 7 DP 73928	Reserves Area	A new name for the reserves area or utilisation of a previous, but not formalised, name for part of the area – that is, Nga Puna Wai Reserve	A new name for the combined retention basin and reserves area – for example, Wigram East Reserve/ Retention Basin
F	Lot 3 DP 73928			
G	Lot 4 DP 73928			
H	Lot 5 DP 73928			
I	Lot 3 DP 54323			
J	Lot 3 DP 80544			
K	Lot 2 DP 73146			
L	Lot 2 DP 60864			
N	Lot 37 DP 28868			

10. The Riccarton/Wigram Community Board resolved at its meeting on 2 February 2010 to comment to the Hearing Panel that it supports Option 1, as presented in Table 1 above, for the whole, and parts, of the area addressed by the Draft Canterbury Park Management Plan.
11. The Spreydon/Heathcote Community Board resolved at its meeting on 5 February 2010 to provide the comment to the Hearings Panel that the best option for the names of the area addressed by the Draft Canterbury Park Management Plan would be Canterbury Agricultural Park and Nga Puna Wai Reserve. Staff note this equates to Option 2 in Table 1 above.

23. 9. 2010

39 Cont'd

Figure 1



12. Table 2 below summarises the park naming options and lists the results from the public consultation.

Table 2

Park Naming Option	Description
Support Option 1 (6 submitters)	"Canterbury Park" for the whole park area, with "Agricultural Area" being a sub-name for the O3C zoned area, and "Reserves Area" for the recreation and esplanade reserves area.
Support Option 2 (87 submitters)	No overall park name, with "Canterbury Agricultural Park" being the name for the Open Space 3C (Agribusiness Centre) zoned area and a new name such as "Nga Puna Wai Reserve" for the recreation and esplanade reserves area.
Support Option 3 (12 submitters)	"Canterbury Agricultural Park" for the whole park area, with "Canterbury Show grounds" being a sub-name for the part of the O3C zoned area excluding the retention basin area, and a new name such as "Wigram East Reserve/Retention Basin" for the combined retention basin and reserves area.
Other Naming Suggestion (3 submitters)	<ol style="list-style-type: none"> <li>1. Canterbury Park for the whole park and Nga Puna Wai Reserve for the reserves area.</li> <li>2. A new dual Māori and English name for the whole park ("Kahukura Canterbury Park") and use of a previously used Māori name for the reserves area plus the part of the O3C zoned area containing the retention basin ("Nga Puna Wai Reserve").</li> <li>3. Founders Farm, City Farm, Pastoral Park, Riverlands Park Area, Whaka Landing or Douglas (Marsh) Park.</li> </ol>

23. 9. 2010

**39 Cont'd**

13. The Canterbury Park Draft Management Plan Hearings Panel at its meeting on 31 August 2010 noted the submission responses made in relation to Park naming, including the submission of Mahaanui Kurataiao Ltd on behalf of Ngāi Tahu proposing "Kahukura Canterbury Park" for the whole Park and "Nga Puna Wai Reserve" for the reserves area plus the part of the O3C zoned area containing the retention basin. Staff note that the name "Te Heru o Kahukura" refers to a section of the Heathcote River in the vicinity of Hillmorton Hospital (and to a peak on the Port Hills). The staff suggestion to the Hearings Panel for a Park naming solution, having considered the public submission response and the community board comments, is for Option 2 in Table 1 above, with Nga Puna Wai Reserve as the name for the reserves area, but adjusted to include the retention pond area (Land Parcel E in Table 1 above) in Nga Puna Wai Reserve. Land Parcel E in Table 1 above was not part of the land purchased from the A&P Association in 2001 and was part of the area proposed to be called Nga Puna Wai reserve in 1999.

**FINANCIAL IMPLICATIONS**

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

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

15. Yes, as above.

**LEGAL CONSIDERATIONS**

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

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

17. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

18. Canterbury Park comes under the activity Sports Parks in the LTCCP and Activity Management Plans. Funding is allocated, through the current LTCCP, for new plantings, including trees, in Canterbury Park (\$50,000 in each of 2009/10, 2010/11 and 2011/12). Funding was also specified for development of a new toilet/changing facility on Canterbury Park (\$10,000 in 2009/10, \$166,879 in 2010/11 and \$100,00 in 2011/12).

**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. Council strategies relevant to the management plan include the South-West Christchurch Area Plan 2009, Draft Public Open Space Strategy 2010-2040, Biodiversity Strategy 2008-2035, Christchurch Active Living Strategy 2004, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Surface Water Strategy 2009, Parks and Waterways Access Policy 2002, Physical Recreation and Sport Strategy 2002, Recreation and Sport Policy 1996, Safer Christchurch Strategy 2005, Safer Canterbury Creating Safer Communities Design Guide 2005, and Christchurch City Council Dog Control Policy 2008.

**Do the recommendations align with the Council's strategies?**

21. Yes.



23. 9. 2010

### 39 Cont'd

#### CONSULTATION FULFILMENT

22. Yes, consultation has met the requirements of the Reserves Act 1977.

#### RESERVE HEARINGS PANEL RECOMMENDATION

With the powers of the Council delegated to the Canterbury Park Draft 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 receives, as provided in this report, the staff park naming proposals, including options, and the comments of the Riccarton/Wigram Community Board and the Spreydon/Heathcote Community Board; notes the public response on the proposals and resolves to approve a name or names for the area currently referred to as Canterbury Park, in accordance with the Council's Naming of Reserves and Facilities Policy.
- (b) Noting recommendation (a), Areas A to C listed in Table 1 of this report be named Canterbury Agricultural Park and Areas D to L and N be named Nga Puna Wai.
- (c) The Council approves the management plan for the area currently referred to as Canterbury Park, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, and named in accordance with the Council's resolution in relation to recommendations (a) and (b) above, as the operative plan.
- (d) The Council notes the available land between the Christchurch Southern Motorway and Wigram Road, and that decisions on the future use of this land will be made with consideration of all options through a full consultation process.

**Note:** The Hearings Panel recognises the need for the McMahon Drive access but requests staff to give consideration to the traffic management of its ongoing use.

23. 9. 2010

## 40. CHRISTCHURCH CITY PROPOSED NEW OR AMENDED SPEED LIMITS

<b>General Manager responsible:</b>	General Manager City Environment DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Paul Forbes, Assistant Traffic Engineer–Community

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Council's approval of the proposed new speed limits on the sections of roads as shown in **Attachment 1** and to include them in the Christchurch City Speed Limit Register.

**EXECUTIVE SUMMARY**

2. A workshop was held with The Council on 23 February 2010 where 64 proposed Urban Traffic Areas and speed limits changes were presented. Councillors expressed their concern over some of the streets which were not included in the proposed review. These were not included because the desired change would not comply with the requirements of Land Transport Rule, Setting of Speed Limits 2003 Rule 54001 ('The Rule'). Subsequent informal discussions with Councillors Shearing, Buck and Wells and a formal approach to the New Zealand Transport Agency (NZTA) and New Zealand Police resulted in the addition of four roads involving minor changes to the scope of the speed limit review.
3. At the Council meeting held on 24 June 2010, the Council resolved to undertake consultation on the amended list of 34 proposed speed limit changes. This consultation to be carried out as prescribed in 'The Rule'. The Council is responsible for the setting of speed limits on roads under its jurisdiction. The authority for the Council to do this is contained in the 'The Rule' and the Christchurch City Council Speed Limits Bylaw 2010
4. When setting new speed limits the Council must comply with the requirements set out in schedule 1 of 'The Rule' "Speed Limits New Zealand" (SLNZ). In each of the proposed new or amended speed limits, the Council engaged the services of an independent consultant, Facey Consultants to assess each of the sites according to criteria in SLNZ.
5. 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; and
  - (b) A territorial authority that is affected by the existing or proposed speed limit; and
  - (c) Any local community that the road controlling authority considers to be affected by the proposed speed limit; and
  - (d) The Commissioner (Police); and
  - (e) The Chief Executive Officer of the New Zealand Automobile Association Incorporated; and
  - (f) The Chief Executive Officer of the New Zealand Road Transport Forum; and
  - (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).
6. Once the provisions of 'The Rule' have been complied with in relation to determining the appropriate speed and undertaking the necessary consultation, the Council may set that speed limit by passing a resolution under clause 5 of the Christchurch City Speed Limits Bylaw (2010). The new speed limits will then be recorded in the Council's Speed Limits Register.

23. 9. 2010

#### 40 Cont'd

7. Approximately 3,800 stakeholders were sent a consultation document outlining the proposed changes throughout the city. As part of the consultation process staff presented a speed limit review process seminar to those community boards that have roads under review in their respective wards. The speed limit process seminars gave elected members an overview of the process set out in 'The Rule' and detail on site specific issues on the roads under review. Other stakeholders consulted on the proposed speed limit changes included residents on the roads under review, owners of properties with frontage to roads under review and those parties mentioned above (paragraph 5). Refer to **Attachment 2** details on consultation feedback.
8. Following analysis of the consultation submissions, there have been three minor changes to the proposed new or amended speed limits. Refer to **Attachment 2** – Locations 1, 16 & 34 for details.

#### FINANCIAL IMPLICATIONS

9. The estimated cost of the new signs and the relocation of existing speed limit signs for this proposal is \$11,000.

#### 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 2010/2011 "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 (54001), Setting of Speed Limits 2003, and the Christchurch City Council Speed Limits Bylaw 2010.

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

12. As above.

#### 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. Aligns with Council strategies including the Road Safety Strategy.

#### Do the recommendations align with the Council's Strategies?

16. As above.

#### CONSULTATION FULFILMENT

17. Consultation was carried out in accordance with "The Rule" (refer to paragraphs 5 & 7) and a summary of responses for each proposed speed limit change is provided in **Attachment 2**.

23. 9. 2010

## 40 Cont'd

**STAFF RECOMMENDATION**

It is recommended that the Council resolve:

- (a) That it is satisfied that the consultation undertaken by the Council in respect to the proposals to set new speed limits on the roads specified below meets the requirements of Section 7.1 (2) of The Land Transport Rule (54001): Setting of Speed Limits Rule 2003.
- (b) That pursuant to clause 5 (1) of Christchurch City Setting of Speed Limits 2010 speed limits be set as listed below:
  - (i) That the speed limit on Barthers Road be set at 80 kilometres per hour.
  - (ii)
    - (a) That the speed limit on Hasketts Road, from Barthers Road to a point measured 500 metres north east of Barthers Road, be set at 80 kilometres per hour.
    - (b) That the speed limit on Hasketts Road, from Buchanans Road to a point measured 500 metres north east of Barthers Road, be set at 100 kilometres per hour.
  - (iii)
    - (a) That the speed limit on Buchanans Road, from a point measured 160 metres south east of West Coast Road (State Highway 73) to a point measured 900 metres south east of Pound Road, be set at 80 kilometres per hour.
    - (b) That the speed limit on Buchanans Road, from a point measured 900 metres south of Pound Road to Old West Coast Road, be set at 100 kilometres per hour.
  - (iv) That the speed limit on Buchanans Road, from a point measured 900 metres south east of Pound Road to a point 200 metres north west from Gilberthorpes Road be set at 70 kilometres per hour.
  - (v)
    - (a) That the speed limit on Chattertons Road, from a point measured 50 metres south of Old West Coast Road, to West Coast Road (State Highway 73), be set at 80 kilometres per hour.
    - (b) That the speed limit on Chattertons Road, from McLeans Island Road to a point measured 50 metres south of Old West Coast Road, be set at 100 kilometres per hour.
  - (vi)
    - (a) That the speed limit on Dawsons Road, from West Coast Road (State Highway 73) to a point measured 200 metres south of Ivey Road, be set at 80 kilometres per hour.
    - (b) That the speed limit on Dawsons Road, from Jones Road to a point measured 200 metres south of Ivey Road, be set at 100 kilometres per hour.
  - (vii) That the speed limit on Gardiners Road, from Johns Road (State Highway 1), to a point measured 190 metres south of Johns Road (State Highway 1), be set at 80 kilometres per hour.
  - (viii)
    - (a) That the speed limit on Guys Road, from School Road to a point measured 120 metres north east of School Road, be set at 80 kilometres per hour.
    - (b) That the speed limit on Guys Road, from a point measured 120 metres north east of School Road to Savills Road/Conservations Road, be set at 100 kilometres per hour.

## 23. 9. 2010

## 40 Cont'd

- (ix) That the speed limit on Hasketts Road from Buchanans Road to West Coast Road (State Highway 73), be set at 70 kilometres per hour.
- (x) That the speed limit of 100 kilometres per hour on Hasketts Road from West Coast Road (State Highway 73) to School Road be revoked.
- (xi) That the speed limit of 100 km/h on School Road, from a point measured 60 metres west of Hasketts Road, to a point measured 50 metres east of Hasketts Road, be revoked.
- (xii) That the speed limit on School Road, from a point measured 60 metres west of Hasketts Road, to a point measured 1370 metres west of Hasketts Road, be set at 80 kilometres per hour.
- (xiii)
  - (a) That the speed limit on Kettlewell Drive, from Chattertons Road to a point measured 500 metres east of Chattertons Road, be set at 80 kilometres per hour.
  - (b) That the speed limit on Kettlewell Drive, from a point measured 500 metres east of Chattertons Road to Miners Road, be set at 100 kilometres per hour.
- (xiv)
  - (a) That the speed limit on McLeans Island Road, from Johns Road (State Highway 1) to a point measured 140 metres north of Export Drive, be set at 80 kilometres per hour.
  - (b) That the speed limit on McLeans Island Road, from a point measured 140 metres north of Export Drive to Chattertons Road, be set at 100 kilometres per hour.
- (xv)
  - (a) That the speed limit on Pound Road, from West Coast Road (State Highway 73) to a point measured 100 metres north east of West Coast Road (State Highway 73), be set at 70 kilometres per hour.
  - (b) That the speed limit on Pound Road, from McLeans Island Road to a point measured 100 metres north east of West Coast Road (State Highway 73), be set at 100 kilometres per hour.
- (xvi)
  - (a) That the speed limit on Pound Road, from a point measured 350 metres south of West Coast Road (State Highway 73) to a point measured 600 metres south of Roberts Road, be set at 80 kilometres per hour.
  - (b) That the speed limit on Pound Road, from a point measured 600 metres south of Roberts Road to Waterloo Road, be set at 100 kilometres per hour.
- (xvii) That the speed limit on Summit Road, from a point measured 150 metres west of Worsleys Road to the eastern end at Godley Head, be set at 70 kilometres per hour.
- (xviii) That the speed limit on Marshland Road, from a point measured 230 metres north of Lake Terrace Road to a point measured 50 metres north of Prestons Road, be set at 70 kilometres per hour.
- (xix) That the speed limit on Aldwins Road, from Ferry Road, to a point measured 50 metres south west of Linwood Avenue, be set at 60 kilometres per hour.
- (xx) That the speed limit in Christchurch Art Gallery Car Park Building, Gloucester Street, be set at 10 kilometres per hour.
- (xxi) That the speed limit on Cashel Street, from High Street to Oxford Terrace, be set at 10 kilometres per hour.

23. 9. 2010

40 Cont'd

- (xxii) That the speed limit on High Street, from Cashel Street to Hereford Street, be set at 10 kilometres per hour.
- (xxiii) That the speed limit in Mona Vale, from Fendalton Road to Matai Street East, be set at 10 kilometres per hour.
- (xiv) That the speed limit on Poplar Street, from Lichfield Street to Tuam Street, be set at 10 kilometres per hour.
- (xv) That the speed limit on Ash Street, from Poplar Street to Madras Street, be set at 10 kilometres per hour.
- (xxvi) That the speed limit on Worcester Street, from Rolleston Avenue to Cambridge Terrace, be set at 30 kilometres per hour.
- (xxvii) That the speed limit in Bromley Cemetery, be set at 10 kilometres per hour.
- (xxviii) That the speed limit in Memorial Park Cemetery, be set at 10 kilometres per hour.
- (xxix) That the speed limit in Ruru Lawn Cemetery, be set at 10 kilometres per hour.
- (xxx) That the speed limit on Hussey Road, from a point measured 400 metres east of Gardiners Road to a point measured 230 metres west of Glen Oaks Drive, be set at 70 kilometres per hour.
- (xxxi)
  - (a) That the speed limit on Sparks Road, from Halswell Road (State Highway 75) to a point measured 45 metres east of Macartney Avenue, be set at 60 kilometres per hour.
  - (b) That the speed limit on Sparks Road, from a point measured 45 metres east of Macartney Avenue, to a point measured 50 metres south west of Hendersons Road, be set at 80 kilometres per hour.
- (xxxii)
  - (a) That the speed limit on Milns Road, from Halswell Road (State Highway 75), to a point measured 300 metres east of Halswell Road (State Highway 75), be set at 60 kilometres per hour.
  - (b) That the speed limit on Milns Road, from Sparks Road, to a point measured 30 metres north of Sparks Road, be set at 80 kilometres per hour.
- (xxxiii) That the speed limit on Harewood Road, from a point measured 50 metres west of Wooldridge Road to Johns Road (State Highway 1), be set at 70 kilometres per hour.
- (xxxiv) That any existing speed limits superseded by the recommendations in this report be revoked.
- (c) That the above mentioned speed limits come into force on 14 October 2010.

23. 9. 2010

## 41. HERITAGE GRANTS AND COVENANTS COMMITTEE SIX MONTHLY REPORT

<b>General Manager responsible:</b>	General Manager, Strategy and Planning Group, DDI 941 8281
<b>Officer responsible:</b>	Programme Manager, Liveable City
<b>Author:</b>	Brendan Smyth, Architecture, Heritage & Urban Design

**PURPOSE OF REPORT**

1. The purpose of this report is to update the Council on the Heritage Incentive Grants and Covenants approved during the six month period 1 January to 30 June 2010.

**EXECUTIVE SUMMARY**

2. The attachments (**Attachments 1-16**) provides a summary of heritage grants and covenants approved during the period 1 January to 30 June 2010. The Committee are to report to the Council as required under the delegated authority of the Council to the Heritage Grants and Covenant Committee:

“The Committee be requested to report back to the Council twice a year, listing heritage grants which have been approved by the Committee pursuant to its delegated powers within the preceding six months”.

3. The Heritage Incentive Grant Fund has a budget of \$842,106 for the 2009/10 financial year.
4. Eight grants had been approved from the 2009/10 budget by 31 December 2009 with a total value of \$341,873, leaving a remaining grant fund of \$500,233. A further 16 grants were approved by 30 June 2010 resulting in a full allocation of the Grant Fund.
5. Statements of Heritage Significance, which have been provided as part of the decision making process for each grant application, are attached to the Council report for reference.

**FINANCIAL IMPLICATIONS**

6. Heritage Incentive Grants are budgeted for on an annual basis through the Council's LTCCP. The total Heritage Incentive Grant Fund for 2009/10 was \$842,106.
7. Larger heritage maintenance and conservation projects may receive grant funding over more than one financial year. In the 2009/10 financial year the grant commitments include \$141,920 to St Pauls Trinity Pacific Presbyterian Church; the total grant of \$638,000 approved by the Council in June 2009 is to be paid over four financial years.

	2009/10
Annual Budget	\$842,106
Commitment from previous year (St Paul's Presbyterian Church)	\$141,920
Grant approvals July to December 2009	\$199,873
Total Grant funds approved 2009/10 (at 31 December 2009)	\$341,793
Grant Approvals January to June 2010	\$500,313

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

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

**LEGAL CONSIDERATIONS**

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

23. 9. 2010

41 Cont'd

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

10. Yes. Covenants are a more comprehensive form of protection for the buildings because they are registered against the property title, ensuring that the Council's investment is protected. For all grants approved in the six month period 1 January to 30 June 2010, covenants have been required as a condition of grant approval where the value of the grant exceed \$5,000.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. 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.
12. 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).
13. '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.

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

14. Yes.

**ALIGNMENT WITH STRATEGIES**

15. 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)
  - Christchurch City Plan and Banks Peninsula District Plan
  - Central City Revitalisation Strategy
  - New Zealand Urban Design Protocol.

**Do the recommendations align with the Council's strategies?**

16. Yes.

**CONSULTATION FULFILMENT**

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



23. 9. 2010

**41 Cont'd**

**STAFF RECOMMENDATION**

It is recommended that the Council receive the six monthly grants and covenants report for the period 1 January 2010 to 30 June 2010.

23. 9. 2010

## 41 Cont'd

## BACKGROUND

18. Heritage incentive grants approved by the committee January to June 2010

Property name and address	Value of grant	Date approved by Committee	Covenant
42 Gloucester Street 'Orari' <b>Attachment 1</b>	\$13,552	4 February 2010	Limited covenant
148 Park Terrace, 'Fleming House' <b>Attachment 2</b>	\$33,753	4 March 2010	Existing covenant
2-16 Dorset Street <b>Attachment 3</b>	\$9,022	4 March 2010	No covenant required
2 Cunningham Terrace, Lyttelton <b>Attachment 4</b>	\$13,623	4 March 2010	Full covenant
133 Manchester Street <b>Attachment 5 &amp; 6</b>	\$25,886	4 March 2010	Full covenant
136-139 Manchester Street <b>Attachment 5 &amp; 6</b>	\$107,460	4 March 2010	Full covenant
39 Oxford Street, Lyttelton <b>Attachment 7</b>	\$27,796	1 April 2010	Full covenant
44 Rue Balguerie, Akaroa <b>Attachment 8</b>	\$3,026	1 April 2010	No covenant required
107-109 Cambridge Terrace <b>Attachment 9</b>	\$83,696	6 May 2010	Full covenant
198 Hereford Street <b>Attachment 10</b>	\$11,205	6 May 2010	Limited covenant
86 Chester Street East <b>Attachment 11</b>	\$10,124	6 May 2010	Limited covenant
61 Wigram Road, A & P Hut <b>Attachment 12</b>	\$19,767	3 June 2010	Limited covenant
157a Gloucester Street, New Regent Street Shops <b>Attachment 13</b>	\$14,847	3 June 2010	Limited covenant
229 Kilmore Street, 'Piko Wholefoods' <b>Attachment 14</b>	\$5,325	3 June 2010	Limited covenant
32 Salisbury/381 Montreal Street, 'Ironside House' <b>Attachment 15</b>	\$10,502	3 June 2010	Limited covenant
146 Kilmore Street, 'Repertory Theatre' <b>Attachment 16</b> Total grant of \$213,976 approved over 2 financial years (\$103,247 in 2010/11)	\$110,729	3 June 2010	Full covenant
<b>Total</b>	<b>\$500,313</b>		

19. Covenants approved July to December 2009

Property name and address	Value of grant	Date approved by Committee/ Council	Covenant
37 Valley Road	Nil, covenant only	1 April 2010	Full covenant

23. 9. 2010

## 42. URBAN DEVELOPMENT STRATEGY ACTION PLAN UPDATE

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	Caroline Hart – Team Leader Policy

**PURPOSE OF REPORT**

1. This report seeks the Council' approval of the Urban Development Strategy Action Plan Update (**Attachment 1** separately circulated).

**EXECUTIVE SUMMARY**

2. The initial Urban Development Strategy (UDS) Action Plan was adopted by Christchurch City Council in May 2007 following endorsement of that Plan by the UDS Implementation Committee (UDSIC) – a joint committee of Councils including Environment Canterbury, Christchurch City Council<sup>1</sup>, Waimakariri District Council, Selwyn District Council and New Zealand Transport Agency (NZTA). The UDS Action Plan is critical in informing the development of the Long Term Council and Community Plans (LTCCP) across each of the participating agencies.
3. A scheduled update of the UDS Action Plan occurs every three years. The update to the UDS Action Plan has been actively carried out by the UDSIC since April 2009. Since then, the UDS IMG (senior staff) has worked throughout 2010 to re-draft the UDS Action Plan with a view to completing the update prior to the lead-up to the local body elections in October.
4. A working party of the UDSIC has met twice to consider a draft update of the UDS Action Plan, and completed a substantial review of the document. On 30 August 2010 the UDSIC recommended that the UDS Action Plan Update be adopted by partner Councils.

**Description**

5. The implementation actions for the UDS are grouped under the four Strategic Direction areas, i.e. Enhance Environment, Enrich Lifestyles, Encourage Prosperous Economies, and Effective Governance and Leadership. Each strategic direction area contains a number of subject chapters. Information provided in the Action Plan chapters address issues of context, key approaches to be taken, relevant growth issues, and tables of action to be undertaken.
6. The actions are the specific tasks that need to be carried out to implement the UDS. Actions fall into different types. Projects are those that are generally one off or occur over a period of time at specific dates. They may include research or policy development. Others may be actions to anchor Strategy implementation or physical development including services and infrastructure. A third type of action may be more about behaviour and working collaboratively over the longer-term such as setting up working groups to deal with a range of tasks.

**Content and Implications**

7. The 2007 UDS Action Plan had 33 Subject Chapters containing 182 Actions. The 2010 UDS Action Plan Update now has 28 Chapters and 133 Actions. The 2010 UDS Action Plan seeks to provide direction rather than being prescriptive about actions to be taken. The actions for which Christchurch City Council has been identified as having a lead role are listed in **Attachment 3** (separately circulated). It is expected that the lead agencies will implement those actions that are accorded to them though the UDS Action Plan does not of itself bind the Council to these actions.
8. The Christchurch City Council has previously adopted the 2007 UDS Action Plan and this has been used to inform the development of the Council's work programme. The importance of the UDS Action Plan in informing the council work programme is reflected the Levels of Service in the 2009-2019 LTCCP – *Performance Standard 1.0.2 – Integrated programme to implement the Council's components of the Greater Christchurch Urban Development Strategy (UDS) Action Plan is developed and progressed*. The 2010 UDS Action Plan Update will perform a similar

<sup>1</sup> Council representatives on UDSIC are Mayor Parker, Councillor Wells, Councillor Williams/Councillor Broughton.

## 23. 9. 2010

### 42 Cont'd

function i.e. while the UDS Action Plan update does not of itself bind the Council to any particular action, it serves as a guide to the development of a work programme that Council formally commits to through the approval of the LTCCP.

9. Most of the changes to the 2007 UDS Action Plan have generally been due to actions being completed, changes in emphasis to provide better clarity of direction, reducing statements that predetermined an operational method of delivery, and clarifying explanations of actions. Appendix 1 of **Attachment 1** (separately circulated) provides an explanation of these changes.
10. Changes have also been made to ensure consistency with Christchurch City Council strategies that have been approved since 2007 e.g. the Open Space Strategy and the Surface Water Strategy. The updated UDS Action Plan also reflects significant developments since 2007, notably the Canterbury Water Management Strategy and the changes to the land transport legislation including the statutory requirement to develop a Regional Land Transport Plan.
11. There are twelve priority actions noted in the 2010 Action Plan Update, see **Attachment 2** (separately circulated). These priority actions are discrete actions for which bi-monthly reporting will be undertaken to monitor progress. The 2007 UDS Action Plan contained 20 priority actions though these tended to be less discrete in nature.
12. If approved by partner Councils, it is intended to republish a refreshed UDS and the Action Plan as two companion documents before the end of the year.

#### FINANCIAL IMPLICATIONS

13. The purpose of the 2010 UDS Action Plan is to inform the development of 2012 LTCCP and the financial implications for implementing the actions the Council has been assigned responsibility will be identified specifically at that time. The UDS Action Plan Update does not of itself have financial implications, it is only after the Council has committed to tasks through the LTCCP that financial implications arise.

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

14. The 2007 UDS Action Plan has informed the development of the 2009 – 19 LTCCP and provision has been made for the scheduled review of the UDS Action Plan.

#### LEGAL CONSIDERATIONS

15. There are no immediate legal considerations in the 2010 UDS Action Plan. The Joint Committee of Councils has recommended its adoption by partner agencies. Implementation of the individual actions may require consideration of legal aspects at that time.

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

16. See above.

#### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. LTCCP level of service 1.0.2.1 Council approves a work programme, based on the approved UDS Action Plan, by 30 June, for the following financial year.

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

18. See above.

#### ALIGNMENT WITH STRATEGIES

19. The 2010 UDS Action Plan Update has been amended to ensure alignment with Christchurch City Council existing and newly approved strategies.

23. 9. 2010

**42 Cont'd**

**Do the recommendations align with the Council's strategies?**

20. See above.

**CONSULTATION FULFILMENT**

21. Christchurch City Council has been represented on UDSIC. Consultation has been undertaken with staff across Council and with UDSIC partner agencies including NZTA during the update of the UDS Action Plan.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Note that the UDSIC have recommended the 2010 UDS Action Plan Update for adoption by partner Councils.
- (b) Adopts the 2010 UDS Action Plan Update.

23. 9. 2010

#### 43. CANTERBURY WATER MANAGEMENT STRATEGY: SELWYN - WAIHORA ZONE COMMITTEE MEMBERSHIP APPROVAL, AND AMENDED TERMS OF REFERENCE

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

#### PURPOSE OF REPORT

1. The purpose of this report is to seek Council:
  - (a) Approval of the recommended membership from the Canterbury Water Management Strategy (CWMS) Zone Facilitator, Mr Ian Whitehouse (on behalf of the CWMS Selection Working Group), for the CWMS Selwyn-Waihora Zone Committee.
  - (b) Endorsement of the amended Terms of Reference for the Selwyn - Waihora Zone Committee (**Attachment 2**)

#### EXECUTIVE SUMMARY

##### Part A: Background

2. Following several years of collaborative work by the Mayoral Forum, the Steering Group, Environment Canterbury (ECan), and the region's ten territorial authorities, the Canterbury Water Management Strategy (the Strategy) is in the initial stages of being implemented.
3. To implement the Strategy, ECan has established a committee called the Canterbury Water Management Strategy Regional Water Management Committee (the 'Regional Committee') to take an overview of water issues for the region and deal with cross-zone issues.
4. In addition, ten joint committees ('zone committees') are currently being formed by ECan and territorial authorities to address local issues within each zone. Of the three zones of direct significance to Christchurch, the Banks Peninsula zone is completely within Christchurch City and the Christchurch - West Melton zone is predominantly within Christchurch City.
5. The purpose of the 'zone committees', which report to their constituent Territorial Local Authorities and ECan, is to develop strategies, tactics and activities to give effect to the fundamental principles and targets of the Strategy within each zone. The focus for the Regional Committee, which reports to ECan, is on infrastructure associated with managing large scale storage and the transfer of water across Canterbury, along with related issues such as energy generation and region-level biodiversity issues. The Regional Committee is also tasked with co-ordinating the development of a Regional Implementation Programme that gives effect to the Strategy and takes into account the work of the zone committees. The Regional Committee is funded by a regional rate.
6. The Selwyn - Waihora Zone Committee has been established under the auspices of the Local Government Act 2002 in accordance with the Strategy as a joint committee of ECan, Selwyn District Council and Christchurch City Council. The Selwyn - Waihora Zone includes that part of Lake Ellesmere/Te Waihora within the Christchurch City boundary. This is a small but significant part of Christchurch City in terms of water resource and water management matters.
7. Zone Committees have the following general membership:
  - One member appointed by ECan who is an "elected member" (to initially be filled by a commissioner under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010), (the ECan Act).
  - One member appointed by each Territorial Authority operating within the zone boundary who is an elected member (Christchurch City Council and Selwyn District Council both operate within the zone boundaries for the Selwyn - Waihora, and Christchurch - West Melton zones).

23. 9. 2010

43 Cont'd

- One member appointed by each Runanga with interests in the zone.
  - Between four and six members appointed from the community and who come from a range of backgrounds and interests within the community.
8. Further detailed information on the nature and purpose of zone committees, and other background information on the Strategy, was presented in a report to Council on 22 July 2010.

**Part B: Recommended Membership of the Selwyn - Waihora Zone Committee**

9. The Council has received a recommendation from the CWMS Selection Working Group on the six community members for the Selwyn - Waihora Zone Committee. Approval of the membership of the Selwyn - Waihora Zone Committee by the Council is required before the Committee can commence its business.
10. The six community representatives for the Selwyn - Waihora Zone Committee recommended by the CWMS Selection Working Group are, Peter Jackson, Eugenie Sage, John Sunckell, Doug Catherwood, David Painter, and Sue Cumberworth. Some background information on the recommended community members is available in the attached letter from Mr Ian Whitehouse (CWMS Zone Facilitator) (**Attachment 1**).
11. The Selection Working Group comprised Mayor Kelvin Cole (Selwyn District Council), Councillor Sarah Waters (Selwyn District Council), Councillor Claudia Reid (Christchurch City Council), Ken Taylor (Director Investigations and Monitoring, ECan), Maani Stirling (Taumutu Runanga), and David Horn (Director Water Executive, ECan).
12. The Selection Working Group carried out a comprehensive selection process to select the six recommended community members. There were 29 applications received by CWMS for the Zone Committee community positions. The Selection Working Group believes the six people recommended cover the range of interests in water required and are an appropriate balance of interests for the Selwyn-Waihora Water Management Zone.
13. The following people have been recommended as representatives on the zone committee from the various organisations for which they work:
- Councillor Claudia Reid (Christchurch City Council)  
 Councillor Nigel Barnett (Selwyn District Council)  
 Commissioner Donald Couch (ECan)  
 Robin Wybrow (Wairewa Runanga)  
 June Swindells (Rapaki Runanga)  
 Teriranna Smith (Taumutu Runanga)  
 Clare Williams (interim appointee, Tuahuriri Runanga)
14. Onuku and Koukourarata Runanga also have an interest in the Selwyn - Waihora Zone but have not made appointments of representatives to the zone committee at the time of writing this report. The Council will be notified of these appointments on or before the Council meeting of 23 September 2010.

**Part C: Amended Terms of Reference for the Selwyn - Waihora Zone Committee**

15. The Council approved the Terms of Reference for the establishment of the Canterbury Water Management Strategy Zone Committees for Selwyn - Waihora Zone, Christchurch - West Melton Zone, and Banks Peninsula Zone on 22 July 2010.
16. A minor wording change has been made to Item 6 Operating Philosophy of the Selwyn - Waihora Zone Committee Terms of Reference. The proposed wording change describes more clearly the principle of integrated water management. The reworded text is:

*"Promote a shift in philosophy from an individual rights basis towards using water resource to a collective interests approach to water management philosophy of integrated water management to achieve the multiple objectives of the range of stakeholders with interests in water."*

23. 9. 2010

43 Cont'd

**FINANCIAL IMPLICATIONS**

17. There are currently no direct financial implications for the Council in approving the membership of the Selwyn - Waihora Zone Committee. Other financial matters have been presented to the Council on 22 July 2010.

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

18. Yes. The cost of managing the appointment of members to the committees is included in existing budgets.

**LEGAL CONSIDERATIONS**

19. Legal matters on the establishment and appointments to zone committees (and the Regional Committee) were reported to the Council on 22 July 2010, and include:
- Existing powers and/or new legislation will be used to ensure the implementation programmes are given appropriate legal status under the Local Government Act 2002 and the Resource Management Act 1991. The zone and regional committees will be joint committees of ECan and the relevant district councils. The committees will operate in accordance with Local Government Act powers and terms of reference drawn up by their parent councils. It is intended that decisions will be made on a consensus basis rather than by majority voting.
  - The Canterbury Water Management Strategy is now recognised in the ECan Act 2010.
  - The ECan Act 2010 provides that the Commissioners assume all the responsibilities of the elected representatives under the Local Government Act 2002. This means that as currently proposed, an Environment Canterbury Commissioner will be required to be a member of each joint zone committee.

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

20. Yes. Refer above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

21. The recommendations in this report support, through the establishment and operation of the Selwyn - Waihora Zone Committee, a wide range of environmental, governance, prosperity, health and recreational community outcomes. Of particular significance is the Council's responsibility of providing clean and reliable water supply.

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

22. Yes. The recommendations in this report, through the establishment and operation of the Selwyn - Waihora Zone Committee, supports levels of service under the areas of water supply, "A reliable supply of water that is safe to drink" (page 60), waterways and drainage (page 132), economic development (page 144), and city development (page 188).

**ALIGNMENT WITH STRATEGIES**

23. The recommendations are, through the establishment and operation of the Selwyn - Waihora Zone Committee, consistent with, and support, the Council's Surface Water Strategy and Water Supply Strategy.

**Do the recommendations align with the Council's strategies?**

24. As above.



23. 9. 2010

#### 43 Cont'd

##### CONSULTATION FULFILMENT

25. The steering group responsible for preparing the Canterbury Water Management Strategy consulted widely (over the last two years) with the public and the territorial authorities that were to participate in its implementation. Consultation on the selection and appointment process of zone committee members was an integral part of developing the Strategy.
26. It is the view of the Legal Services Unit that the process followed to select and appoint the various community, Runanga and other members of the zone committee is robust, and flows consequentially from decisions that were made earlier following public consultation.

##### STAFF RECOMMENDATIONS

That the Council:

1. Approves the membership of the Selwyn-Waihora Zone Committee as:

Councillor Claudia Reid (Christchurch City Council)  
 Councillor Nigel Barnett (Selwyn District Council)  
 Commissioner Donald Couch (ECan)  
 Robin Wybrow (Wairewa Runanga)  
 June Swindells (Rapaki Runanga)  
 Teriranna Smith (Taumutu Runanga)  
 Clare Williams (interim appointee, Tuahuriri Runanga)  
 Peter Jackson (community representative)  
 Eugenie Sage (community representative)  
 John Sunckell (community representative)  
 Doug Catherwood (community representative)  
 David Painter (community representative)  
 Sue Cumberworth (community representative)

The following members of the zone committee have not been appointed at the time of writing this report. The Council will be advised of the names of the Runanga representatives at or before the Council meeting on 23 September 2010.

Onuku Runanga representative  
 Koukourarata Runanga representative

2. Endorse the amendments to the Terms of Reference for the Selwyn - Waihora Zone Committee.

23. 9. 2010

**44. OLD TAI TAPU ROAD/TEMPLETON BOUNDARY CHANGES – REORGANISATION SCHEMES**

<b>General Manager responsible:</b>	General Manager Strategy and Planning DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	Clare Sargeant, Planner

**PURPOSE OF REPORT**

1. The purpose of this report is to present the report and recommendation of the Committee appointed to conduct a hearing on the draft reorganisation schemes between Selwyn District Council and Christchurch City Council for the areas of Old Tai Tapu Road and Templeton, in accordance with Schedule 3 of the Local Government Act 2002.

**EXECUTIVE SUMMARY**

2. In February, 2002, the Council adopted a report recommending a boundary alteration in the vicinity of Templeton and authorised staff to consult with affected land owners to ascertain their views on a proposed boundary adjustment. Since 2002, a new area came to the attention of both the Christchurch City Council and Selwyn District Council. This property is situated at 280 Old Tai Tapu Road and has been identified as a high priority.
3. The main reason for undertaking a boundary change is because the present location of the Christchurch City Council territorial boundary bisects a number of properties, creating difficulties and uncertainties in relation to bylaw administration, rates collection, service provision and electoral and census activities. The existing boundary also bisects the Templeton community into western and eastern sections, creating problems for neighbourhood identity and electoral and census activities.
4. In order to begin the boundary alteration process, a proposal must be initiated by a territorial authority under clause 1(1) of Schedule 3 of the Local Government Act 2002, as an affected local authority. In this case, Christchurch City Council prepared the proposal to file with the other affected local authority Selwyn District Council.
5. The two proposals, one for the 17 Templeton properties and one located at 280 Old Tai Tapu Road, had been formulated generally on the following basis:
  - (a) Meeting the requirements of Schedule 3 of the Local Government Act 2002.
  - (b) Creating greater coherence and rationality of the boundary in the areas of Templeton and Old Tai Tapu Road and improving local governance through the consolidation of distinct communities of interest.
  - (c) Aligning the boundary with existing cadastral boundaries and avoiding buildings and other major structures.
  - (d) Transferring the land in Templeton, which is currently in Selwyn and primarily developed for urban purposes into Christchurch.
  - (e) Transferring the land in Templeton and Old Tai Tapu Road that is currently in Christchurch and primarily developed for rural purposes to Selwyn.
6. A report went to the Council's Regulatory and Planning Committee on 3 December 2009 the purpose of which was to obtain approval from the Committee to submit two boundary alteration proposals to the Selwyn District Council for the areas of Templeton and 280 Old Tai Tapu Road in accordance with Part 1, Schedule 3 of the Local Government Act 2002. The filing of the proposals with Selwyn District Council would enact the statutory process for beginning boundary reorganisation via the Local Government Act 2002.
7. On 10 December 2009 the Council resolved to confirm two separate draft reorganisation proposals to:
  - (i) File with the Selwyn District Council to start the formal Local Government Act reorganisation process;

23. 9. 2010

44 Cont'd

- (ii) Instruct officers to draft a reorganisation scheme in the likely event Selwyn District Council would appoint the Christchurch City Council to manage the process; and
  - (iii) Ask the CEO of Christchurch City Council to enter into negotiations with the CEO of the Selwyn District Council regarding cost sharing associated with the reorganisation process.
8. Officers then prepared two draft reorganisation schemes in accordance with Schedule 3 of the Local Government Act 2002. Two separate reorganisation proposals were drafted because the Tai Tapu reorganisation scheme involves a single landowner thereby avoiding potential appeal delays associated with the Templeton scheme that involves multiple land owners.
  9. Following the Council meeting of 10 December 2009 the Council's Chief Executive Officer, Mr. Marryatt sent a letter to Mr. Davey CEO of Selwyn District Council requesting that Council give notice of the two proposals to the Secretary of Local Government and the Local Government Commission pursuant to clause 10, Schedule 3 of the Local Government Act 2002 thereby confirming the draft reorganisation schemes. Selwyn District Council was also asked to determine whether Selwyn District Council or CCC or a joint committee will be responsible for preparing the draft reorganisation schemes and finally to confirm cost sharing negotiations between the CEO's.
  10. The reorganisation schemes (**Attachment 1**) and the associated requests were submitted to the full Selwyn District Council on 10 February 2010 where that Council resolved to give effect to those matters contained in Mr. Marryatt's letter.
  11. On 6 May 2010 the Regulatory and Planning Committee resolved to recommend to the Council approval for public notification of the two draft reorganisation schemes, one for 280 Old Tai Tapu Road and another for 17 properties near Templeton and to appoint a hearings panel to consider submissions on the draft reorganisation schemes and make recommendations to the Council.
  12. The Council ratified the Committee recommendation on 27 May 2010 approving the release of the two draft reorganisation schemes for a two month public notification period. The two schemes were publicly notified on 4 and 5 June 2010. Submissions closed on 4 August 2010. Public notification of the draft schemes was also sent directly to the Local Government Commission, Selwyn District Council and other named parties in clause 12(3) of Schedule 3 of the Local Government Act 2002.
  13. Two submissions were received in response to the public notification of these draft reorganisation schemes, one in support and one in support with amendments (being the inclusion of 19 Trents Road in Christchurch City Council boundary). The amendment was sought by Cookie Time Limited to have their land holdings entirely with one territorial authority for efficiencies relating to bylaw administration, rates collection and service provisions by the relevant authority (including building and planning controls).
  14. The appointed Committee to hear the submissions and make a recommendation to the Council, comprised of Councillors Bob Shearing (Chairperson), Mike Wall and Sue Wells. The hearing was conducted on 25 August 2010 at the Sockburn Service Centre. In their report to the Council they recommend the draft reorganisation schemes as notified with amendments (inclusion of 19 Trents Road). Its report is attached (**Attachment 2**).

**FRAMEWORK OF THE LOCAL GOVERNMENT ACT 2002 (LGA)**

15. Once the Committee has made their recommendation to the Council in relation to the draft reorganisation scheme, the Council can either:
  - (a) *Adopt the draft reorganisation scheme; or*
  - (b) *Adopt the draft reorganisation scheme with amendments to take into account of recommendations, submissions, relevant material, representation or comments received by it; or*
  - (c) *Decision that the draft reorganisation scheme should not proceed*

23. 9. 2010

**44 Cont'd**

16. If the Council is of the mind to adopt the recommendations of the Committee, then notice of the decision must be given to:
- (a)
    - (i) *Each affected local authority.*
    - (ii) *The Secretary (of Local Government).*
    - (iii) *The Commission (of Local Government).*
    - (iv) *Each person who made a submission.*
    - (v) *The proposed of his or her representative.*
  - (b) *Give public notice of the decision.*
17. If a person who has been given notice is dissatisfied with the decision, that person may appeal to the Commission against the decision. This must be lodged within one month after the date of the decision with the CEO of the Commission and the Chairperson of the Committee (Councillor Bob Shearing) or the CEO of the Christchurch City Council.
18. If no notice of appeal has been lodged, Christchurch City Council must refer it to the Minister of Local Government for the preparation for an Order in Council to give effect to it.

**OTHER MATTERS FOR CONSIDERATION****Resource Management Act**

19. Section 81 (Boundary adjustments) of the Resource Management Act 1991 (RMA) notes that;
- (1) *Where the boundaries of any region or district are altered, and any area comes within the jurisdiction of a different local authority,—*
    - (a) *The plan or proposed plan that applied to the area before the alteration of the boundaries shall continue to apply to that area and shall, in so far as it applies to the area, be deemed to be part of the plan or proposed plan of the different local authority:*
    - (b) *Any activity that may, before the alteration of the boundaries, have been undertaken under section 19 may continue to be undertaken as if the alteration of the boundaries had not taken place.*
  - (2) *Where the boundaries of any district are altered so as to include within that district any area not previously within the boundaries of any other district, no person may use that land (as defined in section 9) unless expressly allowed by a resource consent, until a district plan provides otherwise.*
  - (3) *A territorial authority shall, as soon as practicable but within 2 years, make such changes to its district plans as it considers necessary to cover any area that comes within its jurisdiction, and, after the changes are made, this section shall cease to apply.*
20. It is proposed that in order to give effect to section 81(3) of the RMA, that the proposed boundary changes be incorporated into the District Plan review. Section 81(3) can be interpreted as not applying if the Council does not consider that any changes are necessary in the meantime. In other words, the Council is happy to rely on the provisions of the Selwyn District Plan until it undertakes its District Plan review.

**Census Data**

21. With regards to the proposed amendments to include 19 Trents Road, and the new territorial boundary, there is no specific restriction in the LGA to consider cadastral boundaries or roads as appropriate boundaries for TA. It is noted that cadastral boundaries are used currently to delineate TA boundaries since they represent a relatively efficient option for boundary alteration that supports the desires of affected landowners and provides for a more logical rates arrangement.

23. 9. 2010

**44 Cont'd**

22. The LGA does promote the use of Statistics New Zealand meshblock boundaries (used for electoral purposes) in defining limits of Territorial Authorities (TAs). The current meshblock boundaries are congruent with the existing Christchurch City Council boundary. Meshblock boundaries are set by Statistics New Zealand and they are generally happy to change meshblock boundaries to accommodate TA boundary changes so long as they are sensible and follow cadastral boundaries. It is very likely that Statistics New Zealand will amend their meshblock to the proposed TA boundary once settled.
23. TA boundary often run down the centre lines of roads as does the current TA boundary with Selwyn District Council in places including Trents Rd. Where the road is administered by NZTA there are no operational/maintenance issues. Where the road is a local road, a boundary road agreement determines which TA administers the road (maintenance and upgrading) is usually in place. It would be a matter of amending the agreement to reflect the new TA boundary.

**Rating**

24. Rating of the properties affected by the changes to boundaries will remain as per status quo. Once the changes to the territorial boundary have been made by the relevant authority, the rating changes will occur in the next financial year.

**FINANCIAL IMPLICATIONS**

25. There are no direct financial implications arising out of this report. At the completion of the boundary change process there will ultimately be some small costs associated with the rezoning and possible increases to service provision. There are also some costs associated with staff time to prepare the changes required to the District Plan, however it is envisioned that these are to be included within the upcoming District Plan Review process.

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

26. Not relevant.

**LEGAL CONSIDERATIONS**

27. Schedule 3 to the Local Government Act 2002 sets out a process for considering the reorganisation of local authorities. This process has been followed.

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

28. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

29. The boundary alterations aligns with the objectives of the South West Area Plan; notably, the objective to visibly define and reinforce the urban limit. The boundary proposal also aligns with the Greater Christchurch Urban Development Strategy, which seeks a well-defined district boundary, which creates a demarcation between urban and rural areas.

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

30. Yes. Supports the maintenance and review of the District Plan.

**ALIGNMENT WITH STRATEGIES**

31. Not applicable.

**Do the recommendations align with the Council's strategies?**

32. Not applicable.

23. 9. 2010

**44 Cont'd**

**CONSULTATION FULFILMENT**

33. The consultation requirements of the Local Government Act 2002 have been fulfilled at this stage in the process.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Adopt the draft reorganisation schemes with amendments, for the reasons set out in the recommendation of the Committee (Attachment 1) and as stated by the Committee that "...this proposal for the reorganisation of territorial authority boundary between Christchurch City Council and Selwyn District Council is adopted with amendments (inclusion of 19 Trents Road) in accordance with Section 18 Schedule 3 of the Local Government Act 2002".

23. 9. 2010

**48. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF  
2 SEPTEMBER 2010**

Attached.

23. 9. 2010

#### 49. STAFF RECOMMENDATION FOR ROLLOVER OF BANKS PENINSULA DISTRICT COUNCIL EXISTING DESIGNATION AT BIRDLINGS FLAT

<b>General Manager responsible:</b>	General Manager Strategy & Planning Group DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Plan
<b>Author:</b>	Janice Carter (Consultant)

#### PURPOSE OF REPORT

1. The purpose of this report is for the Council to consider and make a decision on whether it will confirm the existing Banks Peninsula District Council (BPDC) quarry and waste transfer designation at Birdlings Flat, with or without modifications, impose conditions or withdraw the designation pursuant to section 168A of the Resource Management Act 1991 (the Act).
2. This report also concludes the outstanding decision required on the submission made to this designation. The submission has been previously considered by the hearings panel of the day but has yet to be adopted by the Council.
3. The relevant issues were covered in detail at the previous Council meeting on 23 July 2010 for the 48 other Council designations. This final designation concludes the requirements of the Council to make decisions on its own designations included in the Proposed Banks Peninsula District Plan under Clause 4 of the First Schedule of the Act.

#### EXECUTIVE SUMMARY

4. On 23 July 2010 the Council made decisions on the designations inserted into the Banks Peninsula District Council Proposed Plan (Proposed Plan) pursuant to the First Schedule of the Act. However, a decision was deferred on one of the designations; being the site at Birdlings flat designated for quarry and waste transfer purposes. This designation contains three parcels, RS 41246 and 41247 and Res 2426; totalling just over 10 hectares. The reason for the deferment was that new information regarding the site could not be confirmed at the Full Council meeting. Specifically, there was concern that one of the parcels of the site (Res 2426) may have been the burial location of the Little River Marae.
5. **Appendix 1** contains a report for this remaining BPDC designation. The report reassesses the existing designation, identifies any errors and irregularities, considers the issues together with the submission and makes a comprehensive recommendation to the Council on the designation. Clarification has been sought from the relevant Council officers as to the scope and purpose of designation as well as whether there is ongoing need for the site to be designated. Investigations were undertaken to ascertain whether that part of the site legally described as Res 2426 contains a buried marae. An aerial map of the site is provided in Section 2.1.8 of the attached report (**Appendix 1**). This map identifies the location of the three land parcels that make up the designated site. The location of the buried marae is also shown on this aerial.
6. The investigations confirm that the Little River marae is not buried at this site but is buried nearby in Browns Pit. Browns Pit is located directly opposite the site on a site legally described as Lot 1 DP 8321.

#### Process

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



23. 9. 2010

49 Cont'd

**FINANCIAL IMPLICATIONS**

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

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

10. Yes. Covered by existing unit budget.

**LEGAL CONSIDERATIONS**

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

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

13. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

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

16. Yes, see above.

**ALIGNMENT WITH STRATEGIES**

17. No specific alignment with any Council strategies.

**CONSULTATION FULFILMENT**

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

23. 9. 2010

## 49 Cont'd

## STAFF RECOMMENDATION

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 and Section 168A of the Resource Management Act 1991 confirm the recommendation made below for the existing quarry and waste transfer station designation of the Banks Peninsula District Council (BPDC) at Birdlings Flat and as set out in the report contained in Attachment 1. The recommendation is to:

1. Confirm the existing designation with modification over the sites legally described as Rural Section 41246 and 41247 at State Highway 75, Birdlings Flat, for the purpose of a quarry and waste transfer station and that the designation be confirmed as shown on planning map R7 of the Proposed Plan, and that the site legally described as Res 2426 be **excluded** as part of the designation subject to:
  - (i) Modifying Appendix II of the Proposed Plan by:
    - (a) Amending the legal description of the designation so that it reads 'Rural Section 41246 and 41247'.
    - (b) Replacing the site area '10.0992' with '7.9230'.
  - (ii) Correcting planning map R7 of the Proposed Plan by amending planning map R7 of the Proposed Plan by replacing the label 'RE' (Refuse Disposal) next to the designation site with the label 'WT' (Waste Transfer Station).
  - (iii) Correcting Appendix II of the Proposed Plan in order to accurately describe the designating authority by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
  - (iv) Investigating whether there is a need to change the specified 'Gravel' purpose of the Local Purpose Reserve over Res 2426, given the site is no longer used for this purpose.
2. Reject submission 472.27 (Te Taumatu Runanga).

23. 9. 2010

## 49 Cont'd

**BACKGROUND**Process

20. Before notifying a proposed plan, councils are required under Clause 4 of Schedule 1 of the Act, to provide requiring authorities, including itself, that have designations in the operative district plan (which have not expired) with the opportunity to include their existing designations in the proposed plan, with or without modification, and to include new designations.
21. The BPDC included a total of 49 existing and new designations in the Proposed Plan when it was notified on 27 January 1997, for which it acts in the role of Requiring Authority.
22. Of the 49 BPDC designations, 48 were considered and a decision made on each at the 23 July 2010 Full Council Meeting. The designation subject to this report was excluded from the decisions being made on 23 July 2010 due to new information on the site, including concern that an old marae building might be buried on the part of the site legally described as Res 2426. There was the added consideration that the Council was currently using site Res 2426 for stockpiling of land slip debris. An aerial map of the site is provided in Section 2.1.8 of the attached report (**Appendix 1**). This map identifies the location of the three land parcels that make up the designated site.
23. Investigations and discussion with the Council's Landfill Aftercare Officer (David Harris) confirmed that the marae is buried on the site opposite; legally described as Lot 1 DP 8321 (known locally as Browns Pit). The location of the buried marae is shown on the aerial provided in Section 2.1.8 of the attached report (**Appendix 1**).
24. It was also suggested that Res 2426 is currently used for the temporary storage of land slip debris and that the designation should remain for that purpose. Use of the site for stockpiling of slip material during recent flooding has been confirmed. However, this activity is considered to be neither "quarrying" nor "waste transfer station" and is not therefore entirely consistent with the designation purpose.
25. Discussions with Robin Wybrow (Chair of Wairewa Rununga) have confirmed that Res 2426 is Wahi Tapu. It is therefore highly likely that the site was zoned Conservation Reserves for its cultural significance. This is explained in more detail in Appendix 1.

Assessment and Decisions on Designations

26. As the Council is the Requiring Authority for the designation considered in this report, it must consider and make a decision on it in accordance with the provisions of section 168A of the Act. This section also requires consideration of any submissions received. One submission was received in respect to a quarry designation at Birdlings Flat when the Proposed Plan was notified in 1997. That submission was from Te Taumatu Rununga and related to their objection to mining on Kaitorete Spit and did not relate to this designated site. The submission is assessed in more detail in Section 2.1.5 of the attached report (Appendix 1).
27. In considering the effects on the environment of the requirements, the Council must have particular regard to the following matters set out in section 168A(3) of the Act:
  - (a) *any relevant provisions of—*
    - (i) *A national policy statement;*
    - (ii) *A New Zealand coastal policy statement;*
    - (iii) *A regional policy statement or proposed regional policy statement;*
    - (iv) *A plan or proposed plan; and*
  - (b) *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if:*
    - (i) *The requiring authority does not have an interest in the land sufficient for undertaking the work; or*
    - (ii) *It is likely that the work will have a significant adverse effect on the environment; and*

23. 9. 2010

## 49 Cont'd

- (c) *Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.*
- (d) *Any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*
28. In accordance with section 168A(4) the Council must make one of the following decisions on the requirement:
- Confirm the requirement
  - Modify the requirement
  - Impose conditions
  - Withdraw the requirement
29. Once the Council has made a decision on this modified designation, it must serve notice of its decision on the submitter and any landowners and occupiers directly affected by the decision. Sections 173 and 174 of the RMA set out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision of the territorial authority to the Environment Court.
30. The assessment of this modified designation has been limited by the lack of information available and the amount of time that has elapsed since notification of the Proposed Plan in 1997. The BPDC did not provide any documentation, such as assessments of effects or proposed conditions, to support the inclusion of the designation in the Proposed Plan.

Banks Peninsula District Council Proposed District Plan

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

*ISSUE*

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

*OBJECTIVE*

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

*POLICY 2A*

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

*EXPLANATION AND REASONS*

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

32. The overall objective is to have Council designations updated as a further step to the BPDC Proposed District Plan becoming an operative district plan.

23. 9. 2010

**50. RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D)**

Attached.

THURSDAY 23 SEPTEMBER 2010

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D)

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 51-56.

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
51. CONFIRMATION OF MINUTES: COUNCIL MEETING OF 26.8.2010	)	
52. THE COURT	)	
53. STORMWATER ISSUES	) GOOD REASON TO	
54. COMMUNITY ORGANISATIONS LOAN SCHEME	) WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)
55. 2010 CHRISTCHURCH CIVIC AWARDS	)	
56. RETROSPECTIVE APPROVAL OF APPEAL	)	

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 51	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 51	Conduct of Negotiations	(Section 7(2)(i))
Item 51	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 51	Council to Make a Recommendation	(Section 48(1)(d))
Item 51	Right of Appeal Exists	(Section 48(2)(a))
Item 52	Conduct of Negotiations	(Section 7(2)(i))
Item 53	Conduct of Negotiations	(Section 7(2)(i))
Item 54	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 54	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 55	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 56	Maintain legal professional privilege	(Section 7(2)(g))

**Chairman's**

**Recommendation:** That the foregoing motion be adopted.

**Note**

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

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

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

# **CHRISTCHURCH CITY COUNCIL SUPPLEMENTARY AGENDA**

**THURSDAY 23 SEPTEMBER 2010**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES,  
53 HEREFORD STREET**

## CHRISTCHURCH CITY COUNCIL

**Thursday 23 September 2010 at 9.30am  
in the Council Chamber, Civic Offices, 53 Hereford Street**

**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.

<b>ITEM NO</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
57.	RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORTS	
58.	HEARINGS PANEL REPORT TO COUNCIL RE NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN STRUTHERS LANE	
59.	NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN POPLAR STREET AND CHANGE TO ONE WAY STREET DIRECTION REQUIRING AMENDMENT TO SCHEDULE 1 OF THE TRAFFIC AND PARKING (POPLAR STREET) BYLAW 2010	
60.	TEMPORARY LIQUOR BAN HAGLEY PARK NORTH BAND TOGETHER CONCERT	
61.	GOVERNMENT PROPOSAL - FINANCIAL ASSISTANCE PACKAGE FOR LEAKY HOMES	
62.	RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D) (NO. 2)	



23. 9. 2010

**57. RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORTS**

Approval is sought to submit the following reports to the meeting of the Council on Thursday 23 September 2010:

- Hearings Panel Report To Council Re New Declaration Of A Part Time Pedestrian Mall In Struthers Lane
- New Declaration of a Part Time Pedestrian Mall In Poplar Street and Change to One Way Street Direction Requiring Amendment to Schedule 1 of the Traffic and Parking (Poplar Street) Bylaw 2010.
- Temporary Liquor ban Hagley Park North Band Together Concert
- Government Proposal – Financial Assistance Package for Leaky Homes
- City Plan Appeal Matters (Public Excluded)

The reason, in terms of section 46(vii) of the Local Government Official Information and Meetings Act 1987, why the reports were not included on the main agenda is that they were not available at the time the agenda was prepared.

All reports are urgent and cannot wait for the next meeting of the Council.

**RECOMMENDATION**

That the reports be received and considered at the meeting of the Council on 23 September 2010.

## 58. HEARINGS PANEL REPORT TO COUNCIL RE NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN STRUTHERS LANE

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Christine Toner, Consultation Leader – Transport

### PURPOSE OF REPORT

1. The purpose of this report is to present the Hearings Panel recommendations for a proposal to declare a section of Struthers Lane as a part-time pedestrian mall, daily from 6pm to 6am the following day.

### EXECUTIVE SUMMARY

2. This report and its attachments (listed below) detail a proposal, which has been subject to a Special Consultative Procedure during August 2010, to declare a permanent part time pedestrian mall 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, using bollards to effect closure of this route to all vehicles.

**Attachment 1:** Proposed Declaration of part time pedestrian mall in Struthers Lane.

**Attachment 2:** Plan of Struthers Lane showing proposed changes.

**Attachment 3:** Summary of submissions with staff responses.

3. The aim of all the proposal is to improve safety for motorists and pedestrians and to assist the New Zealand Police in their efforts to manage disorderly behaviour among bar patrons in areas where. The Council objectives are to:
  - (a) Provide a safer environment for the public
  - (b) Remove potential conflict between pedestrians, trams and other vehicles.
4. A trial of bollards in Struthers Lane (in conjunction with a trial in Poplar Street) during 2009 and early 2010 has proved successful in stopping through traffic and thereby separating pedestrian and vehicular traffic during the times when bars are open and pedestrian activity is high.
5. On 22 July 2010 the Council resolved to commence the special consultative procedure (SCP) on the declaration of a part time pedestrian mall in Struthers Lane. The SCP was carried out between 30 July and 31 August 2010.
6. Ten submissions were received, eight of which were in support of the proposal (two were about underground services), with some questions asked (detailed in paragraph 29).
7. The Council appointed a Hearings Panel chaired by Councillor David Cox, and comprising Councillors Gail Sheriff and Mike Wall. The panel met on 20 September 2010 and discussed all written submissions, and to make recommendations on the proposed changes for the Council to consider.
8. No changes to the original proposals are recommended by the Hearings Panel.
9. The key features of the proposals being recommended by this Hearings Panel are as described in paragraph 2 above.

### 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. Yes.

58 Cont'd

**LEGAL CONSIDERATIONS**

12. The proposed changes require the declaration of a part time pedestrian mall in Struthers Lane.
13. Public consultation has been completed via the special consultative procedure, as described above.
14. The Hearings Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making"<sup>1</sup>.
15. Section 336(1) of the Local Government Act 1974 provides that a Council "may, by using the special consultative procedure (a) declare a specified road or part of a specified road to be a pedestrian mall and (b) 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 generally or during particular hours. Section 336(8) states that any declaration "may be revoked or varied by a subsequent declaration using the procedure in subsection (1), and that subsection applies with all necessary modifications".
16. Any declaration of the Council under section 336(1) may include exemptions and conditions but does not take effect until the time for appealing a declaration has expired or any appeal has been determined. Any person can appeal the making of the declaration to the Environment Court (they must do so within one month of the declaration being made). The public notice for this special consultative procedure explained this right of appeal.
17. Once a declaration has been made, and has taken effect it is an offence under section 336(7) to drive, ride, or park any vehicle or ride any animal, or cause or permit any vehicle to be driven, ridden, or parked or any animal to be ridden, in contravention of the declaration.
18. The following options exist for the Council:
  - (a) Status Quo ie reject the proposal as consulted on in its entirety. This option is not preferred as it does not meet the request from NZ Police to limit vehicle access to Struthers Lane at night for safety reasons.
  - (b) Accept the proposal recommended by the Hearings Panel.
  - (c) Change or reject part or parts of this report and the proposals, noting that major changes may require further work by staff and/or further community consultation before they could be finally adopted by the Council.

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

19. Yes, as per above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

20. 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;

---

<sup>1</sup> Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

58 Cont'd

- (c) Central City Transport Concept - Lanes redevelopment projects that improve pedestrian activity and permeability (via mid-block linkages) will facilitate the implementation of the Central City Transport Concept;
- (d) Safer Christchurch Strategy - Lanes redevelopment projects that increase natural surveillance in lanes areas and incorporate principles of Crime Prevention through the Christchurch Safer Road Strategy. Environmental Design (CPTED) are consistent with the Safer Christchurch Strategy;
- (e) Greater Christchurch Urban Development Strategy and the Christchurch Visitor Strategy - as they facilitate the extension of the tram route and they make the area safer for bar patrons and passers by, as well as for motorists;
- (f) Also aligns with the Parking Strategy 2003, Pedestrian Strategy 2001, Road Safety Strategy 2004;
- (g) National Urban Design Protocol - Lanes redevelopment projects that improve quality and design of the urban environment and reflect urban sustainability principles will facilitate the implementation of the National Urban Design Protocol.

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

21. Yes, as per above.

**ALIGNMENT WITH STRATEGIES**

22. Yes, as per above.

**Do the recommendations align with the Council's strategies?**

23. Yes, as per above.

**CONSULTATION FULFILMENT**

**Proposal A – Struthers Lane part time pedestrian mall**

- 24. 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 bollards was considered to be sufficient to meet the objectives of the trial by preventing through traffic along Struthers Lane.
- 25. With mainly positive feedback from users and local stakeholders during the trial, staff asked the Council to authorise the use of the Special Consultative Procedure (SCP) to gather community views on the creation of a permanent part time pedestrian mall in Struthers Lane. This was approved on 22 July 2010. The SCP process ran from 30 July 2010 to 31 August 2010.
- 26. The SCP proposal was to declare a part time pedestrian mall 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, using bollards to effect closure of this route to all vehicles. It incorporates the possibility of adding a second set of bollards at the point 23 metres west of the western boundary line at Manchester Street to ensure that vehicles do not enter SOL Square.
- 27. The public consultation as required by the special consultative procedure took place from 30 July to 31 August 2010. The consultation documents were sent directly to a range of groups, organisations and individuals, and posted to property owners in the block bounded by Tuam Street, Manchester Street, Lichfield Street and Colombo Street. They were hand-delivered to all businesses in this block also, Public Notices appeared in relevant newspapers,

58 Cont'd

and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page. A public information evening was also held in the project area on Wednesday 18 August 2010, at which there were no attendees.

28. At the close of the consultation period a total of 10 submissions had been received. There were no requests to be heard by the Hearings Panel. Eight submissions supported the proposal and two were about underground services. The Hearings Panel met to discuss the submissions on 20 September 2010.
29. Issues raised by the submitters fell into four categories and are summarised (together with staff comments) as follows:
  - (a) Notice from Contact Energy/Rock Gas and Orion re the location of their assets in the street. Orion request assurance that they will continue to have 24/7 access for repairs and maintenance.
    - (i) Staff response: This advice was passed on to the appropriate staff for action. Where necessary, emergency services and other essential service providers will be provided with a tag so that they can retract the bollards.
  - (b) Police support for the pedestrian mall as a pedestrian safety enhancement.
    - (i) Staff response: Appreciation for submitter support
  - (c) One submitter supports the proposal but suggests that service vehicles should be allowed in at all times on a very restricted speed limit "2 kilometres per hour".
    - (i) Staff response: There is no proposal to allow service vehicles in during the mall closure hours in Struthers Lane. Preventing conflict between vehicles and pedestrians is an important objective.
  - (d) One submitter on behalf of people with vision loss and low contrast sensitivity asked if the bollards could be 'contrasted sufficiently to the background to be detectable in low lighting'. This submitter also said that there 'are generally issues for safe travel through the area with vehicles and street objects and no identified accessible path through. She added that Struthers lane would be more accessible if cars were not permitted in this area at all hours except for defined deliveries. 'I have observed conflicts between use of space for pedestrians and vehicles as well as furniture extending out from cafe/bar spaces into the through route. If the Council is serious about enlivening our central city then the areas must be better controlled and designed for pedestrians to enjoy and make use of.
    - (i) Staff response: This point about making the bollards detectable for those with vision loss or low contrast sensitivity has been passed on to the appropriate people. There is no proposal to extend the timing of the pedestrian mall in Struthers Lane. It is currently an important access way to businesses in the block

**THE HEARINGS PANEL CONSIDERATION:**

The Hearings Panel accepted each staff response as set out above.

**HEARINGS PANEL RECOMMENDATIONS**

The Proposed part time pedestrian mall and one way street change in Struthers Lane Hearings Panel recommends to the Council that it:

- (a) Approve the Struthers Lane Part Time Pedestrian Mall Declaration as shown in Attachment 1.
  - (i) Give public notice as soon as practicable, that the Christchurch City Council Struthers Lane Part Time Pedestrian Mall Declaration as shown in Attachment 1 has been

**58 Cont'd**

approved by Council, and that the declaration will take effect one month from the date of the Council's resolution provided there are no appeals lodged with the Environment Court, or will take effect once any appeal has been determined.

- (ii) Send copies of the declaration to those people or organisations that made submissions, advising them of the outcome and right of appeal.

**59. NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN POPLAR STREET AND CHANGE TO ONE WAY STREET DIRECTION REQUIRING AMENDMENT TO SCHEDULE 1 OF THE TRAFFIC AND PARKING (POPLAR STREET) BYLAW 2010**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Christine Toner, Consultation Leader – Transport

**PURPOSE OF REPORT**

1. The purpose of this report is to present the Hearings Panel recommendations for proposals to:
  - (a) Declare a section of Poplar Street as a part-time pedestrian mall, daily from 6pm to 6am the following day.
  - (b) Amend Schedule 1 of the Traffic and Parking Bylaw 2008 to incorporate changes to the direction of one way travel in Poplar Street (Lichfield Street to Tuam Street).

**EXECUTIVE SUMMARY**

2. This report and its attachments (listed below) detail two related proposals which have been subject to a Special Consultative Procedure during August 2010. The proposals are as follows:
  - (a) **Proposal A** - to declare a permanent part time pedestrian mall from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, every night from 6pm to 6am the following day, using bollards to effect closure of this route to all vehicles;
 and
  - (b) **Proposal B** – to amend Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008 to change the one way direction in Poplar Street to flow from north to south from Lichfield Street to Tuam Street so that all traffic including the tram can travel in the same direction..

**Attachment 1:** Proposed Declaration of part time pedestrian mall in Poplar Street.

**Attachment 2:** Traffic and Parking Amendment (Poplar Street) Bylaw 2010.

**Attachment 3:** Plan of Poplar Street showing proposed changes.

**Attachment 4:** Summary of submissions with staff responses.

3. The aim of all the proposals is to improve safety for motorists and pedestrians and to assist the New Zealand Police in their efforts to manage disorderly behaviour among bar patrons in areas where. The Council objectives are to:
  - (a) provide a safer environment for the public
  - (b) remove potential conflict between pedestrians, trams and other vehicles.
4. A trial of bollards in Poplar Street (in conjunction with a trial in Struthers Lane) during 2009 and early 2010 has proved successful in stopping through traffic and thereby separating pedestrian and vehicular traffic during the times when bars are open and pedestrian activity is high.
5. One way traffic in Poplar Street, between Lichfield Street and Tuam Street, currently flows in a northerly direction. Work is currently proceeding to install tram lines in Poplar Street to enable the tram to travel in a southerly direction along Poplar Street, and it is considered that it would be safer for all traffic and pedestrians if the one way traffic direction were to be changed so that all vehicles travel in the same direction.
6. On 22 July 2010 the Council resolved to commence the special consultative procedure (SCP) on the declaration of a part time pedestrian mall and the one way direction change in Poplar Street. The SCP was carried out between 30 July and 31 August 2010.

59 Cont'd

7. Eight submissions were received, six of which were in support of both proposals (two were about underground services), with some questions asked (detailed in paragraph 35).
8. The Council appointed a Hearings Panel chaired by Councillor David Cox, and comprising Councillors Gail Sheriff and Mike Wall. The panel met on 20 September 2010 and discussed all written submissions, and to make recommendations on the proposed changes for the Council to consider.
9. No changes to the original proposals are recommended by the Hearings Panel.
10. The key features of the proposals being recommended by this Hearings Panel are as described in paragraph 2 above.

**FINANCIAL CONSIDERATIONS**

11. Funding for the proposed work is programmed in the 2009 – 19 LTCCP. It will be delivered as part of the Tram Extension project.
12. The current project cost estimates indicate there is sufficient budget allocated in the 2009 – 2019 LTCCP to implement the project.
13. Construction is programmed to commence in the 2010-2011 financial year.

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

14. Yes.

**LEGAL CONSIDERATIONS**

15. The proposed changes require an amendment to Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008, and the declaration of a part time pedestrian mall in Poplar Street.
16. Public consultation has been completed via the special consultative procedure, as described above.
17. The Hearings Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given “due consideration in decision-making”<sup>2</sup>.
18. The Local Government Act<sup>3</sup> requires that the Council give public notice of the amendment of a bylaw as soon as practicable after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment. A bylaw that is made under section 72 of the Transport Act 1962 (the one way provision of the Traffic and Parking Bylaw 2008 is such a provision) must also be sent to the Minister of Transport within one week of the Bylaw being made.
19. Section 336(1) of the Local Government Act 1974 provides that a Council “may, by using the special consultative procedure (a) declare a specified road or part of a specified road to be a pedestrian mall and (b) 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 generally or during particular hours. Section 336(8) states that any declaration “may be revoked or varied by a subsequent declaration using the procedure in subsection (1), and that subsection applies with all necessary modifications”.

---

<sup>2</sup> Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: “we will receive presented views with an open mind and will give those views due consideration when making a decision”.

<sup>3</sup> Section 157



59 Cont'd

20. Any declaration of the Council under section 336(1) may include exemptions and conditions but does not take effect until the time for appealing a declaration has expired or any appeal has been determined. Any person can appeal the making of the declaration to the Environment Court (they must do so within one month of the declaration being made). The public notice for this special consultative procedure explained this right of appeal.
21. Once a declaration has been made, and has taken effect it is an offence under section 336( 7) to drive, ride, or park any vehicle or ride any animal, or cause or permit any vehicle to be driven, ridden, or parked or any animal to be ridden, in contravention of the declaration.
22. The following options exist for the Council:
  - (a) Status Quo ie reject the proposal as consulted on in its entirety. This option is not preferred as it does not address the need for one way street change to accommodate the tram route extension, nor does it meet the request from NZ Police to limit vehicle access to Poplar Street at night for safety reasons.
  - (b) Accept the proposal recommended by the Hearings Panel.
  - (c) Change or reject part or parts of this report and the proposals, noting that major changes may require further work by staff and/or further community consultation before they could be finally adopted by the Council.

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

23. Yes, as per above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. 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) are consistent with the Safer Christchurch Strategy;
  - (e) Greater Christchurch Urban Development Strategy and the Christchurch Visitor Strategy - as they facilitate the extension of the tram route and they make the area safer for bar patrons and passers by, as well as for motorists;
  - (f) Also aligns with the Parking Strategy 2003, Pedestrian Strategy 2001, Road Safety Strategy 2004;
  - (g) National Urban Design Protocol - Lanes redevelopment projects that improve quality and design of the urban environment and reflect urban sustainability principles will facilitate the implementation of the National Urban Design Protocol.

59 Cont'd

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

25. Yes, as per above.

**ALIGNMENT WITH STRATEGIES**

26. Yes, as per above.

**Do the recommendations align with the Council's strategies?**

27. Yes, as per above.

**CONSULTATION FULFILMENT**

**Proposal A – Poplar Street part time pedestrian mall**

28. On 31 January 2009, in conjunction with the Struthers Lane bollard trial, staff installed two trial bollards at one location 30.6 metres south of the intersection of Poplar Street and Lichfield Street, to prevent through traffic along Poplar Street.
29. With mainly positive feedback from users and local stakeholders during the trial, staff asked the Council to authorise the use of the Special Consultative Procedure (SCP) to gather community views on the creation of a permanent part time pedestrian mall in Poplar Street. This was approved on 22 July 2010. The SCP process ran from 30 July 2010 to 31 August 2010.
30. The SCP proposal includes the replacement of the manual bollards by a set of automated retractable bollards that will be activated by an approaching tram or emergency vehicle.
31. The recommendation includes that the time for raising and lowering these bollards be the same as the trial and on a nightly basis.
32. Earlier Council decisions to extend the tram route via Poplar Street indicated that it would be advisable to change the one way direction of the street so that all vehicles travel in the same direction. The change of one way direction requires an amendment to Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008. To change a bylaw, the council is required to use the Special Consultative Procedure to gather community views. The SCP can be run in conjunction with the declaration of a mall as described above. Authorisation for the SCP was given by Council as detailed above.
33. The public consultation as required by the special consultative procedure took place from 30 July to 31 August 2010. The consultation documents were sent directly to a range of groups, organisations and individuals, and posted to property owners. They were hand-delivered to all businesses in Poplar Street, Ash Street and the block bounded by Tuam Street, High Street, Lichfield Street, and Madras Street. Public notices appeared in relevant newspapers, and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page. A public information evening was also held in the project area on Thursday 19 August 2010, at which there were two attendees.
34. At the close of the consultation period a total of 8 submissions had been received. Initially there were two requests to be heard by the Hearings Panel, but both were withdrawn when the submitters heard that there were no submissions opposing the proposals. Six submissions supported Proposal A and Proposal B, and two were about underground services. The Hearings Panel met to discuss the submissions on 20 September 2010.
35. Issues raised by the submitters fell into seven categories and are summarised (together with staff comments) as follows, with Hearings Panel considerations shown *in italics*:

59 Cont'd

**Proposal A – part time pedestrian mall**

- (a) Concern to know that the tram will be able to run through Poplar Street at night (two submissions).
  - (i) Staff response: The tram is a permitted vehicle in the mall Declaration. Each tram will have a tag that retract the bollards if they are up, and permit the tram to enter Poplar Street.
- (b) Notice from Contact Energy/Rock Gas and Orion re the location of their assets in the street. Orion request assurance that they will continue to have 24/7 access for repairs and maintenance.
  - (i) Staff response: This advice was passed on to the appropriate staff for action. Where necessary, emergency services and other essential service providers will be provided with a tag so that they can retract the bollards.
- (c) Police support for the pedestrian mall as a pedestrian safety enhancement.
  - (i) Staff response: Appreciation for submitter support
- (d) One submitter opposed any possible future suggestion that might be made to make the whole of Poplar Street a mall. This submitter feels that the mix of traffic and pedestrians with the tram enhances 'the European flavour of the area and makes it quite unique in Christchurch'.
  - (i) Staff response: Ash Street will remain two way and vehicles will be able to enter and exit from and to Madras Street. Full access to the residents' garage will remain after the project has been completed. There is no proposal at this stage to extend the pedestrian mall area, and the submitter's point is acknowledged by staff.
- (e) Two submitters were concerned about the placement of a second set of bollards outside the Twisted Hop. This concern relates to access for taxis.
  - (i) Staff response: These bollards will not be installed at this stage, but the ducting is being placed as the tram lines are built, so that in future additional bollards can be placed there if the need arises.
- (f) One submitter, while supporting both the proposals, pointed out that there are currently frequent near misses between pedestrians and vehicles travelling the wrong way out of Poplar Street into Tuam Street, going against the one way direction. She believes that the signage is not large enough and hopes that the new direction will be clearly marked. She also points out that the locals call Poplar Street Poplar Lane and wonders if the formal name could be changed.
  - (i) Staff response: This point has been passed to the appropriate staff.

**THE HEARINGS PANEL CONSIDERATION:**

The Hearings Panel accepted each staff response as set out above.

**Proposal B - one way street bylaw amendments**

- (g) General support for the one way direction change (all submissions).
  - (i) Staff response: Appreciation for submitter support

**The Hearings Panel Consideration:**

The Hearings Panel accepted each staff response as set out above.

59 Cont'd

**HEARINGS PANEL RECOMMENDATIONS**

The Proposed part time pedestrian mall and one way street change in Poplar Street Hearings Panel recommends to the Council that it:

- (a) Approve the Poplar Street Part Time Pedestrian Mall Declaration as shown in Attachment 1.
  - (i) Give public notice as soon as practicable, that the Christchurch City Council Poplar Street Part Time Pedestrian Mall Declaration as shown in Attachment 1 has been approved by the Council, and that the declaration will take effect one month from the date of the Council's resolution provided there are no appeals lodged with the Environment Court, or will take effect once any appeal has been determined.
  - (ii) Send copies of the declaration to those people or organisations that made submissions, advising them of the outcome and right of appeal.
- (b) Approve the changes to the Traffic and Parking Amendment (Poplar Street) Bylaw 2010 as shown in Attachment 2.
  - (i) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Poplar Street) Bylaw 2010 as shown in Attachment 2 has been approved by the Council.
  - (ii) Send a copy of the new Christchurch City Council Traffic and Parking Amendment (Poplar Street) Bylaw 2010 to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962;
  - (iii) Send copies of the new Christchurch City Council Traffic and Parking Amendment (Poplar Street) Bylaw 2010 to those people or organisations that made submissions, advising them of the outcome.

**60. TEMPORARY LIQUOR BAN HAGLEY PARK NORTH BAND TOGETHER CONCERT**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager Strong Communities
<b>Authors:</b>	Vivienne Wilson and Terence Moody

**PURPOSE OF REPORT**

1. To consider a proposal for a Temporary Alcohol Ban for Hagley Park North from 7am until 10pm on Saturday 23 October 2010 and on Sunday 24 October 2010 to complement the existing permanent ban from 10pm to 7am daily for the Band Together Concert.

**EXECUTIVE SUMMARY**

2. Following the 4 September 2010 earthquake, a concert has been organised for Canterbury, called the Band Together Concert. It will be held on 23 October 2010 in Hagley Park North from noon 12pm until 8pm. (The postponement date is Sunday 24 October 2010 with same times.) It will feature a number of well-known New Zealand bands/musicians as well as Christchurch bands. The theme of the event will be to celebrate Canterbury's spirit after the earthquake. The concert will be free and it is estimated that as many as 150,000 people could attend.
3. The Events Team have been in discussions with the Police about the concert. The Police have indicated that they support the concert provided that it is alcohol-free and an alcohol ban was in place to provide them the tool for enforcement. Given the number of people that may attend and that it is a community and family orientated event, it is considered appropriate to make the concert an alcohol-free event.
4. There is a Permanent Alcohol Ban in place that applies to Hagley Park seven days per week but this only applies during the hours of 10pm until 7am each day. This will not cover the hours of the concert. The Council has the power to declare a Temporary Alcohol Ban under clause 5 of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 ("the Bylaw").
5. A Temporary Alcohol Ban has the same effect as a Permanent Alcohol Ban, but the Temporary Alcohol Ban will apply for a limited time only. The area to which the Temporary Alcohol Ban is proposed to apply is North Hagley Park as set out in the attached map. This area is bounded by Park Terrace, Harper Avenue and Deans Avenue. The southern boundary would be Riccarton Avenue (from Deans Avenue) to approximately the Riccarton Cricket Club, then following River Avon around to Armagh Bridge.
6. It is also intended to apply clause 8(1) of the Bylaw to make it easier for the Police to enforce the Alcohol Ban. This means that the Police will be able to use their search powers in respect of containers and vehicles under section 170 of the Local Government Act 2002 ("the LGA 02") immediately and without notice.

**FINANCIAL IMPLICATIONS**

7. Financial provision will be required for public notices and display advertisements as well as appropriate signage. The costs of enforcement rest with the Police under powers in the Local Government Act 2002.

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

8. There is no specific budgetary provision for introducing temporary alcohol bans. The costs of investigating the temporary ban can be absorbed in the Long Term Policy and Planning Activity. The costs of public notices and signage should be absorbed in the Events Activity.

**LEGAL CONSIDERATIONS**

9. The Bylaw is made under the authority of section 147 of the Local Government Act 2002 ("the LGA 02").

60 Cont'd

10. Under the Bylaw, there is a Permanent Alcohol Ban in Hagley Park and its environs during the hours of 10pm to 7am, seven days per week. The specific area to which the Permanent Alcohol Ban applies is set out in the Schedule to the Bylaw. The effect of the Permanent Alcohol Ban is that no person may:
  - (a) Consume alcohol in a public place; or
  - (b) Consume alcohol in a vehicle in a public place; or
  - (c) Bring alcohol into a public place, whether in a vehicle or not; or
  - (d) Possess alcohol in a public place, whether in a vehicle or not.
11. The times during which the Permanent Alcohol Ban apply do not cover the times the Band Together Concert will take place. However, under clause 5 of the Bylaw the Council is able to declare a Temporary Alcohol Ban in a public place by way of resolution and the same alcohol restrictions will apply. Any such resolution must describe the specific area that is a Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.
12. Under clause 5(2) of the Bylaw, before the Council declares a Temporary Alcohol Ban Area, the Council will consider:
  - (a) If the proposed Ban relates to an event:
    - (i) The nature of the expected event;
    - (ii) The number of people expected to attend;
    - (iii) The history of the event (if any); and
    - (iv) The area in which the event is to be held; and
  - (b) The nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems.
  - (c) Whether the benefits to local residents and to the city would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events, in the area covered by resolution.
  - (d) Any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution.
  - (e) Whether the Police support the proposed Temporary Alcohol Ban Area.
  - (f) Any other information the Council considers relevant.
13. The Police have various powers to enforce the Bylaw, including the power to search containers and vehicles in public places for alcohol, seize and remove alcohol, and arrest any person who is found to be breaching the Bylaw. Before the Police exercise these powers they must comply with the warning provisions in section 170 of the Local Government Act 2002. However, in certain circumstances as set out in section 170(3), the Police can search immediately and without notice. The Police have requested for this specifically for this event. In order to give the Police this power, the Council would need to resolve that clause 8(1) of the Bylaw applies to the Temporary Liquor Ban.<sup>4</sup>

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

14. Yes. The proposed Temporary Alcohol Ban will apply to a public place within the meaning of section 147 of the LGA 02. Hagley Park North is an area that is under the control of the Council and it is open to and is used by the public.
15. In terms of clause 5(1) of the Bylaw, the proposed resolution describes the specific area to which the Alcohol Ban will apply and the times and dates that it will apply. It is for a one-off event.

---

<sup>4</sup> Note that clause 8 provides as follows:

8. POLICE POWERS OF SEARCH IN TEMPORARY ALCOHOL BAN AREAS

- (1) This bylaw authorises a member of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in areas to which a resolution declaring a Temporary Alcohol Ban Area applies.
- (2) Clause 8(1) only applies if the resolution declaring a Temporary Alcohol Ban Area provides that clause 8(1) of this bylaw will apply.

60 Cont'd

16. In terms of the considerations under clause 5(2) of the Bylaw, it is noted as follows:
- (a) Clause 5(2)(a)(i) – the proposed ban does relate to an event. The nature of the event is a concert which is community and family orientated.
  - (b) Clause 5(2)(a)(ii) – the number of people expected to attend the event could be in the order of 150,000.
  - (c) Clause 5(2)(a)(iii) – this event is new but given the reason for the event it is a one-off event.
  - (d) Clause 5(2)(a)(iv) – the area in which the event is to be held is Hagley Park North. This area has been used for other events/concerts in the past but generally a Temporary Alcohol Ban has not applied during these events.
  - (e) Clause 5(2)(b) – in the past the nature and history of alcohol related problems associated with Hagley Park North have stemmed from boy racers along Harper Avenue. Other concerts held in Hagley Park North such as Classical Sparks and Christmas in the Park have not had Temporary Alcohol Bans in place, and people have enjoyed alcohol at such events. The Permanent Alcohol Ban applies after 10pm and has therefore has not interfered with concert goers drinking alcohol at these concerts. However, the large number of people anticipated to attend the Band Together Concert could lead to alcohol related problems such as drunken and disorderly behaviour, damage to the trees and other plants in the park, broken glass and litter, people urinating in public.
  - (f) Clause 5(2)(c) – whether the benefits to local residents and to the city would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events, in the area covered by resolution. If the Temporary Alcohol Ban is imposed it will prevent concert attendees from enjoying alcoholic beverages at the concert. However, it is considered that the benefits to local residents and to the city at large will outweigh any disadvantages of this restriction. The restriction will be in operation for a relatively short period of time. It is a one-off restriction and will aid in promoting a safe and secure event for the whole of the city. Given the circumstances in which this concert is being held, it is considered important to focus on providing a safe environment.
  - (g) Clauses 5(2)(d) and (e) – given the tight frames involved the Police have not provided any written information about the proposed date of the event, the event or the area to be covered by the resolution except that the Police support a Temporary Alcohol Ban being put in place, and would like it to be alcohol-free event.
  - (h) Clause 5(2)(f) – it is considered a relevant consideration that this Concert will likely have a wider appeal than Classical Sparks or Christmas in the Park which are perhaps more family orientated events. While these events have not had alcohol bans in place, given the wider focus of this event on the community as well as families, it is considered appropriate to consider whether there should be greater restrictions on the consumption of alcohol at the concert.

**CONSULTATION FULFILMENT**

17. Ordinarily, the agreed process for establishing a Temporary Liquor Ban is that the relevant Community Board investigates the proposal, including the matters listed above and any implementation requirements such as signage or advertising, and associated costs. If the Community Board agrees that there is a need for a Temporary Liquor Ban, it must then report to the Regulatory and Planning Committee, which, if it agrees, will refer the report to the Council. The process could potentially take a number of weeks to complete.
18. Given the tight time frame it has not been possible for this matter to be investigated at the Community Board level and then a report prepared for the Regulatory and Planning Committee. However, the internal discussions have taken place between the Events Team, the Liquor Licensing Team, Strategy and Planning, and the Legal Services Unit. The Events Team and Strategy and Planning have discussed the matter with the Police and the Police indicated that they were basing their support for the event on the basis that it is alcohol-free and they would have the enforcement tool of the Temporary Alcohol Ban to support their enforcing this at the event.

60 Cont'd

**ALTERNATIVE OPTION**

19. If a Temporary Alcohol Ban is not imposed then alcohol can still be prohibited. The Council as a land owner is able to control who enters its land and the terms on which those persons enter its land. Technically it grants a "licence" to each person who enters Hagley Park. In other words, "a personal permission" to enter. In order for persons to be aware of the terms of entry (ie the terms of the licence), these terms would need to be clearly set out on a notice where event attendees are able to read the terms (and therefore accept the terms) before they enter concert area. These terms of entry could include a power to search and seize alcohol.
20. The disadvantage with this option is the power of the Police to enforce it. If a person breaches the terms of his or her licence, ordinarily the landowner would ask the person to leave the premises. If a person refuses to leave the premises then the landowner could use the provisions of the Trespass Act 1980. Section 3(1) of the Trespass Act 1980 provides that a person commits an offence against this Act who trespasses on any place and, after being warned to leave that place by an occupier of that place, neglects or refuses to do so. The Police have the power to arrest a person committing an offence against the Trespass Act. However, before they may do so, the Council as occupier will need to give the person committing the trespass a warning.
21. The Police have specifically requested for the Temporary Alcohol Ban as opposed to the option of exercising their authority under the Trespass Act and have made this conditional of their support for the proposed concert.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

22. See 23 below.

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

23. Introducing a temporary alcohol ban in Hagley Park North could be considered to broadly align to the following LOS in the Strengthening Communities Activity Management Plan, 2.2.3.1. *Maintain Safe City Accreditation every 15 years.*

**ALIGNMENT WITH STRATEGIES**

24. The Safer Christchurch Strategy aims to see rates of injury and crime decline, for people to feel safe at times in Christchurch City and for Christchurch to have excellent safety networks, support people and services.

Do the recommendations align with the Council's strategies?

25. Yes – as above.

**STAFF RECOMMENDATION**

It is recommended that the Council receives the recommendation from Hagley/Ferrymead Community Board Chairperson that it resolves to introduce a Temporary Alcohol Ban in the Hagley Park North area from 7am until 10pm on both Saturday 23 October 2010 and on Sunday 24 October 2010 to complement the existing permanent ban from 10pm to 7am daily for the Band Together Concert.



## 61. GOVERNMENT PROPOSAL - FINANCIAL ASSISTANCE PACKAGE FOR LEAKY HOMES

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Environmental Policy and Approvals Manager and Corporate Finance Manager
<b>Author:</b>	John Buchan, Building Control Manager

**PURPOSE OF REPORT**

1. The purpose of this report is to present to the Council the final details on the Government's Financial Assistance Package for Leaky Homes (see **Appendices 1 and 2**), provide information on unresolved issues with the package/consultation issues, and to seek Councils response on the package in order to respond to the Government (Department of Building and Housing (DBH)) before 8 October 2010.

**EXECUTIVE SUMMARY****Background to the Financial Assistance Package**

2. Preliminary details regarding a financial assistance package from the Government, in response to the leaky buildings issue, was presented to the Council at its meeting on 27 May 2010 (note that some information in the 27 May report has been repeated in this report, but for full details that report should be referred to in conjunction with this report).
3. The Council agreed in principle to the package: that 25% of the remediation cost be met by each of the Government and Territorial Authorities, leaving homeowners to fund 50% of the remediation costs with access to loan funding and the ability to make further claims against builders, developers or other parties. The Council delegated the Chief Executive to work with the Government officials and the Local Government sector to agree the details of the package for reporting to Council for final approval.
4. This issue has been before the Council and the Regulatory and Planning Committee a number of times. Reports in March and April 2010 on Weathertight Homes Claims in Christchurch, included the history of the problem, detail of the PricewaterhouseCoopers' report, the role of Council with weathertight claims, Council's weathertight insurance and Christchurch City Data. A subsequent report considered known aspects of the Government's proposal at that time to settle the matter of weathertight claims nationally.
5. In April 2010 Council resolved that in any negotiations with the Government on proposals to resolve weathertight home claims that the proposal reflects a level of contribution that is a fair and affordable contribution by all parties including the Government, Councils and the homeowner. Also, that the scale and nature of the issue in particular areas and exposure by individual Territorial Authorities is taken into account.
6. The package as announced in May addressed a number of concerns that LGNZ and the Council had previously raised, namely that the Government should make a contribution that reflects their contribution to the problem, that Councils are asked to contribute a realistic amount and only to claims made in their districts and that a 10 year eligibility criteria is maintained.
7. Currently Christchurch has 100 active claims involving 180 properties (98 active claims on the Weathertight Homes Resolution Service (WHRS) website and three in the District Court). This represents about 4% of the claims nationally. Council has previously resolved 143 claims, and is currently resolving approximately 20 claims per year. The average payout for the most recent claims (including legal costs) is \$50,494, which is 23.7% of the settlement. This is very close to the 25% that the Government is proposing the Council pay under the package.

**Final Package Presented by GOVERNMENT**

8. The Government's final version of the financial assistance package has been agreed by Joint Ministers (Finance, Building and Construction, Local Government), and DBH also note that it has been endorsed by senior territorial authority officials (subject to some minor operational details).

61 Cont'd

9. The DBH letter of 8 September 2010 (see Appendix 2) refers to a letter of 7 September 2010 from the Minister for Building and Construction to Mayors (see Appendix 1) that invites councils to agree to participate in the financial assistance package for owners of leaky homes, conditional on the Government passing legislation or, if legislation is not able to be passed, an alternative method to “cap” council liability being agreed.
10. Three issues identified by DBH in discussions on the package design relate to the eligibility of Crown and council-owned dwellings; eligibility of retirement villages, and insurance issues for territorial authorities for existing WHRS claims that may transition into the financial assistance package.
11. The Department of Building and Housing notes that on the first issue, the Minister for Building and Construction has agreed to write to the Minister of Housing seeking a commitment from the Chair of the Board of HNZA, that it will not apply for assistance to repair any Crown owned leaky homes under the financial assistance package. He asks Councils to give a similar commitment. This appears to be a reasonable commitment for the Council to provide.
12. On the second point the department notes that the eligibility for retirement villages to the financial assistance package is consistent with eligibility criteria for retirement villages to existing WHRS mediation and tribunal services. Council staff, and other councils on the steering group that have been working with the government on this package, do not agree with this view. They consider that large commercial retirement villages should be excluded from the eligibility criteria under this package, but this may not be realistic given the comments from DBH that such claims would in any event be eligible under the WHRS. We do not have any evidence that there are weathertight issues with retirement villages in Christchurch at this stage.
13. In respect of the insurance issues, the Department says it is working with territorial authorities on an appropriate response on this issue. It was noted in the May 2010 report that Council has existing insurance against weathertight claims in respect of 81 of the remaining 100 claims. All claims have a \$50,000 excess. The insurance limit for multi-unit claims was set at \$500,000 in 2006 and from 2007, all Council weathertight claims have a limit collectively of \$500,000 per year. From 1 July 2009, all new claims for weathertightness are not covered by RiskPool and the Council is self insured. No insurance company today provides cover for Weathertight claims.
14. The May 2010 report noted that if the scheme is adopted Councils will have to clarify the position between themselves and RiskPool for any existing claimants which are covered by insurance and opt into the scheme where the settlement exceeds the excess of \$50,000. RiskPool (and their reinsurers) have advised that they would not cover us for payments made in the absence of liability at law. We will not be covered for claimants who opt into the scheme.
15. The Department of Building and Housing letter also notes another matter raised in relation to acceptance of the package by councils. It concerns the requirements under the Local Government Act 2002 in respect of Long-Term Council Community Plans (LTCCPs). Information from the Auditor-General on this point is attached to the Department's letter (see appendix 2) and is discussed in further detail below.
16. A further issue referred to in the letter to the Mayor (see appendix 1), and noted above, concerns the risk of third party litigation, that is, Councils being joined into litigation between the homeowner and other parties, which is identified as a potential barrier to Councils giving final approval of the package. The Government proposes to address this via legislation but also acknowledges that it cannot guarantee that the legislation will be passed, or passed in the format they provide. However, it appears that if legislation cannot be passed, an alternative method to “cap” council liability will be agreed.
17. This report makes recommendations below on whether the Council should now give final support to the Government's financial assistance package for owners of leaky homes.

## 61 Cont'd

**FINANCIAL IMPLICATIONS**

18. As noted in the May 2010 report, it is extremely hard to provide a reliable estimate of how much extra budget might be required if the Government's financial package for leaky homeowners is adopted. The proposal has significant and ongoing financial implications for the Council.
19. The Council currently has \$1 million pa in its 2010/11 to 2016/17 budgets to meet weathertight homes claims. This figure of \$7 million overall has been based on the Council's previous history of resolving claims under the WHRS Act 2006. The Council has also provided for the existing and new claimants that do not take up the Government proposal and instead decide to utilise the existing WHRS service.
20. The Government proposal estimates that the Council will incur \$20 million over the next five years if 50% of claimants take up the scheme. If 70% take up the scheme then the Council will incur \$28 million over the next five years. The following information is taken from the Department of Building and Housing's guidance document and was presented in the May 2010 report):

**Government Estimated cost to Christchurch per year \$m**

Take up	2010/11	2011/12	2012/13	2013/14	2014/15	Sub-total	WHRs and District Court Claims	Total
50%	4	6	5	3	2	20	7 (budgeted)	27
70%	6	8	7	4	3	28	7 (budgeted)	35

21. Council officers analysed the Government projections at paragraph numbers 41 to 49 of the May 2010 report. Their estimates were that there will be between 20-30% take up of the Government scheme. This would require a Council contribution of between \$8-12 million in the next five years. For the balance of the homeowners of 'at risk' homes, the Council does not expect to get any claim. In summary, the reasons are that owners are in denial, have already made or will make repairs, or cannot afford to contribute themselves.

**Officers Estimated cost to Christchurch per year \$m**

Take up	2010/11	2011/12	2012/13	2013/14	2014/15	Sub-total	WHRs and District Court Claims	Total
20%	1.6	2.4	2	1.2	.8	8	7 (budgeted)	15
30%	2.4	3.6	3	1.8	1.2	12	7 (budgeted)	19

22. With regard to the 2010/11 and future budgets, by the time the scheme commenced in 2011, there would be only a 6 month period for assessments of homes to be undertaken by the DBH weathertight homes assessors in 2010/11. Most impact will be where existing claimants who have already had assessments done opt for this scheme rather than the WHRS scheme. Accordingly we do not expect that the proposal, if implemented, would impact fully in the 2010/11 budget.
23. Under this option the Council will require a further \$8-12 million, in addition to the \$7 million already included within the LTCCP. It is extremely likely that the settlement of claims will be spread over the remaining six years and therefore the additional annual commitment is not material and will not trigger a s97(1)(d) consultation requirement.
24. A report received from Melville Jessup Weaver, Actuaries, who work for major metro councils including Wellington and Auckland, suggest that there are likely to be further savings for Council for existing claims where claimants opt into the FAP (Financial Assistance Package) proposal. Their expectation is that the cost of existing claims will reduce from \$6,772,000 to \$4,241,000. This represents a reduction of \$2,531,000.

61 Cont'd

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

25. No. The Government proposal, if adopted, would require Council to make some extra provision in its 2009-19 LTCCP and 2011/12 to 2014/15 Annual Plans for extra funding to meet the potential increase in claims. The projections are uncertain as the majority of extra claims are presently unknown.

**LEGAL CONSIDERATIONS**

26. The decision made by Council at this time needs to be done in accordance with the requirements of the Local Government Act 2002 and may have to be taken into account as part of Council's LTCCP process next year.
27. The insurance issues, and risk of third party litigation are also all legal considerations but there is ongoing work being done by the Government to address those matters. The Government proposes to address the litigation risk issue via legislation but also acknowledges that it cannot guarantee that the legislation will be passed, or passed in the format provided for.

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

28. Appendix 2 includes a letter from the Auditor-General outlining matters for Councils to consider in making the final decision to participate in the scheme. The Auditor General was asked to consider the impact of a decision by a Council to opt into the scheme on Councils and their LTCCPs. He notes that advice had been obtained from both the Department of Internal Affairs and Simpson Grierson, but that neither leads to a conclusive position that could be implemented by all Councils. The Auditor-General highlights a number of points that Councils should consider in coming to a conclusion about whether or not to consult on opting into the scheme, including:
- The Government's scheme is not an "activity" of Council, but its liability for leaky homes is related to its regulatory processes "activity". That means section 97(1)(d) of the LGA02 may be relevant<sup>5</sup>, particularly if the effect of opting into the scheme is substantial eg it has to make choices about funding existing or new services in order to meet its liability.
  - If liability under the new scheme is similar to that already provided for/funded then there is no need to consult on any amendment.
  - Annual report disclosure figures for 2009 could still require adjustment for leaky homes liability, as the full effect may not have been reflected
  - The costs of funding an amendment to the LTCCP should be considered.
29. In light of the provisions and funding of leaky homes liability the Council has already made (and discussed in this report), and Councils expected "share" to be paid in any weathertight homes claim (close to the 25% it would pay under the financial assistance package), there does not appear to be any trigger of section 97(1)(d) in this instance and therefore no need for the Council to conduct a special consultative procedure.
30. In terms of Council's general obligations under the Local Government Act 2002 for decision-making, an assessment is needed as to whether Council has sufficient information on the options in this instance, and for the purposes of considering community views. In making this decision the following points are relevant.
31. An increase in the budget to fund weathertight claims has been part of the Council's Annual Plan proposals this year. There has already been an opportunity to consider community views on this matter (see paragraphs 38 and 39 below).

---

<sup>5</sup> S97 - Certain decisions may only be taken if provided for in the LTCCP – (1)(d) "a decision that will, directly or indirectly, significantly affect the capacity of the local authority, or the cost to the local authority, in relation to any activity identified in the long-term council community plan."

61 Cont'd

32. Given the recent earthquake in Christchurch, the Council's scheduled meetings, the election and the deadline set by the Government for a response it is not feasible to carry out any other consultation. This type of urgent situation is provided for in the Council's Policy on Significance and also in section 79 of the Local Government Act 2002. In making judgments about achieving compliance with sections 77 and 78 of the Act the Council is able to consider "*the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons*" (see s79(2)(c)).

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

33. Aligns with LTCCP page 89, administration of laws around building and development leading to safe buildings and reduction in environmental hazards plus page 187 LTCCP, developing our urban environment and sustainable use of buildings.

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

34. Yes.

**ALIGNMENT WITH STRATEGIES**

35. The Council has historically provided for claims and has an ongoing legal responsibility imposed by the Weathertight Resolution Service Act 2006.

**Do the recommendations align with the Council's strategies?**

36. Yes.

**CONSULTATION FULFILMENT**

37. The requirement to consult fully with the community on this matter has not been possible, given the recent earthquake in Christchurch, the Council's scheduled meetings, the election and the deadline set by the Government for a response on the final package.
38. A submission has previously been heard by the Regulatory and Planning Committee from a group representing some owners of homes with weathertightness issues. Their submission explained the effect owning a leaky home had on them and their families. They supported a Canadian solution very similar to the package presented by the Government.
39. There were seven submissions to our Annual Plan on the proposal to include \$1 million for Weathertight Homes claims. The submissions were mixed. Five submissions supported the inclusion of the funds but suggested the amount was too small. Two submissions opposed the Council and ratepayers having to make any contribution to weathertight homes claims.
40. A NZ Herald "on line" poll on whether ratepayers should contribute to the fixing of leaky homes had a result of 90% opposing and 10% supporting the contribution.
41. There has been internal consultation on this report between the finance, legal and environmental and policy approvals groups.

**STAFF RECOMMENDATION**

It is recommended that the Council:

1. Agree to participate in the financial assistance package for owners of leaky homes, conditional on the Government passing legislation to address the litigation risk for Councils by third parties, or, if legislation is not able to be passed, that an alternative method to "cap" council liability is found, and agreed by the Council.

23. 9. 2010

**61 Cont'd**

2. Note that the decision in (1) does not come within section 97(1)(d) of the Local Government Act 2002, for the reasons outlined in this report.
3. Agree that the Council will not apply for assistance to repair any Council owned leaky homes under the financial assistance package.
4. Advise the Government of its decisions in (1) and (3) above.
5. Delegate to the Chief Executive to continue to work with Government officials and the Local Government sector to agree any final details of the financial assistance package including on the litigation risk, insurance issues and lobbying further to exclude commercial retirement villages from eligibility under the package.
6. Further considers the necessary financial commitment to support the scheme in successive year's Annual Plans, once the demand is better known.

61 Cont'd

**BACKGROUND (THE ISSUES)**

**Government Proposal**

42. The Government's proposed financial assistance package released in May is designed to help homeowners repair their leaky homes faster. The package provides for the Government to meet 25% of homeowners' agreed repair costs, local authorities contributing 25% and homeowners funding the remaining 50%, with a loan guarantee underwritten by the Government, provided claimants meet bank lending criteria. The package offered by Government is dependent on local authorities and banks agreeing to be involved.
43. The package will be voluntary and in addition to the current disputes and litigation process for owners of leaky homes. It is also conditional on homeowners foregoing the right to sue local authorities or the Crown in relation to the claim. Homeowners would still have the option to pursue other liable parties such as builders, developers and manufacturers of defective building products.

**Council resolution on 27 May 2010**

44. At the Council's meeting on 27 May 2010 the following resolutions were made, 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.*
45. In the last few months a territorial authority steering group has been working on the details of the scheme, and receiving advice, in order to reach agreement on the package. The members of that group have included representatives from a number of councils, including a representative from Christchurch City Council (Steve McCarthy). The elements of the scheme are contained in the appendix 2 documents.

**Key Issues arising under the Scheme**

46. As noted in the May 2010 report, the key issues of concern identified in previous reports to the Regulatory and Planning Committee and Council appeared to be largely addressed in the Government's proposal. These issues were:
  - Determining the scale of the issue in particular areas and exposure by individual Territorial Authorities.
  - Determining a fair and affordable contribution by parties including the Government, Councils and the homeowner.
  - Ability for the homeowners to claim against other parties including builders, developers and tradesmen.
  - Loans by Government for homeowners to undertake repairs.
  - Management of any scheme to address the problem.
  - Eligibility to participate in the scheme.
  - Assessment of the claim.
  - Approving actions in the repair process.
  - Administration of the loan scheme.

61 Cont'd

47. The proposals in May have led to other concerns being raised by the Councils:

- **Protection from third party litigation:** The Councils want to ensure they will be protected from paying twice; once a Council has paid via the 25% in the package, it does not want to pay a second time by being brought back into litigation by third parties.

The Government has indicated it will address this issue through legislation, but if that legislation is not able to be passed it will find an alternative method to "cap" Council's liability. The staff recommendation above provides for Council to agree to participate in the package subject to this issue being appropriately addressed.

- **Eligibility to join the scheme:** The proposal is to exclude Housing New Zealand and council developed buildings from the scheme, and the staff recommendation suggests that Council agree to this.

Of greater concern is the desire of the Councils to exclude from eligibility commercial retirement villages (eg undertaken by a major corporation, not a small-scale owner-operator), on the basis that these are more akin to commercial operations than residential developments. The recommendation above provides for the Chief Executive to continue to lobby on this issue.

- **Insurance:** A number of councils have insurance cover for weathertightness issues and there are a number of historic claims where if a council enters this scheme it will lose its insurance cover. That means ratepayers may end up paying twice; having bought the insurance cover they are not able to use it and still pay the 25%. Councils want to address this by allowing for a determination to be made on whether pre-existing claims would qualify for the programme.

It appears that Government has not yet found an appropriate resolution as the letter from DBH signals that it is still working with territorial authorities on an appropriate response to this issue.

- **Statutory consultation on the package:** The Department of Internal Affairs considered that the councils might need to consult over the proposed government scheme. However, the Auckland City Council on behalf of the Steering Group obtained an opinion from Simpson Grierson that provided Councils may not have to do so. There were two grounds put forward, but in particular, if the difference for Councils in opting in to the scheme compared to not being in the scheme was not substantial then section 97(1)(d) of the LGA02 would not be triggered. The two opinions were put to the Auditor-General for his view on the matter and he also advised that if liability under the new scheme is similar to that already provided for/funded then there is no need to consult on any amendment.

This matter is addressed for the Council in the legal considerations section of this report.

### Support or Otherwise for the Financial Assistance Package for Leaky Homes

48. It is worthwhile repeating the following paragraphs, included in the May 2010 report, as they are important considerations for the Council.

#### Council

49. For Council the decision to support or not support the Government's financial package needs to be considered with regard to both social and economic considerations. The underlying issue is to balance the needs of claimants with the affordability for ratepayers of any solution.



**61 Cont'd**

50. The advantages of the scheme for Council:

- Enables Council to assist homeowners with leaky homes to repair their homes.
- Maintains Councils overall housing stock.
- Limits Council liability to 25% of the agreed repair cost. This is important as the amount Council is required to contribute over time increases as other parties fail and Council becomes jointly and severally liable for faults that they would have been responsible for. This known liability figure also provides greater certainty than a court process. The Government contribution of 25% also helps to meet the overall cost of the repair and further limits our liability.
- The eligibility criteria is such that liability is also limited to only circumstances in which Council would be liable in a WHRS claim (subject to the third party litigation risk issue being addressed).
- All of Council's contribution goes to the homeowner rather than being involved in lengthy and costly litigation. As noted in the May 2010 report, at present 40% of settlements made by the Council go to lawyers, not homeowners.

51. The disadvantages for Council are:

- The existing WHRS scheme is relatively certain and we have only 100 claims still current. There has also been a fall off in claims recently.
- This proposal is difficult to budget for and may lead to an escalation in the number of new claims and potential cost to the Council.
- Presently many homeowners with more minor leaks undertake repairs themselves. This proposal will make it more attractive for them not to do this and to claim from Council and the Government.

**Homeowners**

52. The psychological and economic consequences for owners of leaky buildings are high. They face a lengthy battle to obtain funds to commence repairs and invariably other parties - builders, tradesmen, developers and designers do not make any contribution to repairs. This leaves the homeowner facing a large bill and also wanting to better the property to present day standards to avoid any future problems. The advantages of this scheme if adopted, goes some way to helping these homeowners. It is a quicker solution and they incur no legal costs. The homeowner also receives the full benefit of any Council contribution. They also receive a guaranteed Government 25% contribution, access to loan funding at competitive rates and can separately pursue other parties - builders, tradesmen, developers and designers, if they choose.

53. The disadvantages are that they only get 50% of the repair cost guaranteed and have to pursue other parties to gain more than this. Their home is also recorded as having been a leaky home.

**OPTIONS**

54. Two options have been identified. The options are to either agree to participate in the financial assistance package for owners of leaky homes or not.

**THE OBJECTIVES**

55. To balance the needs of claimants with the affordability of any solution and the ability of ratepayers to make a contribution in a way that is acceptable in social and economic terms.

**THE OPTIONS**

**Option 1**

56. Agree to participate in the financial assistance package for owners of leaky homes.

## 61 Cont'd

## Option 2

57. **Not** participate in the financial assistance package for owners of leaky homes.

## PREFERRED OPTION

## Option 1

58. To support the proposed Financial Assistance Package for Leaky Homes. This option given owners of leaky homes the option to access 25% of the repair cost from Government, funding not currently available. The Council contribution of 25% is fixed and it all goes to the homeowner without any party incurring legal costs. Homeowners have access to loan funding at competitive rates. This options leads to the likelihood of additional claims which are not currently provided for in the LTCCP or the 2010/11 Annual Plan.

## ASSESSMENT OF OPTIONS

## The Preferred Option

59. Option 1 - Agree to participate in the financial assistance package for owners of leaky homes.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Helps homeowners to repair unhealthy and unsafe leaky homes which has significant health benefits for all the occupants.	Financial hardship for owners better able to be managed.
<b>Cultural</b>	Improvement in amenity of houses and retention of housing stock.	Christchurch perceived as having a good housing stock and maintenance of values of properties overall.
<b>Environmental</b>	Homes fit for purpose and safe to live in.	Avoids need for Council intervention if homes become not habitable.
<b>Economic</b>	Enables homeowners of leaky homes to fund necessary repairs with a portion of the costs guaranteed and loan funding available for the remainder of the costs.	An extra \$8-28 million cost for Council over the next 5 years but access to Government funding for homeowners.
<p><b>Extent to which community outcomes are achieved:</b>            Primary alignment with Community Outcome <b>A Safe City</b>, particularly, <i>Risks from hazards are managed and mitigated and People feel safe at all times in Christchurch City.</i></p> <p>Also contributes to An <b>Attractive and Well-designed City</b>, particularly, <i>Christchurch is attractive and well-maintained.</i></p> <p><b>Impact on Council's capacity and responsibilities:</b>            The Council already meets its legislative responsibilities in responding to WHRS claims. It is likely that claims resolution will require additional regulatory oversight to ensure repairs meet acceptable standards.</p> <p><b>Effects on Maori:</b>            None specific to this issue.</p> <p><b>Consistency with existing Council policies:</b>            This option is in line with the Council's statutory responsibilities under the Weathertight Homes Resolution Services Act 2006 and is consistent with current approach for dangerous and insanitary buildings.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            Takes into account matters raised during consultation with some affected homeowners and a Christchurch Leaky Buildings Group. Submissions to the 2010/11 Annual Plan overall supported the increase of the budget to meet weathertightness claims. Some ratepayers submitted in opposition to ratepayers having to contribute anything to the repair costs for leaky buildings. This option likely to be less favoured by majority of ratepayers who do not want to see a rates rise.</p>		

## 61 Cont'd

## Other Options

60. Option 2 - To not participate in the financial assistance package for owners of leaky homes.

	Benefits (current and future)	Costs (current and future)
<b>Social</b>	Increased risk to health of occupants. Leaky homes either fixed by owners or not fixed and gradually deteriorate.	Psychological pressure on owners who have to litigate to secure financial help. Financial hardship for some owners.
<b>Cultural</b>	Less improvement in amenity of houses and maintenance of housing stock.	Christchurch not perceived as having a good housing stock and the values of some styles of homes diminish.
<b>Environmental</b>	A number of homes not fit for purpose and some become unsafe to live in.	The community becomes risk adverse and unwilling to buy some types of houses.
<b>Economic</b>	Some owners of leaky homes unable to fund necessary repairs without lengthy litigation and no guarantee of contribution from Council or Government. No Government loan funding available for the repairs.	Owners undertake repairs without Government or Council help. Existing Council budget provision meets WHRS claim costs.
<p><b>Extent to which community outcomes are achieved:</b>            There is less alignment with Community Outcome <b>A Safe City</b>, particularly, <i>Risks from hazards are managed and mitigated</i> and <i>People do not feel safe at all times in Christchurch City - when living in a leaky home</i>.</p> <p>Less aligned to contributing to An <b>Attractive and Well-designed City</b>, particularly, <i>Christchurch is attractive and well-maintained</i>.</p> <p><b>Impact on Council's capacity and responsibilities:</b>            The Council already meets its legislative responsibilities in responding to WHRS claims. This option does not change the existing situation.</p> <p><b>Effects on Maori:</b>            None specific to this policy.</p> <p><b>Consistency with existing Council policies:</b>            This option is in line with the Council's statutory responsibilities under the Weathertight Homes Resolution Services Act 2006 and is consistent with current approach for dangerous and insanitary buildings.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            Submissions to the 2010/11 Annual Plan overall supported the increase of the budget to \$1 million to meet weathertightness claims. Some ratepayers submitted in opposition to ratepayers having to contribute anything to the repair costs for leaky buildings. This option is likely to be the one most favoured by the majority of ratepayers who do not want to see rates rise.</p>		

23. 9. 2010

**62. RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D) (NO. 2)**

Attached.

**THURSDAY 23 SEPTEMBER 2010**

**COUNCIL**

**RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D) (NO. 2)**

*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 item 63.

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:

<b>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER</b>	<b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</b>
63. CITY PLAN APPEAL MATTERS	) 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 63 Maintain legal professional privilege (Section 7(2)(g))**

**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.”