

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 25 AUGUST 2011

9.30AM

**BOARDROOM, BECKENHAM SERVICE CENTRE,
66 COLOMBO STREET**



CHRISTCHURCH CITY COUNCIL

Thursday 25 August 2011 at 9.30am
in the Boardroom, Beckenham Service Centre, 66 Colombo Street

Council: The Mayor, Bob Parker (Chairperson).
Councillors Helen Broughton, Sally Buck, Ngaire Button, Tim Carter, Jimmy Chen, Barry Corbett,
Jamie Gough, Yani Johanson, Aaron Keown, Glenn Livingstone, Claudia Reid, Sue Wells and
Chrissie Williams.

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1. **APOLOGIES**
2. **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 28.7.2011 AND 11.8.2011**
Attached.
3. **DEPUTATIONS BY APPOINTMENT**
4. **PRESENTATION OF PETITIONS**

5. 40 KILOMETRE PER HOUR SPEED LIMITS OUTSIDE SCHOOLS

General Manager responsible:	General Manager, City Environment, DDI 941-7305
Officer responsible:	Road Corridors Manager, Transport & Greenspace
Author:	Paul Burden/Michael Thomson, Traffic Operations

PURPOSE OF REPORT

1. The purpose of this report is to respond to the Council's resolutions of 8 July 2010 regarding variable speed limits (40 kilometre per hour school zones) outside schools.

EXECUTIVE SUMMARY

2. At the Council meeting held on 8 July 2010 it was resolved:
 - (a) "That Council staff investigate and report back to Council within three months regarding the installation of standard 40 kilometres per hour speed restriction signs outside every school in Christchurch"; and
 - (b) "That the Council advocate to central government through the Minister of Transport for a mandatory 40 kilometre per hour restriction during time of school entry and exit outside every school in New Zealand."

Note: The delay in reporting back to Council has occurred for several reasons, notably the earthquake events and the extensive research required to comprehensively respond to this request.

3. In the preparation of this report it became apparent that the various terms used for describing signs is potentially confusing. Therefore, the following information is provided to minimise this confusion:
 - (a) A "fixed sign" is one that displays a message continuously. Sometimes referred to as a "static" sign (see figures 1, 3 and 7);
 - (b) An "electronic sign" is one that is blank at all times that the message is not activated (Sometimes referred to as a "variable" sign). For the purposes of a school zone, this electronic sign also has a fixed sign installed below (see figure 2);
 - (c) An "active sign" is one which shows a "fixed" message but has lights attached which flash when the message is most relevant (see figure 9) Not: this sign is not currently used in Christchurch;
 - (d) A "permanent speed limit" is one that does not change. Also referred to as a "fixed" speed limit (see figure 1);
 - (e) A "variable speed limit" is one that changes at different times and/or days (see figures 2 and 3)



Figure 1 Fixed 40 kilometre per hour Speed Restriction Sign



Figure 2 Electronic 40 kilometre per hour variable speed sign



Figure 3 Fixed 40 kilometre per hour Variable Speed Limit Sign – as used in Christchurch

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4. It has been interpreted that the word 'standard' in the Council resolution relates to a 'fixed' sign which displays the "variable" speed limit and times for the operation of the 40 kilometre per hour limit as shown in figure 3. The rationale for the request stems from a desire to improve road safety outside schools by reducing vehicle speeds through simple, low cost signage.
5. The investigation into the Council's request reveals that the installation of standard 40 kilometres per hour speed restriction signs outside every school in Christchurch is inappropriate due to five primary reasons as follows;
 - (a) Current legislation does not provide for the Council to do this.
 - (b) It is not considered best practice.
 - (c) In some cases such action would be detrimental to road safety.
 - (d) In some cases it is not the most appropriate solution.
 - (e) It is not supported by the New Zealand Transport Agency and the Ministry of Transport.
6. In terms of legislation, the "Land Transport Rule: Setting of Speed Limits 2003" requires the Director of the New Zealand Transport Agency to approve a variable speed limit before a road controlling authority sets such a speed limit by making a bylaw.
7. The requirements for installing variable speed limits specifies the use of electronic signs in most situations (see figure 2). There are exemptions from this and a "fixed sign may be erected on 'no exit', 'stop' or 'give way' controlled side roads adjoining the school zone." (see figure 3).
8. It follows that the legislation does not allow the Council to install fixed sign variable speed limits, as the only type of sign at a School Speed Zone.
9. In terms of best practise involving road safety, a review of the New Zealand Transport Agency's guidelines and the Council's methodology for selecting sites for implementation of electronic variable speed limit signs has been undertaken (refer **Attachments 1 & 2**).
10. A literature review has also been undertaken to consider the effectiveness of implementing the Council's suggestion.
11. The best practise and literature reviews clearly show that 40 kilometre per hour variable speed limit signs should only be considered where certain conditions are satisfied and where it is not possible to install traffic calming or other treatments to reduce vehicle speeds. (refer **Attachment 3**).
12. The research also shows that some of the safety benefits of the existing treatments outside schools would be lessened if fixed 40 kilometre per hour variable speed limit signs were installed as requested by Council.
13. The 'Background' to this report provides a description of a number of alternative treatments that improve safety for schools. Many existing treatments (like electronic variable speed limits and traffic signals) at schools in Christchurch provide a higher level of safety than "standard 40 kilometre per hour signs". This report therefore recommends that the Council proceed with these alternative treatments to ensure the *greatest possible safety* is provided to all schools in Christchurch.

FINANCIAL IMPLICATIONS

14. If the Council continues with the existing programme of electronic variable speed limit installation outside schools, then this is already programmed in the current LTCCP.

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

15. Yes, if the Council accepts the recommendations of this report.

LEGAL CONSIDERATIONS

16. If this report's recommendations are adopted (i.e. retain status quo), then the proposed programme for the installation of electronic variable speed limits complies with the conditions specified and published by the Director of NZTA in the New Zealand Gazette (21/4/2011, number 55, page 1284 see **Attachment 3**) approving a variable speed limit of 40 kilometres per hour in school zones and setting out conditions for those speed limits. A Council resolution is required to implement the variable speed limit restrictions in accordance with Traffic Note 37 (see **Attachment 3**).
17. Traffic Note 37 also sets the requirement for installing electronic signs which display the 40 kilometre per hour speed limit only during the period when it applies.
18. Any variable speed limit must be in accordance with conditions set out in the New Zealand Gazette, 21/4/2011, No. 55, p. 1284 'Variable Speed Limit in School Zones'. The installation of electronic variable speed limits outside every school in Christchurch would be contrary to this, as would the use of fixed signs only to identify the variable speed limit.

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

19. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. The LTCCP has a specific project relating to the installation of electronic variable speed limits outside schools. The recommendations also support the "Safer Routes to Schools and Road Safety at Schools" projects.

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

21. If this report's recommendations are adopted (i.e. retain status quo) the LTCCP's installation of electronic variable speed limits outside schools project will be supported.

ALIGNMENT WITH STRATEGIES

22. If this report's recommendations are adopted (i.e. status quo) then actions will be in alignment with the following strategies by increasing safety where it is most required:
- (a) Canterbury Regional Land Transport Strategy:
 - (i) Assist with achieving Goal Two of the strategy by reducing speeds around schools and therefore encouraging cycling;
 - (ii) Assist with achieving Goal Five through assisting with a Christchurch Safe Routes to Schools Programme.
 - (b) Canterbury Travel Demand Management Strategy:
 - (i) Assist with implementing Policy 3.2 by increasing safety of alternative transport forms to and from schools.
 - (c) Christchurch City Council Cycle Strategy July 2004;
 - (d) Christchurch City Council Pedestrian Strategy February 2001;

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- (e) Christchurch City Council Safer Christchurch Strategy October 2008.

Do the recommendations align with the Council's strategies?

23. As above.

CONSULTATION FULFILMENT

24. The Council staff asked the local NZTA office to comment on the appropriateness of the 8 July 2010 Council resolutions. The response dated 16 August 2010 states *"...A mandatory 40 kilometre per hour speed limit outside all schools is not considered credible and would likely result in non-compliance by motorists at many schools and some disregard for the 40 kilometre per hour limit with the possible flow on effect of lower compliance at the schools where the 40 kilometre per hour limit is appropriate."*
25. Police have not made any comment on the legality of installing fixed sign variable speed limit signs but have indicated that they would enforce them if the Council were to install such signs.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receives this report.
- (b) Continues to use a range of strategies to ensure the greatest possible safety to schools in Christchurch.
- (c) Continues with its existing prioritisation process for the installation of 40 kilometre per hour electronic variable speed limits outside schools in Christchurch.

BACKGROUND

26. There are 161 schools in Christchurch fronting onto 282 roads. Seven of these roads are administered by NZTA. The following Figure 4 shows the distribution of speed limits on road frontages administered by Christchurch City Council.

Speed Limit	No. of Road Frontages
50	269
60	6
70	3
80	3
100	1
Total	282

Figure 4: Distribution of Speed Limits

27. It can be seen that the majority (95 per cent) of school road frontages are on roads with a 50 kilometre per hour speed limit. There is only one school frontage road administered by the Council with a 100 kilometre per hour speed limit. This is Waitaha School on Kirk Road which is a special education facility for diverse learners. This school is set well back from Kirk Road on its own private access way. Students do not walk or cycle to this facility.
28. This is quite different to other local authorities where many of their schools are on 100 kilometre per hour roads.
29. Christchurch was the first city in New Zealand to trial electronic 40 kilometre per hour variable speed signs/limits, and its installation programme is well advanced with 22 zones being installed in Christchurch. These zones cover 30 schools and 31 road frontages.
30. In addition to this, Christchurch's grid pattern street layout means there are large numbers of traffic signals, many of which service schools.
31. 31 school frontages are already equipped with electronic 40 kilometre per hour variable speed limits with an addition of two school frontages being implemented this financial year. 33 school frontages have traffic signals in close proximity to the school gate (refer to figure 5).

School frontages with electronic 40 kilometre per hour variable speed limit	31
School frontages with traffic signals in close proximity	33

Figure 5: School Frontages

32. A prioritisation process has previously been approved by the Council which determines the next schools to be provided with electronic 40 kilometre per hour variable speed limits.
33. This process looks at the road environment, the kerbside activity, the number of heavy vehicles, cyclists, operating speeds, traffic volume, crossing use, road designation, community interest and existing facilities and rates each criteria to achieve a total score which determines the final ranking of every school in Christchurch.
34. The schools with the highest ranking receive the allocated budget. These schools are then studied in more depth to determine the best possible treatment which will provide the greatest safety benefits.

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35. Currently a simple school speed zone installation with one road frontage requiring only two electronic signs costs approximately \$25 - \$30,000. A complicated installation which could involve up to five electronic signs would cost around \$60,000. Currently the budget allocation of \$116,000 will achieve up to three new school speed zones.
36. A list of treatments for improving safety outside schools is provided below and a discussion around the relative benefits.

Fixed School Warning Signs

37. All schools in Christchurch are clearly identifiable by fixed school warning signs (See Figure 7).



Figure 7: Fixed School Warning Sign

38. These signs clearly identify the location of each school in Christchurch. This is particularly relevant when the school cannot be seen from the road because it may be down a drive. The effectiveness of these signs is reinforced by the accumulation of caregivers' vehicles dropping off and picking up the students (sometimes referred to as "chaos at the school gate").
39. Other treatments are added to provide additional safety benefits. These can be found in the form of:
 - (a) Grade separation (Over bridge or under pass)
 - (b) Signals
 - (c) Pedestrian (zebra) crossing with school patrol
 - (d) Kea crossing (which have school patrols)
 - (e) Pedestrian (zebra) crossing
 - (f) Kerb build outs
 - (g) Pedestrian refuge island
 - (h) Kerb build outs plus pedestrian refuge island
 - (i) Active School Signs
 - (j) Fixed School Signs
 - (k) Traffic Calming

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NZTA Treatment Selection Criteria

40. NZTA Traffic Note 56 provides a flow chart for the selection of appropriate traffic control devices near schools, as shown in Figure 8.

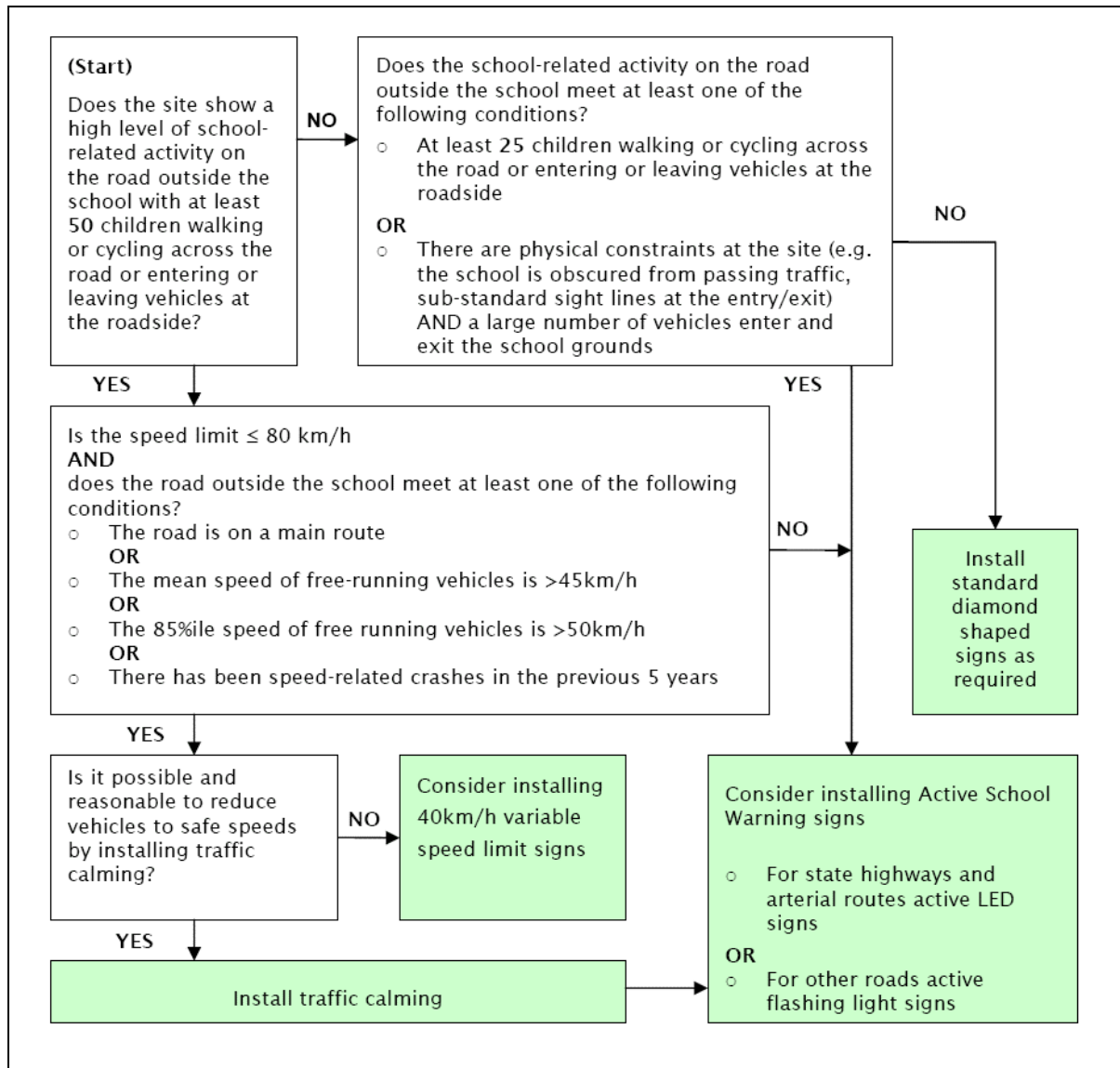


Figure 8: Selection Criteria for Traffic Control Devices near Schools

Electronic Variable Speed Limits

41. Selecting 40 kilometre per hour variable speed limit signs should only be considered where the warrant conditions are satisfied and where it is not possible to install traffic calming or other treatments to reduce vehicle speeds.
42. There are 161 schools in Christchurch. Of these, 31 school frontages are currently provided with electronic variable speed limits with another two being added this financial year. Most of the remaining schools may not benefit from the installation of a 40 kilometre per hour school zone. Traffic signals on very busy roads or traffic calming on lower volume, higher speed roads will achieve a safer environment for school children.
43. Staff have previously presented the Council with a comprehensive spreadsheet process that determines the priority order for subsequent electronic variable speed limit installations. The Council accepted this process at that time.

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44. The following schools are currently provided with 40 kilometre per hour electronic variable speed limits:

Belfast	
Burnside High	
Ilam	
Our Lady of Assumption	
Waimairi	
Chisnallwood	
Hillmorton	
Isleworth	
Bishopdale	
Harewood	
Manning	
Christchurch Boys' High	
Avondale	
Marshland	
Windsor	
Branston	
Christ the King	
Cobham	
Halswell	
Our Lady of Fatima	
South New Brighton	
Hoon Hay	
Mariehau	
Lyttelton Main	
Burwood	
Westburn	
Templeton	
Aranui High	
Kirkwood	
Windsor	
Linwood North	
Cashmere Primary	currently being installed
Fendalton	currently being installed

45. Fixed sign variable speed limits were installed at schools in New South Wales and Victoria. Many of these have been retrofitted with electronic variable speed signs as the fixed signs did not achieve the desired results (see figure 6).



Figure 6: Fixed with electronic variable speed signs added

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Traffic Signals

46. The following are schools which have been provided with pedestrian traffic signals at the school gate:
- (a) Thorrlington School on Colombo Street
 - (b) Bishopdale School on Greers Street
 - (c) Christchurch Boys' High School on Straven Road
 - (d) Riccarton High School on Main South Road
 - (e) Riccarton High School on Curletts Road
 - (f) Linwood College on Aldwins Road
 - (g) St Margarets College on Papanui Road
 - (h) Villa Maria College on Peer Street
 - (i) Shirley Boys' High/Marion College on North Parade
47. There are many other schools that have traffic signals at intersections in close proximity to school entrances that provide a high level of safety. (for example, Christ's College)
48. The installation of a 40 kilometre per hour electronic or fixed variable speed limit in these locations would slow the traffic. This has the effect of bunching up the vehicles. The traffic signals are programmed to detect a gap in the traffic before changing to red. The bunched up traffic provides fewer gaps, therefore the time taken from when a student pushes the button and the "walk now" signal comes up is greater. This encourages students to cross clear of the signals. Accident statistics show that crashes involving pedestrians at schools with traffic signals occur 50 metres or more away from the signals.
49. The introduction of 40 kilometre per hour variable speed limits at schools with signals is likely to reduce the safety and therefore cannot be recommended.

Grade Separation

50. Grade separation can be in the form of an over-bridge or an underpass. Mairehau High School has an underpass under QEII Drive to provide students with safe access from properties north of the expressway. Waimairi School has a footbridge over the railway line from Hawthorne Road/Hartley Avenue. Alternative access from Blighs Road or Wairakei Road means students would have a long walk to school. The Council maintains the footbridge over the railway as this encourages active and sustainable travel to Waimairi School.
51. Grade separation does have disadvantages. Footbridges, unless covered, exposes pedestrians to extremes of weather and objects can be dropped onto vehicles below. Underpasses have a bad reputation for "stranger danger" and tend to attract inappropriate behaviour and graffiti. They can also be unfriendly in terms of ramp gradients – for disabled or persons with pushchairs etc.

Active School Zone Signs

52. Traffic Note 56 (October 2008) introduces 'Active' signs that draw the drivers attention to the likely presence of school children crossing or moving at the side of the road. This reinforces the common road environment message to drivers. The signs comprise either a fixed or electronic sign displaying the 'Children' symbol with the words 'School Zone' below. This sign combination is supplemented with two orange flashing lights at the top of the sign on each side which light alternately when activated (see Figure 9). Christchurch currently have no active school warning signs.



Figure 9: Active School Warning Signs as recommended in Traffic Note 56

53. Active School Warning Signs do not legally require drivers to reduce their speed but the visual impact of these signs results in speeds being lower even when the lights are not activated. Traffic Note 56 says these signs may be useful in situations where the use of a 40 kilometre per hour variable speed limit is inappropriate or does not satisfy the warrant conditions. For example, in rural areas where the speed limit is greater than 80 kilometre per hour the 40 kilometre per hour variable speed limit is not an appropriate treatment because of the very high differential between motorists speeds.

Traffic Calming

54. Traffic calming provides benefits to all users of the street and enhanced amenity for neighbouring residents and business across the entire day compared to the 40 kilometre per hour variable speed limit that only provides reduced speed benefits for short periods at the start and end of each school day. This is supported by The Scottish Executive Development Department Transport Division 3 Circular No. 6/2001 which notes "Unrealistic and unenforceable speed limits will not bring about the expected road safety benefits and are likely to lead to pressure for the provision of traffic calming measures to ensure their effectiveness."
55. The "Land Transport Rule: - Setting of Speed Limits" matches speed limits to the traffic environment. Traffic calming will achieve the lower speed environment that will permit the installation of a lower speed limit. This was the process undertaken before a fixed 40 kilometre per hour was implemented in Charleston and on the Esplanade.

Do Nothing

56. Speed surveys have been carried out on a number of schools that have access from quiet residential streets. In these locations the traffic is generally caregivers dropping off and picking up students. Any other traffic is usually residents who are well aware of the presence of the school.

School	Road	Mean Speed	85 th %ile Speed
Freeville	Sandy Avenue	36	42
Richmond	Pavitt Street	31	39

Figure 10: Speed Survey

57. It can be seen from the two examples above that 85 per cent of vehicles travel at or below 42 kilometre per hour in the worst case. Electronic variable speed limits could not be justified and fixed 40 kilometre per hour speed limits would have no benefit.
58. In schools which front low volume residential roads, static "school" signs (see Figure 7) are adequate. The installation of a 40 kilometre per hour sign would only encourage greater speeds and therefore such signs are not justified.

Examples where a School Zone is not appropriate.

(a) Greers Road at Bishopdale School:

This site was selected as one of the original five trial sites. The road is an arterial road, forming part of the traffic ring route. It carries approximately 18,000 vehicles per day. A zebra pedestrian crossing, with a school patrol existed at the school gate to assist the school community when crossing this road. Once the school zone was installed, it was reported by the Police Education Officer that the slowing of traffic made the operation of the school patrolled crossing very difficult. It was observed that the slowing of traffic, reduced the headway (gaps) between the vehicles, making selection of a safe gap to swing out the school patrol stop signs by the children patrollers, very difficult. The school's Principal reported ongoing incidents at the zebra crossing, with many "near misses" and minor injuries of school children being struck by vehicles, where the motorists failed to stop.

Following replacement of the school zone with a signalised crossing, road safety and convenience of road crossing has significantly improved at this school's road frontage.

(b) Keighleys Road at Bromley School:

This local road, was experiencing a significant number of speed related crashes. The road has a number of deceptive bends near the school's frontage. These crashes were occurring outside school operation times and mainly late at night. The school community raised concerns about safety and requested a school zone. A school zone would not have operated outside school travel times, and therefore would not have had any effect on the crash rate occurring. Following significant investigation by Council staff, traffic calming devices were installed on Keighleys road. The school patrol crossing point was relocated to optimise approach visibility. This work, as an alternative to a school zone, has improved road safety for the school community, and road safety for all road users at other times of the day.

(c) Pavitt Street at Richmond School:

This local road has a relatively low traffic volume and has a narrow carriageway width (just over 6 metres). At school start /finish times, cars are parked on both sides of the roadway, creating an extremely narrow situation. The effect of this is that motorists travel slowly. (Refer Figure 10 which shows the average speed to be 31 kilometre per hour). The installation of a 40 kilometre per hour zone in this street would give an inappropriate message i.e. advising motorists that they can potentially travel faster than they currently do.

Conclusion

59. Installing variable speed limits in areas where they are not warranted e.g. on local streets where mean speeds are already around 40 kilometre per hour at school times, may detract from the overall effectiveness of the initiative and potentially compromise those areas where speed reduction is required. Therefore widespread installation of 40 kilometre per hour variable speed limits in school zones would be likely to:

(a) Only achieve small speed reductions at some sites; and

(b) Probably result in increased speeds at existing sites due to decreased motorist compliance stemming from a perception of reduced importance of the signs.

60. Such a perception is not atypical of any sign or traffic control device. It is for these reasons that warrants exist to ensure when regulatory or warning signs are erected that their importance is not devalued by use in situations where they are unnecessary.

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61. The resolution to advocate to Government to mandate 40 kilometre per hour school zones in New Zealand has an underlying well meaning objective. However, other than reducing the cost of implementing the currently electronic variable speed signs, there are few other benefits. The Government has already expressed views regarding the effectiveness of the proposal.
62. Staff do not support the resolution to advocate mandatory fixed sign 40 kilometre per hour variable speed limits outside every school in New Zealand. It is recommended that the Council continue with their programme to install 40 kilometre per hour electronic variable speed limits at schools where speed is a measurable issue and other treatments would not work as opposed to putting the programme on hold while waiting for a decision from central government.
63. As an alternative to implementing fixed sign school variable speed zones that are neither warranted nor absolutely necessary, the Council could consider the introduction of other road safety improvement techniques such as:
 - (a) Improved signage and delineation.
 - (b) Pedestrian facilities such as defined crossing points, including signalised crossings.
 - (c) Adjusting the phasing on existing traffic signals.
 - (d) Additional school crossing patrol locations.
 - (e) Active school warning signs.
 - (f) Traffic calming.
 - (g) Better enforcement.
 - (h) Better student road safety education.
 - (i) Better parent road safety education.

6. PURCHASE OF LAND FOR OWAKA SUPPLEMENTARY TREATMENT BASIN AND PUBLIC OPEN SPACE NETWORK

General Manager responsible:	Acting General Manager City Environment
Officer responsible:	Acting Property Consultancy Manager
Author:	Bill Morgan, Property Consultant

PURPOSE OF REPORT

1. The purpose of the report is to:
 - (a) Seek the Council's approval to acquire Parcel 3 on the attached plan from Meadow Mushrooms Ltd for a supplementary storm water treatment pond and;
 - (b) Acquire Parcels 1 and 2 on the attached plan (**Attachment 1**) from the Company for the proposed Owaka pedestrian/cycleway corridor.

EXECUTIVE SUMMARY

2. The South West Area Plan together with the Awatea Variation to the City Plan and Plan Change 1 have outlined areas of residential and business growth within the Halswell and Awatea areas. Coupled with this the plans have identified infrastructure and transportation requirements to provide for and meet this growth.
3. South West Christchurch is characterised by an extensive network of waterways and floodplains. The water environment is highly sensitive to land use activities. Without good management, urban and business growth can lead to an increased risk of sedimentation and pollution. A well designed, maintained and naturalised storm water network protects and improves water quality and manages flood risks. This includes the use of a number of storm water mitigation facilities including soil absorption, detention basins, wet ponds, swales and wetlands. The purchase of the land from the Company will meet these objectives and provide a supplementary treatment basin and meet the objectives of the Area Plan.
4. The South West Area Plan and Awatea Variation have also recognized the benefits of connecting and creating open space links to enable the movement of people and fauna throughout the area. A number of linkages are proposed including a pedestrian /cycleway link between Awatea Road, Wilmers and Halswell Junction Roads. Provision has been made for a pedestrian underpass under the Southern Motorway to complete the connection between the roads as part of the Multi Party Funding Agreement entered into by the Council and New Zealand Transport Agency (NZTA) in October 2008. The cost of the subway will be met by New Zealand Transport Authority. The acquisition of Parcels 1 and 2 will enable that part of the walkway between Wilmers and Halswell Junction Roads to be initially developed until the land to complete the link through to Awatea Road has been acquired.

FINANCIAL IMPLICATIONS

5. Provision to acquire all of the property required has been included in the Strategic Land Purchase Budget for the 2011/2012 financial year. Appropriate provision has also been included within the LTCCP capital programme to transfer the cost of the land when it is required for the basin and walkway.

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

6. Yes appropriate provision for the acquisition of the properties has been included.

LEGAL CONSIDERATIONS

7. The purchase of the land is authorised under the provisions of the Public Works Act 1981.

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

8. There are no legal implications preventing the transaction from proceeding.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The purchase of the property by the Council aligns with the LTCCP.

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

10. Yes.

ALIGNMENT WITH STRATEGIES

11. The purchase of the property will fulfil the requirements of the South West Area Plan, the Awatea Variation to the City Plan and Plan Change 1.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. Both the South West Area Plan and Awatea Variation were subject to full public consultation and as such the Council has met its obligations in this regard.

GENERAL

14. Meadow Mushrooms Ltd's property, situated on the corner of Wilmers and Halswell Junction Roads, has been bisected by the Southern Motorway which is due for completion in 2013. The factory site lies to the north of the motorway with the land required for the detention basin to the south with frontage to Halswell Junction Road. The Company has recently completed Stage 1 of its redevelopment programme on the Wilmers Road site with Stage 2 to be undertaken in the future as demand requires. The Stage 2 development will extend the facility southwards to occupy the remaining of the available area. The loss of the land required for the pedestrian/cycleway corridor will create problems for the discharge of storm water from the site and as such the Company, as part of the agreement, has reserved the right to discharge along a 3.5 metre corridor shown as Parcel A on the plan. This right will be protected by an easement but will not materially affect the cycleway corridor.
15. The severed land to the south will present the Council with an opportunity to provide supplementary treatment for the Halswell Junction wet pond which services the Halswell Junction Road Catchment. The wet pond is shortly to be enlarged by New Zealand Transport Agency to treat storm water from the motorway. As the standard of treatment from the wet pond is lower than required the new basin will provide additional cleansing before it is discharged into the Wilmers Road quarry for ground soakage. Any overflow will be discharged into Knights Stream.
16. The basin is to be constructed at no cost to the Council by Fulton Hogan Ltd, acting on behalf of NZTA, which needs the material for the construction of the southern motorway. Under a quid pro quo arrangement the company will provide the Council with an equivalent volume of material for the Wigram/Magdala Bridge embankment when required.
17. The eastern boundary of the basin will be created into the pedestrian/cycleway link between Halswell Junction Road and the subway under the motorway.

6 Contd

18. There is a possibility that there may be some minor alterations to the boundaries as a consequence of the integration of Stage 2 of the Southern Motorway which will have no impact on the final configuration or capacity of the detention basin. It is recommended that the Council delegate to the Corporate Support Manager authority to deal with these should they arise.
19. Agreement has now been reached with the Company to acquire the respective parcels on the terms outlined within the Public Excluded section of this report.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Purchase Parcels 1, 2 and 3, as defined on the attached plan, from Meadow Mushrooms Ltd on the terms and conditions included in the Public Excluded section of the report.
- (b) Delegate to the Corporate Support Manager the authority to deal with any minor boundary adjustments with NZ Transport Agency should they arise as a consequence of alterations to the traffic layout arising out of the planning of Stage 2 of the Southern Motorway.

BOARD RECOMMENDATION

The Riccarton/Wigram Community Board recommends that the staff recommendation be adopted.

7. INFRASTRUCTURE REBUILD MONTHLY REPORT

General Manager responsible:	General Manager Capital Programme
Author:	General Manager Capital Programme

PURPOSE OF REPORT

1. To provide Council with a monthly update on the infrastructure rebuild.

EXECUTIVE SUMMARY

2. At its April meeting, Council gave approval for an Alliance to be formed to deliver the reinstatement of the City's damaged infrastructure. It was also agreed that the Chief Executive would report regularly to the Council on progress with regard to the reinstatement work.
3. The report (**Attachment A**) is the second of what will be a regular monthly report that is provided to both Council and the Canterbury Earthquake Recovery Authority (CERA). Ultimately it will be a report against the Infrastructure Rebuild Plan which is currently being developed.

STAFF RECOMMENDATION

It is recommended that the Council receives the Infrastructure Rebuild Monthly Report for August 2011.

8. TEMPORARY HIGH PERFORMANCE SPORT FACILITY – JELLIE PARK

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

PURPOSE OF REPORT

1. To obtain Council approval for the temporary location of a building to house the High Performance Sport New Zealand facility, and temporary car parking associated with the facility, in Jellie Park pursuant to the Canterbury Earthquake (Reserves Legislation) Order 2011.

EXECUTIVE SUMMARY

2. High Performance Sport New Zealand (HPSNZ) is the new name of the organisation that was previously named the New Zealand Academy of Sport. HPSNZ is a network of high performance-focused operations designed specifically to support and enhance the performance of leading and most promising sports men and women. HPSNZ's southern regional operations, headquartered in Dunedin, includes a major service centre located in Christchurch. In partnership with Sport and Recreation New Zealand (SPARC), HPSNZ is committed to excellence in high performance sport, providing a wide range of services and support for the region's talented athletes and coaches, including sport science, sports medicine, access to training facilities, coaching support, and career, educational and professional development opportunities.
3. HPSNZ is an incorporated society, which has provided services, support and resources to athletes and their coaches since 2000, enabling them to achieve notable national and international success.
4. The Christchurch Centre of Excellence for High Performance Sport, one of only two strategic high performance centres in the country (the other being in Auckland) was officially opened on 11 November 2009. It was, up to the time of the earthquake on 22 February 2011, located in Christchurch at the QEII Park Recreation and Sport Centre (QEII). The Centre of Excellence was a joint venture principally between the Council and the New Zealand Academy of Sport - South Island (ASI), formalised through a Memorandum of Understanding (MOU) entered into in 2007 by the Council and ASI to work co-operatively together to advance a mutual and collective interest in performance sport and to outline some principles by which that may occur. The Centre housed ASI staff, as well as High Performance support teams from national sporting organisations including Bowls NZ, Bike NZ, Paralympics NZ, Triathlon NZ and the Winter Performance Programme. The Centre's training facilities had, prior to February, been significantly expanded, in partnership with the Council and the Canterbury Community Trust. These facilities included a dedicated athlete strength and conditioning zone and associated performance training equipment and technology, a recovery zone (including hot and cold pools), Paralympics friendly training facilities and a then soon-to-be-completed three lane 100 metre indoor track laid on the concourse under the main stadium. The Centre also had access to the 50 metre Olympic pool, 400 metre mondo running track and indoor courts.
5. The Centre of Excellence's presence at QEII was formalised through a lease for part of the premises there, with a deed of lease made to SPARC, as tenant, dated 22 December 2010, final expiry being 31 December 2025. Notice of termination of the lease because of the extensive damage caused to QEII by the 22 February 2011 earthquake, making it untenable, was given to HPSNZ on 17 May 2011.
6. The QEII Park Recreation and Sport Centre facility is now closed for the foreseeable future because of the earthquake damage. The popular QEII Fitness Centre however is being re-located to Parklands Community Centre and is due to open on 15 August 2011. The Centre of Excellence is currently operating out of two large rooms at the Pioneer Recreation and Sport Centre.

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7. HPSNZ is not able to continue operating at the Pioneer Recreation and Sport Centre for a number of reasons including the following:
 - (a) They will need to move to enable the Southern Centre to be re-established at Pioneer.
 - (b) There is no viable option to re-establish the high performance gym and recovery facilities at Pioneer.
 - (c) There are limited quiet meeting spaces to meet athletes and clients on site.
8. HPSNZ has considered more than ten locations in Christchurch for a temporary High Performance Sport facility. See paragraph 15 of this report below and the accompanying table for an account of these. The preferred location is on the grassed area within, and at the north-western end of, the area occupied by the Council's Recreation and Sport Centre (upgraded in 2008) at Jellie Park. See **Attachment A** for a Concept Site Plan. The grassed area lies between the hydro slide (which is currently closed) on its southern side and a high wire mesh fence and mature trees on the other sides. The area identified lies within the area zoned for the recreation and sports centre as shown on the zoning plan on page 7 of the Jellie Park Management Plan, approved by the Council on 25 February 2010, and corresponds approximately with Area 3 (Outdoor activity space) on the Indicative Development Plan in the management plan (see **Attachment B** for the Indicative Development Plan). The development plan proposes that Area 3 be used for events supervised from the pool, and be used for future provision of additional recreation and sports facilities. Area 3 on the development plan lies between Area 2 (Ornamental lake and garden), which is situated below the terrace and is screened by the mature trees on the northern side of Area 3, and Area 7 (Recreation and sports centre). Both Area 3 and Area 7 are on the higher terrace.
9. The proposed facility comprises a rectangular shaped single storied building covering a floor area of approximately 2,000 square metres. The building is designed in such a way that much of it is re-locatable. The total area of park proposed to be occupied, including building surrounds and eleven new and six existing car parks, is approximately 4,000 square metres. Connection will be required to electricity, data/phone, stormwater and wastewater drainage, and high pressure town water supply. **Attachments A, C and D** show the concept site plan, proposed floor plan/elevations and site photos, respectively. HPSNZ have indicated that their aspiration for occupation of the site is until 18 April 2016 at the latest, with a desire to be considered for co-location with any major metropolitan sports facility planned as part of the Central City Plan or Greater Christchurch Recovery Strategy. Should that not be a viable option they would investigate alternative options to locate at the Christchurch Polytechnic Institute of Technology (CPIT) or the University of Canterbury.
10. The temporary placement of the High Performance Sport facility at the proposed Jellie Park site will require car parking to be provided for the exclusive use of facility staff and users. Existing car park space on the park, servicing the Recreation and Sports Centre, is already fully utilised and not in close proximity to the site of the proposed facility. HPSNZ therefore propose for new temporary car parking to be established on the side of the existing park road adjacent to the site, as well as to utilise some existing currently unused road-side car parking space. See **Attachment A** for the proposed location of this temporary parking. Officers advise that the location is not one that is currently available or accessible for public parking (the park road to this point is not open for public vehicular use), nor is it identified in the Jellie Park Management Plan as able to be considered for future parking needs.
11. The proposed building, surrounds and car park development will necessitate the removal of eleven trees. None of these are significant or protected in the City Plan. Some are already earmarked for removal due to age, condition or damage caused by 22 February 2011 earthquake. HPSNZ will replace all trees removed and meet the cost of the reinstatement of the site to the Council's satisfaction upon cessation of the temporary occupation.

8 Contd

12. The intended use of the proposed temporary facility will be similar to the QEII based facility prior to the 22 February earthquake. This will include the sports and athletes targeted then. The intention is to re-create the base for support staff, coaches and athletes from key national and regional sports who had made their base at QEII.
13. Jellie Park is a Christchurch City Council recreation reserve of 12.5 hectares in the north-west of the city. It is bounded on one side by the Wairarapa Stream and has an ornamental lake located in the centre of the park. The park provides recreational opportunities ranging from informal pursuits, such as walking, swimming, and picnicking, through to competitive field sports. It is home to the anchor aquatic facility for the western side of the city. It also has a popular skate park and play areas, and it serves as a green linkage and cycleway between Greers Road and Ilam Road. Being close to four schools, it is well used by young people.
14. Officers consider the proposed temporary occupation at Jellie Park will have a manageable effect upon the overall park environment and its use, due to the occupation being in an area not freely accessed by the public nor often used for events currently. An assessment of the effects is given in the following table, along with comment on how each of these may be mitigated.

Area of Effect	Effects	Comment on Effects and how they can be mitigated
Public Access	Closing off with additional fencing part of the area zoned in the Jellie Park Management Plan for the recreation and sports centre and which is normally accessible to the public through the Centre for informal/casual use.	The added fencing during construction is for security and public safety reasons and may be removed upon completion of the construction. The existing high perimeter fence will remain. Currently, there is limited public access to the site – that being only through the Recreation and Sport Centre.
Visual	There will be a large additional building, and associated car parking, placed on the park.	The building and car parking, of course, are temporary. The building can be designed, coloured and have surrounding landscaping and planting undertaken to integrate the structures into the surrounding environment. Furthermore, it will be sited near other structures and be screened from view from other parts of the park by trees and these other structures. It will not be located near any existing residential properties and the proposed site is located well off the street.
Vehicle Access	Heavy machinery and vehicle access across the park to the site will be required during the construction phase.	Park access will be via the existing park road, either from Greers Road or Ilam Road but probably from the former as this section of park road is not used for public/staff access to the Recreation and Sports Centre.

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Area of Effect	Effects	Comment on Effects and how they can be mitigated
Physical (Ground)	Excavation for the underground services from the proposed building to connect to existing services, which are located mostly on or near the Greers Road side of the Recreation and Sports Centre, will require a reasonable amount of surface disruption during the excavation and installation phase of the proposed development. Also, due to the scale of built and hard surface development, there will be significant modification to the existing grassed surface.	The disruption related to the utilities installation is confined to the development phase and can be managed to minimise conflict with normal uses of the park. The building/development site will be fully reinstated to its prior condition and state upon cessation of the temporary occupation.
Physical (Vegetation)	A number of park trees will need to be removed to allow the development of the proposed building and accompanying car parking in Jellie Park.	None of these trees are significant, or protected in the City Plan. Some are old, in poor condition or have been damaged by the earthquakes and therefore would otherwise need to be removed. In any case, all trees removed can be replaced upon cessation of the temporary occupation.
Non-compliance with management plan	The proposed building and car parking do not comply with the policies contained in the Jellie Park Management Plan (see paragraph 17 of this report below), which states that only the Council is to build and control the use of any new buildings built on the park, and the proposed new car parking is outside the area zoned for car parking in the plan.	The building is for a use that the Council supports; the proposed site for the building, and the use it is to be put to, is consistent with the zone (Recreation and sports centre) identified in the management plan.

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15. At the request of the Council's Recreation and Sport Unit's leadership team a range of options to re-locate the facility were investigated by HPSNZ. These options included commercial, educational, private and potential Council facilities. Some of the benefits and reasons to discount for each of these, including of the preferred option, are given in the following table (the options are not necessarily listed in any particular order).

Location	Benefits	Reasons to Discount
Jellie Park (in the Recreation and sport zone) – Preferred Option	<ul style="list-style-type: none"> • Good geographic location – close to airport, university and associated athlete base. • Greenspace environment and fields for outdoor training. • Surrounding roads relatively unaffected by the earthquakes – supports a large cycling base from Triathlon and Bike NZ athletes. • Accessible pools – key factor particularly to support Triathlon NZ base, and key aquatic athletes. • The ground of the site is level and has not suffered earthquake damage. • Security of site, being within the fenced boundary of an existing Council facility. • Gives sense of being able to create a special environment to inspire athletes. • Able to replicate the interface between the public and athletes that existed at QEII. • Maintains the spirit of co-operation and partnership between the Council and HPSNZ as promoted in the MOU (refer paragraph 4 of this report above). • Supported by Council management staff. • Available space currently underused by the public. • Low impact on landscape and views of the park through being screened by existing trees and structures. 	<ul style="list-style-type: none"> • Temporary loss of publicly accessible (although this is marginal) greenspace. • No outdoor track facility. • Associated creation of further car parking (albeit temporary) in a part of the park for which that is not planned. • Generally non-complying with the Jellie Park Management Plan.
St Bedes College	<ul style="list-style-type: none"> • Very good accessible location. • Good car parking. • Greenspace environment and fields for outdoor training. • Pool access (although limited). • Court space available. 	<ul style="list-style-type: none"> • A disconnect with the Council (not able to maintain the opportunity of co-operation and partnership under the MOU). • School use is the priority.

Location	Benefits	Reasons to Discount
Pioneer Recreation and Sport Centre – Current Temporary Location	<ul style="list-style-type: none"> • Good accessible location. • Good indoor court space. • Greenspace environment and fields for outdoor training. • Good access to road cycling and hill training. • Council owned and operated facility – good security. • Good car parking. • Pool access (although limited). 	<ul style="list-style-type: none"> • Need to move to enable the Southern Centre Multi Sensory Experience, previously located at QEII, to be re-established at the Pioneer Recreation and Sport Centre. • No space in existing building to accommodate core high performance sport facilities. • Limited quiet meeting spaces to meet athletes and clients on site. • Poor pool space – high community swim programmes. • No outdoor track facility. • Not so close to accommodation or airport.
Centennial Park	<ul style="list-style-type: none"> • Good accessible location. • Available land on site to create a stand alone facility. • Good car parking. • Greenspace environment and fields for outdoor training. 	<ul style="list-style-type: none"> • Temporary loss of publicly accessible greenspace. • No outdoor track facility. • May require further car parking (albeit temporary). • Not so close to accommodation or airport.
Westminster Park	<ul style="list-style-type: none"> • Very good accessible location. • Good car parking. • Greenspace environment and fields for outdoor training. 	<ul style="list-style-type: none"> • Poor existing facilities - no pool or court space. • Not supported by Council staff. • Cost prohibitive to HPSNZ for development of facilities.
CPIT	<ul style="list-style-type: none"> • Good accessible location. • Good facilities, including court space. • Potential option for long term solution. 	<ul style="list-style-type: none"> • No greenspace environment and fields for outdoor training. • Limited high performance sport environment potential. • No pool. • Limited car parking. • In the earthquake recovery construction zone for the next few years. • Education use is the priority. • Not so close to accommodation or airport.
University of Canterbury	<ul style="list-style-type: none"> • Good accessible location. • Potential option for long term solution. 	<ul style="list-style-type: none"> • Short term unavailability of land and/or timing issues with respect to campus plans.
Cowles Stadium		<ul style="list-style-type: none"> • Not functional – lack of specialist facilities.
Wigram Hangers		<ul style="list-style-type: none"> • Cost prohibitive. • A disconnect with the Council.
Rugby Park		<ul style="list-style-type: none"> • Timing issue.
Clearwater		<ul style="list-style-type: none"> • Timing and cost issues.

8 Contd

Location	Benefits	Reasons to Discount
Other commercial space		<ul style="list-style-type: none"> • Cost prohibitive. • Cost and length of lease. • Lack of specialist facilities. • High demand for and competition with the corporate business world. • Being typically located in industrial areas, detracting from a high performance environment.

16. The proposed facility would be open up to 360 days of the year (similar to when at QEII). The facility would typically be open weekday office hours 8:30am to 5:30pm, with the gym possibly open after hours and on the weekends with swipe card access. Vehicle access will be controlled by a barrier arm through a dedicated entrance off the internal park road coming from Ilam Road.
17. Policy 3.10.1 of the Jellie Park Management Plan states that new buildings will be erected only by the City Council, and Policy 3.10.3 requires that new buildings be erected only in the recreation and sports centre zone, which is where the proposed HPSNZ facility is proposed to be located (refer paragraph 8 of this report above). Policy 3.10.2 states that the Council will take direct control of the activities and use of buildings on the park, and further that the use is not to be restricted to one particular club or group. With respect to vehicle parking and circulation on the park, policies 3.13.1 to 3.13.4 of the management plan provide for formal car parking areas and vehicle access to be confined to between the Recreation and Sport Centre and Ilam Road for general public use, and between the centre and the south-western boundary of the park for parking by staff and people with disabilities, with angle parking straddling the park boundaries on Ilam and Greers Roads. The Legal Considerations section of this report explains the relationship between the Jellie Park Management Plan and the Canterbury Earthquake (Reserves Legislation) Order 2011.
18. Jellie Park is comprised of four classified recreation reserve titles subject to section 17 of the Reserves Act 1977, totalling 12.6015 hectares in area, these being listed in the table below.

Legal Description	Certificate of Title	Area
RS 40044	12A/976	11.8133
Lot 3 DP 40118	19A/162	0.1541
Pt Lot 131 DP 16040	40C/128	0.0731
Lot 71 DP 68192	39D/571	0.5610

The proposed temporary occupation will be within RS 40044.

FINANCIAL IMPLICATIONS

19. There are no financial implications for the Council arising from granting permission for HPSNZ to temporarily occupy the site in Jellie Park. HPSNZ will meet all costs associated with the establishment and operation of the facility, including all resource and building consents, and costs to reinstate the site, to the satisfaction of the Greenspace Manager or her designate, at the end of the occupation.
20. Officers propose that a ground rental will be charged for the temporary occupation of the site, as decided by an independent registered valuer approved by the Council, plus a charge levied for the car parking associated with the proposed facility.

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

21. See above.

LEGAL CONSIDERATIONS

22. Ordinarily, the grant to a sports body of a right to occupy a recreation reserve would by way of a lease granted by the Council under section 54 of the Reserves Act 1977. If a proposed lease conforms with the management plan for the reserve then no other process steps are required. However, if a proposed lease does not conform with the management plan, the Reserves Act requires that a public consultation process is undertaken (including the hearing of any objections received) and that the consent of the Minister of Conservation is obtained.
23. In response to the circumstances arising from the 22 February 2011 earthquake, the Government made the Canterbury Earthquake (Reserves Legislation) Order ("the Order") to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act.
24. Whilst the Order currently expires on 31 March 2012, the Department of Building and Housing and the Department of Conservation have recommended to the Government that the Order be extended to 18 April 2016 (which is the expiry date of the empowering legislation under which the Order has been made). It is expected that extension will be made in September 2011. Unless the Order is extended beyond 18 April 2016 it will not be possible for the Council to authorise the use of Jellie Park beyond this date. Any use beyond that date would need to be authorised using the 'business as usual' processes available under the Reserves Act.
25. Clause 5(c) of the Order provides that the Council, or any person authorised by the Council in writing, may use a reserve or erect a structure on a reserve for any purpose if the use or structure is necessary in the opinion of the Council or the chief executive of the Council to respond in a timely manner to any circumstances arising from the earthquake.
26. The Order provides that when the Council authorises any use of a reserve, or the erection of any structure on a reserve, it does not need to comply with any relevant management plan or the usual Reserves Act processes. However, the Council is required to take all reasonable steps to protect the integrity of the reserve and to ensure that the reserve is reinstated at the end of the use or when the structure is removed.
27. In addition to Council authorisation under the Order, the applicant will also need to obtain all necessary resource and building consents required.
28. If the Council approves the proposed occupation under the Order then a formal written occupation agreement will be entered into by the applicant. The agreement will contain the provisions that would ordinarily be included in a lease to protect the Council's position, including an obligation on the occupier to remove its building at the end of the term and to reinstate the land.

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

29. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

30. Not applicable.

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

31. As above.

ALIGNMENT WITH STRATEGIES

32. Not applicable.

Do the recommendations align with the Council's strategies?

33. Not applicable.

CONSULTATION FULFILMENT

34. Clause 6 of the Order expressly provides that the Council may act under the Order without complying with the Reserves Act 1977 (including any provision relating to public notification or the hearing of objections).
35. Clause 7 of the Order requires the Council to give notification to parties who have an easement, lease, licence, covenant or other legal right over the area of reserve to be temporarily occupied under the Order. There are no such parties over the area proposed to be temporarily occupied in Jellie Park.
36. In addition, the Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out in the Local Government Act 2002. These include the requirement that the Council considers community views and preferences.
37. The exemptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury Earthquakes.

STAFF RECOMMENDATION

It is recommended that the Council resolve as follows:

- (a) Pursuant to clause 5(c) of the Canterbury Earthquake (Reserves Legislation) Order 2011, and having formed the opinion that such is necessary to respond in a timely manner to circumstances resulting from the earthquake of 22 February 2011 and subsequent aftershocks, that High Performance Sport New Zealand Incorporated be authorised to use that part of the recreation reserve known as Jellie Park as is approximately shown as the hatched area labelled "Temporary High Performance Sport Facility Area", incorporating the "proposed building", and associated car parking areas on the concept site plan attached to this report as **Attachment A** for the purpose of the erection of a building to be operated as a High Performance Sport facility.
- (b) That the period for which the authority referred to in paragraph (a) of this resolution shall apply is that period commencing on the date of this resolution until the date on which the Canterbury Earthquake (Reserves Legislation) Order 2011 shall expire (including any amended expiry date).
- (c) That the Corporate Support Manager be delegated the power to negotiate and enter into on behalf of the Council such occupancy agreement, warrant or similar document on such terms and conditions as he shall consider necessary to implement the authority referred to in paragraph (a) of this resolution (including the obligation on the occupier to remove the building and to reinstate the reserve once this authority has expired).

9. TEMPORARY ALCOHOL BANS IN PAPANUI, MERIVALE AND AKAROA

General Manager responsible:	Acting General Manager, Programme Manager Strong Communities
Officer responsible:	Programme Manager Strong Communities
Authors:	Siobhan Storey Senior Policy Analyst and Vivienne Wilson Solicitor

PURPOSE OF REPORT

1. To examine a proposal to develop Temporary Alcohol Bans under the provisions of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) to cover the Papanui, Merivale and Akaroa areas, as described in the attached maps (**Attachments 2, 3 and 4**).

EXECUTIVE SUMMARY

2. The Council considered preliminary advice on these areas on 26 May 2011. The Council resolved to approve staff undertaking section 155 of the Local Government Act 2002 (LGA02) analyses of possible amendments to the 2009 Bylaw for Riccarton/Ilam, Papanui, Merivale, Akaroa and Okains Bay.
3. In the report to Council for its 23 June 2011 meeting staff recommended against a change in the current Northlands Mall Surrounds Permanent Alcohol Ban Area or the Akaroa Permanent Alcohol Ban Area as there was insufficient evidence to support a permanent ban in these areas. Staff also recommended against a new permanent alcohol ban in Merivale as again there was insufficient evidence to support this.
4. However staff acknowledged that problems could emerge in the Papanui and Merivale areas due to increased alcohol consumption as a result of displacement of people from the Central City to these areas due to the 22 February 2011 earthquake.
5. The Council, at its meeting on 23 June 2011, resolved:

(c) That staff report back on the possible temporary liquor bans for the Merivale, Papanui and Akaroa areas by the end of August 2011.
6. There is evidence that drinking habits and numbers of people frequenting the Papanui and Merivale areas have changed as a result of the inaccessibility of the Central Business District (CBD) since the February earthquake. The problems being experienced in these areas are likely to diminish as the cordon around the CBD is progressively lifted and the Central City comes alive again. Hence since the issues are likely to be temporary, temporary alcohol bans in these areas may be appropriate.
7. The matters the Council must consider, as contained in Clause 5(2) of the Bylaw, have been examined for each area. There is currently a Permanent Alcohol Ban covering Northlands Mall Surrounds which applies on Thursday, Friday and Saturday nights from 9.00 pm to 6.00 am but there is no ban in Merivale. The Police are advocating that the Northlands ban be extended to apply 24 hours per day, 7 days per week and a ban be imposed in Merivale to apply 24 hours per day, 7 days per week. The nature of the issues in Papanui and Merivale suggest that a temporary ban in each area could address these problems. Staff recommend a temporary ban be applied for six months from 8 September 2011 to 8 March 2012, each week from Wednesday to Sunday 6.00 pm to 6.00 am in both Papanui and Merivale. The areas to which the bans would apply are shown in the attached maps (**Attachments 2, 3 and 4**).
8. However the situation in Akaroa is different. There is little evidence of significant alcohol-related issues in Akaroa that could be affected by a temporary ban. Further, the issues noted there are not of a temporary nature, and not as a result of the earthquake, so it is not appropriate to use a temporary ban there.

FINANCIAL IMPLICATIONS

9. The Police have the responsibility for enforcement of bans and can provide funding for enforcement if they accept the duty. There is no funding specifically for advertising and the provision of signage, including costs of production, erection, and where necessary replacement. The costs of signs will depend on the area chosen for the ban to cover. For the Papanui and Merivale areas these bans would cover it is estimated a minimum of 80 signs may be required plus some 40 to cover replacements over the period. For 120 signs, if installed with posts, the cost could be in the order of \$16,000. These costs do not include any additional publicity the Council may see as needed.
10. Should the Council decide to implement a Temporary Ban in Akaroa, signs would also be required there. It is estimated that 30 signs would be required in Akaroa.
11. As these signs will be temporary they will be funded through the City and Community Long Term Planning and Policy Activity budget. The costs of public notices and advertising will be funded through this Activity.

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

12. See above.

LEGAL CONSIDERATIONS

13. The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) provides the power, by resolution, to put Temporary Alcohol Ban Areas in place. Clause 5 of the Bylaw specifies a number of matters the Council must consider before it imposes a Temporary Alcohol Ban Area. Clause 5 also requires that the resolution must describe the specific area that is the Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.
14. The Bylaw defines a **Temporary Alcohol Ban Area** as meaning "*an area described in a resolution made under this bylaw in which alcohol restrictions are **temporarily** in place in the public places within the area **during the times, days or dates specified in the resolution.***"
15. Section 47 of the Local Government Act 2002 (the Act) allows for such liquor bans in public places which are under the control of the Council as opposed to public places as defined in other legislation. It can include roads over which the Council has control but not private parking areas for example.
16. Under clause 5(2) of the Bylaw the Council must consider, in the case of resolving to introduce any Temporary Alcohol Ban Area, the following matters:
 - (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; and
 - (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 the resolution; and
 - (d) Any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution; and

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- (e) Whether the Police support the proposed Temporary Alcohol Ban Area; and
 - (f) Any other information the Council considers relevant.
17. 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. 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 Alcohol Ban.¹ In the past the Council has exercised this power and passed a resolution under clause 8(1), where the Council has resolved to impose a Temporary Alcohol Ban Area for an event.

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

18. Yes. The proposed Temporary Alcohol Ban Areas will apply to public places within the meaning of section 147 of the Act. In terms of clause 5(1) of the Bylaw, the proposed resolutions describe the specific areas to which the Temporary Alcohol Ban Areas will apply and the times and dates that it will apply.
19. With respect to the considerations in clause 5(2) of the Bylaw, the following is noted with respect to each of the three areas:

Papanui

20. ***Clause 5(2)(a) - whether the proposed bans relate to events***
The proposed ban does not relate to an event.
21. ***Clause 5(2)(b) - the nature and history of alcohol-related problems usually associated with the areas, together with any anticipated alcohol-related problems***
The area comprising the "Northlands Mall Surrounds" is currently subject to a Permanent Alcohol Ban Area that applies on Thursday, Friday and Saturday nights from 9.00 pm to 6.00 am. The Police indicated in earlier discussions that the Alcohol Ban Area had generally been successful in mitigating alcohol-related problems in the area. However, since the February earthquake, patronage of licensed premises in the wider Papanui area has increased because of the inaccessibility of licensed premises in CBD. Police are of the view that due to the influx of people, there are greater numbers of people not able to get into some bars in Papanui, particularly on Friday and Saturday nights. This has led to increased drinking in areas surrounding these bars with an associated increase in broken bottles, urination and other problem behaviour.
22. Police statistics indicate that there has been a small increase in the number of disorder offences committed in Papanui.
23. However, it should be noted that these problems may lessen once the cordon in the CBD is reduced and licensed premises in the CBD begin to reopen.

¹ 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.

24. ***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 the resolution***

It is considered that the benefits to local residents and to the city outweigh the restrictions imposed on local residents and other people in the area covered by the resolution. The anticipated benefits are that there will be fewer persons consuming alcohol in public places and subsequently causing disorder. There will be less broken glass and other problem behaviours. It is noted that the Temporary Alcohol Ban Area will only apply for a limited number of days and hours per week. There is not a complete restriction on people's freedoms to consume alcohol in Council controlled public places.

25. It should be noted that the Police consider that extending the ban area (from the current ban around Northlands Mall) would enable greater control over entry of persons and vehicles into the area where consumption of alcohol in a public place may occur. The Police see this as a preventative measure aimed at dealing with anticipated problems that may be alcohol-related.

26. ***Clause 5(2)(d) - any information from the Police and other sources about the proposed dates, the events or the areas to be covered by the resolution***

The Police have provided information (summarised in this report) of the issues and behaviours being experienced in the Papanui Area.

27. On 4 May 2011 Police surveyed 42 businesses located along Papanui/Main North Road, between Grants Road and Mary Street. The survey asked whether business owners and/or their staff had problems that may be associated with people drinking in nearby bars both before and after the February 2011 earthquake. Two-thirds of respondents said that there were problems before and after the earthquake, while 40 per cent said that problems had significantly worsened after the earthquake. Problems identified in the survey included broken beer bottles, rubbish, vomiting and urinating in doorways.

28. ***Clause 5(2)(e) - whether the Police support the proposed Temporary Alcohol Ban Areas***

The Police support the proposed Temporary Alcohol Ban Area but would like the Ban to apply 24 hours per day, 7 days per week.

Merivale

29. ***Clause 5(2)(a) - whether the proposed bans relate to events***

The proposed ban does not relate to an event.

30. ***Clause 5(2)(b) - the nature and history of alcohol-related problems usually associated with the areas, together with any anticipated alcohol-related problems***

There is currently no Permanent Alcohol Ban Area in place for Merivale. However, as with Papanui, since the February earthquake, patronage of licensed premises in the Merivale area have increased because of the inaccessibility of licensed premises in CBD. Police are of the view that due to the influx of people, there are greater numbers of people not able to get into some bars in Merivale, particularly on Friday and Saturday nights, which has led to increased drinking in areas surrounding these bars with an associated increase in broken bottles, urination and other problem behaviour. There have also been some alcohol-related issues associated with the Merivale Mall carpark (although the Council is unable to apply a Temporary Alcohol Ban Area to a private owned carpark).

31. It is noted that Police statistics **do not show** that there has been an increase in the number of disorder offences committed in Merivale.

32. Again, it should be noted that these problems may lessen once the cordon in the CBD is reduced and licensed premises in the CBD begin to reopen.

33. ***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 the resolution***

It is considered that the benefits to local residents and to the city outweigh the restrictions imposed on local residents and other people in the area covered by the resolution. The anticipated benefits are that there will be fewer persons consuming alcohol in public places and subsequently causing disorder. There will be less broken glass and other problem behaviours. It is noted that the Temporary Alcohol Ban Area will only apply for a limited number of days and hours per week. There is not a complete restriction on people's freedoms to consume alcohol in Council controlled public places.

34. It should be noted that the area which is the subject of the proposed Temporary Alcohol Ban covers a broader area than that where the licensed premises are situated on or near to Papanui Road. There is no easy way of delineating the area because of the location of streets. The Police consider that the current proposed area will provide clear boundaries of where the area begins and ends.

35. ***Clause 5(2)(d) - any information from the Police and other sources about the proposed dates, the events or the areas to be covered by the resolution***

The Police have provided information (summarised in this report) of the issues and behaviours being experienced in the Merivale Area.

36. On 2 and 3 May 2011, the Police surveyed 23 business owners in Merivale, along Papanui Road between McDougall Avenue and St Albans Street, regarding alcohol concerns in the proximity of Merivale bars before and after the earthquake. Half of the respondents noted increased problems, predominantly more people on the street and patronising bars in the area and more bottles and rubbish.

37. ***Clause 5(2)(e) - whether the Police support the proposed Temporary Alcohol Ban Areas***

The Police have indicated that they support the proposed Temporary Alcohol Ban Area but would like the Ban to apply 24 hours per day, 7 days per week.

Akaroa

38. ***Clause 5(2)(a) - whether the proposed bans relate to events***

The proposed ban does not relate to an event.

39. ***Clause 5(2)(b) - the nature and history of alcohol-related problems usually associated with the areas, together with any anticipated alcohol-related problems***

There is already an alcohol ban in place in Akaroa, which applies on New Year's Eve from 5.00pm 31 December to 7.00am on 1 January each year. The area includes Akaroa Beach and the waterfront area (including any wharf or jetty) from Children's Bay to Takapunueke Reserve, the Garden of Tane, Waeckerie Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee Park, Children's Bay and the War Memorial Grounds.

40. Prior to the Permanent Alcohol Ban Area being imposed for New Year's Eve, alcohol consumption, broken glass, wilful damage and disorderly behaviour were identified as a significant concern in and around the recreation ground and the business area along the Akaroa waterfront. However, once the Alcohol Ban was imposed for New Year's Eve, Police enforcement of the ban has been successful in eliminating problems of drunkenness and disorder.

41. Over the past year, a very small number of disorder offences has been committed. There is anecdotal evidence of people consuming alcohol on the beachfront at other times of the year. However, there does not appear to be a change in alcohol-related behaviour issues as a result of the earthquakes (as compared with Papanui and Merivale) or any other temporary factors. The current evidence is not considered sufficient to justify a change to the current Akaroa Permanent Alcohol Ban Area, or the imposition of a Temporary Alcohol Ban Area.

42. **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 the resolution**
It is considered that the benefits to local residents and to the city would not outweigh the restrictions imposed on local residents and other people in the area covered by the resolution. Because there is a lack of evidence about the alcohol-related issues in the area, restrictions on various freedoms are not considered to be justified.
43. **Clause 5(2)(d) - any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution**
See the information below under clause 5(2)(f).
44. **Clause 5(2)(e) - whether the Police support the proposed Temporary Alcohol Ban Area**
The Police have indicated that they would support the imposition of a Temporary Alcohol Ban Area in Akaroa.
45. **Clause 5(2)(f) - any other information the Council considers relevant**
A petition was presented to the Akaroa/Wairewa Community Board on 20 April and subsequently referred to the Council on 9 June 2011. The petition requested, amongst other things, a liquor ban from 10.00 pm to 8.00 am in public areas.
46. In addition to analysing the various matters under clause 5(2) of the Bylaw, consideration has also been given to the duration of the Temporary Alcohol Bans. The recommended period is for no longer than 6 months. As mentioned above, the Bylaw defines a Temporary Alcohol Ban Area as meaning "*an area described in a resolution made under this bylaw in which alcohol restrictions are temporarily in place in the public places within the area during the times, days or dates specified in the resolution.*" The Shorter Oxford Dictionary defines the word "temporary" as meaning "*lasting or meant to last for a limited time only; not permanent, made or arranged to supply a passing need ... belonging or relating to a particular time or period*".
47. Taking into account these definitions, it is considered that a Temporary Alcohol Ban should be in place for a period of no longer than six months. The longer a Temporary Alcohol Ban is in place, the greater the chance is that the Council may be seen to be imposing a de-facto Permanent Alcohol Ban without going through the proper processes. In other words there is a risk that the Council could be seen to be imposing a Permanent Alcohol Ban without complying with sections 155 and 156 of the Local Government Act 2002 (ie completing a section 155 analysis and using the special consultative procedure to make the Bylaw).
48. It should be noted that if the Council wishes to continue any of the Temporary Alcohol Bans beyond six months, consideration should be given to putting in place a Permanent Alcohol Ban. It is not open to the Council to simply "roll-over" Temporary Alcohol Bans.
49. However, if the Council had expressed an intention to introduce a Permanent Alcohol Ban, then it may be tolerable for the Council to resolve to put in place a second Temporary Alcohol Ban whilst the Council undertakes the necessary processes to introduce the Permanent Alcohol Ban.
50. Consideration has also been given to the fact that there is already a Permanent Alcohol Ban Area in place for Northlands Mall Surrounds. Previously, when the Council has imposed a Temporary Alcohol Ban Area in conjunction with a Permanent Alcohol Ban Area, the Council has imposed the Temporary Alcohol Ban Area so that it operates at the times and dates when the Permanent Alcohol Ban Area is not in force. (For example, see the Temporary Alcohol Ban Area that will operate in conjunction with the Permanent Alcohol Ban Area for Hagley Park during the Rugby World Cup, Cup and Show Week, and during the Buskers festival in 2012.)

9 Contd

51. However, in this instance with respect to the Papanui Temporary Alcohol Ban Area, because the proposal is to impose the Temporary Alcohol Ban Area on a wider Papanui area as well have the ban applying on a greater number days and over a longer number of hours when compared with the Northlands Mall Surrounds Permanent Alcohol Ban Area, the Temporary Alcohol Ban will apply concurrently with the Northlands Mall Surrounds Permanent Alcohol Ban Area. The fact that there will be two alcohol ban areas applying for a short period of time will make no difference for enforcement purposes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

52. See 53 below.

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

53. Introducing a Temporary Alcohol Ban for the Papanui and Merivale areas 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

54. 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?

55. Yes – as above.

CONSULTATION FULFILMENT

56. A number of key stakeholders were contacted regarding the proposed alcohol bans in the Papanui, Merivale and Akaroa areas.
57. Consultation regarding alcohol bans has been undertaken with the Chair of the Shirley/Papanui Community Board, the Fendalton/Waimairi and Akaroa/Wairewa Community Boards and the Police. Police surveyed businesses in Papanui and Merivale in May.
58. The Akaroa/Wairewa Community Board received two petitions regarding an additional alcohol ban in the area (there is already a permanent ban in place on New Year's Eve). The first petition, received 20 April 2011 requested an alcohol ban be imposed (between certain hours); the second one, received 27 June 2011 requested a public meeting be held to discuss the proposed ban and allow the community's voice to be heard.
59. In response, the Board held a public forum in Akaroa on the evening of 9 August 2012. In addition to Community Board members, Council staff and the Police, about 20 members of the public attended the forum. After introductions and information presented by staff to the meeting attendees were asked to write down their views on two questions:
- (a) Outline any problems you think exist in the Akaroa Community relating to alcohol; and
 - (b) What do you want the Community Board to do about any alcohol-related problems in Akaroa?

There were 19 responses to Question a and 15 responses to Question b.

60. Although it was noted that there have been some issues regarding rubbish and noise, respondents did not want an additional ban, as they considered there was no need for such a ban. They noted the suggestion for a ban came from a very small minority of Akaroa residents.

9 Contd

61. Respondents' concerns centred more around the hours that licensed premises are open and that alcohol is able to be purchased, particularly off-licence purchases.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Having considered the matters in clause 5(2) of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009, declares a Temporary Alcohol Ban Area in Papanui, (being the area shown on the attached map (**Attachment 2**)), applying for six months from 8 September 2011 to 8 March 2012 for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.
- (b) Having considered the matters in clause 5(2) of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009, declares a Temporary Alcohol Ban Area in Merivale, (being the area shown on the attached map (**Attachment 3**)), applying for six months from 8 September 2011 to 8 March 2012 for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.
- (c) Having considered the matters in clause 5(2) of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009, concludes there is insufficient evidence to impose a Temporary Alcohol Ban in Akaroa, given the nature and history of alcohol-related problems usually associated with the area, and any anticipated alcohol-related problems there.

BACKGROUND (THE ISSUES)

62. On 26 May 2011, the Council considered preliminary advice on introducing Permanent Alcohol Bans in the Merivale and Akaroa areas and amending the current Permanent Alcohol Ban Area in Northlands by extending the area covered with a Temporary Ban. The Council resolved to approve staff undertaking section 155 of the Local Government Act 2002 (LGA02) analyses of possible amendments to the 2009 Bylaw for Riccarton/Ilam, Papanui, Merivale, Akaroa and Okains Bay.
63. In the report to Council for its 23 June 2011 meeting, staff recommended against a change in the current Northlands Mall Surrounds Permanent Alcohol Ban or the Akaroa Permanent Alcohol Ban Area as there was insufficient evidence to support a permanent ban in these areas. Staff also recommended against a new permanent alcohol ban in Merivale as again there was insufficient evidence to support this.
64. However staff acknowledged that problems could emerge in the Papanui and Merivale areas due to increased alcohol consumption as a result of displacement of people from the Central City to these areas due to the 22 February 2011 earthquake.
65. The Council, at its meeting on 23 June 2011, resolved:
 - (c) That staff report back on the possible temporary liquor bans for the Merivale, Papanui and Akaroa areas by the end of August 2011.
66. Following the devastation experienced in the Central Business District (CBD) Police have identified a very clear trend where patronage of bars has shifted from the CBD to Riccarton, Papanui and Merivale in particular. This has resulted in an increase in violence and disorder in these areas.
67. In respect of Akaroa, a petition was presented to the Akaroa/Wairewa Community Board on 20 April 2011 and subsequently to Council at its meeting of 28 April 2011. The petition requested a number of measures, of which one was the introduction of an alcohol ban from 10.00 pm to 8.00 am in public areas.
68. The Police advise that experience has shown that alcohol bans are one of the most successful tools in reducing violence and disorder. They note that the alcohol ban in the CBD had resulted in reductions of six per cent for serious violence and six per cent for minor assaults each year for the last three years. However it is not clear that there is a direct causal link with the ban of drinking in public places or whether increased Police presence and the introduction of Safe City Officers have added to the reductions noted.
69. Analysis of the matters in clause 5(2) of the Bylaw can be found in the legal considerations section of this report. However, further information about the alcohol-related issues in Papanui, Merivale and Akaroa areas is discussed below.

Papanui

70. There is currently an alcohol ban around the Northlands Mall Surrounds, which covers the area bounded by Main North Road, Sawyers Arms Road, Sisson Drive, Restell Street and Harewood Road, and also includes St James Park (see attached map (**Attachment 1**)). The restrictions apply Thursday, Friday and Saturday nights, from 9.00 pm to 6.00 am.
71. Police have noted that since the earthquake, patronage of bars has shifted from the central city to other areas including Papanui and that there has been an increase in disorder in these areas.

9 Contd

72. The Table below shows provisional Police data for Papanui for 1 July 2010 to 31 December 2010 and 1 January 2011 to 31 June 2011

Papanui	1 July 2010 to 31 December 2010	1 January 2011 to 31 June 2011
Disorder	59	80
Violence	23	13
Wilful Damage	21	20
Total	103	113

73. There appears to have been an increase in disorder although no increase in Wilful Damage and incidents of Violence have decreased.
74. The Police advocated for a much larger area in Papanui to be incorporated into a Permanent Alcohol Ban area, due to additional licensed premises in the area as well as general movement from the central city to the Papanui commercial district. The Police note that due to an influx of people into Papanui after the February earthquake, there are greater numbers of people not able to get into some bars, particularly on Friday and Saturday nights, which has led to increased drinking in areas surrounding these bars with an associated increase in broken bottles, urination and other problem behaviour.
75. The proposed area is bounded by the railway line from Vagues Road to Harewood, St James Avenue, Blighs Road, Grants Road, Grassmere Street, Main North Road and Vagues Road (see attached map (**Attachment 2**)). This incorporates the smaller existing Permanent Alcohol Ban area of Northlands Mall Surrounds. The Police consider that extending the Ban area (from the current Ban around Northlands Mall) would enable greater control over entry of persons and vehicles into the area where consumption of alcohol in a public place may occur. The Police see this as a preventive measure aimed at dealing with anticipated problems that may be alcohol-related.
76. On 4 May 2011 Police surveyed survey of 42 businesses located along Papanui/Main North Road, between Grants Road and Mary Street. The survey asked whether business owners and/or their staff had problems that may be associated with people drinking in nearby bars both before and after the February 2011 earthquake. Two-thirds of respondents said that there were problems before and after the earthquake, while 40 per cent said that problems had significantly worsened after the earthquake. Problems identified in the survey included broken beer bottles, rubbish, vomiting and urinating in doorways.
77. The Council's Customer Service Request (CSR) database was queried for the period between 1 June 2010 and 1 June 2011. There were no complaints of drinking in public places in the database for the period queried. Of the 33 incidents logged in the CSR database for Papanui during this period, only four might have been alcohol-related, although there is not enough information to confirm this:
- One incident of bottles and other rubbish around a bus stop
 - Two incidents of smashed/broken glass on the side of the road
 - One incident of "a lot of glass" on the road.
78. Staff consulted with Mr Chris Mene, Chair of the Shirley Papanui Community Board about alcohol issues in the ward. Mr Mene commented that, anecdotally, there is a combination of drinking and drunkenness around licensed premises.
79. The Police proposed to extend the coverage of the ban to 24 hours per day, 7 days per week in the expanded Papanui area, but to date there has not been strong enough evidence to justify a change to the current Northlands Mall Surrounds Permanent Ban.
80. However, there has definitely been a change in drinking habits and numbers of people frequenting the Papanui area since the February 22 earthquake. The problems being experienced in Papanui may be alleviated over time as the Central City cordon is reduced and the CBD comes back to life.

9 Contd

81. The evidence of a significant increase in alcohol related issues in Papanui as a result of the earthquake is not compelling. On the basis of the evidence a temporary ban could be justified but it is hard to justify a temporary alcohol ban for 24 hours, 7 days a week. Staff are of the view that a temporary alcohol ban focused on the days/times of the week on which alcohol related issues are most likely to take place is more appropriate.
82. On that basis staff recommend a Temporary Alcohol Ban for six months from 8 September 2011 to 8 March 2012 for the extended area for Wednesday, Thursday, Friday and Saturday nights from 6.00 pm to 6.00 am.

Merivale

83. There is currently no alcohol ban, either permanent or temporary, in Merivale.
84. The Police are advocating for an alcohol ban in Merivale to protect the public from nuisance, to protect and maintain public health and safety and to minimise the potential for offensive behaviour in public places. The Police estimate that patronage at local bars and restaurants has increased by 25 to 35 per cent, and note that some former Oxford Terrace patrons appear to have shifted to Merivale's commercial district. As noted in the discussion concerning Papanui above, there appears to have been an increase in offending in the Papanui and Merivale areas since the September and February earthquakes.
85. The Table below shows provisional Police data for Merivale for 1 July 2010 to 31 December 2010 and 1 January 2011 to 31 June 2011.

Merivale	1 July 2010 to 31 December 2010	1 January 2011 to 31 June 2011
Disorder	52	46
Violence	5	6
Wilful Damage	9	10
Total	66	62

86. There appears to have been no increase in offending between the two periods but it must be acknowledged that the numbers are small and longer monitoring may present a different picture.
87. The area proposed for a Permanent Alcohol Ban is bounded by Rossall Street, Rugby Street, Browns Road and Innes Road/Heaton Street (map attached (**Attachment 3**)). Although licensed premises in Merivale are largely situated in, or adjacent to, Papanui Road, Aikmans Road, and Mansfield Avenue corner, the Police are advocating for a larger area in order to provide clear boundaries to the ban, aligned with streets in the area. Moreover, Police consider that a wide area will help control transport of alcohol into the car park at the Merivale Mall, which has allegedly been used for drinking in public, as well as other private car parks at the rear of shops on the east side of Papanui Road. Alcohol bans are unable to be applied directly to private car parks.
88. On 2 and 3 May 2011, the Police surveyed 23 business owners in Merivale, along Papanui Road between McDougall Avenue and St Albans Street, regarding alcohol concerns in the proximity of Merivale bars before and after the earthquake. Half of the respondents noted increased problems, predominantly more people on the street and patronising bars in the area and more bottles and rubbish.
89. The Council's CSR database contains 22 incidents for Merivale for the period from 1 June 2010 to 1 June 2011. No complaints were received regarding drinking in public. Two incidents might have been alcohol-related, although there is no direct evidence:
- One incident of a street littered with rubbish and bottles
 - One incident of "a lot of smashed glass" (the type of glass was not specified).

9 Contd

90. The Fendalton/Waimari Community Board support a Temporary Alcohol Ban for six months from 8 September 2011 to 8 March 2012 for the area for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.
91. They also support the area proposed by the Police and are keen to ensure Merivale Reserve is included in the area as they are aware of some issues in the Reserve. The Reserve is within the proposed area.
92. Additionally, the Fendalton/Waimari Community Board would like to see good monitoring during the Temporary Alcohol Ban, including encouraging residents to report on their perceptions of its effects, as a basis for deciding on a permanent ban.
93. The Police have advocated for a 24 hours per day, 7 days per week Alcohol Ban for Merivale but there is a lack of clear evidence of the need for a permanent alcohol ban in Merivale at this time.
94. However, there has definitely been a change in drinking habits and numbers of people frequenting the Merivale area since the February 22 earthquake. The problems being experienced in Merivale may be alleviated over time as the Central City cordon is reduced and the CBD comes back to life.
95. The evidence of a significant increase in alcohol related issues in Merivale as a result of the earthquake is not compelling. On the basis of the evidence a temporary ban could be justified but it is hard to justify a temporary alcohol ban for 24 hours, 7 days a week. Staff are of the view that a temporary alcohol ban focused on the days/times of the week on which alcohol related issues are most likely to take place is more appropriate.
96. On that basis staff recommend a Temporary Alcohol Ban for six months from 8 September 2011 to 31 March 2012 for the extended area for Wednesday, Thursday, Friday and Saturday nights from 6.00pm to 6.00am.

Akaroa

97. There is already an Alcohol Ban in place in Akaroa, which applies on New Year's Eve from 5.00pm on 31 December to 7.00am on 1 January each year. The area is mapped in the Bylaw (map attached (**Attachment 4**)) and includes Akaroa Beach and the waterfront area (including any wharf or jetty) from Children's Bay to Takapunueke Reserve, the Garden of Tane, Waeckerie Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee Park, Children's Bay and the War Memorial Grounds.
98. A possible amendment to the Alcohol Ban was raised in a petition to the Council received at its meeting of 28 April 2011. The petition requested the following:
 - A liquor ban from 10.00 pm to 8.00 am in public areas.
 - Trading hours for hotels restricted to 12.00 am.
 - Liquor outlet sales banned after 10.00 pm.
 - A lower speed limit in the village to 30 kph or measures to reduce the speed of traffic.
99. The petition was also presented to the Akaroa/Wairewa Community Board on 20 April 2011. The Board decided to receive and support the petition and:
 - (a) Forward it to staff for information with a request that the Board be informed of steps that could be taken to enact the requests in the petition.
 - (b) Ask the Bank Peninsula Councillor to support the petition at Council.
 - (c) Ask staff to forward the petition to the Liquor Licensing Agency as evidence of "history of need", for its information in considering liquor licensing hours for Akaroa licence holders.

9 Contd

100. A second petition was received by the Community Board on 27 June 2011 which requested the Board hold a public meeting to discuss the proposed ban and allow the community's voice to be heard.
101. In response to these petitions, the Board held a public forum in Akaroa on the evening of 9 August 2012. In addition to Community Board members, Council staff and the Police, about 20 members of the public attended the forum. After introductions and information presented by staff to the meeting attendees were asked to write down their views on two questions:
 - (a) Outline any problems you think exist in the Akaroa Community relating to alcohol; and
 - (b) What do you want the Community Board to do about any alcohol-related problems in Akaroa?

There were 19 responses to Question a and 15 responses to Question b.

102. Although it was noted that there have been some issues regarding rubbish and noise, respondents did not want an additional ban, as they considered there was no need for such a ban. They noted the suggestion for a ban came from a very small minority of Akaroa residents.
103. Respondents' concerns centred more around the hours that licensed premises are open and that alcohol is able to be purchased, particularly off-licence purchases.
104. In regard to the issue in paragraph 99 (c) above, the initial response from the Liquor Licensing Inspectors was that the matter of hours of operation of the one hotel mentioned in the petition would be considered by the District Licensing Agency at its time of renewal in January 2012. They have advised that there does not appear to be any good reason for change on the basis of their evidence nor evidence provided by the Police to date. It should be noted that this is not a matter that is relevant to this consideration of the Bylaw. According to the records of noise complaints investigated there have been reductions over a period of years in relation to the premises. That is, in any case, a matter for control under the Resource Management Act 1991.
105. The decision of the Akaroa/Wairewa Community Board was included within the Board's Report to Council at the 9 June 2011 Council meeting.
106. Provisional Police data show there were two incidents of Disorder in the period 1 July 2010 to 31 December 2010 and four, also of Disorder, for the period 1 January 2011 to 30 June 2011. There is anecdotal evidence of people consuming alcohol on the beachfront at other times of the year, but it is not considered sufficient to justify a change to the current Akaroa Permanent Alcohol Ban Area.
107. Evidence to support the expansion of the existing alcohol ban appears to be limited to the views of the local Police Officers and some local residents and business owners. It is considered insufficient to introduce a significant restriction on persons who may be consuming alcohol in the public place without committing any offences under the Summary Offences Act 1981, or indeed any other criminal legislation. Moreover, Council CSR data for the period from 8 June 2010 to 18 May 2011 has revealed that there was only one complaint regarding bottles left (with other debris) on the beach area, apparently following the Paralympics and Busker events in December 2010.

9 Contd

108. The petition identified one licensed premise as being a problem to a nearby business, largely through noise but also behaviour from allegedly patrons when leaving the premise. This is not a matter that relates to this Bylaw as it does not provide evidence that consuming alcohol in the public place is occurring. Sufficient controls are provided under the Summary Offences Act 1981 to deal with offensive or disorderly behaviour. Noise from the premises can be controlled under the provisions of the Resource Management Act 1991. Records of noise complaints received show there have been a reduction in the past year. Over a period of six years (from 2006 to 2011) a total of 18 complaints had been received relating to the Madeira Hotel and 14 in relation to the Gaiety Hall, all relating to music being played. This total can be compared with 65 over the same period relating to music from residential premises, spread over the area. These all were dealt with under the Resource Management Act 1991 provisions by enforcement officers.
109. Unlike Papanui and Merivale, there are no earthquake-related issues in Akaroa; that is there are no temporary issues to address and thus staff do not recommend putting a Temporary Alcohol Ban in place in Akaroa.

Options analysis

110. For each area the primary options open to the Council are either to apply a Temporary Alcohol Ban or not to do so. For any area where the Council decides to introduce a Temporary Alcohol Ban there are options relating to the days and times of the week, the area covered by the Ban and the duration over which the Temporary Ban should apply.

**10. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 47 SIR JAMES WATTIE DRIVE AND
CHANGE 62 WIGRAM AIRFIELD REZONING – FINAL APPROVAL**

General Manager responsible:	Acting General Manager Strategy and Planning
Officer responsible:	Programme Manager District Planning
Author:	David Punselie, Assistant Planner

PURPOSE OF REPORT

1. This report seeks Council approval to make operative the changes to the City Plan introduced by decisions on Plan Change 47 Sir James Wattie Drive (**Attachment 1**) and Plan Change 62 Wigram Airfield Rezoning (**Attachment 2**).

EXECUTIVE SUMMARY

2. Plan Change 47 was initiated by John Jones Steel Limited which sought to rezone 2.93 hectares of land on Sir James Wattie Drive, Hornby from Rural 2 to Business 5 (General Industrial) Zone. The site adjoins other Business 5 zoned land on two sides. The land was identified in the decisions on Proposed Change 1 to the Canterbury Regional Policy Statement as part of Area CB9, a preferred area for future industrial growth within the urban limit.
3. Plan Change 47 was considered by Commissioner David Collins at a hearing in April 2011. He found the present zone boundary to be an historic anomaly and considered that the site is already physically part of the adjoining industrial area in that it is served by a full standard road, is covered with hardfill and has the appearance of a vacant industrial site. He heard and accepted evidence that the site can be fully serviced and that the proposal is generally in accord with relevant transport objectives and policies. He noted that in April 2011 the Council had granted resource consent to John Jones Steel Ltd for a steel fabrication plant on the site. The Commissioner's recommendation that the plan change be approved without modification was adopted by the Council at its meeting on 26 May 2011. No appeals were received.
4. Plan Change 62 was initiated by Ngai Tahu Property Limited and sought to rezone the former Wigram Air Base from Special Purpose (Wigram) Zone to a mix of Living G (Wigram), Business 4 and 5, and Conservation 3 zones. The proposal rezones about 120 hectares of the area as Living G (Wigram) including a town centre area of approximately 3 hectares, approximately 25 hectares of Business 4 zoning on land adjoining Hayton Road, and a small area as Business 5. It also proposes 8 hectares of Conservation 3 zoning in the area close to Awatea Road. Proposed Change 1 to the Regional Policy Statement identifies this area as suitable for residential development.
5. Following a hearing over three days in February and March 2011 Commissioners Ken Lawn and David Collins recommended that the Plan Change be accepted with some modification. They found that the changes proposed generally achieve the purposes of the Act, are in accord with the provisions of Change 1 to the Regional Policy Statement and are in line with and achieve the purpose and vision of the Christchurch South West Area Plan. Their report was considered on 31 March 2011 when the Council made a decision to adopt their recommendation.
6. Two appeals against the Council's decision on Plan Change 62 were received. One was withdrawn and the other was the subject of a consent order issued by the Environment Court. This added an additional assessment matter to Part 14, Subdivision, that requires an assessment of the extent to which any application achieves the overall net residential density required by Policy 10.3.5(a).
7. Both these plan changes have reached the point where they can be made operative.

FINANCIAL IMPLICATIONS

8. There are no direct financial implications.

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

9. The recommendation will not impose on the LTCCP budgets.

LEGAL CONSIDERATIONS

10. The recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by the Council's decision on Plan Changes 47 and 62. The Resource Management Act 1991 requires that, following the closing of the appeal period and the resolution of any appeals, the Council must formally approve the changes to the plan under clause 17 of Schedule 1 before the plan change becomes operative on a date that is nominated in a public notice of the Council's approval. These two plan changes have now reached the stage where they can be made operative.

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

11. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Aligns with District Plan Activity Management Plan.

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

13. Yes. Supports the project of processing all privately requested plan changes in compliance with statutory processes and time frames.

ALIGNMENT WITH STRATEGIES

14. Not applicable.

Do the recommendations align with the Council's strategies?

15. Not applicable.

CONSULTATION FULFILMENT

16. Approval of changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 is a procedural step that does not require consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the Council's decision on a Plan Change 47 Sir James Wattie Drive, and the Council's decision as amended by the consent order on Plan Change 62 Wigram Airfield Rezoning.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 47 and 62 become operative.

11. ADOPTION OF CHAPTER 39 – MONITORING AND REVIEW PROCEDURES OF THE PROPOSED BANKS PENINSULA DISTRICT PLAN

General Manager responsible:	Programme Manager, District Planning
Officer responsible:	Programme Manager, District Planning
Author:	Clare Piper, Planner

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's adoption of proposed amendments to Monitoring and Review Procedures of the Proposed Banks Peninsula District Plan. This Chapter of the District Plan was notified in 1997 as Chapter 39 and is now numbered Chapter 40.

EXECUTIVE SUMMARY

2. The Council is seeking to make the Proposed Banks Peninsula District Plan operative as soon as possible and before the District Plan Review of both the Christchurch City and Banks Peninsula Plan commences. Dealing with these outstanding submissions is the penultimate step in making the Plan operative, leaving only Variation 8 (Financial Contributions) to be approved by the Council. Officers expect to report on that variation at the September Council meeting.
3. The Proposed Banks Peninsula District Plan was notified in 1997. The submissions relating to Chapter 39 – Monitoring and Review Procedures, have not yet been heard. This situation has arisen in part because of the need to finalise other parts of the Proposed Banks Peninsula District Plan, in particular Variation 2 - Rural Zones, before the monitoring and review provisions could be dealt with.
4. Submitters have been re-contacted but none of the submitters has requested a hearing in support of their submission. Consequently this report includes both the Section 42A recommendations which would otherwise have been made to a hearing, and a recommendation that the Council adopt the Monitoring Chapter of the Banks Peninsula Plan with amendments.
5. It is worth noting that Chapter 39 is in a table format, so that submissions to this chapter relate to specific cells within this table. **Attachment A** to this report shows the original notified table to the left, with the specific cells highlighted in green where the submitter seeks amendments, and the officers recommendation in the far right column. Amendments recommended to be accepted by officers are shown in red.
6. None of the amendments requested by submitters and recommended to be accepted or rejected here are considered significant. The majority refer to adding or amending the column "*Information Source*". For example, the addition of 'Canterbury District Health Board' as an information source for gathering information relating to changes in contaminated sites and the 'Canterbury District Health Board and 'Canterbury Regional Council' as information sources for gathering information on the 'State of the urban environment'.
7. Some amendments seeking greater consultation are unnecessary as Council's internal processes already include consultation with those organisations. Where amendments sought are more significant, e.g. relating to other chapters of the Plan, it is recommended that these concerns should be readdressed in the forthcoming District Plan Review.

FINANCIAL IMPLICATIONS

8. There is no budget implications arising from the recommendation.

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

9. Yes. The 2011/12 budget for the District Planning work programme, adopted by the Council and provided for in the LTCCP, includes funding for district planning administration.

LEGAL CONSIDERATIONS

10. All consultation and notification procedures have been followed. The approval of Chapter 39 of the Proposed Banks Peninsula District Plan, including amendments, is provided for in Schedule 1 of the Resource Management Act 1991. Legal advice obtained has confirmed this process has been correctly been followed.

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

11. Yes. This process completes Council's legal obligation for the requirements of what is contained within a District Plan, under Section 75 of the Resource Management 1991.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. The matter accords with the LTCCP and relevant Activity Management Plans.

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

13. Yes. The proposal is part of the district planning levels of service in the LTCCP.

ALIGNMENT WITH STRATEGIES

14. Not applicable.

Do the recommendations align with the Council's strategies?

15. Not applicable.

CONSULTATION FULFILMENT

16. The approval of Chapter 39 of the Proposed Banks Peninsula District Plan, including amendments, is provided for in Schedule 1 of the Resource Management Act 1991, which also outlines appropriate consultation requirements with affected parties. All consultation and notification procedures have been fulfilled.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Accept, accept in part or reject the submissions to Chapter 39 of the notified Proposed Banks Peninsula District Plan as shown in **Attachment A**.
- (b) Adopt Chapter 39 as modified by the amendments shown in red in **Attachment A**, and the Section 32 assessment in paragraphs 25-27 of this report.

BACKGROUND

17. The Proposed Banks Peninsula District Plan was notified in 1997. The submissions relating to Chapter 39 – Monitoring and Review Procedures, have not yet been heard. This situation has arisen in part because of the need to finalise other parts of the Proposed Banks Peninsula District Plan, in particular Variation 2 - Rural Zones, before the monitoring and review provisions could be dealt with.
18. Submitters have been re-contacted but none of the submitters have requested a hearing in support of their submission. Consequently this report includes both the Section 42A recommendations which would otherwise have been made to a hearing, and a recommendation that the Council adopt the Monitoring Chapter of the Banks Peninsula Plan with amendments.
19. The original submissions to Chapter 39 were re-examined, as was the summary of submissions. The submission requests were re-evaluated (**Attachment A**), then this summary and evaluation circulated to the original submitters, to ascertain if they still wished to be heard in support of their original submission.
20. Of the original 12 submitters contacted by mail on 4 February 2011, six contacted the Council to advise they did not wish to be heard, with no response received from the other six original submitters. A second attempt was made to contact the submitters by mail on 19 May 2011 advising them that as no submitters wished to be heard, it was proposed that no hearing would be held, in accordance with Clause 8C of Schedule 1 of the Resource Management Act 1991. No submitters contacted Council as a result of the second letter.
21. Consequently no hearing has been held, and as the matters raised in the submissions are considered minor, this report includes both the section 42A recommendations, which would otherwise be made to a hearing, and a recommendation to adopt the Monitoring and Review Chapter of the Banks Peninsula Plan with amendments.
22. Many circumstances have changed since these submissions were made to the Banks Peninsula District Plan. For example one of the main submissions on the monitoring provisions of the Plan was made by Federated Farmers of New Zealand, essentially reflecting their overall submission which sought a complete review of the Plan. A complete review of the rural provisions of the Banks Plan, Variation 2 was notified in 2002 and in 2007 the former Banks Peninsula District Council completed a landscape study of the rural zone. There were appeals to the Environment Court and significant modifications to the Plan. Variation 2 was given effect in the Plan in 2007. This means that some of the concerns reflected in the submissions have been superseded by subsequent events
23. Some other submitters sought that consultation with them be made more explicit. With regard to monitoring, it is not always necessary to specify every organisation which Council consults with as a source of information, although the key sources are listed.
24. Where there are outstanding concerns relating to how the monitoring and review provisions relate to other chapters of the Plan, it is recommended that these be held over for the forthcoming District Plan review.

ASSESSMENT OF OPTIONS

25. Section 32 of the RMA requires that in making a decision to adopt particular Plan provisions (in this case amended on minor matters as a result of submissions) the local authority must make a further evaluation of :
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

11 Contd

26. In this case no objectives or policies are being changed. The amendments are to the other methods of achieving the Plan's objectives, i.e. to the monitoring provisions which will enable the Council to determine whether or not the objectives are being achieved. The issue that is required to be determined is therefore whether the objectives and policies of the Plan are more appropriately achieved by retaining the Banks Peninsula District Plan provisions i.e. leaving the Chapter 39 Monitoring provisions unchanged, or by amending the provisions in the way recommended.
27. It can be relatively easily concluded that amending the provisions in the way recommended is more efficient, in terms of benefits outweighing costs, than leaving the provisions unchanged. In this case the costs of information gathering are not necessarily great, particularly where this information is being collected anyway as part of Council's normal responsibilities or is contributed by outside organisations. It can also be concluded that amending the provisions in the manner recommended is more effective than not amending them. Better environmental outcomes will result from monitoring using more up-to-date or relevant sources of information.

12. 61 & 121 WIGRAM ROAD, WIGRAM - PROPOSED COUNCIL INITIATED PLAN CHANGE

General Manager responsible:	General Manager Strategy and Planning
Officer responsible:	Team Leader, District Planning
Author:	Andrew Long, Senior Planner, District Planning

PURPOSE OF REPORT

1. This report seeks a Council resolution directing staff to prepare a plan change to facilitate the re-use of Council-owned land at 61 & 121 Wigram Road.

EXECUTIVE SUMMARY

2. The land at 61 Wigram Road contains the Canterbury A&P Association Showground, and 121 Wigram Road contains a retention basin (Refer to locality plan in **Attachment 1**). Both 61 & 121 Wigram Road are now split by the Christchurch Southern Motorway Stage 1 (CSM1) and this report deals with the 8.8 hectares of land on the northwest side of the designation (the 'subject land'), which is currently vacant.
3. Both properties are zoned Open Space 3C - Agribusiness Centre- (OS3C) in the City Plan. The immediate environment is a mixture of business and residential activities, including the former Wigram Airfield which is in the process of being developed for urban purposes pursuant to Plan Change 62. There is also a large area of Open Space 2 (District Recreation and Open Space) zoned land to the southeast (and on the south side of the CSM1 designation) which is used for equestrian activities.
4. It was intended to use 121 Wigram Road as a cemetery but investigations found that the groundwater level was too high for this use. The Team Leader Network Planning Greenspace has indicated that the land is unsuitable for recreational or other public open space and it is unlikely that any future owner would be interested in retaining the OS3C zoning. Therefore it is proposed to change the zoning to enable a more efficient use of the land to be established. The Business 4 (B4) zone is preferred (subject to a Section 32 analysis being undertaken) because it is compatible with surrounding business zones and its zone purpose is to provide a light industrial buffer between the heavier B5 Zones and Living Zones. The use of the subject land for residential activities is not recommended due to the site being substantially isolated by the CSM1 and adjoining business zones.
5. The options reasonably available to the Council are:
 - (a) Retain the land and OS3C zoning;
 - (b) Await the District Plan Review; or
 - (c) Rezone the land B4.
6. The Council needs to set aside considerations concerning any financial gain that might be derived from a change in zoning and focus on whether the current zone is the most effective and efficient means of achieving the purpose of the Resource Management Act 1991 (the Act), or whether some other zoning would be appropriate.
7. The relevant statutory documents are Proposed Change 1 to the Regional Policy Statement (PC1), the Greater Christchurch Urban Development Strategy (UDS), the South-West Area Plan (SWAP), and the City Plan. The site is within the urban limit as described in PC1 and development of the subject land would be part of the infill of the wider Wigram area as promoted in the above documents. Initial assessment by officers suggest that rezoning and development of the land for business purposes would not be incompatible with the policy direction of these documents.
8. Initial discussions with Council staff indicate that there are no specific servicing issues. The subject land would have good vehicle access to Wigram Road, and in the future good vehicle access to the CSM1 via the Curletts Road interchange.

12 Contd

9. No geotechnical assessment has been done at the site following recent earthquakes. However, an assessment was made of the adjoining Wigram plan change site after the September 2010 quake and no significant issues were found to exist. A visual inspection of the subject land by planning officers found no visible geotechnical issues and little liquefaction or building damage was found to exist in the locality. The nearest red-stickered property is 1.3 kilometres southeast (on Halswell Road). Further technical studies on this and other issues would be carried out as part of preparing the plan change.
10. Rezoning the subject land would provide employment created by construction work, and subsequently increased employment on a more permanent basis. The provision of business land well within the urban limit and close a significant area of residential and future residential land and therefore consistent with the objectives of the statutory documents above. In terms of costs, there would be some upfront costs in preparing a plan change (as discussed below).
11. Council staff have concluded that promoting a Council initiated plan change is an appropriate option. There does not appear to be any particular resource management reason for not proceeding.

CONSULTATION

12. Various Council staff have provided advice on this proposal over several months. No external consultation has occurred. Once a decision is made to proceed, consultation will be undertaken in accordance with the First Schedule of the Act.

FINANCIAL IMPLICATIONS

13. Preparation of a plan change would likely cost between \$20,000 and \$30,000 depending on availability of expertise in-house.

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

14. There is no specific budget provision for this Plan Change. However, several plan changes have been put on hold pending further investigations following the earthquakes, while others have not incurred the anticipated costs (for example Variation 8 to the Banks Peninsula District Plan – Financial Contributions - for which no submissions have been received). Given the particular features of this site, officers consider that the process for this plan change has a low financial impact in terms of the existing budget.

LEGAL CONSIDERATIONS

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

15. The process set out in the Resource Management Act must be followed and there are no particular legal implications provided the process is followed correctly.

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?

16. The project supports Activity Management Plan for 2009-19 LTCCP – Activity 1.3 District Plan – Preparing, maintaining, and reviewing the Christchurch City District Plan. However, this proposed work is not on the approved District Plan work programme.

12 Contd

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

17. The Greater Christchurch Urban Development Strategy (UDS) seeks greater intensification and development in and around existing urban centres through containing urban growth within prescribed urban limits. The site is within the urban limits described in the UDS, SWAP, and subsequently in the decision on PC1. The recommendation aligns well with relevant Council strategies.

STAFF RECOMMENDATION

That the Council resolve to direct staff to prepare a Section 32 assessment and plan change to rezone the site to Business 4 (Suburban Industrial).

BACKGROUND & DISCUSSION

18. The land at 61 Wigram Road contains the Canterbury Agricultural & Pastoral Association (A&P) Showground and 121 Wigram Road contains a retention basin. The land is owned by the Christchurch City Council and it had been intended to use part or all of 121 Wigram Road as a cemetery, but investigations found that the groundwater level was too high for this use. Both sites are now split by the Christchurch Southern Motorway Stage 1 (CSM1) designation and this report deals with the land on the northwest side of the designation. The strip varies from 20-90 metres in width and is about 850 metres long. The subject land is about 8.8 hectares in total and is vacant.
19. Both properties are currently zoned Open Space 3C (Agribusiness Centre) and are surrounded by a mixture of business and residential zones, including at the former Wigram Airfield, as well as Open Space 2 (District Recreation and Open Space). Business land in the vicinity are a mixture of Business 4 (Suburban Industrial) and Business 5 (General Industrial) zoning.
20. The Open Space 3C zone covers an area of land at Wigram comprising about 120 hectares, and is intended to enable the development of facilities serving the primary industries of Canterbury emphasising public displays, livestock sales, entertainment and business activities related to those functions. The City Plan states that the large area of the site provides the space to mitigate some of the adverse effects previously associated with A&P and Saleyard activities. Effects on adjoining activities will include an increase in traffic volumes and a range of noise generating activities.
21. The Council's property consultancy team advises that the subject land is surplus to requirements and is being considered for sale. The land cannot be used as a cemetery as intended, and the usefulness of the northwest part for stormwater retention infrastructure has been reduced by the CSM1 splitting the site.
22. The options reasonably available to the Council are:
 - (a) Retain the land and Open Space 3C zoning;
 - (b) Await the District Plan Review; or
 - (c) Rezone the land Business 4.
23. It is likely that any future owner of the subject land would seek to either obtain resource consent or a change in zoning to enable a more financially viable land use. This would increase the value of the land and have a developer profit from doing so.
24. A change to a B4 zoning has therefore been mooted. A business zone is preferred because the adjoining land is largely either Business 4 or Business 5 zone, and because of the relative isolation of the site. It is also considered prudent to locate a less noise-sensitive zone immediately adjacent to the CSM1.
25. Although there is likely to be a financial benefit to the Council in rezoning the land Business 4 before disposal, the Council must consider whether it is appropriate in planning terms to initiate a plan change. If a plan change was notified submissions would need to be heard by a commissioner.
26. The relevant statutory documents are Proposed Change 1 to the Regional Policy Statement (PC1), the Greater Christchurch Urban Development Strategy (UDS), the South-West Area Plan (SWAP), and the City Plan. Development of the subject land would be part of the consolidation of the wider Wigram area as promoted in these documents, although the site is only specifically identified for future development in the UDS and SWAP. The subject land is, however, within the urban limits described in PC1 and is not at this stage considered inconsistent with the objectives and policies PC1 seeks to introduce.

12 Contd

27. The City Plan, Volume 2, contains objectives and policies which promote or would be achieved by urban consolidation, particularly at sections 3 (Energy) and 6 (Urban Growth). The subject land is consistent with objectives and policies in Section 6 relating to urban growth. It is likely that rezoning and development of the land could be supported in relation to these documents.
28. Initial discussions with Council staff indicates that there are no specific servicing issues, noting that part of 121 Wigram Road has been earmarked for a pump station associated with the Western Interceptor project. The subject land has good road access and the proximity of the CSM1 would be of benefit for commercial activities.
29. No geotechnical assessment has been done at the site following recent earthquakes. However, such assessments were made of the adjoining Wigram plan change site after the September 2010 quake and no significant issues were found to exist. A visual inspection of the site by planning officers found no visible geotechnical issues and little liquefaction or building damage was found to exist in the locality. The nearest red-stickered property is 1.3 kilometres southeast (on Halswell Road).
30. Rezoning the subject land is not likely to have any significant impact on the function of the Showgrounds, and vice versa. The interceding CSM1 will act as a buffer between these uses.

OPTIONS

Option (a) – retain the land and zoning

31. This option would maintain the status quo. The benefits of proceeding with this option are that the cost of preparing the plan change would be avoided, and that retention of the land would provide the Council with options in the future if a need for land in this area arose. The Council would, however, still own about 120 hectares of Open Space 3C or Open Space 2 zoned land in the area, although some of that land is used for the Showgrounds, equestrian use, and a stormwater retention basin.
32. However, there is no current or proposed use for this land and it is considered surplus to requirements. The benefits outlined in the table below would not be available under this option.

Option (b) – Await the District Plan Review

33. The District Plan Review, although delayed, will still proceed and proposed plan changes such as this could be addressed within the Review.
34. There are two reasons officers consider this option to be less efficient than undertaking a rezoning ahead of the Review. Firstly, there is an opportunity to develop the subject site and the adjoining former Wigram Airfield land at the same time and in an integrated manner. The possible development of the subject sit could also dovetail with construction of the CSM1 and linking of Wigram Road with Magdala Road. Secondly, there is increased demand for business land stemming from damage to commercial buildings from earthquakes.
35. The District Plan Review is likely to commence mid 2012 and the target is for notification within three years. The opportunities described above would be delayed and possibly lost and for this reason, option (b) is not preferred.

Option (c) – Rezone the land Business 4

37. The table below describes the resource management benefits and costs for the Council in rezoning the site Business 4. It is considered that the identified benefits outweigh the costs and that, in planning terms, there is sufficient merit to justify a more thorough Section 32 assessment with the view to initiating a plan change. There are also financial benefits for the Council in general in having the site zoned B4.

12 Contd

Benefits	Costs
Employment in construction phase	Cost in preparing a plan change.
Permanent employment opportunities	Supply and cost of land in this area if the Council does need land in the future.
Accessible location within the urban limit.	
Consistency with Council policies and strategic documents.	
Enables a more efficient use of essentially vacant land within the urban area.	
Future use of land known at the time of sale.	

PREFERRED OPTION

That the Council resolve to direct staff to prepare a Section 32 assessment and plan change to rezone the site to B4 (Suburban Industrial).

13. RAWHITI DOMAIN - PROPOSED WATER SUPPLY WELLS AND PUMPING STATION

General Manager responsible:	General Manager City Environment Group
Officer responsible:	Manager Asset & Network Planning
Authors:	John Allen, Policy and Leasing Administrator Eric Banks, Parks & Waterways Planner

PURPOSE OF REPORT

1. To obtain the approval of the Council under the Canterbury Earthquake (Reserves Legislation) Order 2011 ("the Order") for the drilling of wells and the installation of a water supply pumping station in Rawhiti Domain. This work is required to be completed urgently to strengthen the water supply to the New Brighton area and reduce/minimise the severity of water restrictions required over the height of the 2011/12 summer because of earthquake damaged water infrastructure.
2. Subsequent to obtaining the approval outlined in paragraph one above, to obtain Council approval to the granting of easements over Rawhiti Domain for the proposed new infrastructure under sections 48(1)(d) and (f) of the Reserves Act 1977 pursuant to the requirements of section 48(6) of the said Act.

EXECUTIVE SUMMARY

3. Christchurch City's water supply infrastructure network includes 65 primary pumping stations, with one or more wells associated with each pumping station. There are 177 wells supplying the Council's water supply. The September and February earthquakes have resulted in the permanent loss of approximately 25 wells, damage occurring to a further 108 wells most of which will be able to be repaired, leaving only 44 wells that were not damaged in some way by the earthquakes. More than half of these wells are located in the eastern suburbs (including the Palmers Road site) and as a result, have a significant impact on the Council's ability to meet the peak summer water demands for the City. The Palmers Road pumping station on the corner of Palmers and New Brighton Roads was totally destroyed during the earthquakes, this being the main pumping station for the New Brighton area.
4. Hydraulic modelling work has been undertaken to investigate alternative ways of supplying summer time demand through reconfiguration of the supply zones, installation of additional surface pumps at stations where there is an excess of well capacity and the installation of new wells at key locations in the network. The modelling also looked at improving the robustness of the pumping station network.
5. This modelling work identified that a new well in the vicinity of Rawhiti Domain is critical to maintaining the water supply to the eastern suburbs through the peak summer demand period and that a pumping station in the same area would improve the robustness of the system, in particular a pump station in this general area would provide support in the event of a failure of the Bexley pumping station, the wells of which have been damaged.
6. A review of the general area for suitable sites was undertaken. Suitable sites had to be at least 2000 square metres in area, quickly available for the sinking of wells and construction of a pumping station, (the wells needing to be connected to the reticulation system before the height of the summer), located reasonably close to existing trunk (300 millimetres or more in diameter), reticulation pipes, and on a site where there is the ability to discharge approximately 300 cubic metres of water per hour through the storm water system, this being generated during well development.
7. Sites at Queen Elizabeth II Park, Beresford Street, and Rawhiti Domain were considered as possible permanent sites for the replacement of the Palmers Road pumping station. The benefits and disbenefits of these sites including the preferred option are given in the following table. The letters in bold and contained in brackets indicate the general locations as shown on the location map in **Attachment A**.

13 Contd

Location	Benefits	Disbenefits
(A) Beresford Street car parks	<ul style="list-style-type: none"> • Not a park. • Easy access for construction and maintenance. 	<ul style="list-style-type: none"> • Proximity to neighbours. (well development & diesel generator operations) • Site size is too small for well development and construction to occur concurrently. • Generally the further north the pumping station is located the better the underground aquifer water yields are expected to be. • No potential for further well development (in the event of failure of any of the three proposed wells). • Distance to the required larger (300 mm) water main which is at the Pages/New Brighton Roads intersection.
(B) QEII Park between Travis Road and gymnasium	<ul style="list-style-type: none"> • No specific current use. • Proximity to large trunk water main size (300 mm) in Travis Rd. 	<ul style="list-style-type: none"> • Geotechnical reports show seismic stability of land not stable enough for the sinking of wells and the construction of such important Council infrastructure. • Lower aquifer capacity. • Area of lower demand than the Rawhiti site, which is more central to the area being reticulated.
(C) Rawhiti Domain behind the Keyes Road Grey Water Pumping Station	<ul style="list-style-type: none"> • Room to develop the "well farm" and construct the pumping station infrastructure. • Central to area being reticulated. • Proximity to 11 Kva substation. • Geotechnical reports show the land is seismically stable. • Hydrological advice indicates that this site can be expected to yield more water than the Beresford Street, and QEII sites 	<ul style="list-style-type: none"> • Station and associated infrastructure would be located on a public recreation reserve. • Temporary disruption to formal park users during construction. • Proposed occupation not in alignment with the management plans policies and objectives. • A main trunk water main of 300 mm will need to be laid to the site from New Brighton Road.

13 Contd

8. Potential locations between 341 and 383 Keyes Road were reviewed, the selected location being between the existing utilities (waste water pumping station and Orion substation) located on the park and the car park adjacent to the athletics track, because of its minimal impact on the amenity value and sight lines into the park. It is understood that the pumping station will consist of a large tank partly built below ground level, into which artesian water will flow from the wells, a pump house, in which there will be two pumps to pump water from the tank into the mains system, and a standby generator building to house a one megawatt generator. These above ground structures and surrounding sealed area will occupy approximately 1,000 square metres of park space, (40 x 25 metres). The pump house will be approximately 4.8 metres in height at the generator end, and 3.2 metres at the suction tank end. The generator exhaust and radio aerial will protrude. The square well heads will be located out in the park measuring 2 x 3 metres, being raised out of the ground approximately 300 millimetres to ensure surface water does not enter the wellhead, and accompanying water sampling cabinets. These well heads may need to be situated 100 metres apart if drawing water from the same aquifer, to ensure that the well 'draw down' does not affect the water levels in the other wells. **Attachment E** shows views of the site with the entrance to a waste water biofilter on the left and a small Orion substation in the foreground.
9. Some of the pipes and accompanying electrical cables to the well head control gear, and maybe pumps, if the well is required to be pumped this will need to be laid within the drip lines of trees in the park. The City Arborist will require any trenches to be hand dug within the drip lines of the trees or thrust at a depth of approximately 1.5 metres under the ground beneath the trees drip line, to ensure that the root systems are not damaged.
10. There may be a requirement to undertake appropriate landscaping around the structures/buildings to better integrate them into the park environment as has been done for the 66Kva substation in the park. The photo in **Attachment D** illustrates a recently completed well head installation (the two metre diameter circular structure in this instance being the well head). The latest well head structures have been modified, from the circular structures to rectangular ones that are seismically stronger.
11. Construction of the pumping station will take up to two years to complete and commence approximately one month after the well is drilled, but the immediate imperative is to commission a well with submersible pump prior to December in order to help meet the water demand in the eastern suburbs over the summer period. In order to complete the well prior to December, drilling work must begin without delay. Even utilising the Canterbury Earthquake (Reserves Legislation) Order 2011, gaining approval to drill the well within the reserve via a report to Council would normally take, at best, six weeks. Such a timeframe will not allow the well to be completed in time to be available for the peak summer pumping period, which commences at the start of December. The management approvals process for this report have therefore been expedited, and it has been placed before the Executive Team for a decision, the Chief Executive Officer of the Council having authority under the Order to approve the use of the reserve for this purpose, (section 4 Interpretation: Council (b) (ii)).
12. Rawhiti Domain is a long established recreation reserve in the City, being just over sixty three hectares in area. It is utilised by a number of sporting codes including cricket, athletics, hockey, tennis, archery, softball and rugby and a golf course. Under the Council's park classification system, Rawhiti Domain is a sports park.
13. Officers consider the proposed installation of new wells, pumping station and associated underground piping and cabling in Rawhiti Domain will have a small impact on the park environment and its use, this impact being greatest during the temporary construction period. The effects are listed in the following table, with comment on how each of these may be mitigated in italics.

Temporary Effects (How these can be mitigated)	Permanent Effects (How these can be mitigated)
<p>Closing off with temporary fencing a small part of the park and the car park by the Athletics Club to public access and use during the construction period, this may be for a period of up to two years. The effect will be to make vehicle access to the club and track more difficult for that period of time. Will have a minor visual impact.</p> <p><i>If significant athletic and construction events coincide, temporary access to the club and track can be gained via an internal road off Shaw Avenue. Alternatively, temporary closer road access could be gained from Keyes Road 50 metres closer to Lonsdale St if necessary.</i></p>	<p>There will be a pumping station and at least one well head located in the corner of the park that is not required for formal (sports field) recreational use. The proposed infrastructure will provide no direct benefit to recreational users of the park.</p> <p><i>(Although not a recreational facility the wells and pumping station will provide a wider community benefit in contributing to ensuring an adequate water supply to the community, as well as for the irrigation systems on the park. The wells are proposed to be located on the park at sites that will have the least impact on the park environment and its use.)</i></p>
<p>Excavation of trenches for the underground pipes and cables to the well sites may be required through areas of the park covered in trees.</p> <p><i>Where possible trench alignments outside of the drip lines of trees will be preferred and investigated. Trench lines within the drip line of trees are to be 'hand' dug or thrust beneath the trees so as to avoid damaging the root systems. This work is to be undertaken in accordance with the requirements of the City Arborist or his designates.</i></p>	<p>Being raised from the ground surface, the fence, pumping station building, generator exhaust, radio aerial, well head and switch gear structures will present obvious profiles, which will have an impact on the visual/landscape values of this part of the park.</p> <p><i>This impact can be lessened in a variety of ways, including landscaping, structures materials and colour, and planting, or by utilising the low structures, e.g. well heads, the top of which are raised approximately 300 mm above the ground for park structures such as a movable table or seat. By locating the station in this area, all the above ground Council owned utility structures within the park will be located in one area of the park, thereby limiting the impact of these utilities upon the park. The view from the road into the park will not change significantly the pump station structure being located behind the existing Orion substation and vegetation, thereby complying with "Safer City Design Principals".</i></p>
<p>Heavy machinery and vehicle access on to the park will be required during the construction phase.</p> <p><i>Access to the construction sites will be from the internal park driveway off Keyes Road, which leads to the car park by the New Brighton Athletics Club facilities. A short sealed driveway will be formed from this driveway into the pumping station complex. Access to the well sites will be over grassed areas which will be reinstated upon completion of the works.</i></p>	<p>Heavy machinery and vehicle access on to the park to the well sites will be required on a periodic basis for maintenance purposes.</p> <p><i>Park access will be via the existing driveway into the park from Keyes Road, which is located in the southwest corner of the park. Access is expected to be infrequent – probably no more than once a year therefore not requiring a formed driveway</i></p>

	<p>Likely that cabling and pipe-work will cross over services to the Athletics club building. Also, power and telephone to clubhouse are overhead with a pole in the way.</p> <p><i>Likely CWW will have these existing services undergrounded to remove an overhead hazard. New services will be at a different depth where they cross over.</i></p>
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14. Non recreational infrastructure, such as water pumping stations and wells, have previously been sited on recreation reserves (for example Burnside Park) but only where this has been shown to be absolutely necessary, in the wider public benefit, and any effects on the reserve have been minimal or mitigated. In general though, non recreational facilities on recreation reserves have not been supported.
15. Rawhiti Domain is a classified recreation reserve pursuant to section 17 of the Reserves Act 1977, made up of Part Rural Section 1579 (35.9107 ha), [the proposed infrastructure will be built on this area of the reserve], PT RS 1616 (27.2309 ha), Reserve 4467 DP 3213 (0.2507 ha), Lots 2 & 3 DP 3276 (0.0622 ha), and Lot 9 DP 5123 (0.1085 ha).

FINANCIAL IMPLICATIONS

16. The cost of the proposed developments, including the reinstatement of the park surface and required landscaping and amenity enhancements to mitigate park impacts will be met through the Local Authority Protection Programme Disaster Fund (LAPP) or other insurance.

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

17. No, see above.

LEGAL CONSIDERATIONS

18. In ordinary circumstances the proposal to drill wells and to install a water pumping station on Rawhiti Domain would be dealt with by way of a grant of an easement under section 48 of the Reserves Act 1977 and/or by reclassifying that part of the reserve affected by the proposed works as a local purpose reserve for that purpose. Both procedures ordinarily require public consultation.
19. In response to the circumstances arising from the 22 February 2011 earthquake, the Government made the Canterbury Earthquake (Reserves Legislation) Order to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act 1977 and to avoid unnecessary delay in responding to circumstances arising from the earthquake.
20. The Order is available to provide temporary solutions. Whilst the Order currently expires on 31 March 2012, the Department of Building and Housing and the Department of Conservation have recommended to the Government that the Order be extended to 18 April 2016 (which is the expiry date of the empowering legislation under which the Order has been made). It is expected that extension will be made in September 2011. The Order does not permit use for reserves for earthquake related purposes after its expiry date.
21. Clause 5(b)(vii) of the Order provides that the Council, or any person authorised in writing by the Council, or the Council's Chief Executive, may use a reserve or erect a structure on a reserve for works associated with the repair and renewal of council infrastructure.
22. The Order provides that when the Council authorises any use of a reserve, or the erection of any structure on a reserve, that it does not need to comply with any relevant management plan or the usual Reserves Act processes. However, the Council is required to take all reasonable steps to protect the integrity of the reserve and to ensure that the reserve is reinstated at the end of the use or when the structure is removed.

13 Contd

23. In addition to Council authorisation under the Order, the Council will also need to obtain all necessary resource and building consents required (if any) under the Building Act 2004 and the Resource Management Act 1991 for the proposed use. Approval under the Order will not constitute consent under those Acts.
24. Subsequent to approval being given under the Order for the temporary use of Rawhiti Domain, the Council will need to consider a permanent solution to formalise the permanent components of the occupation of the reserve.
25. As the construction of the proposed pumping station and associated infrastructure in Rawhiti Domain is contrary to the objectives and policies contained in the current Rawhiti Domain Management Plan, it will be necessary to change the classification of that part of the Domain on which the pumping station is to be built from recreation reserve to local purpose (utilities) reserve. Once this has occurred it will then be necessary for an easement to be granted to the Council. However, the 'business as usual' processes provided for in the Reserves Act 1977 are deficient as both of these processes involve public consultative processes and Ministerial approval. Given that by the time these processes are employed, the works will have been completed, it is not considered appropriate to embark on an approval process the outcome of which could be contrary to the physical reality on the ground.
26. Identical circumstances have arisen with the respect to the use of a 3,000square metre part of Rawhiti Domain for the construction of a 66Kva electricity substation by Orion Limited and an Order-in-Council is currently in the process of being made by the Government to amend that Reserves Act 'business as usual' processes by reclassifying the part of the reserve affected by the substation and allowing the Council to grant the required easement without public consultation being required. Officers suggest that it will be necessary for a similar Order-in-Council to be made to provide a permanent legal solution for the proposed pumping station and associated works.

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

27. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

28. Yes – earthquake recovery.

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

29. As above.

ALIGNMENT WITH STRATEGIES

30. Not applicable.

Do the recommendations align with the Council's strategies?

31. Not applicable.

CONSULTATION FULFILMENT

32. Clause 6 of the Order expressly provides that the Council may act under the Order without complying with the Reserves Act 1977 (including any provision relating to public notification or the hearing of objections).
33. Clause 7 of the Order requires the Council to give notification to parties who have an easement, lease, licence, covenant or other legal right over the area of reserve to be temporarily occupied under the Order. Discussions will be held with the New Brighton Athletics Club over the use of the park road leading to the club's facilities in relation to any disruption that this will cause to the clubs' activities.

13 Contd

34. In addition, the Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out in the Local Government Act 2002. These include the requirement that the Council considers community views and preferences.
35. The exemptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury Earthquakes.

STAFF RECOMMENDATION

It is recommended that pursuant to clause 5(c) of the Canterbury Earthquake (Reserves Legislation) Order 2011, that the Council:

- (a) Authorises the use by the Christchurch City Council of that part of the recreation reserve known as Rawhiti Domain as is approximately shown on the plans attached to this report (being **Attachments B and C**) for the purpose of the drilling of three wells and the installation and operation of a pumping station and associated infrastructure; and
- (b) Agrees that the period for which the authority referred to in paragraph (a) of this recommendation shall apply is that period commencing on the date of this authority until the date on which the Canterbury Earthquake (Reserves Legislation) Order 2011 shall expire (including any amended expiry date).

STAFF NOTE

This report has been considered by the Burwood/Pegasus Community Board. The recommendation from the Board will be presented to the Council.

14. HUNTSBURY PLAYGROUND - PROPOSED REPLACEMENT PUMP STATION

General Manager responsible:	General Manager City Environment Group, DDI 941-8606
Officer responsible:	Manager Asset & Network Planning
Authors:	John Allen, Policy & Leasing Administrator, DDI 021-144-1902

PURPOSE OF REPORT

1. To obtain the approval of the full Council under the Canterbury Earthquake (Reserves Legislation) Order 2011 ("the Order") for the construction of a replacement pumping station, and associated pipe work and cabling in Huntsbury Playground, this work required to be completed urgently to ensure that there is an adequate water supply to the three reservoirs, (Huntsbury numbers two to four), above Huntsbury Reservoir number one, this being the main reservoir for the city, which was badly damaged in the 22 February 2011 earthquake.

EXECUTIVE SUMMARY

2. The earthquake badly damaged the cities main reservoir, Huntsbury number one which held approximately 37,000 cubic metres of water. The reservoir was built many years ago unbeknown at the time on a shear zone running through the site from the southeast to the northwest corner of the reservoir. Work has commenced upon replacing this reservoir with two smaller ones located on either side of the shear zone, the total capacity of these two reservoirs will be significantly less than the former reservoir, (approximately 15,000 cubic metres).
3. Attached to the side of the former reservoir was a small pumping station which pumped water from this reservoir up to three reservoirs in different locations further up the hill. This pumping station has not been operational since the 22 February earthquake. The three reservoirs further up the hill are currently being supplied by an alternative route from Major Aitken Drive; however this can only pump a limited amount of water and will not be capable of pumping sufficient water up the hill to keep the reservoirs from emptying during summer demands. If for any reason the Major Aitken Drive water main goes out of service there is no back up solution and this area of the city will be without water.
4. The pump is currently housed in a pump house on the road side of Huntsbury number one reservoir. This pumping station needs to be moved from its present site to a new location for the following reasons:
 - (a) Ideally the pumping station needs to be relocated further below the reservoir to maximise the efficiency of the pumps which need to pump against a static head of water.
 - (b) This station needs to be removed from this reservoir site to enable proper re-development of this site to occur.
 - (c) Geotech investigations have confirmed that the ground conditions under the location of the current pumping station are not suitable for it to be rebuilt on this site.
5. The new pumping station needs to be built by December 2011 to cope with summer demand, without which the network will be unable to provide a sufficient volume of water for security of supply to Huntsbury Spur. Approval is therefore required to expedite the building of the pumping station as soon as possible.

14 Contd

6. Three sites have been investigated on which to build the pumping station.

Location	Benefit	Dis-benefit
At the north-west corner of the Huntsbury Number one reservoir site.	<ul style="list-style-type: none"> • Close to the present pumping station. • Close to an alternative 150 mm water main coming up Huntsbury Avenue that could be used of if the main 200 mm reservoir supply main through Huntsbury Playground had to be shut down. • Pumping station would not be located on a park. 	<ul style="list-style-type: none"> • The new pumping station would be built on the edge of the identified shear zone. • Excavation of the bank would need to occur back towards a residential property, with the possibility of engineering retention of the bank so formed. • The pumping station is beside the main access to the Huntsbury number 1 reservoir site, resulting in conflicts with the work being undertaken to redevelop this site. • Ideally for pump efficiency reasons the new pump should be located in a position lower down the hill.
In the shrubbery in the south-west corner of Huntsbury Playground.	<ul style="list-style-type: none"> • The pumping station would have minimal impact upon the open playground area. • It would be mostly hidden from view being located within the shrubbery. • This site is very close to the 200 mm reservoir supply main. • Improvements by pump efficiency. 	<ul style="list-style-type: none"> • This site is some distance from the alternative 150 mm water main coming up Huntsbury Avenue requiring extensive water main extensions of the main to be made to connect to a pumping station in this location. • A 150 mm main would need to be laid across the reserve to the 150 mm main in Huntsbury Avenue which supplies the reservoirs further up the hill. • Construction of the pumping station would be more difficult in this site because it is at the back of the playground down the hill.
At the north end of the reserve on the downhill edge adjacent to the private driveway.	<ul style="list-style-type: none"> • This site is very close to the 200 mm reservoir supply main. • This site is also very close to the alternative 150 mm water main which comes up Huntsbury Avenue. • Easily accessed for construction and maintenance purposes. Above-ground structures are able to be accommodated on this site as part of a more utilitarian/amenity landscape. • Ideal for pump efficiency reasons. • There is a short distance across the north end of the park to lay the 150 mm water main to connect to the main which supplies the 3 reservoirs further up the hill. 	<ul style="list-style-type: none"> • This site is on the edge of the open playground area, and as such will have an environmental effect on the open play ground area, although some environmental mitigation measures can be undertaken to reduce this.

14 Contd

7. The exact site that it is proposed to build the pumping station is shown in **Attachments B and C** it being at the north end of the playground on the down hill side across the private driveway from the garage at 30B Huntsbury Avenue. **Attachment A** shows the concept plan and elevation.

Temporary Effects (How these can be mitigated)	Permanent Effects (How these can be mitigated)
<p>The north end of the playground will not be able to be used during the construction of the pumping station and connecting it to existing services.</p> <p><i>The northern end of the playground will be fenced off during construction of the pumping station, to stop people entering the construction area. The playground itself is located further up the hill and should not be affected by the pump station's construction. Although the visual impact during the proposed works will be significant, this will be much reduced upon completion of the works and reinstatement and re-contouring of the park surface has been completed.</i></p>	<p>There will be a new permanent pumping station measuring 4 X 5 metres approximately built on the edge of the park, which will be readily seen from the playground.</p> <p><i>The floor of the pump house will be built down at the private drive level, which will enable the building to be built into the hillside approximately 1 metre lower than the surrounding playground level. Being built on the edge of the reserve will also allow the existing planting on the downhill side of the playground to be extended to "wrap around the building", thereby better integrating it into the surrounding landscape, but being cognisant of safer city design principals.</i></p>
<p>Heavy machinery and vehicle access on to the playground will be required during the construction phase.</p> <p><i>Park access will be via Huntsbury Avenue and hopefully the private driveway below the playground if the Council can obtain some rights to use it.)</i></p>	<p>Heavy machinery and vehicle access on to the pump station may only be required on a very occasional basis.</p> <p><i>No formed driveway access will be required across the reserve.</i></p>

8. Non-recreational infrastructure, such as water pumping stations and wells, have previously been sited on reserves (for example, Burnside Park) but only where this has been shown to be absolutely necessary, in the wider public benefit, and any effects on the reserve have been minimal or mitigated. In general, though, non-recreational facilities on recreation reserves have not been supported.
9. Huntsbury Playground is made up of three titles they being:
- (a) Lot 1 DP 16667 of 592 square metres contained in certificate of title CB581/89,
 - (b) Lot 1 DP 10625 of 5086 square metres contained in certificate of title CB15B/1204,
 - (c) Lot 2 DP 10625 of 1199 square metres contained in certificate of title CB444/21,

The total area of the reserve is 6877 square metres; the titles making up this reserve are vested in the Council without a stated purpose, the land being held by the Council pursuant to the Local Government Act 2002. The Council is not required to grant easements unto itself under the requirements of the Local Government Act. The construction work will be undertaken on the first two lots.

FINANCIAL IMPLICATIONS

10. The cost of the proposed developments, including the reinstatement of the park surface and required landscaping and amenity enhancements to mitigate park impacts will be met through the Local Authority Protection Programme Disaster Fund (LAPP) or other insurance.

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

11. No - See above.

LEGAL CONSIDERATIONS

12. In ordinary circumstances the proposal to construct a pumping station and lay connecting services to the existing water main system would be dealt with under the appropriate sections of the Local Government Act 2002, this procedure ordinarily require public consultation.
13. In response to the circumstances arising from the 22 February 2011 earthquake, the Government made the Canterbury Earthquake (Reserves Legislation) Order to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act 1977 or any other enactments and to avoid unnecessary delay in responding to circumstances arising from the earthquake, for example consultation with affected parties.
14. The Order is available to provide temporary solutions. Whilst the Order currently expires on 31 March 2012, the Department of Building and Housing and the Department of Conservation have recommended to the Government that the Order be extended to 18 April 2016 (which is the expiry date of the empowering legislation under which the Order has been made). It is expected that extension will be made in September 2011. The Order does not permit use for reserves for earthquake related purposes after its expiry date.
15. Clause 5(b)(vii) of the Order provides that the Council, or any person authorised in writing by the Council, or the Council's Chief Executive, may use a reserve or erect a structure on a reserve for works associated with the repair and renewal of council infrastructure.
16. The Order provides that when the Council authorises any use of a reserve, or the erection of any structure on a reserve, that it does not need to comply with any relevant management plan or the usual Reserves Act processes. No management plan is in place for Huntsbury Playground. However, the Council is required to take all reasonable steps to protect the integrity of the reserve and to ensure that the reserve is reinstated at the end of the use or when the structure is removed.
17. In addition to Council authorisation under the Order, the Council will also need to obtain all necessary resource and building consents required (if any) under the Building Act 2004 and the Resource Management Act 1991 for the proposed use. Approval under the Order will not constitute consent under those Acts.
18. Subsequent to approval being given under the Order for the temporary use of Huntsbury Playground no further action will be required by the Council to formalise the permanent components of the occupation of the reserve.
19. The contractors undertaking the work will be required to make contact with the Council's appropriate Greenspace Area Contract Manager before commencing any work upon the playground to arrange an onsite meeting to discuss the Council's requirements for working on the playground, which will include the granting of a temporary access licence and the payment of a bond.

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

20. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

21. Yes – earthquake recovery.

14 Contd

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

22. As above.

ALIGNMENT WITH STRATEGIES

23. Not applicable.

Do the recommendations align with the Council's strategies?

24. Not applicable.

CONSULTATION FULFILMENT

25. Clause 6 of the Order expressly provides that the Council may act under the Order without complying with the Reserves Act 1977 or any other enactment (including any provision relating to public notification or the hearing of objections).
26. Clause 7 of the Order requires the Council to give notification to parties who have an easement, lease, licence, covenant or other legal right over the area of reserve to be temporarily occupied under the Order. No parties will be affected in this way. Discussions will be held however with owners of the adjacent downhill joint driveway to obtain an access right over it to the pump station, by way of a formal easement.
27. In addition, the Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out in the Local Government Act 2002. These include the requirement that the Council considers community views and preferences.
28. The exemptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury Earthquakes.

STAFF RECOMMENDATION

It is recommended that pursuant to clause 5(b)(vii) of the Canterbury Earthquake (Reserves Legislation) Order 2011 the Council:

- (a) authorises the use by the Christchurch City Council of that part of the playground known as Huntsbury Playground as is approximately shown on the plans attached to this report (being **Attachments B & C**) for the purpose of the construction and operation of a pumping station and associated infrastructure; and
- (b) agrees that the period for which the authority referred to in paragraph (a) of this authority apply is that period commencing on the date of this authority until the date on which the Canterbury Earthquake (Reserves Legislation) Order 2011 shall expire (including any amended expiry date).

STAFF NOTE

This report was considered by the Spreydon/Heathcote Community Board. The Board's recommendation will be forwarded to the Council.

15. NOTICES OF MOTION

To consider the following motion, notice of which was given by Councillor Livingstone and pursuant to Standing Order 3.10.1:

- (a) That a report reviewing Council's contracts and financial delegations be prepared for Council consideration at the 27 October 2011 Council meeting.
- (b) That a report recommending a new procurement policy be prepared for Council consideration at a meeting to be held in May 2012.

16. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 25 AUGUST 2011

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 17, 8, 19, 20, 21 and 22.

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

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
17. Confirmation of Minutes - Council Meeting of 11.8.2011)	
18. Purchase of Land for Owaka Supplementary Treatment Basin and Public Open Space Network)	
19. Canterbury Water Management Strategy – Zone Committee Membership) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7)	SECTION 48(1)(a)
20. Oxidation Pond Tender)	
21. Housing Supply Intervention and Action Programme)	
22. Plan Change 19 (Islington Park Ltd) – Rezoning of land at Islington – Report and Recommended of Commissioner Ken Lawn)	

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	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
17.	Commercial activities	7(2)(h)		
17.	Right of appeal	48(2)(a)	To enable Council to consider legal and technical advice (in making a decision), on matters which are subject to appeal in the Environment Court, in a manner that does not prejudice any party, and to ensure that applicants and submitters are communicated any decision ahead of the general public.	Full report upon submitters being advised
17.	Conduct of negotiations	7(2)(i)	To enable Council to reach a position before discussing with other parties.	After discussions concluded and decisions made
18.	To enable negotiations to carry on without prejudice or disadvantage negotiations.	7(2)(i)	The agreement is still subject to the Companies Board approval and Council approval before it becomes unconditional.	Until the sale is confirmed the financial details cannot be released .
19.	To enable negotiations to carry on without prejudice or disadvantage negotiations.	7(2)(i)	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Full report on applicants being advised.

ITEM	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
19.	Protection of privacy of natural persons	7(2)(a)	To give the Council the opportunity to consider the recommended selected zone committee community members for the two committees, prior to all committee member applicants being advised of the outcome of the selection process.	Full report on applicants being advised.
20.	Prejudice commercial position	7(2)(b)(ii)	The tender contains sensitive commercial information related to each tender and contingencies made by Council that should not be disclosed to the successful tenderer.	After the successful and unsuccessful tenderers have been advised, the tender prices can be made public
21.	To enable negotiations to carry on without prejudice or disadvantage negotiations.	7(2)(i)	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including discussion with the Minister of the Canterbury Earthquake Recovery Authority)	The Minister will determine when appropriate
22.	Protection from improper pressure or harassment	7(2)(f)(ii)	To enable the Council to issue its decision to the parties prior to its being released publicly.	It can be released on the Monday following the Council meeting

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 25 AUGUST 2011

9.30AM

**BOARDROOM, BECKENHAM SERVICE CENTRE,
66 COLOMBO STREET**

AGENDA – OPEN SUPPLEMENTARY

CHRISTCHURCH CITY COUNCIL

**Thursday 25 August 2011 at 9.30am
in the Boardroom, Beckenham Service Centre, 66 Colombo Street**

Council: The Mayor, Bob Parker (Chairperson).
Councillors Helen Broughton, Sally Buck, Ngaire Button, Tim Carter, Jimmy Chen, Barry Corbett,
Jamie Gough, Yani Johanson, Aaron Keown, Glenn Livingstone, Claudia Reid, Sue Wells and
Chrissie Williams.

ITEM NO	DESCRIPTION	PAGE NO
23.	RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORTS	
24.	RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)	

23. RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORTS

Approval is sought to submit the following reports to the meeting of the Council on 25 August 2011:

- Confirmation of Minutes - Council Meeting of 28.7.2011
- Appointment of Director to the Board of Lyttelton Port Company (LPC)

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.

It is appropriate that the Council receive the reports at the current meeting.

RECOMMENDATION

That the reports be received and considered at the meeting of the Council on 25 August 2011.

24. RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)

Attached.

THURSDAY 25 AUGUST 2011

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 25 and 26.

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
25. Confirmation of Minutes - Council Meeting of 28.7.2011)	
26. Appointment of Director to the Board of Lyttelton Port Company (LPC)) 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	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
25.	Commercial activities	7(2)(h)		
25.	Right of appeal	48(2)(a)	To enable Council to consider legal and technical advice (in making a decision), on matters which are subject to appeal in the Environment Court, in a manner that does not prejudice any party, and to ensure that applicants and submitters are communicated any decision ahead of the general public.	Full report upon submitters being advised
25.	Conduct of negotiations	7(2)(i)	To enable Council to reach a position before discussing with other parties.	After discussions concluded and decisions made
25.	Protection of privacy of natural persons	7(2)(a)	It is a confidential report, until approved by Council, as it relates to the privacy of an individual.	Full report once Council makes a recommendation
26.	Protection of privacy of natural persons	7(2)(a)	This is a confidential report relating to the appointment of an individual to a position. Until the appointment is approved it is reasonable for the name of the proposed person to be kept confidential as it could damage their reputation and personal privacy if the Council chooses to not approve the appointment for some reason.	The information included in the report can be made public immediately following advice to the individual that the appointment has been approved.

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.”