



**REPORT BY THE CHAIRMAN OF THE
AKAROA/WAIREWA COMMUNITY BOARD
8 DECEMBER 2010**

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. WAIHORA ELLESMERE TRUST MEMORANDUM OF UNDERSTANDING

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager, Healthy Environment
Author:	Clive Appleton, Team Leader Natural Environment

PURPOSE OF REPORT

1. For the Council to consider a recommendation from the Akaroa/Wairewa Community Board to enter into a Memorandum of Understanding (MoU) (**attached**) with the Waihora Ellesmere Trust (WET).

EXECUTIVE SUMMARY

2. In response to concerns about the decline in the water quality of Te Waihora/Lake Ellesmere, an Issues group was formed in 2002. This group represented a wide range of interests and they met regularly over two years and consulted widely to develop a vision and Strategy for the future management of the lake and catchment. To implement the Strategy a charitable trust was formed in 2003 – Waihora Ellesmere Trust (WET). WET's purpose is to facilitate and encourage the implementation of the Community Strategy and with the Strategy including such a broad range of goals, targets and actions, this means that WET is involved in many different projects and works with many different agencies and organisations. WET is made up of over 90 members from all sectors of the community, and is governed by 15 trustees elected from the membership. WET employs a General Manager and part time Education Officer.
3. As a result of a deputation given by WET to the Council on 7 September 2006, the Council resolved for a report to be undertaken to investigate the Council entering into an MoU with WET.
4. In August 2009, the WET Chairperson met with the Mayor and extended an invitation to Christchurch City Council (also by letter), to enter into an MoU, for the purposes of:
 - Working together towards achieving the vision and objectives of the Trust; and
 - Actively seeking and encouraging co-operation and participation by other individuals and organisations with an interest in the lake to contribute to the achievement of the visions and objects of the Trust.
5. Once received, the draft MoU was reviewed alongside Council operations and relevant Council policy and strategy documents including the Healthy Environment Strategies. Recommended changes to the MoU were forwarded to WET for their consideration and have subsequently been accepted, as presented here in the attached, final MoU.
6. The common intention of the parties in entering into the MoU (**attached**) is to:
 - Work together towards achieving the vision of WET set out in Background E and the objects of WET set out in Background F; and
 - Actively seek and encourage co-operation and participation by other individuals and organisations with an interest in the lake to contribute to the achievement of the visions and objects of WET; provided these goals are consistent with the terms of the Council's Long Term Council Community Plan.

FINANCIAL IMPLICATIONS

7. There are no binding requirements of the Council in the MoU to provide WET with funding, see MoU section 6, Funding and Reporting.

1 Cont'd

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

8. Yes, see section 9 below.

LEGAL CONSIDERATIONS

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

9. Yes, Council's statutory obligations are recognised in Agreement section 1.3 of the MoU, to take priority over the MoU with WET. This section states: "The Council is subject to statutorily imposed roles and duties. The carrying out of these roles or duties must take priority over this Memorandum of Understanding if there is an actual or perceived conflict".

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. In section 2, Goals of the MoU, there is a caveat to ensure that Council's involvement "is consistent with the terms of the Council's Long Term Council Community Plan [LTCCP]".

ALIGNMENT WITH STRATEGIES

11. The goals of the MoU are for the Council to work with WET to achieve its vision for Te Waihora/Lake Ellesmere (see attached section E). This vision is in keeping with the Council's Surface Water, Biodiversity and Public Open Space Strategies.

CONSULTATION FULFILMENT

12. Mahaanui Kurataiao (MKT) are informing local Runanga of the Council's consideration to enter into an MoU with WET.

STAFF RECOMMENDATION

It is recommended that the Council enters into the MoU (**attached**) with the Waihora Ellesmere Trust.

BOARD CONSIDERATION

Board members sought clarification on some details relating to the membership of the Waihora Ellesmere Trust and what funding the Trust was able to access through the Council.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND

14. The Waihora Ellesmere Trust was established in 2003. The Trust developed from a group known as the Lake Issues Group that was originally brought together by ECan to discuss issues relating to Lake Ellesmere and in particular the lake opening regime. The Lake Issues Group developed a "Community Strategy for the Future Management of Lake Ellesmere/Te Waihora and its Tributaries".
15. In 2006 Christchurch City Council's amalgamation with Banks Peninsula District Council saw it take on management of hill country land and part of the coastal land around Te Waihora/Lake Ellesmere.
16. In that same year, Council joined the Interagency Management Group, established by Environment Canterbury (ECan), to develop the Lake Ellesmere Catchment Management Strategy. Membership of the interagency group consists of the Department of Conservation, Environment Canterbury, Selwyn District Council, Christchurch City Council, Fish and Game, Ministry of Fisheries and Te Rūnanga o Ngāi Tahu.

1 Cont'd

17. As a member of the interagency group, the Council signed a joint MoU with partners, agreeing:
- To co-operate to prepare a non-statutory management plan for the Waihora/Lake Ellesmere catchment;
 - To work with the community through the Waihora Ellesmere Trust; and
 - To implement relevant components through their statutory powers.

Environment Canterbury holds the Interagency Management Group meetings approximately three times a year.

18. Currently, WET has separate MoUs in place with a number of the Interagency Management Group members and considers that these MoUs are distinctly different enough in their objectives, so that it is not practical to have a joint interagency MoU.
19. The Council's direct involvement with WET, outside of the Interagency Management Group, has been limited. The Council's funding for WET activities to-date has been for the following items:
- \$15,000 for the 2007 Living Lakes Symposium;
 - \$1,125 for publication of the Te Waihora State of the Lake and Future Management (2009), book and CD;
 - \$1,000 annually to WET for administration support to the Interagency Management Group.

MEMORANDUM OF UNDERSTANDING made this
_____ day of _____ 2010.

PARTIES

- (a) WAIHORA ELLESMERE TRUST ("the Trust") and
- (b) CHRISTCHURCH CITY COUNCIL ("the Council")

BACKGROUND

- A. The Trust, which is a charitable trust, was established by Deed dated 15th September 2003, ("the Deed") and incorporated on 11th May 2004. A copy of the Deed that contains the objects of the Trust is attached as Schedule A.

- B. The Trust developed from a group known as the Lake Issues Group. The Lake Issues Group was originally brought together by Environment Canterbury to discuss issues relating to Lake Ellesmere/Te Waihora ("the Lake"), and in particular the Lake opening regime.

- C. The Lake Issues Group developed a "Community Strategy for the Future Management of Lake Ellesmere/Te Waihora and its Tributaries" ("the Community Strategy"). The Community Strategy is attached as Schedule B. The Community Strategy recognised the need to form the Trust due to the nature of the issues affecting the Lake, the complexity of the Lake and its tributary system, and the number of goals set out in the Community Strategy.

- D. The Lake Issues Group consulted with the wider community on the vision, goals and actions contained in the Community Strategy. The Trust has subsequently adopted the Community Strategy as its guiding document and workplan.

- E. The Trust's vision is that the Lake will be:
 - A place where healthy and productive water provides for the many users of the Lake while supporting the diversity of plants and wildlife that make the Lake unique.
 - A place of cultural and historical significance that connects people with their past and their future.
 - A place where environmental, customary, commercial and recreational values are balanced while respecting the health of the resource.
 - A special wide open place for the enjoyment and wonderment of present and future generations.
 - A place of contemplation and tranquility as well as activity, a place just to be.

- F. The objects of the Trust are:
- (i) To promote and, where appropriate, support best management practices as a means of maintaining/and or enhancing the ecological health of the Lake, including its tributaries.
 - (ii) To raise awareness regarding the cultural and historical significance of the Lake and its environs, including its settlement history and current status.
 - (iii) To provide appropriate dialogue opportunities for decision-making to ensure the various economic, social, cultural, recreational and environmental interests are considered.
 - (iv) To maintain the sense of place and character that makes the Lake and its environs special to current residents and users, and for future generations.
 - (v) To raise awareness and understanding of the values of the Lake to recreational and other users to ensure the integrity of the Lake is not compromised.
- G. In attaining its objects the Trust is required to recognise the views and expectations of Mana Whenua, to respect and implement dual heritage of the partners of Te Tiriti O Waitangi.
- H. The Council considers it desirable that the Trust achieves its visions and objects in respect to the Lake.

AGREEMENT

1.0 STATUS

- 1.1 The Parties agree that in signing this Memorandum of Understanding they do not intend to create any legal relationship between them by way of contract or partnership or any other legally binding form. It is agreed that no party shall have legal remedies against another party for failing to adhere to the terms and conditions set out in this Memorandum.
- 1.2 The Memorandum of Understanding does not preclude any Party's right to represent its interests under the Resource Management Act 1991 or other statutory processes.
- 1.3 The Council is subject to statutorily imposed roles and duties. The carrying out of these roles or duties must take priority over this Memorandum of Understanding if there is an actual or perceived conflict.
- 1.4 It is recognised that the Council's statutory authority only extends to the portion of the Lake that is within the Council's district.

2.0 GOALS OF THE MEMORANDUM OF UNDERSTANDING

2.1 The common intention of the Parties in entering into the Memorandum of Understanding is to:

- Work together towards achieving the vision of the Trust set out in Background E and the objects of the Trust set out in Background F; and
- Actively seek and encourage co-operation and participation by other individuals and organisations with an interest in the Lake to contribute to the achievement of the visions and objects of the Trust;

provided these goals are consistent with the terms of the Council's Long Term Council Community Plan [LTCCP].

3.0 CODE OF CONDUCT AND CONDITIONS

3.1 The Parties agree that in working together under the Memorandum of Understanding they will:

- Acknowledge the autonomy and independence of each other;
- Act in an honest and transparent way;
- Work together in good faith to identify options and initiate and achieve outcomes;
- Inform each other and share information, resources and expertise, subject to the Privacy Act 1993, the Local Government Official Information and Meetings Act 1987, and any other relevant statutes and any obligations of trust;
- Carry out their business in a way that is consistent with the objects of the Trust, provided that for the Council this does not conflict with any statutory duties or obligations imposed upon it, or with the terms of the LTCCP; and
- Not be constrained from carrying out any activity on their own, or with any other person or entity, including any activity that may impact on matters relevant to the Memorandum of Understanding.

4.0 CHRISTCHURCH CITY COUNCIL STAFF INPUT

4.1 Council staff will attend Trust Board meetings to provide information and support as deemed necessary by the Trust Board members and the General Manager Strategy and Planning Christchurch City Council.

5.0 OTHER INPUT

5.1 The Trust has previously determined that the membership of the Board would not include representation from local or central government agencies.

5.2 The Trust has also previously determined that any relevant local or central government agency representative could attend Board meetings to provide expert input, on an as needs or interest basis, but that no voting rights would accrue.

6.0 FUNDING AND REPORTING

- 6.1 The Trust may apply to the Council to request funding for its activities. Any application will be assessed by the Council in accordance with its standard assessment criteria. The terms of this Memorandum of Understanding do not represent a commitment by the Council to provide funding to the Trust.
- 6.2 If funding is provided by the Council the Trust will supply the Council with all information and reports required as a condition of any funding agreement.
- 6.3 Any funding provided by the Council will be used in a manner consistent with the terms of any funding agreement.

7.0 TERM

- 7.1 The Memorandum of Understanding will be for a term of ten years from the date of signing, with a provision for one renewal of ten years subject to the Parties giving written notice to each other two months before the expiry of the first term of the Memorandum of Understanding.
- 7.2 Any Party may withdraw from the Memorandum of Understanding by giving written notice of its intention to the other Party.

8.0 VARIATION

- 8.1 At any time any Party may give notice of a request for a variation to the Memorandum of Understanding. This may be to remove, add to or change a clause of the Memorandum of Understanding. The Parties must agree to any variation to the Memorandum of Understanding before that variation becomes effective. Any request for variation will be referred to the representatives of each Party. Representatives are listed under section 9.1 of this Memorandum of Understanding.

9.0 COMMUNICATIONS

- 9.1 The representatives of each Party to be used are:

- The Trust
The Chairperson
Waihora Ellesmere Trust
PO Box 198
Tai Tapu 7545

- Christchurch City Council
General Manager Strategy and Planning
Christchurch City Council
PO Box 237
Christchurch 8140

10. 2. 2011

10.0 SIGNED BY

Signed for and on behalf of:

Waihora Ellesmere Trust

By the Chairperson,

Brett Painter.

Signed for and on behalf of:

Christchurch City Council

BY THE MAYOR,.

2. AKAROA PLACES AND SPACES PLAN

General Manager responsible:	General Manager Strategy and Planning
Officer responsible:	Programme Manager Healthy Environment
Author:	Marie Pollisco, Planner

PURPOSE OF REPORT

1. The purpose of this report is to provide to Council for its consideration and adoption, the recommendation of the Akaroa/Wairewa Community Board with regard to the Akaroa Places and Spaces Plan (**Attachment A** - separately attached) including approval of the proposed amendments to the recommended actions (**Attachment B** - separately attached) following the consultation process undertaken from 30 August 2010 to 22 October 2010.

EXECUTIVE SUMMARY

2. The Akaroa Places and Spaces Plan is a non-statutory document. It provides strategic direction as to future development and management of public places and spaces in Akaroa More specifically, the Plan provides guidance and recommendations for management of the public realm in Akaroa township, ensuring that public places reflect the local character, and provide for ease of access and movement. The preparation of this Plan was identified as a high priority project in the Akaroa Harbour Basin Settlements Study (AHBSS) Implementation Plan.
3. The physical scope of the public places and spaces addressed in the draft Plan is limited to the Akaroa Township, with a specific focus on those areas of the public realm used most frequently by residents and visitors, i.e. the Akaroa Town Centre.
4. Issues, guidelines and recommendations for the following four components are set out in the draft Plan:
 - *Public Realm Guidelines:* The public realm guidelines underpin the entire plan by providing direction for future public works in Akaroa.
 - *Transport and access:* A report on transport and access issues has been prepared for Akaroa. This section of the draft Plan summarises the issues, objectives and recommendations in that report.
 - *Visitor facilities:* An assessment of visitor facilities in Akaroa and their ability to meet long-term visitor needs has been undertaken. This section identifies actions to upgrade the existing facilities subject to increased visitor numbers.
 - *BP Meat site development brief:* This part of the draft Plan provides guidance regarding the future development of the BP Meats site (67 Rue Lavaud), a large block of Council-owned land in the Akaroa Town Centre.
5. The draft Plan was approved for public consultation by the Akaroa/Wairewa Community Board on 11 June 2010. The consultation process has occurred in a manner consistent with the requirements of the Local Government Act 2002 (LGA).
6. Public consultation commenced on 30 August 2010 and closed 22 October 2010 after an extension due to the September 4 Canterbury earthquake. Thirty-three (33) submissions were received and key themes from those submissions were identified and analysed (refer to Akaroa Places and Spaces Plan Consultation Report - **Attachment C** separately circulated).
7. Overall, submissions on the draft Plan are supportive. The main concerns are with regard to Visitor Facilities and Transport and Access. Below is a summary of feedback received under the four components of the Plan:

a. *Public Realm Guidelines*

The action point for the Public Realm Design Guidelines is to finalise and implement the design guidelines. The public is aware that these guidelines will be developed and used by the Council and public to produce good environmental outcomes, in regards to visual amenity and the design of new structures located within the public realm.

Submissions and feedback received will assist the Council in identifying areas of concern or issues, such as signage and landscaping, when developing the design guidelines.

2 Cont'd

b. Transport and access

Submissions on the action points for this component are generally supported. All submitters stated that parking at the northern end of the town should be actively encouraged, and walking or cycling as a mode of public access should be made available (refer to Action B.1 of the draft Plan). A shuttle service is supported to encourage parking outside the main town centre to enable greater flow of traffic.

The use of Jubilee Park for car parking purposes (refer to Action B.2 of draft Plan) and the provision of bus parking near the wharf (refer to Action B.3 of draft Plan) are not supported by submitters. They also did not support the use of the recreation grounds for parking (refer to Actions B.4 and B.6 of the draft Plan).

Options for increasing parking capacity in the Southern Town Centre (refer to Action B.9 of draft Plan) are supported by way of using an existing area, such as the Akaroa Area School grounds during peak season when the school is not in operation, as well as some innovative suggestions for reclamation of land for parking purposes at the southern end of town.

On this basis, amendments to the recommended actions for the final Plan are proposed.

c. Visitor facilities

Submissions support the upgrade and/or modernisation of public toilets (refer to Actions C.1-5 of draft Plan). In addition, submitters expressed the need for a more regular schedule in the cleaning of public toilets during peak season.

Several submitters also support the increase in the number of seating/tables within the reserves and parks for picnic purposes (Actions C.15-16 of draft Plan), with some support for barbecue facilities.

The majority of submitters do not support the provision of a bus stop or passenger drop off/pick up at the Main Wharf. Campervan issues and concerns are still at the forefront of community thinking, although there is a general acceptance that they provide an economic input to Akaroa. Additional facilities such as coin-operated showers/laundry and a community leisure centre (swimming pool, gym) are also identified as a need by the submitters.

This feedback will be considered in the development of the Akaroa Places and Spaces Implementation Plan.

d. BP Meat site development brief

Submissions generally support the two actions proposed under this component. A community focus that would encourage tourism, such as artisan quarters, is strongly suggested for any potential use of the site. There is strong support for the retention of the existing heritage-listed building and the butchery business on the site.

This feedback will assist the Council in considering the future development of this site. More detailed consultation will be undertaken in the near future.

8. Following consultation and based on the analysis of submissions received, **Attachment C** shows a summary of amendments proposed for the final Akaroa Places and Spaces Plan.

FINANCIAL IMPLICATIONS

9. The final Plan identifies projects to be put forward for consideration in the 2012-2022 and/or subsequent Long-Term Plans (LTPs). The timing, scale and funding of any or all projects will be determined as part of the LTP and be considered alongside a range of other spending priorities.

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

10. No. The recommended actions identified in the final Plan are to be considered as part of the preparation of the 2012-22 LTP or a subsequent version of the LTP.

2 Cont'd

LEGAL CONSIDERATIONS

11. The Akaroa Places and Spaces Plan is a non-statutory document. Consultation on the document has been consistent with Local Government Act requirements.

ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS

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

12. The Akaroa Places and Spaces Plan supports the LTP activity 'City and Community Long-Term Policy and Planning'.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

13. The Plan recognises and supports strategies where relevant to the scope of the Plan, particularly the Public Open Space Strategy and the Christchurch Visitor Strategy.

CONSULTATION FULFILMENT

14. The Akaroa Places and Spaces Plan was identified as a priority project in the Akaroa Harbour Basin Settlements Study completed in 2009. This study involved extensive consultation. Information obtained through previous consultation on the Settlements Study has also informed the development of the Plan.
15. The Akaroa/Wairewa Community Board was consulted on the draft Plan in a seminar held earlier this year. Feedback from the Community Board was incorporated into the draft Plan, where relevant, and subsequently went out to public consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the proposed amendments for the final Akaroa Places and Spaces Plan (**Attachment B**); and
- (b) Adopt the final Akaroa Places and Spaces Plan (**Attachment A**).

BOARD CONSIDERATION

The Board commented on four parts of the report, three relating to the BP Meats site and one regarding boat storage. Members main concern was the apparent emphasis the Draft Plan gave to retaining the butchery building on the BP Meats site, rather than on retaining a butchery business on that site.

Members also felt that the reference to seasonal workers/social housing on the BP Meats site was too restrictive for future planning, and that provision should be included somewhere in the Plan for public boat parking area(s).

The Board also noted that the existing butchery building was listed as a notable building in the District Plan. It was not registered with the Historic Places Trust as an historic building so references to historic and heritage should be amended to reflect the correct status of the building.

BOARD RECOMMENDATION

That staff recommendation be adopted, subject to the following amendments:

- Section B – Transport and Access
Include a point to *"Investigate options for increasing boat storage as opportunities for this arise"*.

2 Cont'd

- Section D – BP Meats Site: Development Brief
Recommended Action D.2
Amend to allow for “other uses” instead of restricting additional investigation to seasonal worker accommodation and social housing.
- Section D – BP Meats Site: Development Brief
Replace references to “historic building” or “heritage building” with “notable building”.
- Section D – BP Meats Site: Development Brief
Site Layout
Amend third bullet point to place the emphasis on the retention of a butchery operation rather than on the retention of the building itself.
- Section D – BP Meats Site: Development Brief
Business Activities
Amend fourth paragraph to place the emphasis on the retention of a butchery operation rather than on the retention of the butchers shop.

The Board thanked staff who had been involved in the development of this Plan, and noted the outcome, that the community now had a clear direction for the use of public space in Akaroa.