

CHRISTCHURCH CITY COUNCIL AGENDA

MONDAY 18 JULY 2011

9.30AM

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

CHRISTCHURCH CITY COUNCIL

Monday 18 July 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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18. 7. 2011

1. APOLOGIES

The Mayor Bob Parker
Councillor Sally Buck
Councillor Jamie Gough
Councillor Yani Johanson
Councillor Tim Carter

2. DEPUTATIONS BY APPOINTMENT

3. PRESENTATION OF PETITIONS

4. NOTICES OF MOTION

5. TEMPORARY I-SITE VISITOR CENTRE LOCATION – CHRISTCHURCH BOTANIC GARDENS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Asset and Network Planning Manager
Author:	Derek Roozen, Parks and Waterways Planner John Allen, Policy and Leasing Administrator

PURPOSE OF REPORT

1. To obtain Council approval for the temporary location of the Christchurch i-SITE Visitor Centre in the Christchurch Botanic Gardens pursuant to the Canterbury Earthquake (Reserves Legislation) Order 2011.

EXECUTIVE SUMMARY

2. The Christchurch i-SITE Visitor Centre is one of 80 centres located at key destinations around New Zealand. These visitor centres comprise New Zealand's official visitor information network set up and run by Tourism New Zealand, the organisation responsible for marketing New Zealand to the world as a tourist destination. The Christchurch i-SITE Visitor Centre provides information and booking options for visitors, covering all the experiences and activities they can enjoy in Christchurch, around Canterbury, the South Island and the rest of New Zealand. It has received over 450,000 visitors in one year.
3. Following the earthquake on 22 February 2011 the i-SITE Visitor Centre, which was up to then located in the Old Chief Post Office Building in Cathedral Square, has not been able to operate at that site because this site is within the cordoned off area of the central city and unlikely to be available for use over the next 12 months. The i-SITE has been temporarily operating in the foyer of the Chateau on the Park hotel on Deans Avenue opposite Hagley Park.
4. This temporary site has proved to be less than satisfactory as it is difficult for the general public and visitors to find and is not close to transport services. Christchurch & Canterbury Marketing Ltd (CCML) has been seeking an interim i-SITE location that is close to transport hubs and inner city visitor foot traffic for the coming summer season. CCML has identified the Rolleston Avenue area as the most likely 'visitor hotspot' as it is close to the temporary transport hubs to service both the local tourism operators and the cruise market. It is also in the vicinity of a number of key city attractions, including the Christchurch Botanic Gardens, Canterbury Museum and Christchurch Art Gallery. With no suitable vacant buildings available on Rolleston Avenue CCML has been investigating a suitable space in this vicinity to locate a portable building to house the i-SITE on a temporary basis.
5. CCML has considered four locations in this area for a temporary i-SITE facility. The chosen location is on a lawn area just inside the Botanic Gardens fenced area adjacent to the Museum entrance. The proposed facility comprises two adjoining prefabricated buildings with adjacent deck and paved areas. Connection will be required to power, data/phone and stormwater and wastewater drainage. Staff operating the i-SITE will use the staff toilets located in the Museum. **Attachments A, B and C** show the concept site plan, proposed floor plan/elevations and site photos, respectively. CCML have indicated they would initially require use of the site for a 12 month occupation from August 2011, when they wish to start operating from the site. They wish to retain the option of extending that time if necessary.
6. The advantages of the proposed Botanic Gardens location for the temporary i-SITE is that it is high profile and in view of passing traffic, is secure being behind locked gates after hours, is easy to find by visitors and has access to services. The other three locations considered by CCML are the temporary Events Venue Hub in North Hagley Park, the grass verge in front of the Lecture Hall adjacent to the Museum, and the Art Gallery. These were discounted on the following reasons:

5 Cont'd

Location Discounted	Reasons For Discounting
North Hagley Park Events Venue Hub	Too far off Rolleston Avenue and not visible to passing traffic. The Hub also is only in place till February 2012, which would necessitate another relocation of the i-SITE.
Grass verge in front of the Lecture Hall	Not large enough to accommodate the proposed facility. No room for visitors to congregate as alongside the pavement. Also, not able to be secured behind locked gates.
Art Gallery	No confirmed date of re-opening. A restricted space. Also, not able to be secured behind locked gates.

7. It is proposed the i-SITE would be open 364 days of the year and would be staffed by a maximum number of eight staff at any one time. The operating hours will be from 8.30am to 5pm, 6pm or 7pm depending on the season.
8. The Botanic Services Operations Team Manager, Jeremy Hawker, considers the proposed Botanic Gardens site to be an acceptable one on the grounds that it is currently lawn, which will easily be able to be reinstated once the proposed occupation ends. He believes this is a good opportunity to support visitors from outside Christchurch, including those intending to visit the Botanic Gardens, within the Cultural Precinct area. Further support for use of the proposed site is given by the Museum.
9. The Canterbury Earthquake (Reserves Legislation) Order 2011 empowers the Christchurch City Council to take actions to use, or erect a structure on, a reserve, despite any management plan for the reserve or the legislation by which the reserve is held, for a number of purposes, which includes for a public information centre. The Council, however, must ensure the integrity of the reserve is protected and, if adversely affected by this use, that it is reinstated to its original condition. This order currently ends on 31 March 2012; however the Council is in the process of requesting this time limit be extended.

FINANCIAL IMPLICATIONS

10. There are no financial implications for the Council arising from granting permission for i-SITE to occupy the site in the Botanic Gardens. CCML will meet all costs associated with the establishment of the facility, including all resource and building consents, and costs to reinstate the site, to the satisfaction of the Botanic Services Operations Team Manager, at the end of the occupation. An occupation agreement in the form of a warrant (similar to a lease document but only for a temporary occupation) will be signed by CCML and the Council protecting the interests of both parties in the site.
11. The service provided to visitors by the i-SITE Visitor Centre benefits the tourism market in Christchurch, the South Island, as well as all of New Zealand. Officers are therefore of the view that, in support of this benefit to the community, the Council should not charge CCML a rental for the temporary occupation of this site in the Botanic Gardens.

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

12. Not applicable.

LEGAL CONSIDERATIONS

13. The Canterbury Earthquake (Reserves Legislation) Order 2011 (Order in Council) was made under the Canterbury Earthquake Response and Recovery Act 2010 and came into force on 21 March 2011. This Order in Council currently expires on 31 March 2012. Pursuant to clause 5(b)(iv) of the Order in Council the Council may approve the erection of a structure on a reserve that is administered by the Council under the Reserves Act 1977 for the purpose of a public information centre.

5 Cont'd

14. The Botanic Gardens is contained within Part Reserve 25 Survey Office Plan 11870, is 21.1374 hectares in area and classified as a Local Purpose (Botanic Gardens) Reserve under section 23 of the Reserves Act 1977.
15. The Council may act under clause 5 of the Order in Council in the manner indicated in paragraph 13 above, despite anything to the contrary in, or not in compliance with any requirement of, the Reserves Act 1977 or policy of the Christchurch Botanic Gardens Management Plan 2007 (refer Section 6(1) of the Canterbury Earthquake (Reserves Legislation) Order 2011). The Council must ensure, as required under Section 6(2) of the Order in Council, that the integrity of the Botanic Gardens is protected and, following the end of the approved use under the Order in Council, the site is reinstated to its prior condition. In all previous cases where the Council has granted rights to occupy and use parks and reserves under this Order in Council the Council has required the applicant to meet the cost of the reinstatement of the site that they have occupied to the Council's satisfaction. This requirement has been stated in each warrant prepared for such occupation rights, and which both the Council and the applicant have signed.
16. The Order in Council expires on 31 March 2012 and therefore any occupations granted under it can only be until that date. Work is proceeding on having the time limit placed on the current Order in Council extended to allow occupations under the Order to continue past this date, on the grounds that much of the earthquake recovery work will take a longer time to complete than the current Order time frame allows for. If the Council approves the occupation of part of the Botanic Gardens by the i-SITE Visitor Centre the approval can only be made to the end of the Order's current term, a period of eight months from August 2011. Officers recommend that this period be extended if the time limit on the current Order is extended by the Government.
17. If the Council approves the proposed occupation then a temporary occupation agreement in the form of a "Warrant of Occupation" will be put in place. The warrant will include reference to such things as:
 - (a) Requirements of the Resource Management, and Building, Acts and Orders in Council made under these Acts to be complied with.
 - (b) Compliance with Health and Safety Act requirements.
 - (c) Appointment of representatives for ongoing liaison between the temporary occupying party and the Council.
 - (d) Insurance requirements of the temporary occupying party.
 - (e) The temporary occupying party to indemnify the Council against all actions as a result of that party's activities, or those of the contractors engaged by that party, on the reserve.
 - (f) Access arrangements and use of the site.
 - (g) The temporary occupying party being responsible for all the improvements to the reserve to make it suitable for the party's occupying purpose.
 - (h) The temporary occupying party's reinstatement obligations.
 - (i) The temporary occupying party being responsible for all costs associated with the temporary occupation granted under the Order.

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

18. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. Not applicable.

5 Cont'd

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

20. Not applicable.

ALIGNMENT WITH STRATEGIES

21. Not applicable.

Do the recommendations align with the Council's strategies?

22. Not applicable.

CONSULTATION FULFILMENT

23. Pursuant to clause 6(1)(b) of the Order in Council the Council may act to permit the erection of a structure in the Botanic Gardens for the purpose of a public information centre, as is proposed, under clause 5 of the Order without complying with any requirement in the Reserves Act 1977, including the public notification of the proposed occupation.
24. Clause 7 of the Canterbury Earthquake (Reserves Legislation) Order 2011 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 such occupation right exists over the area of the Botanic Gardens proposed to be occupied by i-Site.

STAFF RECOMMENDATION

It is recommended that the Council approve, pursuant to section 5(b)(iv) of the Canterbury Earthquake (Reserves Legislation) Order 2011, the granting of a temporary occupation right over approximately 163 square metres of Part Reserve 25 SO 11870, containing a land area of 21.1374 hectares and classified as Local Purpose (Botanic Gardens) Reserve, to Christchurch & Canterbury Marketing Ltd for the purpose of developing a temporary i-SITE Visitors Centre, as shown in the site plan in **Attachment A** to this report, for an initial period until 31 March 2012 subject to the following conditions:

- (a) That officers put in place an appropriate occupation agreement, a warrant, in which the rights of the Council and Christchurch & Canterbury Marketing Ltd are protected, and which includes clauses covering the bullet points listed in paragraph 17 of this report.
- (b) That a clause be inserted in the warrant that allows the temporary occupation to be extended until August 2012 if the Government extends the time that the powers contained in the warrant are applicable for, with the right for Christchurch & Canterbury Marketing Ltd to apply for a further 12 month term until August 2013.
- (c) In recognition of the service provided to visitors by the i-SITE Visitor Centre, which is of benefit to the tourism market in Christchurch, the South Island, as well as all of New Zealand, and which in turn is of benefit to the wider community, the Council resolves not to charge to Christchurch & Canterbury Marketing Ltd a rental for the temporary occupation of this site in the Christchurch Botanic Gardens.

18. 7. 2011

6. BURWOOD RESOURCE RECOVERY PARK ORDER IN COUNCIL

General Manager responsible:	General Manager Corporate Services, DDI 941- 8528
Officer responsible:	Manager Legal Services Unit
Author:	Brent Pizzey, Solicitor Mark Christison, Unit Manager City Water and Waste

PURPOSE OF REPORT

1. The purpose of this report is provide information on the progress of an Order in Council for the Burwood Resource Recovery Park.

EXECUTIVE SUMMARY

2. At the Council meeting of 31 March 2011, officers described the directive by the Civil Defence National Controller to take demolition material to Bottle Lake Forest Park, and the benefits for Council and community if the Burwood Resource Recovery Park continues to operate at that location for storing, sorting, processing and removing demolition waste, and for disposal of liquefaction silt.
3. There is a pressing need to clear building sites as soon as possible, particularly within the central business district, so that people and businesses can re-occupy neighbouring buildings and so that re-building can commence.
4. In managing the waste generated by the Christchurch earthquake, the following outcomes are sought:
 - Protection of public and worker health and safety
 - Rapid and affordable recovery of Christchurch
 - Avoidance and mitigation of the harmful effects of waste
 - Efficient use of resources
 - Sensitivity in the handling of buildings where fatalities have occurred
 - Identification and protection of heritage materials
 - Transparent and equitable processes
5. Council staff have identified one suitable site within Christchurch city that can be used immediately: Bottle Lake Forest Park in Burwood.
6. The purpose of Burwood Resource Recovery Park is to enable building and construction material to be removed as soon as possible from demolition sites and then sorted, processed and recycled over a longer time period. The facilities are being used for the temporary storage of demolition material while it is sorted and uses found for it, rather than as a permanent disposal site.
7. Council resolutions on 31 March 2011 addressed three aspects of operational issues for the Burwood Resource Recovery Park:
 - (a) Compliance with the Reserves Act 1977;
 - (b) Resolution of land tenure issues;
 - (c) Compliance with the Resource Management Act.
8. The Reserves Act issues have been partly resolved by the Canterbury Earthquake (Reserves Legislation) Order 2011. The land affected by the Burwood Resource Recovery Park is a reserve as defined in that Order. That Reserves Act Order allows a Council to use a reserve for any use that the Chief Executive of the Council considers necessary to respond in a timely manner to any circumstances arising from the Canterbury earthquake.
9. That Reserves Act Order expires on 31 March 2012. Cabinet will need to extend the expiry date. Central government officials recognise this and have started consultation on an amended Order.

6 Cont'd

10. Council officers are preparing a licence for the operator of the Resource Recovery Park to occupy the reserve. No tenure issues arise regarding the existing licences to the Selwyn Plantation Board, as the Reserves Act Order provides that the Council's use of the reserve for earthquake recovery purposes override the existing licence.
11. The resolution on 31 March 2011 relevant to resource management issues was that the Council:
 - (b) *Delegate authority to the General Manager Corporate Services to take all steps that he considers necessary to continue the operation of the Burwood Resource Recovery Park, including (but not limited to):*
 - (i) *Promoting and recommending to the Council appropriate Order-in-Council in relation to the Resource Management Act 1991, the Reserves Act 1977, the Public Works Act 1981, or any other statute, under the Canterbury Earthquake Response and Recovery Act 2010 containing such provisions and powers as he shall consider necessary;*
12. Officers of the Ministry for the Environment are currently acting on directions from Cabinet to prepare an Order in Council for Cabinet approval. The Ministry for the Environment is driving this legislative process. In preparing a draft Order, they are limited by the scope of policy approval given by Cabinet.
13. The Ministry obtained a special waiver from the Attorney-General to enable draft versions of the Order to be shared with officers of the Christchurch City Council, Environment Canterbury, and Burwood Resource Recovery Park Limited. This is not a requirement when an Order in Council is being considered. Ministry officers have reinforced that although they do try to consult with local government, making regulations is ultimately a central government process. The Ministry is supplying these copies under an obligation of confidentiality.
14. Officers consider that consultation with the Ministry for the Environment on the draft Order in Council is proceeding well.
15. Central government requires that the proposed timeframe for, and draft content of, the Order in Council remain confidential until it has been approved by Cabinet. Accordingly, that information is contained in the Public Excluded agenda for this meeting.

FINANCIAL IMPLICATIONS

16. If there is no streamlined resource consent process for the Burwood Resource Recovery Park, the consenting costs will be significantly greater. The delays that it will create before Burwood Resource Recovery Limited can commence processing may threaten the viability of that operation, which could have a significant flow-on cost for the Council and community.

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

17. Yes.

LEGAL CONSIDERATIONS

18. The recommendation in this report gives effect to the Council resolution on 31 March directing the General Manager Corporate Services to take such steps as necessary to continue the operation of the Burwood Resource Recovery Park.
19. So far as the decision-making requirements of in the Local Government Act 2002 are concerned, the Canterbury Earthquake (Local Government Act 2002) Order 2010 is relevant. The Order states that the Council is exempt from a number of those requirements to the extent that a decision is directly or indirectly necessary or desirable to further one or more of the purposes of the Canterbury Earthquake Response and Recovery Act 2010.

6 Cont'd

20. This exemption includes the requirement in section 78 of the Local Government Act 2002 to consider the views and preferences of persons likely to be affected by, or who have an interest in, the decision.
21. The use of the land is necessary to assist with the response to the Canterbury Earthquake (including the aftershock on 22 February 2011). It therefore falls within the purposes of the Canterbury Earthquake Recovery Act 2011 and the Council is entitled to rely on the exemptions allowed by the Canterbury Earthquake (Local Government Act 2002) Order.
22. The directive by the National Controller for demolition waste to be stored at Burwood continued in force until 12 July 2011 by operation of section 85 of the Canterbury Earthquake Recovery Act 2011. On 9 July 2011, Environment Canterbury and the Christchurch City Council both published public notices permitting continued temporary storage of demolition waste at Burwood under the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011. However, the scope of that Permitted Activities Order in Council does not enable processing of demolition waste. Processing is integral to the operation of the Burwood Resource Recovery Park. The operators intend to start that processing at the earliest opportunity. The proposed Burwood Resource Recovery Park Order in Council will streamline the resource consent process for that activity.

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

23. Yes, see above.

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

24. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

25. No – extraordinary circumstances arise from the earthquake.

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

26. No – extraordinary circumstances arise from the earthquake.

ALIGNMENT WITH STRATEGIES

27. One of the purposes of enabling the Burwood Resource Recovery Park is to assist in achieving the CCC Waste Plan and the Ministry for the Environment Waste Strategy with regard to minimising waste to landfill.

CONSULTATION FULFILMENT

28. The matter of consultation has been dealt with in the legal considerations section of this report.

STAFF RECOMMENDATION

It is recommended that the Council resolves to approve the General Manager Corporate Services continuing to promote an appropriate Order in Council for the Burwood Resource Recovery Park.

18. 7. 2011

7. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

MONDAY 18 JULY 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 item 8.

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
8. BURWOOD RESOURCE RECOVERY PARK ORDER IN COUNCIL) 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 8 Protection of Source of Information (Section 7(2)(c)(i))

Chairman's Recommendation: That the foregoing motion be adopted.

Note

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

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

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