

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 28 JULY 2011**

**9.30AM**

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

**AGENDA - OPEN****CHRISTCHURCH CITY COUNCIL**

**Thursday 28 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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| 12.            | <b>REPORT OF A MEETING OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 22 JUNE 2011</b>               |                |
| 13.            | <b>REPORT OF A MEETING OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 29 JUNE 2011</b>               |                |
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18. REPORT OF A MEETING OF THE AKAROA/WAIREWA COMMUNITY BOARD:  
MEETING OF 27 JUNE 2011
19. REPORT OF A MEETING OF THE BURWOOD/PEGASUS COMMUNITY BOARD:  
MEETING OF 24 MAY 2011
20. REPORT OF A MEETING OF THE BURWOOD/PEGASUS COMMUNITY BOARD:  
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21. REPORT OF A MEETING OF THE BURWOOD/PEGASUS COMMUNITY BOARD:  
MEETING OF 22 JUNE 2011
22. REPORT OF A MEETING OF THE BURWOOD/PEGASUS COMMUNITY BOARD:  
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26. REPORT OF A MEETING OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD:  
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28. 7. 2011

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**28. 7. 2011**

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**29. TRAFFIC CONGESTION MANAGEMENT**

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | General Manager City Environment, DDI 941-7305 |
| <b>Officer responsible:</b>         | Acting Transport & Greenspace Unit Manager     |
| <b>Author:</b>                      | Paul Burden, Road Corridor Operations Manager  |

**PURPOSE OF REPORT**

1. The purpose of this report is to provide a recommendation to the Council concerning several measures to reduce traffic congestion following the February 22 earthquake.

**EXECUTIVE SUMMARY**

2. The February 22 earthquake has caused a significant and unprecedented increase in the level of traffic congestion in Christchurch. The primary factors that are contributing to this increase include; restrictions to traffic movement along some strategic arterials particularly within the Central Business District (CBD), the incapacitation of business activity in the CBD, the closure of schools and large retail centres in eastern areas and the associated migration of business, retail and educational activity to the west.
3. In the first two to three weeks following the earthquake event travel times were three to four times higher for many motor-vehicle journeys, particularly during the morning and evening peak periods. This situation was considered unacceptable both in terms of the level of service to the public and emergency services.
4. Civil Defence responded to the situation by setting up a Strategic Transport Routes team which comprised staff from the Council, New Zealand Transport Authority (NZTA) and the private sector. This team was tasked with the identification and implementation of traffic operational initiatives targeted at improving the level of service along key arterial routes in order to "Get Christchurch Moving".
5. Following extensive field work the team identified approximately 60 measures involving physical changes to the road network. Some of these were contingency measures. Thirty-six measures have been implemented to date. A process involving modifications to a significant number of traffic signal timings to reflect changes in leg volumes and priorities ran in parallel.
6. Now that we have moved beyond the state of emergency, Christchurch City Council, NZTA and Canterbury Earthquake Recovery Authority (CERA) are working together to "Keep Christchurch Moving" during the city recovery and rebuilding period. A monitoring and evaluation process to determine the effectiveness of each measure has recently been completed. This has led to recommendations for the tenure of each measure. Some initiatives have already been removed due to limited effectiveness, safety concerns or being no longer required. Most are operating effectively and are still required while travel patterns remain altered, businesses get back to full productivity and there is high levels of city recovery activities.

**GETTING CHRISTCHURCH MOVING**

7. The response to the elevated levels of traffic congestion has generally been targeted on main arterial roads and therefore focuses on the majority of road users i.e. motorists and heavy vehicles. This is purposeful in that it is considered vital for the recovery of the city to provide the highest possible level of service to move people and freight around the city. These works also benefit public transport in many instances and significant effort has also been made to provide strategic cycle connections where possible, particularly to replace the east/west link severed by the cordoned CBD. In some instances additional capacity has been created at significant intersections by removing kerb-side car parking and/or relocating cycle facilities to the footpath or adjacent routes. It is acknowledged that in some cases that creating a higher level of service for motorists has reduced the level of service to cyclists.

**CONGESTION MANAGEMENT MEASURES**

8. The measures that have, or are in the process of, being implemented to mitigate congestion are, by a large, considered temporary. However, in some instances, the increased congestion is merely a consequence of accelerated growth that would have occurred in a few years time. It is acknowledged that should the city fail to revert to pre-quake travel patterns then more comprehensive and integrated solutions to congestion need to be explored. The thrust of some of the opponents to removing on-road cycle facilities is that these alternative solutions should have been implemented during the emergency response phase. The reality is that measures such as bus-lanes, on-road cycle lanes and high occupancy vehicle lanes are high cost and difficult to implement. Removal and reinstatement of pre-existing street furniture (possibly including street trees) is also high cost. Travel plans and ride share schemes are useful but again they are slow in uptake creating a lag in the realisation of benefits.
9. The operational response which focussed on low cost (paint and signage), easily implemented (and removed) measures provided immediate benefits and this is considered appropriate given the circumstances.

Table 1 shows the complete list of measures investigated with an associated description and current status.

| Project                                      | Description   | Status                     | Duration                                     |
|--|---|----------------------------|--|
| Moorhouse Avenue @ Colombo Street overbridge | Priority repairs involving stabilisation of the overbridge to allow the bridge to re-open to traffic.   | COMPLETE                   | NA   |
| Moorhouse Avenue @ Science Alive             | Priority repairs to the clock tower to allow Moorhouse Ave westbound lanes to re-open.  | COMPLETE                   | NA   |
| Main South Road / Symes Road                 | create merge lane out of Symes Road onto Main South Road to reduce left turn queues.  | NO LONGER WARRANTED        | NA   |
| Fitzgerald Avenue north of Avonside Drive    | Road subsidence and bridge damage repairs interim solution involves 2 lanes contra-flow on the east side of Fitzgerald Avenue.  | COMPLETE                   | Until road repairs are complete              |
| Main North Road / Cranford Street            | Extension of the 2 south bound lanes on Main North Road to improve intersection clearance capacity and reduce left turn queues out of Cranford Street. Shared use path to be installed on eastern footpath.   | COMPLETE                   | Until Pre-quake travel patterns are realised |
| Fitzgerald Avenue @ Avonside Drive           | Road subsidence and bridge damage repairs interim solution involves 2 lanes contra-flow on the east side of Fitzgerald Avenue including and north Avonside Drive/Kilmore Street intersection. (Left turn only in and out of Avonside Drive and Kilmore Street). | COMPLETE                   | Until road repairs are complete              |
| Idris Road / Straven Road / Fendalton Road   | Ban Right Turns on Straven and Idris Road approaches to accommodate 2 through lanes to increase intersection capacity.  | COMPLETE                   | Until Pre-quake travel patterns are realised |
| Main North Road / Northcote Road approach    | Remove parking on Northcote Road west of the intersection to create a kerb side cycle lane and a wide traffic lane for merging.   | COMPLETE                   | Permanent                                    |
| Hills Road / North Avon Road                 | Install no stopping and mark 2 lanes on North Avon Road approach to the intersection.   | COMPLETE                   | Permanent                                    |
| Clarence Street / Whiteleigh Avenue          | Extend 2 traffic lanes on Clarence Street south approach and departure side of the intersection to increase intersection capacity.  | COMPLETE                   | Until Pre-quake travel patterns are realised |
| Aldwins Road @ Linwood Avenue                | Priority building demolition required to optimise efficiency i.e. 2 lanes operational.  | COMPLETE                   | NA   |
| Avonside Drive / Stanmore Road               | Approach repairs on north and south side of Stanmore Road plus signage to encourage redirect of northbound traffic.   | COMPLETE                   | NA   |
| Ferry Road @ Rutherford Street               | Reconfigure lanes with dedicated left, through and right.   | COMPLETE                   | Removed                                      |
| Idris Road / Glandovey Road                  | Flow regulating using stop/go person to improve the efficiency of the roundabout.   | COMPLETE (ceased on 1 May) | Removed                                      |
| Moorhouse Avenue @ Ferry Road                | Increase lane capacity, ban right turns at Lancaster Street.  | NOT PROGRESSED             | NA   |

## 29 Cont'd

| Project   | Description   | Status   | Duration   |
|---|---|--|--|
| Riccarton Road / Clarence Street                      | Extend 2 approach lanes on Clarence Street south of Riccarton Road, prevent right turns into private access-ways and Nelson Street.                               | COMPLETE   | Until Pre-quake travel patterns are realised                     |
| Brougham Street @ Ensors Road                         | Priority repairs- Large slump.  | COMPLETE   | NA   |
| Ferry Road east of Wilsons Road                       | Priority repairs -remove rubble from dairy and open cycle lane.   | NOT PROGRESSSED  | NA   |
| Bridle Path Road @ Port Hills Road                    | Increase corner radii to facilitate heavy vehicles.   | COMPLETE   | To be removed  |
| Tennyson Street / Colombo Street / Strickland Street  | Create 4 lanes by removing kerbside parking.  | NOT PROGRESSSED  | NA   |
| Barrington Street / Milton Street / Frankleigh Street | Create 4 lanes by removing kerbside parking.  | NOT PROGRESSSED  | NA   |
| Barrington Street                                     | 4 laning from Jerrold Street to first intersection and install a flush median from there.   | NOT PROGRESSSED  | NA   |
| Barrington Street (Milton Street to Rose Street)      | flush median.   | NOT PROGRESSSED  | NA   |
| Curletts Road (Main South Road to Blenheim Road)      | Remove flush median and refuge islands to enable a third lane to be installed and operated on a tidal basis (NZTA project).                                       | COMPLETE   | Likely permanent but in a revised form to reduce operation costs |
| Humphreys Drive @ Ferry Road                          | Priority pavement repair to enable re-opening of traffic lane.  | COMPLETE   | NA   |
| Greers Road / Harewood Road                           | Signal phasing changes and changes to lane configuration on the north east Greers Road approach to improve intersection capacity – no stopping on departure side. | COMPLETE   | Permanent  |
| Papanui Road @ Bealey Avenue                          | Dual right turn lanes from Papanui Road into Bealey Avenue.   | COMPLETE   | Removed  |
| Montreal Street (Brougham Street to Moorhouse Avenue) | Priority building repairs to enable opening of this section as soon as possible to relieve Right Turn congestion at Brougham Street.                              | COMPLETE   | NA   |
| Hospital Parking                                      | Remove parking on grass berm enforce 2 hour time limit - to create turnover for visitor parking.  | Ban on parking on grass is permanent; Parking enforcement under review | NA   |
| Barbadoes Street                                      | Priority building repairs to allow opening or partial opening for general traffic to relieve Fitzgerald Avenue congestion.  | COMPLETE   | NA   |
| Hagley Park (within park) shared use lanes            | Priority repairs of shared use lanes in North Hagley Park to improve level of service and connectivity for cyclists.  | IN PROGRESS  | NA   |
| Avonside Drive / Linwood Avenue / Woodham Road        | Priority repairs to intersection to improve levels of service.  | COMPLETE   | NA   |
| Antigua Street (Moorhouse Avenue / St Asaph Street)   | Create 4 lanes by removing kerbside parking.  | NOT PROGRESSSED  | NA   |
| Strickland Street / Milton Street                     | Create 4 lanes by removing kerbside parking.  | NOT PROGRESSSED  | NA   |
| Antigua Street / Tuam Street / Riccarton Avenue       | Priority repairs to Oxford Terrace at ped tunnel investigate possible Bailey Bridge - Oxford Terrace Road repairs. Works completed Oxford Terrace now re-opened.  | COMPLETE   | NA   |
| Riccarton Avenue (Hospital to Deans Avenue)           | Create 4 lanes by removing kerbside parking.  | NOT PROGRESSSED  | NA   |
| Riccarton Road (Deans Avenue to Bartlett Street)      | Lengthen east bound approach lanes to roundabout.   | COMPLETE   | Permanent  |
| Durham Street South @ Brougham Street                 | Change lane configuration to favour changed volume splits, remove parking and install Give-way controls on side roads.  | COMPLETE   | Until one-way street network is re-established                   |
| Prestons Road / Styx Mill Road / Wilsons Road         | Publicise this as an alternative new route.   | NOT PROGRESSSED  | NA   |



| Project   | Description   | Status          | Duration   |
|---|---|-----------------|--|
| Johns Road / Sawyers Arms Road / Harewood Road                  | Publicise this as an alternative new route.   | NOT PROGRESSSED | NA   |
| Moorhouse Avenue / Barbadoes Street                             | Change lane configuration to favour changed volume splits.  | COMPLETE        | Until one-way street network is re-established     |
| Hills Road, southbound approach to North Avon Road              | Signage for southbound traffic to indicate alternative route using Stanmore Road.   | COMPLETE        | Until Pre-quake travel patterns are realised       |
| Science Alive Clock Tower                                       | Cycle routes: shared cycle lane / pedestrian path around barriers.  | COMPLETE        | Until building repairs are complete                |
| Antigua Bridge @ Boat Shed                                      | Cycle routes: Hospital detour.  | COMPLETE        | Until bridge is repaired                           |
| Park Terrace  | Cycle routes: Opening to cyclist.   | COMPLETE        | NA   |
| Bealey Avenue cycle lanes                                       | Cycle routes: remove parking during peak periods 6-9am and 4-6pm and install cycle lanes.   | COMPLETE        | WITHDRAWN  |
| Blenheim Road cycle lanes                                       | Cycle routes: Remove parking & install cycle lanes (NZTA project).  | COMPLETE        | Permanent  |
| Riccarton Road (Matipo Street to Mandeville Street)             | Provide additional bus stop space and install sections of flush median to improve traffic flow along Riccarton Road by assisting right turn function. | COMPLETE        | Permanent  |
| St Asaph Street- Madras Street contra-flow cycle lane           | Provide eastbound contra-flow cycle from Durham Street to High Street.  | IN PROGRESS     | Until alternative east/west cycle links are opened |
| Strowan Road / Glandovey Road / Rossall Street / Heaton Street  | Widen right turn bay on Strowan Road to assist through lane traffic.  | COMPLETE        | Until Pre-quake travel patterns are realised       |
| Durham Street South / Moorhouse Avenue                          | Lane marking changes to increase Left Turn capacity from Durham into Moorhouse.   | COMPLETE        | Until one-way street network is re-established     |
| Riccarton Road / Riccarton Avenue / Deans Avenue                | Cross hatching within intersection to discourage blocking.  | IN PROGRESS     | Trial (being monitored)                            |
| Bealey Avenue/ Carlton Mill Road / Harper Avenue / Park Terrace | Ban Right Turn from Harper Avenue for benefit of Bealey Avenue traffic flows.   | COMPLETE        | Until one-way street network is re-established     |
| Grassmere Street  | Extension of no stopping restriction to allow left turners on Grassmere Street to access intersection.  | COMPLETE        | Permanent  |
| Hills Road @ Dudley Street                                      | Extension of no stopping restriction and relocation of cycle lane to kerbside.  | COMPLETE        | Until site is rebuilt                              |
| Main North Road at Barnes Road intersection                     | Installation of no stopping restrictions.   | COMPLETE        | Permanent  |
| Main South Road (Yaldhurst Rd to Craven Street)                 | Installation of no stopping restrictions.   | COMPLETE        | Permanent  |
| Yaldhurst Road- Curletts to Main South                          | Relocate Bus stop and install no stopping restrictions.   | In progress     | Until Pre-quake travel patterns are realised       |

## MONITORING AND EVALUATION

10. The monitoring and evaluation process for these measures will be ongoing, however to date there is sufficient evidence to draw some conclusions concerning the desired tenure of each change. This is largely based on operational effectiveness and the anticipated timeframes associated with elevated levels of congestion and/or the closure of strategic routes through the Central City. The outcome of this evaluation is a schedule of measures that are considered necessary to retain, and in some cases progress to completion. Of these, some would have otherwise required a decision from a Community Board and/or the Council and this refined list is shown in Table 2. Note that projects on roads controlled by NZTA have been excluded from the Table and will be separately reported to relevant Community Board(s) by NZTA staff.

Table 2: Measures that Require Council Approval

| Project   | Description   | Status      | Duration   |
|---|---|-------------|--|
| Main North Road / Cranford Street                               | Extension of the 2 south bound lanes on Main North Road to improve intersection clearance capacity and reduce left turn queues out of Cranford Street.            | COMPLETE    | Until Pre-quake travel patterns are realised       |
| Idris Road / Straven Road / Fendalton Road                      | Ban Right Turns on Straven and Idris Road approaches to accommodate 2 through lanes to increase intersection capacity.  | COMPLETE    | Until Pre-quake travel patterns are realised       |
| Main North Road / Northcote Road approach                       | Remove parking on Northcote Road west of the intersection to create a kerb side cycle lane and a wide traffic lane for merging.                                   | COMPLETE    | Permanent  |
| Clarence Street / Whiteleigh Avenue                             | Extend 2 traffic lanes on Clarence Street south approach and departure side of the intersection to increase intersection capacity.                                | COMPLETE    | Until Pre-quake travel patterns are realised       |
| Riccarton Road / Clarence Street                                | Extend 2 approach lanes on Clarence Street south of Riccarton Road, prevent right turns into private access-ways and Nelson Street.                               | COMPLETE    | Until Pre-quake travel patterns are realised       |
| Riccarton Road (Deans Avenue to Bartlett Street)                | Lengthen east bound approach lanes to roundabout.   | COMPLETE    | Permanent  |
| Greers Road / Harewood Road                                     | Signal phasing changes and changes to lane configuration on the north east Greers Road approach to improve intersection capacity – no stopping on departure side. | COMPLETE    | Permanent  |
| Durham Street South @ Brougham Street                           | Change lane configuration to favour changed volume splits, remove parking and install Give-way controls on side roads.  | COMPLETE    | Until one-way street network is re-established     |
| Riccarton Road (Matipo Street to Mandeville Street)             | Provide additional bus stop space and install sections of flush median to improve traffic flow along Riccarton Road by assisting right turn function.             | COMPLETE    | Permanent  |
| St Asaph Street- Madras Street contra-flow cycle lane           | Provide eastbound contra-flow cycle from Durham Street to High Street.  | IN PROGRESS | Until alternative east/west cycle links are opened |
| Strowan Road / Glandovey Road / Rossall Street / Heaton Street  | Widen right turn bay on Strowan Road to assist through lane traffic.  | COMPLETE    | Until Pre-quake travel patterns are realised       |
| Grassmere Street  | Extension of no stopping restriction to allow left turners on Grassmere Street to access intersection.  | COMPLETE    | Permanent  |
| Hills Road @ Dudley Street                                      | Extension of no stopping restriction and relocation of cycle lane to kerbside.  | COMPLETE    | Until site is rebuilt                              |
| Main North Road at Barnes Road intersection                     | Installation of no stopping restrictions.   | COMPLETE    | Permanent  |
| Main South Road (Curlletts Rd to Craven Street)                 | Installation of no stopping restrictions.   | COMPLETE    | Permanent  |
| Yaldhurst Road- Curlletts to Main South                         | Relocate Bus stop and install no stopping restrictions.   | In progress | Until Pre-quake travel patterns are realised       |
| Hills Road / North Avon Road                                    | Install no stopping and mark 2 lanes on North Avon Road approach to the intersection.   | COMPLETE    | Permanent  |
| Bealey Avenue/ Carlton Mill Road / Harper Avenue / Park Terrace | Ban Right Turn from Harper Avenue for benefit of Bealey Avenue traffic flows.   | COMPLETE    | Until one-way street network is re-established     |

11. With the exception of the no-stopping restrictions on Grassmere Street and Barnes Road, all measures in Table 2 require formal ratification by Council due to the metropolitan significance of the roads involved.
12. Most of the measures have been implemented at intersections. Additional capacity has been added predominantly by creating additional traffic lanes which in turn increases the capacity of a particular route. The most notable route where changes in travel patterns have seen a substantial increase in congestion comprises Heaton Street – Glandovey Road – Idris Road – Straven Road – Clarence Street – Whiteleigh Avenue.

29 Cont'd

13. Measures to increase capacity and improve intersection efficiency have been implemented at Blenheim/Clarence/Whiteleigh, Clarence/Riccarton/Straven and Glandovey/Heaton/Strowan. Metering of traffic flows using a "Stop/Go" person ceased at the Glandovey/Idris roundabout controlled intersection prior to the May school holidays.
14. Surveys of travel time and travel speed were used to compare the level of service in the period prior to intervention (April 2011) with the period post intervention (May 2011). This provides a reasonably robust basis to determine the effectiveness of a suite of congestion mitigating measures along this route. Metering of traffic flows at the Glandovey/Idris intersection was not occurring during the period of either the before or after surveys.
15. The findings of these surveys are summarised as follows:
  - (a) Average northbound travel time was reduced by 1 minute in the AM and 3 minutes in the PM peak periods.
  - (b) Average southbound travel time was reduced by 13 minutes in the AM and 1 minute in the PM peak periods.
  - (c) Average northbound speeds increased by 4 kph during both the AM and PM peak periods.
  - (d) A significant increase was observed in average speeds in the AM peak in the southbound direction from 16 kph in April to 28 kph in May.
  - (e) Average speeds in the PM peak in the southbound direction in April and May were observed to be similar.
16. The detailed analysis (**Attachment 19**) is attached. The surveys reveal that the measures implemented are significantly improving the level of service along this route.
17. The performance of the other measures at other intersections have not been assessed using travel time of travel speed surveys because they are congestion "hot spots" rather than forming part of a definite route. However regular observations conducted by staff reveal significant improvements to the levels of congestion in the locations where changes have been made.

**MEASURES BY WARD**

18. The measures included in Table 2 which are located within the Fendalton/Waimairi ward are listed in Table 3.

Table 3: Fendalton/Waimairi Ward Measures

| Project  | Description  | Status   | Duration                                     |
|--|--|----------|--|
| Straven Road / Fendalton Road / Idris Road                     | Ban Right Turns on Straven and Idris Road approaches to accommodate 2 through lanes to increase intersection capacity. | COMPLETE | Until Pre-quake travel patterns are realised |
| Glandovey Road / Heaton Street / Rossall Street / Strowan Road | Widen right turn bay on Strowan Road to assist through lane traffic.   | COMPLETE | Until Pre-quake travel patterns are realised |

19. The measures included in Table 2 which are located within the Riccarton/Wigram ward are listed in Table 4.

Table 4: Riccarton/Wigram Ward Measures

| Project   | Description   | Status      | Duration                                     |
|---|---|-------------|--|
| Clarence Street / Whiteleigh Avenue                 | Extend 2 traffic lanes on Clarence Street south approach and departure side of the intersection to increase intersection capacity.                    | COMPLETE    | Until Pre-quake travel patterns are realised |
| Riccarton Road / Clarence Street                    | Extend 2 approach lanes on Clarence Street south of Riccarton Road, prevent right turns into private access-ways and Nelson Street.                   | COMPLETE    | Until Pre-quake travel patterns are realised |
| Riccarton Road (Matipo Street to Mandeville Street) | Provide additional bus stop space and install sections of flush median to improve traffic flow along Riccarton Road by assisting right turn function. | COMPLETE    | Permanent                                    |
| Riccarton Road (Deans Avenue to Bartlett Street)    | Lengthen east bound approach lanes to roundabout.   | COMPLETE    | Permanent                                    |
| Main South Road (Curlletts Rd to Craven Street)     | Installation of no stopping restrictions.   | COMPLETE    | Permanent                                    |
| Yaldhurst Road- Curlletts to Main South             | Relocate Bus stop and install no stopping restrictions.   | In progress | Until Pre-quake travel patterns are realised |

20. The measures included in Table 2 which are located within the Heathcote/Spreydon ward are listed in Table 5.

Table 5: Heathcote/Spreydon Ward Measures

| Project                               | Description  | Status   | Duration                                       |
|---------------------------------------|--|----------|--|
| Durham Street South @ Brougham Street | Change lane configuration to favour changed volume splits, remove parking and install Give-way controls on side roads. | COMPLETE | Until one-way street network is re-established |

21. The measures included in Table 2 which are located within the Shirley/Papanui ward are listed in Table 6.

Table 6: Shirley/Papanui Ward Measures

| Project                                     | Description   | Status   | Duration                                     |
|---|---|----------|--|
| Main North Road / Cranford Street           | Extension of the 2 south bound lanes on Main North Road to improve intersection clearance capacity and reduce left turn queues out of Cranford Street. Shared use path to be installed on eastern footpath. | COMPLETE | Until Pre-quake travel patterns are realised |
| Main North Road / Northcote Road approach   | Remove parking on Northcote Road west of the intersection to create a kerb side cycle lane and a wide traffic lane for merging.   | COMPLETE | Permanent                                    |
| Grassmere Street                            | Extension of no stopping restriction to allow left turners on Grassmere Street to access intersection.  | COMPLETE | Permanent                                    |
| Hills Road @ Dudley Street                  | Extension of no stopping restriction and relocation of cycle lane to kerbside.  | COMPLETE | Until site is rebuilt                        |
| Main North Road at Barnes Road intersection | Installation of no stopping restrictions to improve intersection efficiency.  | COMPLETE | Permanent                                    |
| Greers Road / Harewood Road                 | Signal phasing changes and changes to lane configuration on the north east Greers Road approach to improve intersection capacity – no stopping on departure side.   | COMPLETE | Permanent                                    |
| Hills Road / North Avon Road                | Install no stopping and mark 2 lanes on North Avon Road approach to the intersection.   | COMPLETE | Permanent                                    |

22. The measures included in Table 2 which are located within the Hagley/Ferrymead ward are listed in Table 7.

Table 7: Hagley/Ferrymead Ward Measures

| Project   | Description   | Status      | Duration   |
|---|---|-------------|--|
| St Asaph Street- Madras Street contra-flow cycle lane           | Provide eastbound contra-flow cycle from Durham Street to High Street.        | IN PROGRESS | Until alternative east/west cycle links are opened |
| Bealey Avenue/ Carlton Mill Road / Harper Avenue / Park Terrace | Ban Right Turn from Harper Avenue for benefit of Bealey Avenue traffic flows. | COMPLETE    | Until one-way street network is re-established     |

23. Some of the measures that have been implemented and some that are still being progressed simply involve general maintenance or repairs to reopen road sections and enable levels of service on strategic routes to revert to pre-quake levels. Other measures are considered general operational changes e.g. lane markings and adjustments to signal timings. Collectively these types of changes would generally not require a decision from either a Community Board or the Council.
24. Many of the measures have necessitated removal of kerbside parking, turning bans, relocation/removal/installation of cycle lanes and installation of clearways etc. During the emergency period these measures were approved by Civil Defence through the National Controller. Legislation provided for this (refer Legal Considerations below). Now that the national state of emergency has been lifted the measures require formal ratification by a Community Board or the Council.

#### CONSULTATION

25. The measures that have been implemented and those which are being progressed are considered important in the interests of mitigating significant congestion throughout the city. The national state of emergency necessitated swift action and there was very limited consultation on the majority of the projects. Most initiatives were listed on the Council earthquake website and leaflet drops were conducted for Curletts Road project. Post implementation some negative feedback was received from residents and businesses directly affected by some changes. Some of the initiatives involving a reduction in the level of service for cyclists have received feedback from a small number of cyclists and from the SPOKES organisation. Considering the number of the projects the amount of feedback has been very modest.
26. As mentioned, most of the measures are considered temporary and caveats have been placed on the recommendations to reflect this. The term of each measure will be determined through continual monitoring of traffic volumes. In the interests of expediting the benefits of the reduction in congestion and higher levels of service achieved through the implementation of these works, further consultation is not recommended. Relevant Community Boards have been consulted and their recommendations are included in this report.

#### FINANCIAL IMPLICATIONS

27. The costs associated with these projects were included with the contractors (Fulton-Hogan and City Care) emergency operational costs and are likely to be included in the Council's overall emergency response costs and associated claims.

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

28. As above.

29 Cont'd

**LEGAL CONSIDERATIONS**

29. Civil Defence Emergency Management Act 2002 Section 85, Emergency Powers of Civil Defence Emergency Management Groups, clause (1) (f):
- (1) While a state of emergency is in force in its area, a Civil Defence Emergency Management Group may;
    - (f) Prohibit or regulate land, air, and water traffic within the area or district to the extent necessary to conduct civil defence emergency management.
30. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides the Council with the authority to install parking restrictions by resolution.
31. The Community Boards have delegated authority from the Council to exercise the delegations as set out in the Register of Delegations. The list of delegations for the Community Boards includes the resolution of parking restrictions and traffic control devices.
32. The installation of any signs and/or markings associated with traffic control devices must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

33. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

34. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes-Safety and Community.

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

35. As above.

**ALIGNMENT WITH STRATEGIES**

36. The recommendations align with the Council Strategies including the Road Safety Strategy 2004 and the Metropolitan Transport Statement.

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

37. As above.

**CONSULTATION FULFILMENT**

38. Refer paragraph 12.

29 Cont'd

**STAFF RECOMMENDATIONS**

**FENDALTON/WAIMAIRI COMMUNITY BOARD**

That the Council:

**Note:** The following recommendations and revocations (a - u) will remain in place until pre-quake travel patterns are realised.

**STROWAN ROAD, GLANDOVEY ROAD, ROSSALL STREET AND HEATON STREET INTERSECTION;**

**SEE PLAN TG114501A (Attachment 1)**

**Strowan Road:**

Revoke the following:

- (a) That the existing no stopping restriction at any time on the west side of Strowan Road commencing at its intersection with Glandovey Road and extending in a northerly direction for a distance of 24.5 metres be revoked.
- (b) That the existing no stopping restriction at any time on the west side of Strowan Road commencing at its intersection with Elmwood Road and extending in a southerly direction for a distance of 13.5 metres be revoked.

Approve the following:

- (c) That the stopping of vehicles be prohibited at any time on the west side of Strowan Road commencing at its intersection with Glandovey Road and extending in a northerly direction for a distance of 101 metres.

**Note:** The existing unrestricted parking lane had been removed, and the existing cycle lane had been shifted to run against the kerb.

**IDRIS ROAD, STRAVEN ROAD AND FENDALTON ROAD INTERSECTION;**

**SEE PLAN TG112701A (Attachment 2)**

**Straven Road:**

Revoke the following:

- (d) That the existing no stopping restriction at any time on the west side of Straven Road commencing at its intersection with Fendalton Road and extending in a southerly direction for a distance of 70 metres be revoked.
- (e) That the existing no stopping restriction at any time on the west side of Straven Road commencing at its intersection with Weka Street and extending in a northerly direction for a distance of 129.5 metres be revoked.
- (f) That the existing cycle lane on the west side of Straven Road commencing at a point 25 metres in the southerly direction from its intersection with Fendalton Road and extending in a southerly direction for a distance of 105 metres be revoked.
- (g) That the existing no stopping restriction at any time on the east side of Straven Road commencing at its intersection with Fendalton Road and extending in a southerly direction for a distance of 62.5 metres be revoked.
- (h) That the existing no stopping restriction at any time on the east side of Straven Road commencing at a point 50.5 metres in the southerly direction from its intersection with Royds Road and extending in a southerly direction for a distance of 33.5 metres be revoked.

**29 Cont'd**

- (i) That the existing cycle lane on the east side of Straven Road commencing at its intersection with Fendalton Road and extending in a southerly direction for a distance of 262 metres be revoked.

Approve the following:

- (j) That the stopping of vehicles be prohibited at any time on the west side of Straven Road commencing at its intersection with Fendalton Road and extending in a southerly direction for a distance of 259 metres
- (k) That the stopping of vehicles be prohibited at any time on the east side of Straven Road commencing at its intersection with Fendalton Road and extending in a southerly direction for a distance of 178 metres
- (l) That the stopping of vehicles be prohibited at any time on the east side of Straven Road commencing at its intersection with Royds Road and extending in a southerly direction for a distance of 84 metres
- (m) That the right turn movement from Straven Road into Fendalton Road, on its north bound approach to Fendalton Road be banned

**Idris Road:**

Revoke the following:

- (n) That the existing no stopping restriction at any time on the west side of Idris Road commencing at its intersection with Fendalton Road and extending in a northerly direction for a distance of 62 metres be revoked.
- (o) That the existing no stopping restriction at any time on the east side of Idris Road commencing at its intersection with Fendalton Road and extending in a northerly direction for a distance of 65 metres be revoked.
- (p) That the existing cycle lane on the west side of Idris Road commencing at its intersection with Fendalton Road and extending in a northerly direction for a distance of 42.5 metres be revoked.
- (q) That the existing Bus Stop (outside 5 Idris Road) on the west side of Idris Road located at a distance of 81 metres north from its intersection with Fendalton Road be revoked.

Approve the following:

- (r) That the stopping of vehicles be prohibited at any time on the west side of Idris Road commencing at its intersection with Fendalton Road and extending in a northerly direction for a distance of 180 metres.
- (s) That the stopping of vehicles be prohibited at any time on the east side of Idris Road commencing at its intersection with Fendalton Road and extending in a northerly direction for a distance of 136 metres.
- (t) That a Bus Stop be installed on the west side of Idris Road commencing at a point 130.5 metres north from its intersection with Fendalton Road and extending in a northerly direction for a distance of 14 metres.
- (u) That the right turn movement from Idris Road into Fendalton Road, on its south bound approach to Fendalton Road be banned.



29 Cont'd

**FENDALTON/WAIMAIRI COMMUNITY BOARD RECOMMENDATIONS**

1. That the staff recommendations (a) to (u) be adopted
2. (v) That the road markings be remediated as soon as possible.  
(w) That the Council seek a safety review of key roads/intersections in particular the Idris Road, Straven Road and Fendalton Road intersection.

**FURTHER BOARD CONSIDERATION**

The Board recognises that the temporary traffic congestion measures were an appropriate response to extra ordinary circumstances. The Board further understands that traffic patterns in some parts of the city and its environs will continue to fluctuate. However, staff advice was also received which identified a number of roads/intersections where it was anticipated that pre-quake traffic patterns and volumes are already emerging.

The Board further recommends to Council that it:

- (x) consider reviewing the totality of the temporary measures as soon as possible and no later than six months.

29 Cont'd

**STAFF RECOMMENDATIONS**

**SPREYDON/HEATHCOTE COMMUNITY BOARD**

That the Council:

**Note:** The following recommendations and revocations (v – aa) will remain in place until the one way street network has been re- established.

**DURHAM STREET SOUTH AND BROUGHAM STREET INTERSECTION:  
SEE PLAN TG112501 SJP (Attachment 3)**

Revoke the following parking restrictions:

- (v1) That any existing parking restrictions at any time on the eastern side of Durham Street South commencing from its intersection with Brougham Street and extending in a northerly direction to its intersection with Elgin Street be revoked.
- (w2) That any existing parking restrictions at any time on the western side of Durham Street South commencing from its intersection with Brougham Street and extending in a northerly direction to its intersection with the prolongation of the northern kerb line of Elgin Street be revoked.

Approve the following on Durham Street South Street:

- (x3) That the stopping of vehicles be prohibited at any time on the eastern side of Durham Street South commencing from its intersection with Brougham Street and extending in a northerly direction to its intersection with Elgin Street.
- (y4) That the stopping of vehicles be prohibited at any time on the western side of Durham Street South commencing from its intersection with Brougham Street and extending in a northerly direction to its intersection with the prolongation of the northern kerb line of Elgin Street.

Approve the following on Stanley Street intersection with Durham Street South:

- (z5) That a Give Way Control be placed on Stanley Street at its intersection with Durham Street South.

Approve the following on Elgin Street intersection with Durham Street South

- (aa1) That a Give Way Control be placed on Elgin Street at its intersection with Durham Street South.

**SPREYDON/HEATHCOTE COMMUNITY BOARD RECOMMENDATIONS**

1. That the staff recommendations (v1) to (aa1) be adopted
2. That the Spreydon/Heathcote Community Board congratulates Council and NZTA staff for the way in which they have worked together to ensure that traffic continued moving around the city following the earthquakes.

29 Cont'd

**STAFF RECOMMENDATIONS**

**SHIRLEY/PAPANUI COMMUNITY BOARD**

That the Council:

**MAIN NORTH ROAD/NORTHCOTE ROAD - NO STOPPING RESTRICTION;  
SEE PLAN TG116001 (Attachment 4)**

Revoke the following restrictions on Northcote Road:

- (ab) That all existing parking restrictions on the south side of Northcote Road between its intersection with Lydia Street and its intersection with Main North Road be revoked.
- (ac) That all existing parking restrictions on the north side of Northcote Road between its intersection with Fenchurch Street and its intersection with Main North Road be revoked.
- (ad) That the cycle lane commencing at the intersection of Fenchurch Street and extending in an easterly direction to its intersection with Main North Road be revoked.

Approve the following on Northcote Road:

- (ae) That the stopping of vehicles be prohibited at any time on the south side of Northcote Road commencing at the intersection with Lydia Street and extending in an easterly direction to its intersection with Main North Road.
- (af) That the stopping of vehicles be prohibited at any time on the north side of Northcote Road commencing at the eastern kerbline of its intersection with Fenchurch Street and extending in an easterly direction for a distance of 28.5 metres.
- (ag) That a bus stop box be installed on the north side of Northcote Road commencing at a point 28.5 metres from the eastern kerbline of Fenchurch Street and extending in an easterly direction for a distance of 13 metres.
- (ah) That the stopping of vehicles be prohibited at any time on the north side of Northcote Road commencing at a point 41.5 metres from the eastern kerbline of its intersection with Fenchurch Street and extending in an easterly direction to its intersection with Main North Road.

**MAIN NORTH ROAD/CRANFORD STREET - SHARED PATH;  
SEE PLAN TG112901A (Attachment 5)**

**Note:** The following recommendations and revocations (ai – aj) will remain in place until pre-quake travel patterns are realised.

Revoke the following cycle lanes on Main North Road:

- (ai) That the cycle lane commencing at a point 24 metres from the northern point of the south-eastern island at the Cranford Street intersection and extending in a south-westerly direction to its intersection with Meadow Street be revoked.

Approve the following on Main North Road:

- (aj) That the pathway on the eastern side of Main North Road commencing at the Cranford Street intersection and extending in a south-westerly direction to its intersection with Meadow Street be resolved as a shared pedestrian/cycle pathway.

29 Cont'd

**HILLS ROAD/NORTH AVON ROAD - NO STOPPING RESTRICTION;**  
**SEE PLAN TG116101 (Attachment 6)**

Revoke the following parking restrictions on North Avon Road:

- (ak) That all existing parking restrictions on both sides of North Avon Road between its intersection with Hills Road and extending in an easterly direction for a distance of 20 metres be revoked.

Revoke the following parking restrictions on Hills Road:

- (al) That all existing parking restrictions on the west side of Hills Road between its intersection with Whitmore Street and extending in a northerly direction for a distance of 174 metres be revoked.

Approve the following on North Avon Road:

- (am) That the stopping of vehicles be prohibited at any time on the south side of North Avon Road commencing at the intersection with Hills Road and extending in an easterly direction for a distance of 42 metres.
- (an) That the stopping of vehicles be prohibited at any time on the north side of North Avon Road commencing at the intersection with Hills Road and extending in an easterly direction for a distance of 10 metres.

Approve the following on Hills Road:

- (ao) That the stopping of vehicles be prohibited at any time on the west side of Hills Road commencing at its intersection with Whitmore Street and extending in a northerly direction for a distance of 156 metres.
- (ap) That a bus stop box be installed on the west side of Hills Road commencing at a point 156 metres from the northern kerbline of Whitmore Street and extending in a northerly direction for a distance of 14 metres.
- (aq) That the stopping of vehicles be prohibited at any time on the west side of Hills Road commencing at a point 170 metres from the northern kerbline of Whitmore Street and extending in a northerly direction for a distance of 6 metres.

**HILLS ROAD/DUDLEY STREET - NO STOPPING RESTRICTION;**  
**SEE PLAN TG115401 (Attachment 7)**

**Note:** The following recommendations and revocations (ar - as) will remain in place until the businesses on the site are re-established.

Revoke the following parking restrictions on Hills Road:

- (ar) That all existing parking restrictions on the east side of Hills Road between its intersection with Dudley Street and its intersection with Guild Street be revoked.

Approve the following on Hills Road:

- (as) That the stopping of vehicles be prohibited at any time on the east side of Hills Road commencing at its intersection with Dudley Street and extending in a northerly direction to its intersection with Guild Street.

29 Cont'd

**GRASSMERE STREET - NO STOPPING RESTRICTION;  
SEE PLAN TG115501A (Attachment 8)**

Revoke the following parking restrictions on Grassmere Street:

- (at) That all existing parking restrictions on the south-western side of Grassmere Street between its intersection with Main North Road and extending in a south-easterly direction for a distance of 20 metres be revoked.

Approve the following on Grassmere Street:

- (au) That the stopping of vehicles be prohibited at any time on the south-western side of Grassmere Street commencing at the intersection with Main North Road and extending in a south-easterly direction for a distance of 28.5 metres.

**MAIN NORTH ROAD/BARNES ROAD - NO STOPPING RESTRICTION;  
SEE PLAN TG115601 (Attachment 9)**

Revoke the following parking restrictions:

- (av) That any existing parking restrictions at any time on the western side of Main North Road commencing at the intersection with Barnes Road and extending in a northerly direction for a distance of 30 metres be revoked.

Approve the following on Main North Road:

- (aw) That the stopping of vehicles be prohibited at any time on the western side of Main North Road commencing at the intersection with Barnes Road and extending in a northerly direction for a distance of 30 metres.
- (ax) That the stopping of vehicles be prohibited at any time on the western side of Main North Road commencing at the intersection with Barnes Road and extending in a southerly direction for a distance of 21.5 metres.

Approve the following on Barnes Road:

- (ay) That the stopping of vehicles be prohibited at any time on the southern side of Barnes Road commencing at the intersection with Main North Road and extending in a westerly direction for a distance of 21 metres.
- (az) That the stopping of vehicles be prohibited at any time on the northern side of Barnes Road commencing at the intersection with Main North Road and extending in a westerly direction for a distance of 18.5 metres.

**GREERS ROAD/HAREWOOD ROAD – NO STOPPING RESTRICTION;  
SEE PLAN TG115001 (Attachment 10)**

**Note:** The following recommendations and revocations (ba – bb) will remain in place until pre-quake travel patterns are realised.

Revoke the following parking restrictions:

- (ba) That any existing parking restrictions at any time on the south-eastern side of Greers Road commencing at the intersection with Harewood Road and extending in a south westerly direction for a distance of 45 metres be revoked.

Approve the following on Greers Road:

- (bb) That the stopping of vehicles be prohibited at any time on the south-eastern side of Greers Road commencing at the intersection with Harewood Road and extending in a south westerly direction for a distance of 89 metres.

29 Cont'd

**SHIRLEY/PAPANUI COMMUNITY BOARD RECOMMENDATION**

That the staff recommendations (ab) to (bb) be adopted.

**STAFF RECOMMENDATIONS**

**HAGLEY/FERRYMEAD COMMUNITY BOARD**

That the Council:

**ST ASAPH STREET/MADRAS STREET SHARED PATH;  
SEE PLANS TG114901a (Attachment 11) & TG115701a (Attachment 12)**

**Note:** The following recommendations (bc - bg) remain in place until such a time as alternative east/west cycle routes are available.

Revoke the following parking restrictions on St Asaph Street:

(bc) That the existing parking restrictions commencing at the intersection of Colombo Street and extending in an easterly direction to a point 30 metres west of the Manchester Street intersection be revoked.

Approve the following on St Asaph Street:

(bd) That the pathway on the north side of St Asaph Street commencing at Durham Street South intersection and extending in an easterly direction to its intersection with Ferry Road be resolved as a shared pedestrian/cycle pathway.

(be) That a 1.6 metre wide section of roadway on the northern side of St Asaph Street commencing at the intersection of Colombo Street and extending in an easterly direction to a point 30 metres west of Manchester Street intersection be resolved as a cycle lane in an easterly direction which is contra-flow to the traffic.

Approve the following on Madras Street:

(bf) That the pathway on the eastern side of Madras Street commencing at St Asaph Street intersection and extending in a southerly direction for a distance of 225 metres be resolved as a shared pedestrian/cycle pathway.

Approve the following on Durham Street South:

(bg) That the pathway on the eastern side of Durham Street South commencing at St Asaph Street intersection and extending in a northerly direction for a distance of 51 metres be resolved as a shared pedestrian/cycle pathway.

**BEALEY AVENUE, CARLTON MILL ROAD, PARK TERRACE AND HARPER AVENUE INTERSECTION; SEE PLAN TS103601.DGN (Attachment 13)**

**Note:** The following recommendation / ban will remain in place until the one way street network has been re- established.

(bh) That the right turn movement from Harper Avenue into Park Terrace is banned; until such a time as the one way east west network of Salisbury Street, Kilmore Street, Lichfield Street and St Asaph Street is fully operative.

**HAGLEY/FERRYMEAD COMMUNITY BOARD RECOMMENDATION**

That the staff recommendations (bc) to (bh) be adopted

**STAFF RECOMMENDATIONS**

**RICCARTON/WIGRAM COMMUNITY BOARD**

That the Council:

**MAIN SOUTH ROAD: CRAVEN TO YALDHURST NO STOPPING;  
SEE PLAN TG115901 (Attachment 14)**

- (bi) That the stopping of vehicles be prohibited at any time on the south side of Main South Road commencing at a point 8 metres west of its intersection with Riccarton Road/Yaldhurst Road and extending in a westerly direction for a distance of 50 metres.
- (bj) That the stopping of vehicles be prohibited at any time on the north side of Main South Road commencing at a point 39 metres west of its intersection with Riccarton Road/Yaldhurst Road and extending in a westerly direction for a distance of 49 metres.
- (bk) That the stopping of vehicles be prohibited at any time on the north side of Main South Road commencing at a point 60 metres west of its intersection with Curletts Road and extending in a westerly direction for a distance of 20 metres.
- (bl) That the stopping of vehicles be prohibited at any time on the south side of Main South Road commencing at a point 64 metres west of its intersection with Curletts Road and extending in a westerly direction for a distance of 12 metres.

**RICCARTON ROAD: MATIPO TO MANDEVILLE; SEE PLAN TG114201 (Attachment 15)**

**Note:** The following recommendations and revocations (bm – bu) will remain in place until pre-quake travel patterns are realised.

- (bm) That the bus stop currently located on the north side of Riccarton Road commencing at a point 81 metres west of its intersection with Kauri Street and extending in a westerly direction for a distance of 27 metres be revoked.
- (bn) That the parking of vehicles currently restricted to a maximum period of 60 minutes on the north side of Riccarton Road commencing at a point 45 metres west of its intersection with Straven Road and extending in a westerly direction for a distance of 18 metres be revoked.
- (bo) That the parking of vehicles currently restricted to a maximum period of 60 minutes on the south side of Riccarton Road commencing at a point 38 metres east of its intersection with Clarence Street and extending in a easterly direction for a distance of 36 metres be revoked.
- (bp) That the Stopping of vehicles currently prohibited at any time on the north side of Riccarton Road commencing at its intersection with Straven Road and extending in a westerly direction for a distance of 45 metres be revoked.
- (bq) That the Stopping of vehicles currently prohibited at any time on the south side of Riccarton Road commencing at its intersection with Clarence Street and extending in an easterly direction for a distance of 38 metres be revoked.
- (br) That the Stopping of vehicles be prohibited at any time on the north side of Riccarton Road commencing at its intersection with Straven Road and extending in a westerly direction for a distance of 63 metres.
- (bs) That the Stopping of vehicles be prohibited at any time on the south side of Riccarton Road commencing at its intersection with Clarence Street and extending in an easterly direction for a distance of 112 metres.
- (bt) That the right turn movement from Nelson Street into Clarence Street be banned.
- (bu) That the right turn movement from Clarence Street into Nelson Street on the southern approach to Nelson Street be banned.

29 Cont'd

- (bv) That a bus stop be installed on the north side of Riccarton Road commencing at a point 39 metres west of its intersection with Kauri Street and extending in a westerly direction for a distance of 69 metres.

**CLARENCE STREET & STRAVEN ROAD: BLENHEIM ROAD TO BRADSHAW TERRACE;  
SEE PLAN TG113901 (Attachment 16)**

**Note:** The following recommendations and revocations (bw – cd) will remain in place until Pre-quake travel patterns are realised.

- (bw) That the special vehicle lane dedicated to cyclists only currently located on the west side of Clarence Street commencing at its intersection with Blenheim Road and extending in a northerly direction to Lyndon Street be revoked.
- (bx) That the special vehicle lane dedicated to cyclists only currently located on the east side of Clarence Street commencing at a point 13 metres south of its intersection with Riccarton Road and extending in a southerly direction for a distance of 166 metres be revoked.
- (by) That the special vehicle lane dedicated to cyclists only currently located on the west side of Clarence Street commencing at a point 74 metres south of its intersection with Riccarton Road and extending in a southerly direction for a distance of 106 metres be revoked.
- (bz) That the special vehicle lane dedicated to cyclists only currently located on the west side of Clarence Street commencing at its intersection with Lyndon Street and extending in a northerly direction for a distance of 46 metres be revoked.
- (ca) That the special vehicle lane dedicated to cyclists only currently located on the west side of Straven Road commencing at its intersection with Riccarton Road and extending in a northerly direction for a distance of 64 metres be revoked.
- (cb) That the stopping of vehicles currently prohibited at any time on the west side of Clarence Street commencing at its intersection with Lyndon Street and extending in a northerly direction for a distance of 10 metres be revoked.
- (cd) That the stopping of vehicles be prohibited at any time on the west side of Clarence Street commencing at its intersection with Lyndon Street and extending in a northerly direction for a distance of 46 metres.

**RICCARTON ROAD: DEANS AVENUE TO BARTLETT STREET;  
SEE PLAN TG116401 (Attachment 17)**

**Note:** The following recommendations and revocations (ce – bu) will remain in place until Pre-quake travel patterns are realised.

- (ce) That the parking of vehicles currently restricted to a maximum period of 60 minutes on the north side of Riccarton Road commencing at a point 9 metres west of its intersection with Darvel Street and extending in a westerly direction for a distance of 17 metres be revoked.
- (cf) That the parking of vehicles currently restricted to a maximum period of 60 minutes on the north side of Riccarton Road commencing at a point 43 metres east of its intersection with Darvel Street and extending in a easterly direction for a distance of 18 metres be revoked.
- (cg) That the Stopping of vehicles currently prohibited at any time on the north side of Riccarton Road commencing at its intersection with Lyndon Street and extending in a westerly direction for a distance of 9 metres be revoked.
- (ch) That the stopping of vehicles be prohibited at any time on the north side of Riccarton Road commencing at its intersection with Lyndon Street and extending in a westerly direction for a distance of 26 metres.



29 Cont'd

- (ci) That the Stopping of vehicles be prohibited at any time on the north side of Riccarton Road commencing at a point 43 metres east of its intersection with Lyndon Street and extending in a easterly direction for a distance of 18 metres.

**YALDHURST ROAD: CURLETTS ROAD TO MAIN SOUTH ROAD;  
SEE PLAN TG116301 (Attachment 18)**

- (cj) That all parking restrictions on the south side of Yaldhurst Road between Main South Road and Curletts Road be revoked.
- (ck) That a bus stop be installed on the south side of Yaldhurst Road commencing at a point 173 metres west of its intersection with Curletts Road and extending in an easterly direction for a distance of 14 metres.
- (cl) That the Stopping of vehicles be prohibited at any time on the south side of Yaldhurst Road commencing at its intersection with Curletts Road and extending in an easterly direction for a distance of 173 metres.
- (cm) That the Stopping of vehicles be prohibited at any time on the south side of Yaldhurst Road commencing at a point 187 metres east of its intersection with Curletts Road and extending in an easterly direction for a distance of 111 metres.

**RICCARTON/WIGRAM COMMUNITY BOARD RECOMMENDATION**

1. That staff recommendations (bi) to (bl) be adopted.
2. That staff recommendations (bm) to (bv) be adopted.

*(Helen Broughton and Jimmy Chen requested that their vote against the above resolution be recorded).*

3. That staff recommendations (bw) to (cd) be adopted.

*(Helen Broughton requested that her abstention on the voting on the above resolution be recorded).*

4. That staff recommendations (cc) to (ci) be adopted.

*(Helen Broughton requested that her abstention on the voting on the above resolution be recorded).*

5. That staff recommendations (cj) to (cm) be adopted.

*(Helen Broughton requested that her abstention on the voting on the above resolution be recorded).*

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30. CHRISTCHURCH EARTHQUAKE MAYORAL RELIEF FUND: TRANSFER OF FUNDS AND AUCKLAND COUNCIL DONATION

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | General Manager Regulation & Democracy Services , DDI 941-8462 |
| <b>Officer responsible:</b>         | Democracy Services Manager                                     |
| <b>Author:</b>                      | Lisa Goodman   |

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) request the Council to note the transfer of funds totalling \$370,366.17 to the Christchurch Earthquake Mayoral Relief Fund ("the Mayoral Earthquake Relief Fund") from that Fund to the Mayor's Welfare Fund, to better reflect the basis on which these monies were given by the donors of those funds, and
  - (b) request the Council to note a significant donation of \$1.5 million from the Auckland Council to the Mayoral Earthquake Relief Fund, which has been provided on the conditional basis of it being used for the funding of parks and recreation projects as set out in this report, and to approve a grant from the Mayoral Earthquake Relief Fund of that sum to the Christchurch City Council to fund those projects.

**EXECUTIVE SUMMARY**

2. The purpose of the Mayoral Earthquake Relief Fund as adopted by the Council on 12 May 2011 is set out in paragraph 6 below. As trustee for the Fund, the Council is bound to apply the monies only for the purposes specified in the Council resolution of 12 May 2011.
3. Following the 22 February 2011 earthquake the sum of \$370,366.17 was cumulatively received by the Council from a number of donors on the basis that it be applied to a range of welfare purposes specified by the individual donors (e.g. "assistance for those suffering", "family with children who have suffered significant loss", "food" etc). As noted under the Legal Implications heading below, the Mayoral Earthquake Relief Fund's purposes do not include welfare purposes. These donations should therefore not be received by the Mayoral Earthquake Relief Fund and should more correctly be received by the Mayor's Welfare Fund. A Council resolution is required to effect this transfer.
4. A donation of \$1.5 million has also been made to the Mayoral Earthquake Relief Fund by the Auckland Council, on the conditional basis that the funding be used specifically for the purpose of repairs to a number of parks and recreation areas affected by the earthquakes (see paragraph 20 below). While this funding has essentially been "tagged" for a specific purpose and cannot therefore be used for any other, the Council still needs to formally resolve to approve the allocation of the funding.

**FINANCIAL IMPLICATIONS**

5. As at 1 July 2011 there was a total of \$4,895,818 in uncommitted funds in the Mayoral Earthquake Relief Fund, including the donation from Auckland Council. Acceptance of this report's recommendations means that the balance will reduce to \$3,025,452. (Grants approved by the Council to date are outlined in **Attachment 1**).

LEGAL CONSIDERATIONS

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

6. At the Council meeting of 12 May 2011 it was resolved:
- ...(b) That the Christchurch Earthquake Mayoral Relief Fund was established, and will continue to be maintained, by the Council as a "public fund" (as described in section LD 3(2)(d) of the Income Tax Act 2007) exclusively for the purpose of providing money for any one or more charitable, benevolent, philanthropic or cultural purposes related to and in particular to provide relief to the people of Christchurch from the adverse effects of the 4 September 2010 and 22 February 2011 earthquakes, and associated aftershocks, by providing money for the any activity or work required as a result of those events that:*
- (i) contributes to the rebuilding of the social and physical infrastructure of Christchurch, and*
  - (ii) assists in:*
    - remedying hardship suffered by individuals, groups, community organisations and businesses, and/or*
    - protecting, repairing damage to or enhancing the physical fabric of the city.*
7. The Mayoral Earthquake Relief Fund essentially operates as a trust with the Council acting as the trustee. As trustee, the Council is bound to apply the monies only for the purposes specified in the Council resolution above.
8. In terms of the activities that can be funded by the Mayoral Earthquake Relief Fund, the first requirement is that any grant be used to contribute to the rebuilding of the social and physical infrastructure of Christchurch. The Oxford Dictionary defines the word "infrastructure" generally as "the foundation or basic structure of an undertaking", and specifically as "the installations and services (power stations, sewers, roads, housing etc) regarded as the economic foundation of a country". The word "infrastructure" therefore implies the undertaking of physical works.
9. However, paragraph (b)(i) of the resolution refers to "...any activity or work required as a result of those events that...**(i) contributes** to the rebuilding of the social and physical infrastructure of Christchurch..." It is therefore not necessary that the Mayoral Earthquake Relief Fund's monies be applied solely to rebuilding actual physical infrastructure, but it is necessary that the monies be applied to any work or activity that **contributes** to such rebuilding. Therefore, whilst the focus of the Mayoral Earthquake Relief Fund is the rebuilding of the social and physical infrastructure ("bricks and mortar"), it can also be used for any activity which **contributes** to that outcome.
10. In addition, any grant from the Mayoral Earthquake Relief Fund must also assist in either remedying hardship or protecting, repairing ... or enhancing the physical fabric of the city.
11. As noted above, the Mayoral Earthquake Relief Fund's purposes do not include welfare purposes. As the donors of the cumulative sum of \$370,366.17 have requested that their donations be applied to welfare purposes, this sum should therefore not be received by the Mayoral Earthquake Relief Fund and should more correctly be received by the Mayor's Welfare Fund.
12. Whilst the purposes of the Mayoral Earthquake Relief Fund could be altered to include welfare purposes, given the existence of the Mayor's Welfare Fund that is not considered necessary. In addition the process to alter the purposes of the Mayoral Earthquake Relief Fund would cause delay in that the approval of the Inland Revenue Department and a further report to the Council would be required.

**30 Cont'd**

13. The sum of \$370366.17 could be transferred to either the Mayor's Welfare Fund or the Red Cross. It is considered that transferring the amount to the Mayor's Welfare Fund more closely accords with the wishes of the donors as it is a Fund administered by the Council, as is the case with the Mayoral Earthquake Relief Fund.
14. As the purposes specified by the donor accord with the purposes of the Mayoral Earthquake Relief Fund there are no specific legal implications arising from the donation from the Auckland Council; other than to note that as the donation has been provided on a conditional basis it must therefore be used exclusively for that purpose.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

15. Not applicable.

**ALIGNMENT WITH STRATEGIES**

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

16. Not applicable.

**CONSULTATION FULFILMENT**

17. Discussions with staff from the Auckland Council and the Chair of the Mayor's Welfare Fund have taken place before finalising this report's recommendations.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Note the transfer of \$370,366.17 tagged for purposes outside of the terms of the Christchurch Earthquake Mayoral Relief Fund to the Mayor's Welfare Fund to assist with remedying hardship suffered by individuals and/or families domiciled in Christchurch from the adverse effects of the 4 September 2010 and 22 February 2011 earthquakes and associated aftershocks, in accordance with the wishes of the donors of those funds.
- (b) Note that the Auckland Council has made a donation to the Christchurch Earthquake Mayoral Relief Fund of \$1.5 million on the conditional basis that it be used for the funding of specific parks and recreation projects as set out in paragraph 20 of this report
- (c) Approve a grant of \$1.5 million from the Christchurch Earthquake Mayoral Relief Fund to the Christchurch City Council for the purpose of funding the specific parks and recreation projects as set out in paragraph 20 of this report.

**MAYORAL RECOMMENDATION**

That the staff recommendation be adopted.

**BACKGROUND (THE ISSUES)****Proposed Transfer of Funds to Mayors' Welfare Fund**

18. Following the 22 February 2011 earthquake the sum of \$370,366.17 was cumulatively received by the Council from a large number of donors on the basis that it be applied to a range of welfare purposes specified by the individual donors (e.g. "assistance for those suffering", "family with children who have suffered significant loss", "food" etc). As noted under the Legal Implications heading above, the Mayoral Earthquake Relief Fund's purposes do not include welfare purposes. These donations should therefore not be received by the Mayoral Earthquake Relief Fund and should more correctly be received by the Mayor's Welfare Fund. A Council resolution is required to effect this transfer.
19. The Mayor's Welfare Fund is considered to be the appropriate recipient of the \$370,366.17 because its purpose is to provide relief to those residents of and visitors to Christchurch suffering hardship or distress. The Fund works with social service agencies in the city and provides assistance where real need can be shown. The Fund has an administrative structure for disbursing funds already in place, including a committee chaired by Councillor Helen Broughton and also comprising a representative from each of the following agencies: Age Concern, Work and Income NZ, City Mission, Methodist Mission, Pasifika Education and Employment Training, and Prisoners' Aid Service NZ.
20. Different categories of assistance currently apply for funds disbursed through the Mayor's Welfare Fund, e.g. assistance with electricity, rent arrears, bond shortfalls, firewood and emergency dental or medical issues. It is proposed that the funds transferred from the Mayoral Earthquake Relief Fund be kept distinct from any other funds that the Mayor's Welfare Fund Committee administers; that they be tagged specifically for the purpose of hardship suffered by individuals and/or families from the adverse effects of the 4 September 2010 and 22 February 2011 earthquakes and associated aftershocks. Given the membership of the Mayor's Welfare Fund Committee, i.e. a cross section of social agencies, the Committee could consider which areas of welfare need related to the earthquakes are not met by any other fund, for example meeting tenancy and bond requirements if needing to move to rental accommodation while a home is being repaired or rebuilt, or contributing to high winter electricity costs for those residents not covered by Red Cross grants. It is proposed that the Committee also report quarterly to the Council on the allocation of these funds; specifically the purpose to which they have been allocated.

**Donation from Auckland Council for Repairs to Parks and Recreation Areas**

21. The Auckland Council has made a donation of \$1.5 million to the Christchurch Earthquake Mayoral Relief Fund, tagged for the parks and recreation area. These funds have been donated provided that they go towards priority projects for the residents of Christchurch, including:
- \$200,000 **Rugby World Cup Fan Zone and Christchurch Events Village in Hagley Park** – contributing to the infrastructure required to provide the Rugby World Cup Fan Zone and an events village for displaced performing arts and events activity to take place in Christchurch.
  - \$200,000 **Scarborough to Sumner Beach restoration** - the restoration of the coastal strip of parks starting at Scarborough Beach and extending along the coast to Sumner Surf Club.
  - \$400,000 **Playground Safety Surface renewals** – replacing surfaces damaged with liquefaction
  - \$100,000 **Mature Tree Replacements** - replanting of trees at Hagley Park and South New Brighton Domain where a significant number of mature trees have been damaged by the earthquake and have had to be removed
  - \$400,000 **Eastern Suburbs park** repairs
  - \$200,000 **Port Hills restoration** including rock fencing and planting

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**30 Cont'd**

22. These projects above have been identified as they are projects that would benefit a wide range of Christchurch residents, are not funded by insurance, are in areas that are feasible for short term repair, and do not have other allocated funds for repair.
23. More detail on each of these projects will be provided to elected members and the community as planning for their development/implementation gets underway.

28. 7. 2011

31. INFRASTRUCTURE REBUILD MONTHLY REPORT

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| <b>General Manager responsible:</b> | General Manager Capital Programme |
| <b>Author:</b>                      | 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 first 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:

- (a) Receives the Infrastructure Rebuild Monthly Report for July 2011.

**32. EVENTS AND FESTIVALS FUNDING ALLOCATION 2011-12**

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | General Manager Public Affairs, DDI 941-7353 |
| <b>Officer responsible:</b>         | Marketing Unit Manager                       |
| <b>Author:</b>                      | Lee-Mor Reichman, Events Development Adviser |

**PURPOSE OF REPORT**

1. To seek the Council’s approval to roll over the 2010-11 event funding portfolio for the 2011-12 financial year due to the impact of the 22 February earthquake.

**EXECUTIVE SUMMARY**

2. Applications to the Events & Festivals Fund are normally received by a 20 March deadline each year. The 22 February earthquake disrupted this process and organisers were not in a position to apply by this date.
3. The 2010-11 funding round included 10 events contracted for three years of funding, with 2011-12 being the second year of these contracts therefore a legal obligation exists to honour these. Please see **Attachment 1** for details.
4. The remaining nine events making up the rest of the annual events portfolio were only funded for the 2010-11 financial year. Please see **Attachment 2** for details.
5. The event requests are in line with the budget provided for Events and Festivals fund within the 2011-12 Annual Plan with no funding available to cover new/additional events. To provide certainty to these currently funded event organisers and ensure delivery of a full events programme for Christchurch in 2011-12 it is recommended that funding for these nine events (**Attachment 2**) continues for the 2011-12 financial year. Organisers have advised us that they can continue these events despite the earthquake.

**FINANCIAL IMPLICATIONS**

6. The event requests are in line with the budget provided for in the Events and Festivals Fund within the 2011/12 Annual Plan.

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

7. Yes.

**LEGAL CONSIDERATIONS**

8. 10 events are in their second year of three year funding contracts (**Attachment 1**).

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

9. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. Events funding aligns with the following Community outcomes:
  - A safe city
  - A city of inclusive and diverse communities
  - A prosperous city
  - A healthy city
  - A city for recreation, fun and creativity
  - An attractive and well designed city

There are also KPIs in the Events and Festivals Activity Management Plan.



**32 Cont'd**

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

11. Yes.

**ALIGNMENT WITH STRATEGIES**

12. Events Strategy, Visitor Strategy.

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

13. Yes.

**CONSULTATION FULFILMENT**

14. No consultation was required.

**STAFF RECOMMENDATION**

It is recommended that the Council:

(a) Approve a roll over of the 2010-11 event funding portfolio for the 2011-12 financial year.

### 33. PROPOSED AMENDMENT TO ALCOHOL RESTRICTIONS IN PUBLIC PLACES (OKAINS BAY) BYLAW

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | Acting General Manager, Programme Manager Strong Communities, 0274 723 269 |
| <b>Officer responsible:</b>         | Programme Manager Strong Communities                                       |
| <b>Authors:</b>                     | Siobhan Storey, Senior Policy Analyst and Vivienne Wilson, Solicitor       |

#### PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to adopt for public consultation the proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment (Okains Bay) Bylaw 2011 (**Attachment 4**). This will amend the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the 2009 Bylaw). This report contains an analysis under section 155 (**Attachment 1**) of the Local Government Act 2002 (the LGA 02). It also contains a Statement of Proposal (**Attachment 2**) (including the proposed Bylaw) and Summary of Information (**Attachment 3**) (as required by sections 83 and 85 of the LGA 02).

#### EXECUTIVE SUMMARY

2. The Council, at its meeting on 23 June 2011, resolved to:
  - (b) *Ask staff to prepare a separate section 155 analysis, statement of proposal and summary of information for the Okains Bay area, and report to the Council before the end of July 2011 to enable the Council to determine whether to commence the special consultative procedure.*
3. The Council considered preliminary advice on a possible alcohol ban in the Okains Bay area (and other areas) on 26 May 2011. The Council resolved to approve staff undertaking an analysis of possible amendments to the 2009 Bylaw for Okains Bay (and other areas) under section 155 of the LGA 02.
4. The Police, through the officer in charge in Akaroa, have indicated support for a permanent ban on New Year's Eve in Okains Bay although they have been unable to provide details of offences that may have occurred in the 2009/10 New Year's Eve period (or other New Year's Eve periods), except for two domestic disturbances in the camping ground – which is not a public place (as defined by the LGA02).
5. The Police view is that the temporary ban on New Year's Eve that was put in place for 2010/2011 worked extremely well – families enjoyed Okains Bay and were able to celebrate without alcohol-associated problems. The ban was easy to police as extra officers were rostered on for New Year's Eve at Akaroa.
6. Staff have undertaken an analysis under section 155 analysis of the LGA 02 and have consulted with the Chair of the Akaroa/Waiwera Community Board, the New Zealand Police and Mahaanui Kurataiao. The details of the section 155 analysis (**Attachment 1**) are attached to this report. Section 155 of the LGA 02 requires local authorities to determine that the proposed Bylaw:
  - (a) is the most appropriate way of addressing the perceived problems
  - (b) is in an appropriate form
  - (c) is not inconsistent with the New Zealand Bill of Rights Act 1990.
7. The analysis indicates that there is a perceived problem that would support the introduction of a Permanent Alcohol Ban in the Okains Bay beach and reserve area on New Year's Eve each year. The purpose of the ban is to prevent disorderly and anti-social behaviour arising from the consumption of alcohol.
8. This report recommends that a Permanent Alcohol Ban apply in the Okains Bay beach and reserve area to apply from 5.00 pm on 31 December until 7.00 am on 1 January each year. In accordance with section 156 of the LGA 02, a Special Consultative Procedure will be required to amend the 2009 Bylaw. If the proposed amendment is adopted, the Permanent Alcohol Ban will take effect from New Year's Eve 2011/12 onwards.

33 Cont'd

**FINANCIAL IMPLICATIONS**

9. Financial provision will be required for public notices and display advertisements as well as appropriate signage. The costs of enforcement rest with the Police under powers in the LGA 02.
10. The cost of public notices and other publicity for a Special Consultative Procedure is estimated to be in the order of \$5000. The costs of the publicity and general communications related to the proposed amendment to the 2009 Bylaw can be funded through the existing City and Community Long-term Planning and Policy Activity budget for 2011/12.
11. Due to an oversight, a capital budget for alcohol ban signs was not provided for in the Annual Plan. Consequently all costs associated with alcohol ban signage in Okains Bay are unbudgeted.

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

12. See above.

**LEGAL CONSIDERATIONS**

13. Under section 145 of the LGA 02, the Council may make bylaws for one or more of the following purposes:
  - (a) protecting the public from nuisance
  - (b) protecting, promoting and maintaining public health and safety
  - (c) minimising the potential for offensive behaviour in public places.
14. In addition, section 147 of the LGA 02 provides that the Council may make a bylaw for liquor control purposes. Section 147 essentially allows a council to make a bylaw prohibiting or otherwise regulating or controlling the consumption, possession and carriage of alcohol in public places, including in vehicles in public places. "Public places" in section 147 is confined to land that is under the control of the Council and open to the public, and includes any road, even if it is not under the control of the Council. It should be noted that the term "road" is capable of a reasonably wide interpretation.
15. The bylaw-making power in section 147 also explicitly exempts the transport of unopened bottles or containers of alcohol to or from licensed premises or private residences in an area covered by a bylaw made for liquor control purposes.
16. The Police are empowered by the Act to enforce the provisions of a bylaw made for liquor control purposes. This is different from all other bylaws, where enforcement is undertaken by warranted Council officers. Section 169 of the Act gives the Police powers of arrest, search and seizure in relation to enforcing liquor ban bylaws. Section 170 sets out the conditions applicable to the power of search in section 169.
17. The process for making, amending or revoking bylaws under the LGA 02 is outlined in sections 83, 86, 155 and 156 of the Act. Section 155 requires local authorities to determine that any proposed Bylaw:
  - (a) is the most appropriate way of addressing the perceived problems
  - (b) is in an appropriate form
  - (c) is not inconsistent with the New Zealand Bill of Rights Act 1990.
18. Section 156 of the LGA 02 requires the Council to use the special consultative procedure when amending a bylaw.

33 Cont'd

19. In addition to the statutory requirements, the law generally requires that any bylaw must be *intra vires* (in other words within the statutory powers that authorise the bylaw), certain, not repugnant to the general laws of New Zealand, and reasonable. There is a considerable body of case law on what constitutes reasonableness in the bylaw context. The Courts have noted that in ascertaining the reasonableness or unreasonableness of a bylaw, they will look to the surrounding facts, including the nature and condition of the locality in which it is to take effect, the problem it seeks to solve or proposes to remedy and whether public or private rights are unnecessarily or unjustly invaded.
20. For current purposes, in order to add a new Permanent Alcohol Ban Area the Council must amend the 2009 Bylaw. This is because the 2009 Bylaw sets out the Permanent Alcohol Ban Areas in the Schedule of the Bylaw.
21. The purpose of the 2009 Bylaw is to control anticipated or potential negative alcohol-related behaviour in any defined areas. Under clause 6 of the 2009 Bylaw, in Permanent or Temporary Alcohol Ban Areas, no person may:
  - (a) consume alcohol in a public place; or
  - (b) consume alcohol in a vehicle in a public place; or
  - (c) bring alcohol into a public place, whether in a vehicle or not; or
  - (d) possess alcohol in a public place, whether in a vehicle or not.
22. The 2009 Bylaw currently provides that certain areas of the city are "Permanent Alcohol Ban Areas", which are:
  - Central City
  - Hagley Park and Environs
  - South Colombo
  - New Brighton Mall, Marine Parade and Environs
  - Northlands Mall Surrounds
  - Sumner Esplanade
  - Jellie Park
  - Akaroa
  - Spencer Park
23. The location and the times that the Permanent Alcohol Ban Areas apply are set out in the Schedule to the 2009 Bylaw. Therefore, the Council would need to use the special consultative procedure in making any changes to these areas or times, in accordance with section 156 of the LGA 02.
24. This report also covers matters relating to section 77 of the LGA 02, which relates to decision-making and requires local authorities to identify all practical options and to assess the options in relation to their costs and benefits, community outcomes, and the impact on the council's capacity.

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

25. Yes – as above. The section 155 analysis is provided in a separate document to this report. Analysis has been undertaken on Okains Bay beach and reserve area.
26. In 2008, the Council undertook a detailed section 155 analysis of the high-level issues relating to whether or not the Council should make the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009. It is not appropriate to re-litigate those high-level issues again, given that the Council subsequently undertook the special consultative procedure and made the 2009 Bylaw.
27. The section 155 analysis for the proposed Amendment Bylaw is carried out by answering the following questions for each of the current or proposed Permanent Alcohol Ban Areas:

33 Cont'd

1. What is the perceived problem in the "Area"?
    - (a) Define the problem
    - (b) Define the Area
    - (c) What are the related crime statistics for the Area?
    - (d) Is there any Council 'Request for Service' (RFS) data?
    - (e) Summary of problem
  2. Is adding this Area to the Schedule of Permanent Alcohol Areas the most appropriate way of addressing the problem?
  3. Is the description of the Area and the times, days, or dates, during which the alcohol restrictions apply the most appropriate form?
  4. Are there any New Zealand Bill of Rights Act 1990 implications?
28. The draft Amendment Bylaw has been reviewed for vires, certainty, repugnancy, and reasonableness.
29. Consideration has also been given to whether or not "public places" as defined in section 147 includes the beach area. As mentioned above, "public places " in section 147 is confined to land that is under the control of the Council and open to the public. It also includes "road" whether or not the road is under the control of the Council. The beach area in Okains Bay is part of the marine and coastal area as defined in the Marine and Coastal Area (Takutai Moana) Act 2011. The marine and coastal area is not capable of being owned by any person, including the Crown. However, it appears that the beach area is capable of coming within the definition of "road". The term "road" has a wide definition and can include the beach. (See the definition of road in the Land Transport Act 1998 which includes a beach.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

30. An amendment to the bylaw could be considered to broadly align to the following Level of Service in the Strengthening Communities Activity Management Plan, 2.2.3.1. *Maintain Safe City Accreditation every 15 years.*

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

31. Yes – as above.

**ALIGNMENT WITH STRATEGIES**

32. 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?**

33. Yes – as above.

**CONSULTATION FULFILMENT**

34. Due to time constraints, only limited consultation with the New Zealand Police, the Akaroa/Waiwera Community Board and Mahaanui Kurataiao has been undertaken prior to the preparation of this report. All parties support the ban.
35. If the Council decides to seek an amendment to the Bylaw, a Special Consultative Procedure will be undertaken in accordance with the LGA 02. Any member of the public can make a submission and would have the opportunity to be heard before a hearing panel. Stakeholders such as residents of Okains Bay, the Police, the Akaroa/Waiwera Community Board and MKT will be notified of the proposed Amendment Bylaw.

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**STAFF RECOMMENDATION**

It is recommended that the Council, in relation to the proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment (Okains Bay) Bylaw 2011:

- (a) Determines that there is sufficient evidence to support proposing a Permanent Alcohol Ban Area in the Okains Bay beach and reserve and commencing a special consultative procedure (as outlined below);
- (b) Resolves that the proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2011 meets the requirements of section 155 of the Local Government Act 2002, in that:
  - (i) the Council determines an amendment to the bylaw is the most appropriate way of addressing the perceived problem; and
  - (ii) the Council determines the proposed amendment to the bylaw is the most appropriate form of bylaw; and
  - (iii) the Council determines the proposed amendment to the bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990 but that the proposed amendment to the bylaw is not inconsistent with that Act;
- (c) Resolves that the Statement of Proposal (**Attachment 2**) (which includes the proposed Bylaw) and Summary of Information (**Attachment 3**) be adopted for consultation;
- (d) Resolves that public notice of the consultation be given in The Press and Christchurch Star newspapers and on the Council's website at the start of the consultation period, and that public notice of the proposal be given in community newspapers distributed in the Christchurch City Territorial Authority area, particularly in Banks Peninsula, as close as possible to the start of the consultation period;
- (e) Resolves that the consultation documents be made available for public inspection at Council Service Centres, Council Libraries and on the Council's website during the consultation period.
- (f) Resolves that the consultation period be between 9 August 2011 and 12 September 2011; and
- (g) Resolves that a hearings panel be appointed to hear submissions on 23 September 2011, deliberate on those submissions and to report back to the Council on the final form of the Bylaw in October 2011.

**BACKGROUND (THE ISSUES)**

36. The Council considered preliminary advice on a possible alcohol ban in the Okains Bay area (and other areas) on 26 May 2011. The Council resolved to approve staff undertaking an analysis of possible amendments to the 2009 Bylaw for Okains Bay (and other areas) under section 155 of the LGA 02.
37. At the Council meeting of 23 June 2011 staff recommended adopting a section 155 analysis that concluded there was insufficient evidence for an amendment to the Bylaw with respect to Okains Bay. The Council decided not to adopt this section 155 analysis. Instead the Council resolved to:
  - (b) *Ask staff to prepare a separate section 155 analysis, statement of proposal and summary of information for the Okains Bay area, and report to the Council before the end of July 2011 to enable the Council to determine whether to commence the special consultative procedure.*
38. A further section 155 analysis has now been undertaken (refer to **Attachment 1**).
39. A Temporary Alcohol Ban was introduced for New Year's Eve 2010/11 for the Okains Bay area due to considerable disorder on a previous occasion (see attached map). The major incident was in the 2009/10 New Year's Eve period when a group of young people advertised a "Cave" party at Okains Bay on the beach area. On this occasion Police advised that some problems were caused with drinking on the beach and some disorder that spilled over into the adjacent camping ground. The latter is privately operated and is not a public place under the control of the Council, hence no alcohol ban could be placed on that area.
40. The Police, through the officer in charge in Akaroa, have indicated support for a permanent ban on New Year's Eve in Okains Bay, although they have been unable to provide details of offences that may have occurred in the 2009/10 New Year's Eve period, except for two domestic disturbances in the camping ground – which is not a public place, as noted above.
41. Their view is that the temporary ban on New Year's Eve that was put in place for 2010/2011 worked extremely well. It has been reported that there was a considerable decline in incidents of disorder on New Year's Eve 2010/11 in the area in public places and families were able to enjoy Okains Bay and celebrate without alcohol-associated problems. The ban was easy to police as they have extra officers rostered on New Year's Eve at Akaroa.
42. 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 has 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.

**THE OBJECTIVES**

43. The purpose of the proposed amendment to the Bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in Okains Bay each New Year's Eve.

**THE OPTIONS**

44. There are three options:

Option 1 - amend the Bylaw to introduce a Permanent Alcohol Ban Area in Okains Bay to apply from 5:00pm 31 December to 7:00am on 1 January each year

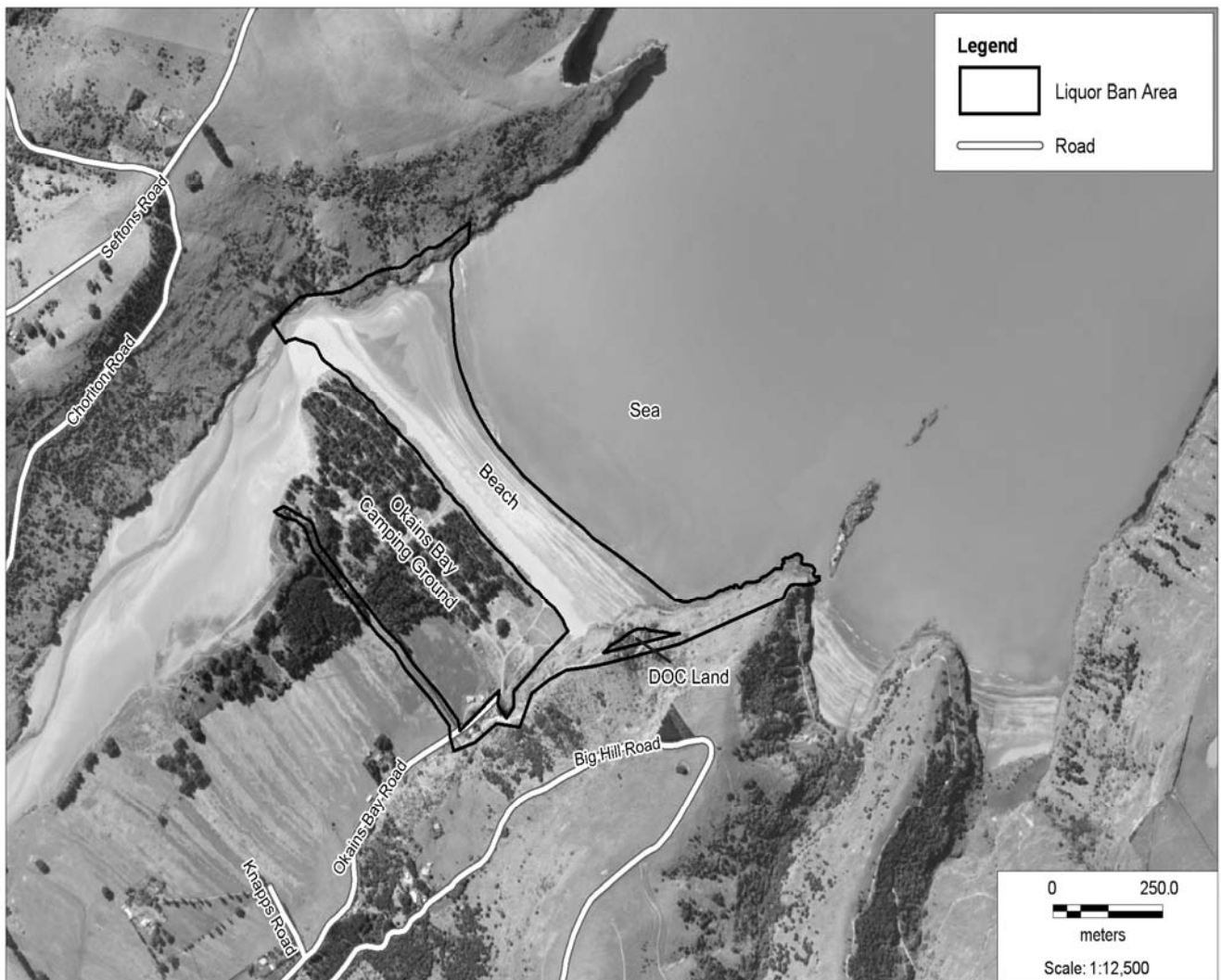
Option 2 - consider implementing Temporary Alcohol Ban Areas as and when issues arise and any of the Police, Community Board or members of the community raise the issue as a concern

33 Cont'd

Option 3 – do nothing.

**THE PREFERRED OPTION**

- 45. The preferred option is Option 1 which would apply a Permanent Alcohol Ban in Okains Bay from 5.00pm on 31 December until 7.00am on 1 January each year.
- 46. Option 1 is preferred because it is a proactive move to reduce alcohol-related harm and disorder on New Year's Eve in Okains Bay.
- 47. Option 2 is not preferred as it would be a reactive move and probably require Council to make a temporary ban each year alcohol-related concerns are raised. Option 3 is not preferred as the community and the Police have raised concerns about alcohol-related incidents on New Year's Eve in Okains Bay.





## 34. HAGLEY PARK TEMPORARY ALCOHOL BAN

|                                     |   |
|-------------------------------------|---|
| <b>General Manager responsible:</b> | Acting General Manager, Programme Manager Strong Communities 0274 723 269 |
| <b>Officer responsible:</b>         | Alan Bywater Programme Manager Strong Communities                         |
| <b>Author:</b>                      | Shelley Andreassend   |

**PURPOSE OF REPORT**

1. This paper proposes a Temporary Alcohol Ban within Hagley Park under the provisions of the Christchurch City Alcohol Restrictions in Public Places Bylaw 2009. The purpose of the proposed Temporary Alcohol Ban is to minimise alcohol-related issues during the Rugby World Cup, Cup and Show Week, Buskers Festival and New Year's Eve. The ban will cover an area of Hagley Park as described in **Attachment 1**.

**EXECUTIVE SUMMARY**

2. Hagley Park is to host a number of events over the coming months including Rugby World Cup celebrations, Buskers Festival, Cup and Show Week events and possibly New Years Eve celebrations. These events were to be held in the Central City or other event centres, however earthquake damage has made the Central City and AMI Stadium unusable in the short term and so Hagley Park will be the focus for activities.
3. The Police and Christchurch City Council are concerned that there may be alcohol-related issues if alcohol is brought and consumed in the Events Centre during these events. Events previously held in the Central City such as the Buskers Festival and New Years Eve had alcohol controls as they were covered under the Central City Permanent Alcohol Ban Area, which is in place 24 hours, 7 days a week. AMI Stadium also has strict no BYO alcohol restrictions.
4. The matters the Council must consider when introducing a Temporary Alcohol Ban, as contained in clause 5 (2) of the Bylaw, have been examined. There are few direct comparisons or statistics for these events as New Zealand has not hosted the Rugby World Cup since 1987, and the Buskers Festival and New Years Eve celebration are usually held in the Central City which is covered by a Permanent Alcohol Ban. However, rugby games and Cup and Show Week have traditionally had strong associations with alcohol consumption and the Police report higher incident rates of disorder, violence, fighting and vandalism during these events. The power created by this Bylaw is to control the anticipated negative alcohol-related behaviour that may occur at these events.
5. Hagley Park is a popular destination, with many residents and businesses enjoying picnics in the Botanic Gardens with alcohol often consumed in a responsible manner. To enable continued enjoyment of alcohol in the wider park, the proposed ban only covers the area surrounding the Events Centre. In addition, the ban only covers specific event periods that have been identified as having the potential for problems.
6. The original ban proposal from the Police also included Classical Sparks and Coca-Cola Christmas in the Park; however it is recommended that these events are not included in the ban. There have been issues with alcohol and drunkenness at Classical Sparks and Coca-Cola Christmas in the Park in the past; however many of these issues appear to be with youth. Issues with youth and alcohol can be managed under the Summary Offences Act 1981. Many residents enjoy bringing a picnic including wine or beer to these events and the benefits of Temporary Alcohol Ban during these events does not appear to outweigh the restrictions imposed on the public. The Police and the Council identified event management processes to mitigate these issues after last year's events and propose that these changes are trialled before considering a Temporary Alcohol Ban during these events.

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7. It is proposed that the Temporary Alcohol Ban apply in the area as per the map in (**Attachment 1**) applying from 7am until 10pm each day during the following periods:
  - i. commencing at 7am on 9 September 2011 and ending at 10pm on 15 November 2011;
  - ii. commencing at 7am on 31 December 2011 and ending at 10pm on 31 December 2011 subject to an event being held in Hagley Park<sup>1</sup>; and
  - iii. commencing at 7am on 19 January 2012 and ending at 10pm on 30 January 2011.

**FINANCIAL IMPLICATIONS**

8. There are costs associated with advertising and signage to inform people of the Temporary Alcohol Ban. It is estimated that the cost of signs will be approximately \$6,500. The costs of brochures, posters, public notices and the distribution of letters to residents surrounding Hagley Park are estimated to be \$5,500. The total estimated cost is around \$12,000. These costs do not include any additional publicity the Council may see as needed. The funding for this will come from the City and Community Long Term Planning and Policy Activity Management Plan.
9. The Police have the responsibility for enforcement of such alcohol bans and have indicated they will accept the duty for enforcement. In addition, enforcement will be supported by security guards that will be in place as part of the event management plan for the Events Centre during the Rugby World Cup.

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

10. See above

**LEGAL CONSIDERATIONS**

11. 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. Section 151 of the Local Government Act (2002) and section 13 of the Bylaws Act 1910 make it clear that a bylaw may contain discretion.
12. The Council must be careful to ensure that any discretion left to the Council is not so great that it might be considered unreasonable, which could make the bylaw, or part of it, invalid. To ensure this is not the case, 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.
13. The Act allows for such alcohol 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.
15. 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)
    - (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 outweigh the restrictions imposed on local residents and other people in the area covered by the resolution; and other people in the area covered by the resolution; and

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<sup>1</sup> The location and nature of New Year's Eve celebrations have not been confirmed at this stage and may not be held in Hagley Park.

34 Cont'd

- (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
  - (e) Whether the Police support the proposed Temporary Alcohol Ban Area; and
  - (f) Any other information the Council considers relevant.
16. 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.
17. 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, for example, the Band Together Concert, and New Years Eve 2010/2011 at Okains Bay.

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

18. Yes. The proposed Temporary Alcohol Ban Area will apply to public places within the meaning of section 147 of the Act. This includes roadways whether under the control of the Council or otherwise. No privately owned areas are within the Ban area. In terms of clause 5(1) of the Bylaw, the proposed resolution describes the specific area to which the Alcohol Area Ban will apply and the times and dates that it will apply.

With respect to the considerations in clause 5(2) of the Bylaw, the following is noted:

***Clause 5(2) (a) the nature of the expected event***

19. The proposed ban relates to several events over a five month period, including the Rugby World Cup celebrations, Cup and Show Week, the Buskers Festival and potentially New Year's Eve. The events are large public events, which are expected to attract thousands of patrons. Each of the events generally consists of free or low cost shows for the public. Each of the events is discussed further in paragraph 49-71

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

20. Hagley Park is currently subject to a Permanent Alcohol Area Ban that runs 7 days a week, from 10pm till 7am. This ban was established due to issues with drunken behaviour in the park at night, as a result of "boy racer" activities and spill over from the Central City next to it. Staff at the Botanic Gardens report that after large rugby matches there is an increase of vandalism in the Gardens, and after large civic events there are large volumes of waste, including bottles and cans, left within the Botanic Gardens. It is anticipated that with the relocation of festivals and celebrations to Hagley Park there could be issues with drunkenness that normally occur in the Central City such as violence, fighting and broken glass.

*Rugby matches*

21. Traditionally there has been an association with large rugby games and drunkenness, antisocial behaviour including fights and associated disorder, littering, and smashed glass. Most of this behaviour has been centred in the Central City, where members of the public congregate after games, or watch the game in bars. There is concern that antisocial behaviour could transpose to the Fan Zone that will host celebrations at Hagley Park during the Rugby World Cup.

34 Cont'd

*Cup and Show Week*

22. There has been a history of excessive drinking during Cup and Show week, with many race attendees continuing to socialise in the Central City after the events. Police increase their staffing levels in the Central City during Cup and Show week. Post-race celebrations in the Central City are covered by the Central City Alcohol Ban, which enables the Police to intervene early. It is expected that with the closure of the Central City, many patrons will relocate to celebrations in the Hagley Park Events Centre. It is reasonable to assume that drunkenness will be an issue in Hagley Park as it has been in the Central City during these events.

*Buskers Festival*

23. The Buskers Festival traditionally has had minimal disruption due to alcohol, in part due to the nature of the event and as the majority of events were held within the Central City area, which has an existing Permanent Alcohol Ban. Police enforcement of the ban enabled them to intervene before there were significant issues. It is proposed that these controls are provided in the new venue.

*New Year's Eve*

24. New Year's Eve celebrations are normally held in the Cathedral Square, which are covered by the Central City Permanent Alcohol Ban. Many youth and families attend the show, with patrons from bars in the Central City joining in for the countdown and fireworks display. The location and nature of the New Year's Eve celebrations are not confirmed at this stage, but may be held in Hagley Park. With the closure of the Central City bars there may be increased issues with the public trying to bring alcohol to Hagley Park during the celebrations.

***Clause 5(2) (c) Whether 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; and other people in the area covered by the resolution***

25. There are no residents in the immediate ban area, as the ban is located within Hagley Park; however the rights of residents across the city have been considered. The benefit of having safe, family-friendly events that remove the type of problems that might otherwise occur are considered to outweigh the restrictions on alcohol consumption. In addition, alcohol will be available for purchase in licensed areas of the Events Centre for residents who wish to consume alcohol at the Rugby World Cup, Buskers Festival, and Cup and Show Week events.
26. The area of the Temporary Alcohol Ban has been reduced from the Police's original request, and now focuses on the area immediately surrounding the event, which is likely to be the focus for activity. This recognises residents and businesses use and consume alcohol in a responsible manner in the park throughout the year. For example, residents may consume alcohol in the Botanic Gardens during wedding photos, picnics, and punting on the Avon. Corporate and community groups also consume alcohol during end of year barbeques or picnics.
27. This area also hosts events which have no history of alcohol-related issues, such as the Summer Times performances and Lazy Summers. The proposed ban enables residents to continue to enjoy alcohol in a responsible manner at these events and focuses on key events that are likely to have issues with alcohol.
28. The Temporary Alcohol Ban would apply from 7am until 10pm and would be in conjunction with the Permanent Alcohol Ban, which applies between 10pm until 7am. This would result in a ban being in place for 24 hours a day in the Events Centre during the ban period. A 24 hour ban is considered appropriate for ease of communication and understanding.

***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***

29. The Police have provided information (summarised in this report) of the issues and behaviour being experienced in relation to past events of a similar nature. The recommended area and dates to be covered by the Temporary Alcohol Ban are supported by the Police.

34 Cont'd

**Clause 5(2) (e) Whether the Police support the proposed Temporary Alcohol Ban Area**

30. Police have indicated they support the Temporary Alcohol Ban Area over the proposed dates.
31. Police originally requested that that Classical Sparks and Coca-Cola Christmas in the Park also be included in the ban, however it is agreed that event management processes should be trialled in 2011 to see if they reduce antisocial behaviour. If these interventions do not improve behaviour then a ban may be necessary for subsequent years. This is consistent with the view of Council staff that these are family events, where residents value being able to bring a picnic dinner, which may include beer and wine. Events and Botanic Gardens staff and Coca-Cola do not believe that alcohol issues related with these events warrant a ban at this stage without trialling other measures.

**Clause 5(2) (f) Any other information the Council considers relevant**

32. Hagley Park is currently subject to a Permanent Alcohol Ban between the hours of 10pm till 7am. This ban covers the entire park. The Council has previously considered applying Temporary Alcohol Bans in other areas that have become hospitality and events focuses since the earthquake in February 2011, such as Merivale and Ilam/Riccarton. Suburban areas have become a focus for entertainment since the closure of the Central City, and it is anticipated that the Events Centre in Hagley Park will also become a focus for activity.
33. Various internal and external stakeholders have been consulted with and support the proposed Temporary Alcohol Ban.
34. The proposed Temporary Alcohol Ban only covers the area around the Events Centre. There may be a risk that alcohol related issues could be pushed into the Botanic Gardens, where the Permanent Alcohol Ban does not begin until 10pm. However, it is considered unreasonable to have a ban on the whole park for the reasons mentioned above. In addition, a whole-of-park ban may not entirely reduce the risk of people drinking in the Botanic Gardens. The Botanic Gardens staff report that after the Band Together Concert there was evidence of drinking in the bushes in the Botanic Gardens, with bottles and cans left after the concert. During this concert there was a ban on the whole of Hagley Park, but the Police focused their attention on the main events area.
35. In order to mitigate the risk of drinking in the Botanic Gardens staff will investigate increasing the number of recycling bins around the park to reduce littering, and increasing patrols by the Police and Community Patrol, so that any issues of vandalism or violence can be dealt with. Patrolling of the area may reduce the risk of drinking and engaging in antisocial behaviour in other areas of the park.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

36. See 37 below.

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

37. Introducing a Temporary Alcohol Ban Area in Hagley Park around the Events Centre could be considered to broadly align to the following Levels of Service in the Strengthening Communities Activity Management Plan, 2.2.3.1, Maintain Safe City Accreditation every 15 years.

**ALIGNMENT WITH STRATEGIES**

38. 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?**

39. Yes, as above.

34 Cont'd

**CONSULTATION FULFILMENT**

40. A number of key internal and external stakeholders were contacted regarding the proposed alcohol ban via phone and face to face meetings. Internal stakeholders included staff from the Botanic Garden, liquor licensing and events teams. External stakeholders included the Police and Coca-Cola.
41. All responses support an alcohol ban in the events area for the Rugby World Cup, Buskers Festival, Cup and Show Week and if necessary, New Years Eve.
42. Council staff and Coca-Cola do not support a liquor ban during Classical Sparks and Coca-Cola Christmas in the Park, as these are considered mostly family-oriented events, where many members of the public value the opportunity to bring a picnic along, including a wine or beer to enjoy. While there have been issues with drinking in the past, this appears to be mainly due to youth drinking, which is manageable under section 38 of the Summary Offences Act 1981. Staff at Coca-Cola have indicated that they believe that the public behaviour at Coca-Cola Christmas in the Park is generally very good, and that enforcement of an Alcohol Ban in such a large crowd is impractical. The Police have indicated they are happy for these events to not have a Temporary Alcohol Ban in place if other event management processes are implemented.
43. Under section 38 (3) of the Summary Offences Act every person under the age of 18 years commits an offence and is liable to a fine not exceeding \$300 who, in any public place and while not accompanied by his or her parent or legal guardian,
  - (a) Drinks any intoxicating liquor; or
  - (b) Has in his possession or under his control any intoxicating liquor for consumption there.

**STAFF RECOMMENDATION**

It is recommended that the Council:

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 the Hagley Park Events Centre, (being the area shown on the attached map), applying from 7am until 10pm each day during the following periods:

- i. commencing at 7am on 9 September 2011 and ending at 10pm on 15 November 2011;
- ii. commencing at 7am on 31 December 2011 and ending at 10pm on 31 December 2011 subject to an event being held in Hagley Park<sup>2</sup>; and
- iii. commencing at 7am on 19 January 2012 and ending at 10pm on 30 January 2011.

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<sup>2</sup> The location and nature of New Year's Eve celebrations have not been confirmed at this stage and may not be held in Hagley Park.

**BACKGROUND (THE ISSUES)**

44. Since the February earthquake several entertainment and events venues have closed. This has prompted the creation of the Christchurch Events Centre within Hagley Park, which will host a number of celebrations and events over the coming months. The Police are concerned that some of the events to be hosted at the Events Centre could result in disruptive drunken behaviour as the area becomes a focus for people and activity. A Temporary Alcohol Ban is proposed to enable effective policing of the area, and to transpose the controls that would have been in place for events that were originally in areas of the Central City that had a Permanent Alcohol Ban in place.
45. Police experience is that alcohol bans are one of the most effective tools for reducing violence and disorder. This is in part due to the ability of the Police to remove people who are drinking before they cause problems. Alcohol bans may also reduce the volume of alcohol people consume, as drinking is confined to bars or licensed premises, which are subject to host responsibility rules.
46. Hagley Park is currently subject to a Permanent Alcohol Ban that runs 7 days a week from 10pm till 7am over the entire park. This ban was in response to drunkenness and violence in the park spilling out from the Central City and antisocial boy racer behaviour. While the Permanent Alcohol Ban is effective, it does not cover events that begin before 10pm and which may have alcohol related issues.
47. Each of the events proposed to be covered by a Temporary Alcohol Ban and the issues they raise are discussed below.

***Rugby World Cup***

*Dates: 9 September – 23 October 2011*

*Setup: 22 August to 8 September*

*Pack up: 25 – 30 October 2011*

48. The earthquake has resulted in games that were to be hosted at AMI stadium being moved to other cities. In addition, celebrations that were to be held in Cathedral Square are now being moved to the RWC Fanzone, in the newly established Events Centre within Hagley Park.
49. The Fanzone is designed to be a family-orientated venue for the citizens of Christchurch and visitors to Christchurch and will have licensed alcohol venues, and no BYO alcohol. Levels of attendance throughout the tournament will depend on the activity being held at the time and the progress of the All Blacks. Operating hours of the bar will vary, depending on the activities of the Fanzone each day. It is anticipated that up to 45,000 people will attend the quarter final. The Fanzone will comprise of three parts:
  - i. *The MasterCard Ruck:* An inflatable dome structure with interactive displays, and information sites. The MasterCard Ruck will hold the Rugby Lecture Series, a daily conversation with an individual linked to the game. The MasterCard Ruck will be a licensed alcohol area as a hospitality zone for RWC 2011 sponsor's invitation-only events.
  - ii. *The Mini Stadium:* A half sized rugby pitch surrounded by bleacher seating for 1,000 with 2 big screens and a small stage. The stadium will show the screening of all 48 matches of the tournament live as well as pre-match entertainment and an outdoor theatre written specifically for the tournament. The entire mini-stadium will be fenced and will have controlled access points. The mini stadium will be a licensed alcohol area for the public, with a self contained bar in which alcohol can be consumed. It is expected that the bar will open no more than 30 minutes before the commencement of pre-match entertainment and is to close at the conclusion of half-time of the final match of the day.
  - iii. *Surrounding area:* The immediate surrounding area of the stadium and MasterCard Ruck will house the official entry arch, food vendors, the Sportfolio merchandise shop, a box office and provide an area for official sponsors to have a presence within the Fanzone.

## 34 Cont'd

50. As part of the event management plan for the RWC Fanzone, it has been designated as an alcohol free zone, apart from the licensed premises onsite. The onsite operators will be subject to host responsibility requirements, which include not serving intoxicated patrons. In addition, patrons will not be able to transport alcohol to different areas of the Events Centre.
51. Police have identified the RWC Fanzone as a key area of concern for drunken disorderly behaviour. Previous major rugby events have coincided with high levels of drunkenness, violence, vandalism and disorder. The Police note that on a typical week during the Super 14 season the Beat Section staff arrest between 40 and 60 people for a variety of offences. Arrest numbers are generally lower during cold or wet weather. Saturday night is traditionally the biggest night of the week in terms of patron numbers in bars, with Friday night being significantly quieter; however this does not always translate to less disorderly behaviour. The proportion of offences for breaching the liquor ban and disorder and violence is reasonably constant at between half and two thirds of all arrests made by the Beat Section.
52. The following table shows the number of arrests from 3 events during the 2010 Super 15 season. These figures relate only to arrests made by the Beat Section and do not include arrests made by other Police staff. The reported figures may be lower than actual arrest levels as they have been manually recorded from Beat Section statistics. When patrol car statistics are added the true figures would probably be considerably more.

|                                 | <b>Crusaders vs.<br/>Blues</b><br>6/03/2010 | <b>Cheetahs vs.<br/>Crusaders</b><br>17/04/2010 | <b>Crusaders vs.<br/>Sharks</b><br>26/02/2010 |
|---------------------------------|---|---|---|
| <b>Crime Type</b>               | <b>Arrests</b>                              |   |   |
| Breach of the Liquor Ban        | 9   | 9   | 7   |
| Detoxification                  | 2   |   |   |
| Possession of Cannabis          | 1   |   | 2   |
| Warrant to Arrest               | 1   | 1   |   |
| Offensive/ Disorderly Behaviour | 2   | 1   | 1   |
| Breach of Bail                  |   | 1   |   |
| Burglary                        |   | 1   |   |
| Assault                         |   | 1   |   |
| <b>Total</b>                    | <b>15</b>                                   | <b>14</b>                                       | <b>10</b>                                     |

53. AMI stadium, where games were to be held, is a contained area and operates as a licensed venue, with strictly enforced no BYO alcohol rules. Cathedral Square is within the Central City Permanent Alcohol Ban Area that runs 24 hours a day, 7 days a week, which is heavily policed during key times, such as large rugby games. It is viewed as being appropriate to duplicate the alcohol controls that would have originally applied in the Stadium and Cathedral Square, in the Events Centre.

**Cup and Show Week**

*Dates: 1 November -15 November 2011*

54. Cup and Show Week is an iconic event for the region with the major race day attracting up to 25,000 people. The majority of the events are based at Addington Raceway, with the Central City hosting fashion shows and other complementary events. In previous years many race attendees continued to socialise at bars in the Central City post-races. This year a series of shows and events will be held in the Events Centre during Cup and Show Week. Alcohol consumption will be restricted to fenced off areas and sold within licensed venues. No BYO alcohol will be permitted in the Events Centre.



34 Cont'd

55. Cup and Show Week has had issues with drunken behaviour in the past. A stricter alcohol policy has been enforced at the Addington Race course over the last two years, with BYO alcohol no longer permitted. This has seen a reduction in arrests and drunkenness, however it is still an area of concern, 2 people were arrested and 4 treated for alcohol-related accidents by St Johns in 2010.
56. There is a risk that drunken disruption as experienced previously at the races and in the Central City could occur at the Events Centre.

***New Year's Eve***

*Dates: 31 December 2011*

57. The Council's New Years Eve Event is traditionally held in Cathedral Square and is alcohol free, as it is covered by the Central City Area Permanent Alcohol Ban. This event traditionally is a mix of families who attend the entire event and people from bars in town who come for the midnight countdown and fireworks. The event normally attracts approximately 5,000 people with many patrons at Central City bars joining in for the midnight countdown and fireworks.
58. The Event Production Team is currently investigating venue options for this event, including the Entertainment Triangle of North Hagley Park. The event will include musical entertainment from about 10 pm, culminating in a countdown and limited fireworks display at midnight. The intention is to keep this event alcohol-free if held within Hagley Park, as it has been when held in Cathedral Square.
59. New Year's Eve is a busy time for police and the hospital, with many residents and visitors drinking excessively, and hurting themselves in accidents, getting in fights or causing general disruption. Preloading on alcohol at parties before coming into town is a common occurrence, especially with younger people.
60. If New Year's Eve celebrations are held in Hagley Park there may be issues with members of the public bringing alcohol in to the Events Centre and binge drinking without the alcohol controls that are normally in place in the Central City.

***Buskers Festival***

*Dates: 19 January- 30 January 2012*

*Setup: 9 January- 18 January 2012*

*Pack up: 31 January- 7 February 2012*

61. The Buskers Festival is being relocated from the Central City to Hagley Park due to earthquake damage restricting access to the sites it is normally held on, including Cathedral Square, Latimer Square and Cranmer Square. Night shows were previously held in a number of locations including Central City bars, the Arts Centre and suburban locations.
62. This year the Buskers Festival will include street performances, family and kids and comedy shows and is expected to attract around 300,000 people, both locals and visitors. All shows will be on a donation basis, however tickets will be required for entrance to R18 shows and some popular night shows. Alcohol will be available for purchase at the various licensed bars set up in the festival area. A full alcohol management plan will be available and alcohol consumption will be confined to specific areas.
63. There have been few issues with alcohol during the festival in the past in part due to the nature of the event and as the majority of events were held within the Central City area, which has an existing alcohol ban or were held in licensed premises. No statistics from the Police on alcohol-related offences are available.
64. Many of the night time events are ticketed or have limited numbers, and there is a risk that patrons will bring alcohol to the Events Centre and loiter about if unable to enter the shows.

**Coca-Cola Christmas in the Park***Dates: 26 November 2011**Setup: 19 November 25- November 2011**Pack up: 26 November - 30 November 2011*

65. Coca-Cola Christmas in the Park is an open-air concert and typically attracts a crowd of approximately 100,000. The event attracts families and groups, who generally bring a picnic for the event, including BYO wine and beer. Patrons generally start to arrive for the event from 4 pm and the site is clear by midnight.
66. There have been issues with alcohol-related disorder in the past. The following figures provided by the Police come from records of the Beat Staff, who consist of 6 staff from a total of 35 to 40 Police staff in the Park. It should be noted that there are limitations with these statistics. Arrest numbers do not provide a very accurate picture of what occurs at the park as many incidents are dealt with by separating parties, with arrest often used as the last option. Most offences are for disorder and assaults. It is unclear what proportion of these are committed by youth.

| Crime Type                      | Coca-Cola Christmas in the Park |            |            |
|---------------------------------|---------------------------------|------------|------------|
|                                 | 29/11/2008                      | 28/11/2009 | 27/11/2010 |
|                                 | Arrests                         |            |            |
| Breach of the Liquor Ban        | 6                               | 11         | 2          |
| Warrant to Arrest               |                                 | 2          |            |
| Offensive/ Disorderly Behaviour | 1                               | 3          | 7          |
| Receiving                       |                                 |            | 1          |
| Assault                         | 1                               |            |            |
| Total                           | 8                               | 16         | 10         |

**Classical Sparks***Dates: 5 February 2012**Setup: 1-5 February 2012**Pack up: 6-12 February 2012*

67. ASB Classical Sparks is the largest annual event run by the Council's Event Production Team. The event is an open-air concert held on Waitangi weekend in the events space in North Hagley. The concert is family-oriented and the genre of music provided generally attracts a middle-age crowd. Attendance at the concert is up to 80,000.
68. Patrons generally start to arrive for the event from 4pm and the site is clear by midnight. BYO alcohol is allowed and many people bring alcohol with their picnics. In addition there are sponsors areas with invitation-only access where alcohol is served.
69. While this event has had some issues with alcohol in the past, it appears to be mostly youth-related. The Summary Offences Act enables the police to deal with people who are underage drinking or causing a public nuisance. It is the opinion of Botanic Gardens and Events staff that alcohol consumption during both Classical Sparks and Coca-Cola Christmas in the Park is not a significant issue, and the responsible enjoyment of the majority outweighs the few engaging in antisocial behaviour.

34 Cont'd

***Event Management Steps to Address Antisocial Behaviour at Coca-Cola Christmas in the Park and Classical Sparks***

70. The following steps were agreed to in 2010 by Council Events staff and the Police to address issues of antisocial behaviour at Coca-Cola Christmas in the Park and Classical Sparks. It is proposed that these steps are implemented before consideration be given to other options, such as a Temporary Alcohol Ban for these events.
- Install a temporary fence line which would restrict public access to the trees area along the length of the river. One option includes installing a fence from the Armagh Street footbridge to the Salisbury Street footbridge, possibly as far as Bealey Ave. The fence would allow emergency service vehicles to use the path area along the river as easier access to areas of the concert. Coca-Cola and the Council's Events staff have indicated that installing a fence may be a health and safety security risk and so the size and location of any fence will be investigated by the Events staff and Police.
  - Improve lighting under trees next to the river to make people more visible in this area.
  - Move the food vendors away from trees and relocate to the other side of the concert. This will help break the crowd up.
  - Increase patrolling of known hot spots by Police and security during and after the event.
  - Fence off Lake Albert area, which will stop people congregating in the area.
  - Place event speakers at the rear of the crowd to engage the crowd that are further away from the stage.
  - Implement zero tolerance policing, especially around antisocial behaviour earlier in the night.
  - CCC liquor licensing inspectors will proactively engage with local off-licenses (liquor stores) prior to the event. This will involve reminding retailers of the laws in regards to selling alcohol to minors.
  - Erect a surveillance tower to provide better monitoring. The Police will approach the Fire Service to see if they can use their truck tower for this purpose.
  - Ideas open for further discussion include changing the hours of the event and scoping for an alcohol free-event. Agreement was not made on these points at the meeting between the Council and Police and it was felt that further discussions were needed before a decision could be made on these points.

**THE OPTIONS**

71. Options for managing alcohol in the Events Centre in Hagley Park that have been considered include:
- i. No Temporary Alcohol Ban, and rely on the current 10pm to 7am Permanent Alcohol Ban Area in Hagley Park;
  - ii. A Temporary Alcohol Ban for the Events Centre for The Rugby World Cup, Cup and Show Week, Buskers Festival, and New Year's Eve, subject to an event taking place
  - iii. A Temporary Alcohol Ban during the above events as well as during Coca-Cola Christmas in the Park and Classical Sparks

***Option 1: No Temporary Alcohol Ban, and rely on the current 10pm to 7am Permanent Alcohol Ban Area in Hagley Park***

72. This option is considered unreasonable because the RWC, Buskers Festival, Cup and Show Week and New Years Eve have the potential to become unsafe if alcohol is allowed to be brought into the area. Most of these events begin before the existing Permanent Alcohol Ban comes into effect, which would reduce the effectiveness of police intervention. Large rugby games, Cup and Show Week and New Year's Eve have associations with heavy drinking and disorder. If there was no Temporary Alcohol Ban the events could be monitored by Safe City Patrols, Police and security guards, however, in order to keep these events as family-oriented and safe a Temporary Alcohol Ban is considered necessary as it will give the Police greater abilities to deal with alcohol-related issues. This is considered especially important for the Rugby World Cup and Cup and Show Week, as although many issues with youth and alcohol can be dealt with through the Summary Offences Act, rugby games and Cup and Show Week have an association with heavy drinking by adults.

***Option 2: A Temporary Alcohol Ban that covers the Rugby World Cup, Cup and Show Week, New Years Eve and the Buskers Festival, around the Events Centre***

73. This option would apply in the area outlined in Attachment 1 and would be in apply between 7am until 10pm each day for the following periods:
- i. commencing at 7am on 9 September 2011 and ending at 10pm on 15 November 2011;
  - ii. commencing at 7am on 31 December 2011 and ending at 10pm on 31 December 2011 subject to an event being held in Hagley Park<sup>3</sup>; and
  - iii. commencing at 7am on 19 January 2012 and ending at 10pm on 30 January 2011.
74. This ban would cover the events that are considered at most risk from alcohol related disorder, including the Rugby World Cup, Cup and Show Week, Buskers Festival and New Year's Eve. However if an event is not held in Hagley Park on New Year's Eve, then a Temporary Alcohol Ban will not be put in place. The Permanent Alcohol Ban would come into effect at 10pm until 7am, essentially putting a ban on the area for 24 hours.
75. A defined geographical area around the Events Centre would enable the public to consume alcohol in the Botanic Gardens during the spring and summer. The Botanic Gardens are a popular location for end of year functions, wedding photos and picnics, and many residents enjoy consuming alcohol responsibly while enjoying the Botanic Gardens. There is a risk that putting the ban in place only around the Events Centre could push antisocial alcohol related behaviour into the Botanic Gardens, however this risk could be mitigated by increasing the number of recycling points during these events and increasing Police and Community Patrols through the Botanic Gardens.
76. A whole-of-park Temporary Alcohol Ban during the dates above was considered, however it was assessed as excessive as the benefits of a whole-of-park Temporary Alcohol Ban did not outweigh the restrictions of residents who enjoy the Botanic Gardens in a responsible manner.

***Option 3: A Temporary Alcohol Ban that covers the above events as well as during Coca-Cola Christmas in the Park and Classical Sparks***

77. A Temporary Alcohol Ban could include the above events as well as Classical Sparks and Coca-Cola Christmas in the Park. Coca-Cola Christmas in the Park and Classical Sparks events have had issues with alcohol related disorder in the past; however these are considered small in scale, and the negative impacts of alcohol-related disorder at these events do not appear to outweigh the enjoyment of the majority of the public who may have a wine or beer with a picnic. Therefore, it is recommended that a Temporary Alcohol Ban is not put in place for Coca-Cola Christmas in the Park or Classical Sparks. This is supported by Coca-Cola, the Police and staff from the Council Events Team.

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<sup>3</sup> The location and nature of New Year's Eve celebrations have not been confirmed at this stage and may not be held in Hagley Park.

34 Cont'd

78. Further safety measures will be trialled this year in an attempt to reduce antisocial behaviour. Options include relocating stallholders, reducing the number of entrances and increasing lighting and erecting a fencing along the river where much of the antisocial behaviour has occurred. The Police will also increase patrolling of liquor outlets in the surrounding area to limit the sale of alcohol to minors. The impact of these interventions will be assessed, and the need for a Temporary Alcohol Ban for the following year will be investigated.

**THE PREFERRED OPTION**

79. Option two is the preferred option as it provides alcohol controls over key events that are likely to have issues with alcohol. The existing ban does not come into effect until 10pm, when the events will be underway. Police experience is that controls are most effective when they come into effect before the event starts. An extension of the existing ban will enable the Police to intervene earlier. Implementing a ban only around the Events Centre is deemed to provide a balance between security and safety at the events and enjoyment of the Botanic Gardens by the public. Excluding Classical Sparks and Coca-Cola in the Park from the ban is preferred, as alcohol-related issues at these events are considered relatively minor, and other safety measures will be implemented to see if they adequately address issues.

***Proposed Ban Dates and Times***

80. The proposed ban would run between the hours of 7am until 10pm each day during the following dates:
- i. commencing at 7am on 9 September 2011 and ending at 10pm on 15 November 2011;
  - ii. commencing at 7am on 31 December 2011 and ending at 10pm on 31 December 2011 subject to an event being held in Hagley Park<sup>4</sup>; and
  - iii. commencing at 7am on 19 January 2012 and ending at 10pm on 30 January 2011.
81. The Temporary Alcohol Ban would be in place in conjunction with the Permanent Alcohol Ban, which would enable a ban to be in place for 24 hours a day during these periods. The ban on New Year's Eve, 31 December 2011, would be conditional on an event actually being held in Hagley Park.

***The Ban Area***

82. The proposed Hagley Park Alcohol Ban area is bounded by Park Terrace to Armagh Street, up the footpath, along the river, across the footbridge near the Hagley Park carpark, up the path by Victoria Lake, through the park to Harper Ave as indicated in the map below. This area is proposed as it will be the main area of activity in the park during the major events and still enables use of the rest of the park during summer by residents.
83. The Temporary Alcohol Ban Area excludes the Botanic Gardens, as many members of the public enjoy alcohol responsibly in this area as while picnicking and during corporate events, such as end of year parties. In addition, several events are held in the gardens over summer, such as the Lazy Summers and Summer Theatre, where many patrons enjoy a picnic with alcohol while enjoying the show. Due to the nature of these events and the demographic attending, there have not been any issues when patrons have consumed alcohol as part of the event in the past.

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<sup>4</sup> The location and nature of New Year's Eve celebrations have not been confirmed at this stage and may not be held in Hagley Park.

**35. PROPOSED SUBLEASE TO CERA LEVEL FOUR – 62 WORCESTER STREET**

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | General Manager Corporate Services, DDI 941-8540 |
| <b>Officer responsible:</b>         | Manager Corporate Support                        |
| <b>Author:</b>                      | Tom Lennon, Property Consultant                  |

**PURPOSE OF REPORT**

1. The purpose of this report is to inform the Council of the intention to sublease Council space in HSBC Tower to the Canterbury Earthquake Recovery Authority (CERA) and to seek Council's authority to enter into a two-year sublease with CERA.

**EXECUTIVE SUMMARY**

2. Following the 4 September earthquake, the Infrastructure Rebuild Management Office was formed to deal with matters related to the City's earthquake recovery process and is charged with oversight of design, construction management, finance, communication, programming, procurement and project administration.
3. A team of approximately 80 people comprising full-time Council employees and contractors was planned to deal with the predicted influx of earthquake-related reconstruction and consenting work which was expected to occur in the two to three years post the 4 September earthquake.
4. In order to accommodate the Infrastructure Rebuild Management Office, Council, at its meeting of 16 December 2010, approved the leasing of levels four and five of the premises at 62 Worcester Street, also known as the HSBC Tower. That lease is for a term of three years .
5. As a result of the February 22nd earthquake, CERA was established to lead and co-ordinate the recovery of the Canterbury region. In addition, the infrastructure rebuild is being managed by the Alliance in premises currently being established at Magdala Plance, Middleton.
6. CERA was initially located in Winston Ave in Papanui, but vacated this location following the 13 June aftershocks. As part of their search for office accommodation, CERA approached Council regarding the possibility of subleasing level four of the premises at 62 Worcester Street. The central location, the floor area and the proximity to the Council Civic Offices makes the premises a very suitable accommodation option for CERA. The CEOs of CERA and CCC agreed that CERA would sublease level four from Council in addition to the level two lease they had already secured from another party.
7. The terms and conditions of the proposed sublease to CERA over level four, including rental, is consistent with the terms and conditions of the current lease Council holds over levels four and five.
8. In accordance with the terms and conditions of the current lease for levels four and five, the sublease to CERA is conditional to the Landlord's approval.

**FINANCIAL IMPLICATIONS**

9. The rental under the proposed sublease, payable to Council, will be \$223,762.20 per annum plus GST and outgoings, which covers all the cost of the lease for level four.

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

10. No.

**LEGAL CONSIDERATIONS**

11. If the staff recommendation is adopted the Council's Legal Services Unit will be asked to prepare a Deed of Sublease granting a sublease of level 4 to CERA.

35 Cont'd

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

12. Yes, Council's Legal Services Unit has provided advice on the issues related to the sublease of the subject premises.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. Not applicable.

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

14. No.

**ALIGNMENT WITH STRATEGIES**

15. Not applicable.

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

16. No.

**CONSULTATION FULFILMENT**

17. The Council is in negotiations with CERA and the Head Landlord of the HSBC building as to the terms and conditions of the proposed CERA sublease.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Notes that the CEOs of CCC and CERA have agreed that CERA will sublease level four, 62 Worcester Street, Christchurch from Council.
- (b) Grants delegated authority to the Corporate Support Unit Manager to negotiate and enter into the above sublease on behalf of the Council on terms and conditions acceptable to him.

35 Cont'd

**BACKGROUND (THE ISSUES)**

18. CERA has been operating from leased premises in Papanui since its establishment by the Central Government in April 2011.
19. From a logistical and operational point of view, the relocation of CERA operations closer to the centre of the city would simplify their work in particular when dealing with recovery work in the red-zone.
20. The total area available for subleasing at level four, 62 Worcester Street is 630.5 m<sup>2</sup> comprising 534.84 m<sup>2</sup> of office space, and 45.57m<sup>2</sup> of balcony and foyer space. Cosmetic repair works for levels four and five, currently being undertaken, are expected to be completed by 18 July 2011.

**THE OBJECTIVES**

21. To facility suitable office accommodation for CERA for a period of up to three years and to support and assist with their operation associated with the post-earthquake recovery of the Canterbury region.



**36. CENTRAL CITY PROPERTIES**

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | General Manager, Corporate Services,             |
| <b>Officer responsible:</b>         | Property Consultancy Team Leader,                |
| <b>Author:</b>                      | David Rowland, Property Consultant, DDI 941 8861 |

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) advise the Council of the current position with regard to the Conditional Options Agreement between the Council, SOL Development Corporation and David Henderson;
  - (b) recommend that steps be taken to terminate the agreement.
2. Authority is also sought to offer the Sydenham Square site to the market by way of a Request for Proposal given the high level of market interest in this site.
3. The report also provides an update to the Council on some other properties located within the Central City and recommends that following the adoption and approval of the Central City Plan staff report back to Council with amended timeframes for development.

**EXECUTIVE SUMMARY**

4. The Council is currently party to a Conditional Options Agreement with SOL Development Corporation and David Henderson.
5. Because Mr Henderson has been adjudged bankrupt, the Council is entitled to consider taking the appropriate steps to terminate the agreement.
6. If this decision is made and the agreement successfully terminated the Council is free to deal with the properties that are included in the agreement.
7. Given the level of unsolicited interest that has been shown by the development community in the Sydenham Square site and to also positively support the Sydenham community as part of this report it is recommended that the site be offered by way of a Request for Proposal process.
8. Council also holds a number of other properties in the central city that had previously been identified for development as part of the Central City South Master Plan. Staff are in the process of obtaining engineering assessments for these properties following the earthquake and will report further to Council in the August and December 2011 facilities reports. Timeframes for development of these properties should be considered by Council following adoption and approval of the Central City Plan.

**FINANCIAL IMPLICATIONS**

9. There will be costs associated with an RFP process for Sydenham Square however these will be met from within the Property Consultancy budget.

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

10. Yes.

**LEGAL CONSIDERATIONS**

11. On 1 August 2008 the Council entered into a Conditional Options Agreement with SOL Development Corporation Ltd. The obligations of the company were guaranteed by David Henderson who has since been adjudged bankrupt.

36 Cont'd

12. SOL Development Corporation has a share capital of 100 ordinary shares of \$1.00, held by FTG Trustee Services Ltd. Mr Henderson is the sole shareholder of that company. He is the only director of SOL Development Corporation and Ms K.L. Buxton is the only director of FTG Trustee Services Ltd. Her address on the Companies Office Register is the same as Mr Henderson's.
13. The Conditional Options Agreement gave SOL Development Corporation the opportunity to purchase properties owned by the Council. These had been bought from other Henderson companies on the same date as the Conditional Options Agreement was completed.
14. At its meeting on 28 May 2009 the Council resolved to grant SOL Development Corporation an option to purchase part of one of those properties, the Para (North) Site. The option lapsed in December 2010 because SOL Development Corporation couldn't settle the purchase or carry out a development of the property.
15. Since then David Henderson has been adjudged bankrupt. Any rights to property that he had have been extinguished and vested in the Official Assignee. This included Mr Henderson's shares in FTG Trustee Services Ltd. As a bankrupt, he is prohibited from being a company director under the Companies Act 1993 and cannot deal with, sell or dispose of any of the assets of FTG Trustee Services Ltd, including that company's shares in SOL Development Corporation Ltd.
16. The Conditional Options Agreement provides that the Council is not bound to grant an option to purchase to SOL Development Corporation Ltd unless the Council is satisfied that the company has the ability, in the Council's sole judgement, to carry out and complete a development on any of the properties covered by the agreement.
17. Further, the Council may decide, in its sole judgement, not to grant SOL Development Corporation the opportunity to exercise the option to purchase if the Council believes that neither the company nor Mr Henderson has the ability to complete its obligations.
18. If the Council exercises its judgement and decides not to grant SOL Development Corporation Ltd an option to purchase all or a part of the properties then the Council may terminate the Conditional Options Agreement with immediate effect or on a date that the Council considers appropriate.
19. Given Mr Henderson's current circumstances and the obvious effect that this will have on the financial viability of SOL Development Corporation Ltd, it is open to the Council to decide that neither of them has the ability to complete their obligations under the Conditional Options Agreement and that written notice of the termination of the Conditional Options Agreement should be given.
20. Because of the opportunities opening up for redevelopment of the central city it is recommended that the Council makes this decision.

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

21. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

22. Not applicable.

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

23. Not applicable.

36 Cont'd

**ALIGNMENT WITH STRATEGIES**

24. Not applicable.

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

25. Not applicable.

**CONSULTATION FULFILMENT**

26. If the Council decides to terminate the Conditional Options Agreement Mr Henderson will be advised of that before written notice is given.

27. Any party with an interest in the properties covered by the Conditional Options Agreement will have the opportunity to respond to the ROI.

**STAFF RECOMMENDATION**

It is recommended that Council:

- (a) Authorises the General Manager Corporate Services to take immediate and all appropriate steps to terminate the Conditional Options Agreement between the Council and SOL Development Corporation Ltd in accordance with the provisions of that agreement.
- (b) Authorises the General Manager Corporate Services to seek development proposals for the Sydenham Square site that are consistent and align with the Council's planning intent for the locality and that the preferred option be reported to the Council for determination at the earliest possible time.
- (c) Agrees that staff report back to Council with amended timeframes for development for other central city properties following the adoption of the Central City Plan.

**BACK GROUND**

**Central City Properties**

28. The Council has various land holdings within the Central City (Red Zone) that have been impacted by the February and June earthquakes. The extent is varied and comment on the current situation for each property is as follows however excluded are properties such as the Central Library, Lichfield Street Bus Exchange, Lichfield & Manchester Street car parking buildings plus Centennial Pool. The status and proposed repair and rebuild plans for these facilities will be reported to Council in August and December 2011.

**Para Site:**

29. A separate report considering a short-term use of this site has been prepared and is due to be considered by Council on the 28th July 2011. That report recommends that a Licence to Occupy be granted to EPIC Christchurch Ltd for a term of 3 years at nil consideration. This will enable EPIC sufficient time to establish the innovation campus concept then obtain a long term development site. Details of the EPIC concept are contained within the report due to be considered.
30. Any buildings that are erected on the Para site will be able to be relocated and the a short term nature of the licence will still enable the Council to plan and obtain longer term future proposals for the site generally that will be in accordance with the intent of the new Central City Plan.

**Penny Cycles Site:**

31. Portion of this property has sustained considerable structural damage and is beyond repair. CERA has issued the Council demolition notices over the southern portion of the site and it is anticipated the buildings will be demolished in the near future. The remaining Tuam/Manchester Street corner portion is subject to further structural investigation as part of the Council Insurance claim process, the buildings have replacement insurance cover.

**Sydenham Square:**

32. There has been positive enquiry from the development market concerning the likely opportunity of redeveloping this site. Two unsolicited concepts have been proffered and a possible 2 others showing interest in the Sydenham Square site. One is via a joint venture to develop the site for residential accommodation in such a manner that the building can be converted for alternate uses in the future, retail/offices. Initially the target market is for contractors and staff associated with the rebuild. The other is a development group who have a concept to develop the site as a destination focussing on a combination of eateries, restaurants, offices and a mix of residential accommodation.
33. Council has a standing policy of not dealing unilaterally with any one party without testing the general market. Given the level of interest that has been shown in this site, a short RFP period would be appropriate (no more than 3 weeks), then Council could select a proposal that will commence construction of a facility in short time and proceed with the proposal that achieves the best outcomes for the Council.
34. It is considered that an RFP process is the most appropriate method to seek proposals for this site, that process complies with Council policy and enables open dialog within applicants to be undertaken.

**36 Welles Street**

35. The rear portion of this property has sustained considerable damage and has partially collapsed however other parts appear in reasonable order. Dialog has commenced with our Insurance Company and we await an updated structural report. Then an agreed outcome relative to the future of the whole site can be finalised.

36 Cont'd

**163 Tuam Street (Former Council Offices)**

36. This large structure has suffered damaged and visually looks considerably worse than what may be the case. Most of the external glassing was lost at the time of the February quake and it has been necessary to undertake all structural reporting and insurance processes again. The structure sustained considerably more damage following both the February and June quakes and although it is reported the structure is sound it does need considerable invasive inspections before any final conclusions can be made, it is anticipated that an updated report and scope of works should be available in around 8 weeks.
37. As the Red Zone Cordon remains in place this has had an impact on earlier tenant occupation and the tenant have relinquished their lease.

**175 Tuam Street (Annex Building)**

38. This site is yellow stickered and structural investigations and reporting has been commissioned to ensure all matters are compliant before we re-let the building. The reports are awaited. There are synergies relating to the level 2 stair way from 163 Tuam commented on above as the interconnecting access bridges are supported by a structure "attached" to the Annex. There are services/air conditioning units to also factor into the removal as well.

## 37. EPIC LTD. TEMPORARY LAND VENTURE FOR PARA RUBBER SITE

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | Michael Theelen, General Manager Strategy & Planning |
| <b>Officer responsible:</b>         | Carolyn Ingles, Programme Manager Central City Plan  |
| <b>Author:</b>                      | Adam Naiman, Senior Economist, Central City Plan     |

**PURPOSE OF REPORT**

1. Inform and seek the approval of the Council regarding a temporary land agreement with EPIC Christchurch Ltd for the development of a temporary high-tech park that will provide the basis for a Central City technology park called 'Sigma'.

**EXECUTIVE SUMMARY**

2. EPIC Christchurch Ltd. (hereafter 'EPIC') is a company headed by Wil McLellan of Stickman Studios and Colin Anderson of Effectus who are fostering and are fully committed to the development of an innovation and high-tech campus in the Central City of Christchurch for the benefit of high growth companies.
3. This first stage called Sanctuary involves the development of a temporary site for currently displaced IT and similar type businesses. Thirty businesses with nearly 400 FTEs have signed MoUs committing to the temporary venture. The second stage is called Sigma and will see the gradual and modular development of permanent building on a central city site; this stage will accommodate more than 700 FTEs.
4. EPIC and its partners identified needs for temporary space following the 22 February earthquake. In order to ensure business continuity, attract skilled workers, protect high growth and innovation focused SME's in Christchurch, and continue to develop the EPIC concept, EPIC Ltd. identified considerable urgency in identifying a temporary site that allows for business collaboration, enables the use of shared service arrangements, and allows for the expansion of their group of small-medium high-growth, high-tech industries. EPIC's strong preference is to be located in the Central City and to create a campus style complex.
5. To preserve this business model, and to ensure the rapid realisation of the EPIC concept, EPIC noted its need for a low/no cost site, which was not available on a commercial basis. Following significant consultation with the business sector, the development of a business plan, and due diligence with its members, EPIC approached the Council for discussions regarding the provision of a site for the Sanctuary initiative on a temporary basis.
6. EPIC and Council Staff have examined several sites and it is considered that the Para Rubber is the ideal site for the temporary setup.
7. It is proposed that Council will provide this site to EPIC Ltd rent-free for a period not exceeding 3 years. There will be performance criteria incorporated within any licence to occupy that may be granted to ensure the development of the stage 2 concept proceeds. EPIC will also commit to timeframes for development of Sanctuary and continued discussions with Council regarding the development of the Sigma venture in the Central City.
8. This is an opportunity for the Council to provide support for a promising innovative initiative at a difficult time. Sanctuary will deliver over 200 employees to the Central City, and the development of Sigma promises to attract high-skilled employees and businesses to a recovering Christchurch, many of whom are likely to live, work, and play in the Central City.
9. One of the key issues is whether the Council should place the Para Rubber Site on the open market for expressions of interest. While this is possible, the EPIC proposal is an initiative that has presented itself, and it provides the opportunity to deliver a short-term temporary development that will locate a large number of employees in high-growth industries back in the Central City. The number of employees, the skills they bring to the City and the long-term synergies between EPIC and the previous and current plans for the Central City South area are significant, and make the proposal an ideal start up initiative.

37 Cont'd

10. The distinguishing feature of the proposal is the intention of the proponents to develop a permanent commercial venture in the same locality. This venture may be located on private land, Council land, or a mixture of both, and any such proposal would need to be fully market tested. However, the EPIC model, the employees and skills attracted and retained by this initiative, and the future growth industries that could be attracted would be a significant boost to the area.
11. Discussions are ongoing with CERA / Central Government regarding the funding for the Sanctuary build, and providing this licence to occupy will help EPIC access funding; there is an expectation that Council signal an offer on the land first.

**FINANCIAL IMPLICATIONS**

12. Providing the site rent-free for 3 years has no cost. The forgone income could be up to \$40,000 per year, as that was the value of the previous rental income from a car parking lot lease. It is known, however, that many central city sites will be available for temporary parking until redevelopment occurs. This will considerably reduce short-term rental values.
13. There are also economic benefits to this plan: the current locations of many of these high-tech firms makes it difficult to recruit and retain staff, and hinders the collaborative nature of research and development between firms prevalent in the IT/high-tech industry. Enabling a collaborative approach is highly likely to result in greater efficiency, a larger number of projects being completed and produced, and higher revenues leading to greater economic growth.

**LEGAL CONSIDERATIONS**

14. None. It is proposed to grant a three year licence to occupy over what is known as the Para Site with no rights of renewal.
15. The Council has released SOL Corporation from its option over the northern portion of this site however consideration to the balance of land is in a separate report on this agenda. Notwithstanding this there is no impediment to granting a short term 3 year licence over the whole of the site.

**ALIGNMENT WITH STRATEGIES**

16. Central City Plan (Draft in Progress); Christchurch Economic Development Strategy (CEDS); Central City Revitalisation Strategy; Creative Christchurch; Urban Development Strategy (UDS).

**CONSULTATION FULFILMENT**

17. Concepts such as EPIC have been discussed with the Canterbury Business Leaders Group, the CORE Property Owners Group, Lincoln University, and CPIT as part of the Central City Plan process.
18. In addition, EPIC has engaged in with CERA, Council, IRL, the Chamber of Commerce, CDC, and the business sector describing their potential offering to the Central City.

**STAFF RECOMMENDATION**

It is recommended that the Council resolve to:

- (a) Approve the use of the Para Rubber site by EPIC on a rent-free basis for a period not to exceed 3 years.
  - a. Para Rubber in this instance refers to all Council owned land comprised in Identifiers 510696, 510697, 534837, 534838, 534839 and 22K/1339 having a total area of 3757 m2 or thereabouts.

28. 7. 2011

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- (b) Delegate to the General Manager Corporate Services the authority to enter into a licence to occupy the Para Site on the terms outlined in this report.
- (c) Delegate authority to the Chief Executive of the Christchurch City Council to negotiate an MoU with EPIC regarding working collaboratively to investigate the feasibility of developing the permanent Sigma project in the Central City.



**BACKGROUND**

19. EPIC refers to Enterprise Precinct and Innovation Campus. EPIC Christchurch is a Limited Liability company established by William McLellan of Stickmen Studios and Colin Andersen of Effectus to create an Innovation Campus which stimulates the growth of high innovation SME businesses in Christchurch. Since its inception in April 2011 the initiative has attracted the support of over 40 SME companies in Christchurch, equating to over 700 FTE's for the Sigma initiative requiring over 15,000 sqm in the long term. EPIC has a core anchor group of Tenants which include Stickmen Studios and CerebralFix, Effectus, Industrial Research Limited, SLI Systems and ARANZ. The initiative is directed by William McLellan and Colin Andersen, with legal, business, design, and property advice provided by Duncan Cotterill, Deloitte, Warren and Mahoney and Colliers, respectively.
20. The anchor group approached Christopher Coleman, Google's Director of Global Real Estate, and Craig Nevill-Manning, Google's Engineering Director in New York, who are prepared to offer free advice for the development of the campus. This advice will be invaluable based on their experience of designing large collaborative spaces for software engineers, salespeople and creative staff to a tight budget.
21. The initiative has a two stage approach. Stage 1 is called Sanctuary and Stage 2 is called Sigma. Sanctuary focuses upon the short-term creation of affordable temporary premises within the central city for EPIC tenants that have been displaced and are at the most risk. EPIC is currently in discussions with Council staff regarding the provision of Council land for both stages of this initiative. The Para Site will house up to 400 FTE's for no longer than 3 years, and should have between 3000 and 4000 sqm of usable relocateable office space. EPIC propose that the building of the temporary premises is funded by CERA or Central Government, with tenants paying reasonable rent to enable recuperation of some of the initial set up costs. The objective of this phase is to prevent collapse or flight of endangered companies and demonstrate proactive action to protect high growth and innovation focused SME's in Christchurch.
22. The Sigma phase refers to the permanent Campus. This phase will see the gradual and modular development of permanent building on a central city site. The design of the campus will promote collaboration through shared facilities encompassing both business services such as meeting rooms, printing services and "quality of life" facilities such as recreation rooms, open spaces, crèches, etc. It is considered that this shared environment will therefore promote business efficiency, the development of collaborative business opportunities and serve as an iconic example of quality of life in the new Christchurch. This development will naturally compliment the Council's strategy of creating and focussing business activity, and living within the CBD, and it will support the goals of the Draft Central City Plan.
23. With regard to the status of the Sigma phase, the EPIC group are in discussions with Council staff to identify a suitable site or sites within Christchurch which may be publically or privately provided. The modular nature of this development means it can be expanded as the tenants grow or new tenants join. The Sigma development will be funded by a mixture of private and public funding, potentially with Council or Central Government. EPIC has numerous property developers and tenants interested in investing in this project. Interestingly, this project and campus project is being driven by a collective group of tenants rather than the traditional method of property developer on behalf of possible tenants. Government involvement in this project is essential to ensure it achieves it's objective establishing an inspirational environment which is affordable for New Zealand owned SME's and stimulates their growth within Christchurch.

## 38. PERFORMANCE REPORT FOR THE ELEVEN MONTHS TO 31 MAY 2011

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | General Manager, Corporate Services                        |
| <b>Officer responsible:</b>         | Corporate Performance Manager<br>Corporate Finance Manager |
| <b>Author:</b>                      | Paul Anderson, General Manager, Corporate Services         |

**PURPOSE OF REPORT**

1. The purpose of this report is to update Council on service delivery, financial, and capital works programme performance results for the eleven months to 31 May 2011. The budgets and targets in this paper are based on those approved by Council in the 2009-19 LTCCP and/or 2010-11 Annual Plan. Council normally receives Performance Reports on a quarterly basis but this reporting cycle has been affected by the earthquakes during the 2010/11 financial year. Notwithstanding this, Council received a last performance report for the six months to 31 December 2010 and also received updated financial forecasts during the 2011/12 Draft and Annual Plan deliberations.
2. The report includes an updated overview on the expected overall financial impact of the earthquake on the Council. These costs have been incorporated into the year-end forecasts.

**EXECUTIVE SUMMARY**

3. Attached are appendices showing summaries of:
  - Financial performance as at 31 May 2011 (**Appendix 1**)
  - Significant capital projects (>\$250,000) as at 31 May 2011 (**Appendix 2**)
  - Housing development fund and Christchurch Earthquake Mayoral Relief fund as at 31 May 2011 (**Appendix 3**)

**Levels of Service**

4. In the months following the 4 September 2010 earthquake all level of service were monitored to determine what changes needed to be recommended to Council. Those changes were agreed by Council in the December 2010 Performance Report (most involved suspending targets where key information was still unknown eg. water supply and sewerage). Reporting against the new targets was then set to resume after Christmas. However, the severity of the 22 February 2011 earthquake invalidated large numbers of targets. Council moved into emergency response, meaning key staff were unavailable to provide LOS forecasts and some measurement devices and systems were no longer functioning. Many services were also suspended (sports centres and libraries for example) making measurement meaningless. For these reasons level of service forecasting has remained suspended. However, year-end results are being collated to provide a complete assessment of Council's position. These final results will be reported to Council with the year-end financial results.

**Financial Performance**

5. The key financials for the year to date are summarised in the table below, with more detail provided in Appendix 2:

| .                                     | Year to Date Results |                |                 | Forecast Year End Results |               |                | Forecast Carry Forward |                |        |
|---------------------------------------|----------------------|----------------|-----------------|---------------------------|---------------|----------------|------------------------|----------------|--------|
|                                       | \$000's              | Actual         | Plan            | Variance                  | Forecast      | Plan           | Variance               | Carry Fwd      | Result |
| <b>Financial Summary</b>              |                      |                |                 |                           |               |                |                        |                |        |
| Operational Funding                   | 334,555              | 344,378        | -9,823          | 517,704                   | 404,375       | 113,330        | -1,420                 | 114,750        |        |
| Operational Expenditure               | 471,727              | 370,068        | -101,659        | 539,184                   | 404,752       | -134,432       | 6,039                  | -140,470       |        |
| <b>Cash operating surplus</b>         | <b>-137,173</b>      | <b>-25,691</b> | <b>-111,482</b> | <b>-21,479</b>            | <b>-377</b>   | <b>-21,102</b> | <b>4,619</b>           | <b>-25,721</b> |        |
| Capital Works Programme               | 104,008              | 189,646        | 85,638          | 137,828                   | 225,605       | 87,777         | 88,002                 | -225           |        |
| Works Programme Funding               | 113,342              | 120,877        | -7,535          | 116,398                   | 202,286       | -85,888        | 75,000                 | -10,888        |        |
| Works Programme Borrowing Requirement | <b>-9,334</b>        | <b>68,768</b>  | <b>78,102</b>   | <b>21,430</b>             | <b>23,319</b> | <b>1,889</b>   | <b>13,002</b>          | <b>-11,113</b> |        |

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6. As at May, the year-to-date cash operating deficit of \$111.4 million is expected to reduce to \$21.1 million by year-end (\$25.7 million after operational carry-forwards). The reduction is largely due to earthquake recoveries unaccounted for that will be received or accrued by 30 June. The forecast result is slightly better than that presented to Council and incorporated as part of the 2011/12 Draft Annual Plan (a deficit of \$27.2 million).
7. As at 31 May, the capital works programme is \$85.6 million behind budget. This is forecast to increase slightly to be \$87.8 million at year-end. Adjusted for net proposed carry-forwards (currently \$88.0 million), the capital works programme is forecast to be underspent by \$0.2 million at year-end.
8. Tracking the impact of the earthquake has added significant complexity to the Council's financial result for 2010/11. The table in paragraph 52 of this report details the estimated net operating impact of the earthquake of \$43.6 million after government subsidies and insurance receipts and the table below summarises how this affects the overall operating result for 2010/11.

**Council forecast operating deficit for 2010/11**

| Earthquake Related:                               | (\$000)              | Note   |
|---|----------------------|--|
| Initial Emergency Works                           | 8,500                | Staff time, Council share of emergency roading                                   |
| Emergency Operations Centre                       | 28,200               | Staff time, catering, stationery, equipment                                      |
| Recovery of Council Assets                        | 20,800               | Staff time   |
| Fees & Charges Lost                               | 16,525               | Includes parking, rec centres, regulatory consents, reduced CCHL dividend        |
| Other net cost savings (budget variances)         | -16,900              | Reduced 'BAU' maintenance, reduced facilities costs, other costs                 |
| Council Decisions                                 | 4,900                | Rates remissions, free central city parking, Band Together costs                 |
|   | <u>62,025</u>        |  |
| Less staff costs above budgeted elsewhere         | -20,400              |  |
| Less deferred renewals funds allocated by Council | -9,300               |  |
| <b>Total Earthquake Related</b>                   | <b><u>32,325</u></b> |  |
| <b>Non Earthquake Related:</b>                    | <b>-6,604</b>        | Rates revenue, lower debt servicing, Art Gallery admissions, maintenance savings |
| <b>Forecast Operating Deficit</b>                 | <b><u>25,721</u></b> |  |

**Operational Funding**

9. Operational funding is forecast to be \$113.3 million higher than budget. Earthquake recoveries account for \$133.2 million. Partially offsetting this are significant revenue shortfalls forecast across the organisation, the most significant of which are: Parking revenue \$4.1 million (\$2.4 million off-street and \$1.7 million on-street); Regulatory Approvals \$3.2 million (Resource Consents \$1.3 million; Subdivision Consents \$0.8 million; Building Consents \$0.4 million; Building Inspections \$0.3 million; and LIMs \$0.3 million); Events and Festivals \$2.9 million (largely relating to the cancellation of the Ellerslie International Flower Show); Road Network \$1.6 million (Carriageways \$1.0 million); Recreation and Sport Services \$1.4 million (due to facility closures); and Parking Enforcement \$1.4 million.
10. Also forecast to be below budget by \$6.3 million is dividends revenue (largely due to a \$5.8 million shortfall in the CCHL dividend). This is partially offset by forecast higher than budgeted rates revenue of \$2.5 million (\$1.9 million rates income and \$0.6m penalties) and higher than budgeted interest revenue of \$1.3 million, although \$0.6 million of this relates to special funds.
11. The set-up for the Ellerslie International Flower Show was well underway at the time of the 22 February earthquake with the majority of costs having been incurred. The subsequent cancellation of the show meant that ticket and sponsorship revenue was refunded and further costs were incurred in packing up. This has resulted in a net loss for the flower show of \$1.5 million for 2010/11. Council does not take business interruption insurance to cover loss in revenue for any of its events; this decision has been reported separately to the Audit & Risk Management Subcommittee along with the Council's other insurance arrangements.

### Operational Expenditure

12. Operating costs (excluding debt servicing) are \$103.7 million higher than budget at the end of May. This is caused by earthquake costs detailed below, partially offset by an under spend of \$34.4 million in normal business operations. This is largely due to either facility closures or resources being diverted to earthquake-related work. The most significant underspends are in the following activities: Road Network (\$5.2 million); Water Supply (\$2.3 million); Community Housing (\$2.3 million); Heritage Grants (\$2.2 million); Wastewater Collection & Treatment (\$2.0 million); Events & Festivals (\$1.9 million) and Recreation & Sports Services (\$1.7 million). A slight catch-up is forecast in normal business operating costs (forecast to be \$32.0 million below budget).
13. Potential operational carry-forwards of \$6.0 million have been identified, \$3.8m of which are various grants. This includes Heritage and Arts Centre grants (a total of \$2.3 million); Robert McDougall Art Gallery (\$600k); NZ Open Golf (\$450k); QEII Sports House (\$285k) and Riccarton Bush Trust (\$192k), all no longer expected to be paid out this financial year. The balance largely relates to various projects either delayed or on hold as a result of the earthquakes.
14. Debt-servicing costs are forecast to be \$2.4 million less than budget, due to delayed borrowing as a result of the under-delivery of the capital works programme.

### Capital Works Programme

15. The Capital Works Programme is currently \$85.6 million below budget (as shown in **Appendices 1 and 2**). The most significant variance is in the Wastewater Collection and Treatment area, which is \$25.3 million below budget. This is due to delays on various projects including the Western Interceptor Future Stages (\$10.9 million) and Fendalton Duplication (\$4.5 million), both of which have been delayed by eight weeks as a result of the February earthquake. Parks and Open Spaces are \$11.3 million behind budget, the largest component being on-going delays around Neighbourhood Reserves purchases (\$3.4 million). This is due to ongoing negotiations over some purchases of inner city sites being delayed until 2011/12, and part of the programme being put on hold following the February earthquake. Streets and Transport is \$12.6 million behind budget due to underspends on various projects, most notably the Southern Motorway and Auxiliaries (\$1.7 million) due to changes in the schedule over what was originally planned; The Kerb & Channel Programme (\$1.4 million) due to projects being behind schedule; Tram Base (\$0.8 million) due to the project being put on hold; and Ferrymead Bridge (\$0.8 million) due to work progressing slower than anticipated, coupled with damage sustained to the bridge during the February earthquake. The majority of the Corporate variance relates to Strategic Land Acquisitions (\$15.8 million) as no acquisitions have been completed as yet this financial year. Financial details of significant capital projects are shown in **Appendix 2**, including forecast carry-forwards and bring-backs.
16. The Capital Works Programme year-end forecast shows a slight change from the current position, to be \$87.8 million under budget by year-end. While there is some catch-up forecast in both the Corporate and Wastewater areas (by \$9.5 million and \$1.2 million respectively), the underspends in the Streets & Transport and Parks & Open Spaces areas are forecast to increase further. Overall, the key areas (and significant projects) forecast to be underspent are: Wastewater Collection and Treatment \$24.1 million (Western Interceptor \$9.6 million; Biosolids Drying Facility \$4.4 million and Fendalton Duplication \$4.0 million); Streets & Transport \$17.2m (Christchurch Transport Interchange \$3.0 million; Canterbury Park Access \$2.1 million; University Crossings \$1.1 million and causeway culverts and walls \$1.0 million); Parks and Open Spaces \$16.0 million (Neighbourhood Reserves purchases \$3.2 million; Botanic Gardens Entry Pavilion \$2.9 million; Applefields \$1.9 million; and Cashmere Ponding \$1.4 million); and Corporate \$12.7 million (Strategic Land Acquisitions \$8.0 million, and various IM&CT projects \$4.9 million). Currently, net carry-forwards of \$88.0 million have identified, resulting in an underspend of \$0.2 million for the overall Works Programme.

**Capital Funding**

17. Development Contributions revenue is \$11.4 million below budget, and this shortfall is expected to increase to \$13.0 million at year-end. The amount able to be allocated to fund completed work is \$13.0 million below budget, increasing to \$14.6m below budget at year-end as shown in appendix 1.
18. Capital grants and subsidies are \$5.9 million higher than budget, which largely reflects revenue of \$8.1 million relating to the sale of EcoCentral Ltd to CCHL, partially offset by NZTA subsidies (Streets capital revenues), which are currently \$1.9 million lower than budget (forecast to improve to be \$0.6m below budget at year-end). The remainder of the forecast variance relates to earthquake capital revenues (Central Government \$16.8 million; Insurance \$18.2 million; and NZTA \$1.0 million).

**Operational Activities**

19. City & Community Long-Term Policy & Planning is under budget due to lower external consultant charges as a result of some staff working on earthquake-related projects rather than normal business projects. It is forecast to be over spent by \$325k due to expenditure on the Central City Plan.
20. District Plan is currently under budget mainly due to a lower than expected external spend on Council Plan changes, however external spend is forecast to increase slightly in June as increased external costs are incurred for a number of DP Hearings that are due to take place.
21. Heritage Protection – This activity is \$2.6 million under budget due mainly to Heritage and Arts Centre grants not being uplifted (\$1.3 million and \$0.8 million respectively), both of which are planned to be carried forward to 2011/12. Consultants Fees and Building Maintenance costs are also under budget (\$0.5 million) but are forecast to reduce to \$0.3 million under at year-end.
22. Community Grants – These are forecast to be \$0.5 million under budget at year-end, the most significant item being the QEII Sports House capital grant (\$0.3 million) which will be requested to be carried forward to 2011/12.
23. Social Housing – This activity is under budget due to the deferral of \$1.3 million of maintenance work, while house rental revenue is forecast to be \$0.4 million below budget due to the number of uninhabitable units.
24. Civil Defence and Emergency Management – This activity is \$29.2 million higher than budget as a direct result of the September and February earthquakes. This includes \$49.8 million of earthquake-related costs, broken down as follows: EOC Emergency Management Costs: \$32.2 million; Recovery Management: \$10.4 million; Welfare: \$6.6 million; and Recovery Assistance Centres: \$0.6 million. While some of these costs are forecast to be recovered, the activity is forecast to be \$21.9 million higher than budget at year-end (the majority of which is staff-related costs which are not recoverable).
25. Art Gallery and Museums – This activity is \$1.1 million favourable to budget due to the additional admittances revenue received for the Ron Mueck exhibition. This is also reflected in the year-end forecast, however it is partially offset by lower grants revenue and shop sales due to the Art Gallery being closed to the public since the February earthquake.
26. Libraries – The year-end forecast of \$0.8 million below budget is due to lower operating/maintenance and depreciation costs, partially offset by lower revenues as a result of closures due to the earthquake.
27. Cultural and Learning Services Capital Revenues – Development Contributions are forecast to be \$0.5 million less than budgeted.

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28. Neighbourhood Parks – This activity is forecast to be \$0.6 million unfavourable to budget due to the loss of nursery plant sales.
29. Garden and Heritage Parks – This activity is \$0.9 million behind budget principally due to maintenance delays (\$0.6 million) and non payment of the Riccarton Bush Trust capital grant (\$0.2 million). This grant will be requested to be carried forward to 2011/12. Some of the planned maintenance work is forecast to be caught up by year-end, with the overall activity underspend reducing to \$0.5 million.
30. Waterways and Land Drainage – This activity is \$2.3 million over budget, due to \$3.5 million of earthquake-related costs, partially offset by lower normal business maintenance costs of \$1.2 million as works have been put on hold and resources diverted elsewhere. While the earthquake costs are forecast to be largely recovered, only a \$0.3 million catch-up in normal business maintenance costs is forecast.
31. Parks and Open Spaces Capital Revenues – Waterways and Wetlands Development Contributions are forecast to be \$3.6 million below budget, while Parks Development Contributions are forecast to be \$1.3 million below.
32. Recreation & Sports Services – Costs in this activity are \$1.5 million below budget (including \$0.5 million depreciation costs), partially offset by lower revenues across the activity (\$1.3 million). Both of these variances are largely due to facility closures following the earthquakes. While the QEII and Centennial facilities will remain closed for the rest of the financial year (and beyond), other Council facilities (eg. Jellie Park, Pioneer) were reopened and a \$0.5 million catch-up in operating/maintenance costs is forecast (\$0.7 million below budget at year-end). Offsetting this forecast underspend is lower than budgeted revenues from entry/usage fees, forecast to be \$1.2 million below budget at year-end.
33. Events and Festivals – This activity is forecast to be \$1.4 million over budget at year-end almost entirely due to the cancellation of the Ellerslie Flower Show (\$1.5 million). The loss of revenue is almost 100% with only roughly 50% of the costs able to be saved. Partially offsetting this is the NZ Open Golf event which is now not expected to go ahead this financial year.
34. Recreation and Leisure Capital Revenues – Development Contributions are forecast to be \$0.8 million less than budgeted.
35. Residual Waste Collection and Disposal – This activity is \$1.6 million over budget due to earthquake-related refuse disposal fees (\$1.4 million), however these are forecast to be fully recovered. The forecast year-end favourable variance is due to \$0.4 million additional revenue as a result of re-opening Burwood Landfill after the September earthquake, and a \$1.0 million return from EcoCentral Ltd due to the profit share agreement in place. This is partially offset by higher than budgeted refuse disposal costs (\$0.9 million) reflecting additional tonnages going to landfill.
36. Organic Material Collection and Composting – The year-to-date variance reflects the fact that the Organics Processing Plant has not been operating since the February earthquake. Kerbside collections are continuing, with organic waste now going to the landfill. The plant is not expected to be operating again before June, and the ongoing operating cost savings have been reflected in the year-end forecast.
37. Enforcement and Inspections – The year-to-date variance reflects \$6.9 million of earthquake-related expenditure, mainly around building demolitions (forecast to be fully recovered). The unfavourable forecast variance is due to the fact that there has been no parking enforcement activity in the CBD as a result of the Feb earthquake.

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38. Regulatory Approvals – This activity is \$2.7 million over budget (building inspections \$1.1 million; building consents \$0.5 million, resources consents \$0.5 million and subdivision consents \$0.3 million), all impacted by the February earthquake. A further deterioration is forecast across all these areas, especially in building and resources consents, forecast to be \$0.9 million and \$0.8 million higher than budget respectively. Also included in the forecast are \$0.4 million of costs associated with the new Earthquake Building Services Unit.
39. Road Network – Excluding depreciation costs which are \$5.9 million lower than planned, this activity is \$40.0 million over budget. This includes \$43.2 million of earthquake-related maintenance costs (these are forecast to increase to \$54.9 million higher than budget at year-end, with \$47.7 million forecast to be recovered). Normal business maintenance costs are \$5.1 million below budget (as some of the normal operational work has been put on hold), however this is partially offset by NZTA operational subsidies which are currently \$1.4 million below budget. The normal business activity forecast is \$8.4 million favourable. This is largely due to maintenance and depreciation costs (forecast to be \$4.7 million and \$5.4 million below budget respectively), partially offset by lower NZTA subsidy revenue (\$1.1 million) and commercial rent revenue (\$0.3 million, due to lower revenue from cell sites as well as from 'furniture on streets' rental in the CBD).
40. Active Travel – This activity is \$1.2 million below budget, mainly due to an underspend on maintenance costs (\$0.6 million) as resources have been diverted to earthquake-related maintenance. Depreciation costs are also \$0.4 million below budget. Both are forecast to remain close to this level at year-end.
41. Parking – Revenue from casual parking fees is \$2.5 million below budget (\$1.3 million Off-Street and \$1.2 million On-Street), and reserved parking revenue is \$0.4 million below budget due to the February earthquake. In addition, staff costs are higher than budget due to delays in the rollout of the parking building automation. Partially offsetting this are operating/maintenance cost savings as a result of most parking facilities being closed. A further deterioration of \$1.6 million in total parking revenue is forecast by year-end, assuming no charges for On-Street parking for the rest of the financial year, and only a small number of Off-Street parking facilities being available. While the staff costs overspend is forecast to increase (mostly redundancies), this will be largely offset by lower forecast operating costs due to facility closures.
42. Public Transport Infrastructure – This activity is \$1.4 million above budget due to higher than planned depreciation costs (mainly relating to the new Transport Interchange site).
43. Streets & Transport Capital Revenues are \$3.7 million below budget, which relates to NZTA Capital Subsidy revenue (\$1.9 million) and Cash Development Contributions (\$1.8 million). The NZTA Capital Subsidy variance is expected to improve by \$1.5 million by year-end, with DCs forecast to deteriorate a further \$0.2 million.
44. Wastewater Collection – This activity is \$31.7 million over budget, almost all of which is due to earthquake-related costs. These are forecast to be fully recovered, with the activity forecast to be close to budget at year-end.
45. Wastewater Treatment & Disposal – is \$3.2 million below budget, due to under-spends on operating and maintenance costs (\$2.4 million) mainly around delays associated with the operation of the Bio Solids Drying Plant, and resources being diverted to earthquake-related work. These costs are forecast to remain close to this level at year-end. Revenue from Trade Waste Charges is \$0.8 million higher than budget, however a \$0.2 million deterioration is forecast due to a number of large businesses who normally incur these charges not operating since the earthquake.
46. Wastewater Collection & Treatment Capital Revenues – Development Contributions are forecast to be \$3.6 million less than budget.

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47. Water Supply – This activity is \$13.1 million higher than budget, reflecting \$14.2 million of earthquake-related costs. Depreciation costs are also \$1.1 million higher than budget. Partially offsetting this is normal business operating/maintenance costs (\$2.2 million below budget as a result of the focus on earthquake repairs). Overall, the activity is forecast to be close to budget at year-end.
48. Water Supply Capital Revenues – Development Contributions are forecast to be \$1.2 million less than budget.
49. Corporate Revenues & Expenses – These are forecast to be \$41.3 million favourable, \$36.0 million of which relates to earthquake capital spend recoveries (Central Government \$16.8 million; Insurance \$18.2 million; and NZTA \$1.0 million). Other favourable variances are rates \$2.5 million higher than budget (rates income \$1.9 million and penalties \$0.6 million); higher interest revenue of \$1.3 million; lower debt servicing costs of \$2.4 million; and the surplus on the sale of CCC Two Ltd \$8.1 million. Partially offsetting this is dividends revenue, forecast to be \$6.3 million lower than budget, mainly due to a \$5.8 million shortfall in the expected CCHL dividend. Also included is \$3.7 million of earthquake rates remissions.
50. Revenue recognised from Vested Assets and Land Development Contributions are forecast to be \$8.4 million and \$2.7 million less than budget respectively.



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## FINANCIAL IMPACT OF THE EARTHQUAKE - ESTIMATE OF COSTS AS AT 31 MAY 2011

51. This table summarises the current estimate of the impact of the earthquake on Council.

| \$ million                         | Actual to Date |               |               |             | Forecast 10/11 Results |                |               |           | Forecast Life Results |                 |                |              |
|------------------------------------|----------------|---------------|---------------|-------------|------------------------|----------------|---------------|-----------|-----------------------|-----------------|----------------|--------------|
|                                    | Total Cost     | Govt Subsidy  | Insur Cover   | Net Cost    | Total Cost             | Govt Subsidy   | Insur Cover   | Net Cost  | Total Cost            | Govt Subsidy    | Insur Cover    | Net Cost     |
| <b>Summary</b>                     |                |               |               |             |                        |                |               |           |                       |                 |                |              |
| EQ Recovery Fund receipts ex rates |                |               |               | (44.0)      |                        |                |               | (44.0)    |                       |                 |                | (44.0)       |
| Unallocated Recoveries             |                | (41.9)        | (19.6)        | (61.5)      |                        |                |               | -         |                       |                 |                | -            |
| Net Operating Costs                | 162.8          | (.0)          | (.0)          | 162.8       | 197.1                  | (127.2)        | (28.4)        | 41.6      | 426.0                 | (273.4)         | (32.8)         | 119.7        |
| Net Rebuild Costs                  | 21.4           | -             | -             | 21.4        | 38.5                   | (17.8)         | (18.2)        | 2.6       | 2246.4                | (1101.2)        | (543.6)        | 601.6        |
| <b>Net Cost (Surplus funds)</b>    | <b>184.2</b>   | <b>(41.9)</b> | <b>(19.6)</b> | <b>78.6</b> | <b>235.6</b>           | <b>(144.9)</b> | <b>(46.6)</b> | <b>.1</b> | <b>2672.3</b>         | <b>(1374.6)</b> | <b>(576.4)</b> | <b>677.3</b> |

| \$ million                         | Actual to Date |               |               |             | Forecast 10/11 Results |                |               |           | 10/11 Plan    | Forecast Life Results |                 |                |              |
|------------------------------------|----------------|---------------|---------------|-------------|------------------------|----------------|---------------|-----------|---------------|-----------------------|-----------------|----------------|--------------|
|                                    | Total Cost     | Govt Subsidy  | Insur Cover   | Net Cost    | Total Cost             | Govt Subsidy   | Insur Cover   | Net Cost  |               | Total Cost            | Govt Subsidy    | Insur Cover    | Net Cost     |
| <b>Summary</b>                     |                |               |               |             |                        |                |               |           |               |                       |                 |                |              |
| EQ Recovery Fund receipts ex rates |                |               |               | (44.0)      |                        |                |               | (44.0)    | (44.0)        |                       |                 |                | (44.0)       |
| Unallocated Recoveries             |                | (41.9)        | (19.6)        | (61.5)      |                        |                |               | -         |               |                       |                 |                | -            |
| Net Operating Costs                | 162.8          | (.0)          | (.0)          | 162.8       | 197.1                  | (127.2)        | (28.4)        | 41.6      | 9.7           | 426.0                 | (273.4)         | (32.8)         | 119.7        |
| Net Rebuild Costs                  | 21.4           | -             | -             | 21.4        | 38.5                   | (17.8)         | (18.2)        | 2.6       | -             | 2246.4                | (1101.2)        | (543.6)        | 601.6        |
| <b>Net Cost (Surplus funds)</b>    | <b>184.2</b>   | <b>(41.9)</b> | <b>(19.6)</b> | <b>78.6</b> | <b>235.6</b>           | <b>(144.9)</b> | <b>(46.6)</b> | <b>.1</b> | <b>(34.3)</b> | <b>2672.3</b>         | <b>(1374.6)</b> | <b>(576.4)</b> | <b>677.3</b> |

52. Operating costs and direct business impacts of \$162.8 million have been incurred to date, along with \$21.4 million of rebuild costs. Recoveries of \$61.5m have been received to date from government and insurers. The forecast 10/11 results show the expected net cost to Council. The net operating cost for 2010/11 is included in the forecast operating deficit of \$25.7 million. The Earthquake recovery fund is forecast to have a balance of \$32.2 million at 30 June 2011.

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A more detailed breakdown of costs is shown below:

| \$ million                                     | Actual to Date |              |             |              | Forecast 10/11 Results |                |               |             | Forecast Life Results |                |               |              |
|--|----------------|--------------|-------------|--------------|------------------------|----------------|---------------|-------------|-----------------------|----------------|---------------|--------------|
|  | Total Cost     | Govt Subsidy | Insur Cover | Net Cost     | Total Cost             | Govt Subsidy   | Insur Cover   | Net Cost    | Total Cost            | Govt Subsidy   | Insur Cover   | Net Cost     |
| <b>Operating Cost Details</b>                  |                |              |             |              |                        |                |               |             |                       |                |               |              |
| /1-3,5 Initial Emergency Works                 | 48.7           | -            | -           | 48.7         | 46.3                   | (37.1)         | (8.1)         | 1.1         | 46.3                  | (37.1)         | (8.1)         | 1.1          |
| /4 Initial Roothing Emergency Works            | 51.0           | (.0)         | -           | 51.0         | 60.9                   | (43.6)         | (10.9)        | 6.4         | 60.9                  | (43.6)         | (10.9)        | 6.4          |
| /8 Welfare / Caring for the displaced          | 6.6            | (.0)         | -           | 6.6          | 9.6                    | (8.6)          | -             | 1.0         | 9.6                   | (8.6)          | -             | 1.0          |
| <i>Response Costs:</i>                         |                |              |             |              |                        |                |               |             |                       |                |               |              |
| /6 Emergency Management costs (EOC)            | 32.0           | -            | -           | 32.0         | 33.4                   | (3.2)          | (2.1)         | 28.2        | 33.4                  | (3.2)          | (2.1)         | 28.2         |
| /7 Recovery Management                         | 10.5           | -            | (.0)        | 10.4         | 10.6                   | -              | -             | 10.6        | 10.6                  | -              | -             | 10.6         |
| BAU Internal Cost allocs (Staff time excl CPG) | (20.4)         | -            | -           | (20.4)       | (20.4)                 | -              | -             | (20.4)      | (20.4)                | -              | -             | (20.4)       |
| Misc Recovery costs                            | .7             | -            | -           | .7           | .4                     | -              | -             | .4          | .4                    | -              | -             | .4           |
| Demolition Works                               | 7.3            | -            | -           | 7.3          | 12.1                   | (11.7)         | -             | .3          | 12.1                  | (11.7)         | -             | .3           |
| /9 Recovery Work - Council Assets              | 24.1           | -            | -           | 24.1         | 37.4                   | (23.0)         | (5.9)         | 8.6         | 45.7                  | (23.0)         | (5.9)         | 16.8         |
| /11 Increased Costs of Operating               | 1.4            | -            | -           | 1.4          | 1.3                    | -              | (1.3)         | .0          | 159.1                 | (146.2)        | (5.8)         | 7.1          |
| Infrastructure Rebuild Management Office       | 1.3            | -            | -           | 1.3          | .3                     | -              | -             | .3          |                       |                |               | -            |
| Building Consents and Inspections              | .1             | -            | -           | .1           | .4                     | -              | -             | .4          |                       |                |               | -            |
| CERA   | .2             | -            | -           | .2           | .2                     | -              | -             | .2          | .2                    | -              | -             | .2           |
| <i>BAU Costs:</i>                              |                |              |             |              |                        |                |               |             |                       |                |               |              |
| Fees & Charges Lost                            | 13.5           | -            | -           | 13.5         | 13.5                   | -              | -             | 13.5        | 34.6                  | -              | -             | 34.6         |
| Reduced CCHL Dividend                          | -              | -            | -           | -            | 3.0                    | -              | -             | 3.0         | 41.6                  | -              | -             | 41.6         |
| Increased BAU Operating Costs                  | 4.9            | -            | -           | 4.9          | 4.9                    | -              | -             | 4.9         | 16.4                  | -              | -             | 16.4         |
| Reduced BAU Operating Costs                    | (21.7)         | -            | -           | (21.7)       | (21.7)                 | -              | -             | (21.7)      | (31.0)                | -              | -             | (31.0)       |
| <i>Council Decisions:</i>                      |                |              |             |              |                        |                |               |             |                       |                |               |              |
| Rates Remission                                | 1.4            | -            | -           | 1.4          | 3.7                    | -              | -             | 3.7         | 5.3                   | -              | -             | 5.3          |
| 1hr Free Central City Parking                  | 1.0            | -            | -           | 1.0          | 1.0                    | -              | -             | 1.0         | 1.0                   | -              | -             | 1.0          |
| Band Together net cost                         | .2             | -            | -           | .2           | .2                     | -              | -             | .2          | .2                    | -              | -             | .2           |
| <b>Total Net Operating impact</b>              | <b>162.8</b>   | <b>(.0)</b>  | <b>(.0)</b> | <b>162.8</b> | <b>197.1</b>           | <b>(127.2)</b> | <b>(28.4)</b> | <b>41.6</b> | <b>426.0</b>          | <b>(273.4)</b> | <b>(32.8)</b> | <b>119.7</b> |

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| \$ million                                     | Actual to Date |              |             |             | Forecast 10/11 Results |               |               |            | Forecast Life Results |                  |                |              |
|--|----------------|--------------|-------------|-------------|------------------------|---------------|---------------|------------|-----------------------|------------------|----------------|--------------|
|  | Total Cost     | Govt Subsidy | Insur Cover | Net Cost    | Total Cost             | Govt Subsidy  | Insur Cover   | Net Cost   | Total Cost            | Govt Subsidy     | Insur Cover    | Net Cost     |
| <b>Rebuild Cost Details</b>                    |                |              |             |             |                        |               |               |            |                       |                  |                |              |
| Facilities                                     | 3.6            |              |             | 3.6         | 3.9                    | -             | (3.7)         | .2         | 239.8                 | -                | (226.5)        | 13.4         |
| Water  | 10.8           |              |             | 10.8        | 20.7                   | (10.8)        | (9.8)         | .1         | 152.9                 | (79.9)           | (72.6)         | .5           |
| Sewer  | 5.4            |              |             | 5.4         | 9.6                    | (5.0)         | (4.5)         | .1         | 789.9                 | (412.6)          | (373.2)        | 4.1          |
| Stormwater                                     | .0             |              |             | .0          | 2.4                    | (.9)          | (.7)          | .8         | 108.9                 | (42.9)           | (30.7)         | 35.3         |
| Greenspace                                     | .6             |              |             | .6          | .6                     | (.0)          | (.1)          | .5         | 57.2                  | (2.3)            | (9.2)          | 45.6         |
| Transport                                      | 1.0            |              |             | 1.0         | 1.3                    | (1.0)         | -             | .3         | 797.6                 | (593.5)          | -              | 204.1        |
| Retreat / LAPP Liability / Shortfall Allow etc |                |              |             |             |                        | (.0)          | .6            | .6         | 100.0                 | 30.0             | 168.6          | 298.6        |
| <b>Total Net Capital impact</b>                | <b>21.4</b>    | <b>-</b>     | <b>-</b>    | <b>21.4</b> | <b>38.5</b>            | <b>(17.8)</b> | <b>(18.2)</b> | <b>2.6</b> | <b>2,246.4</b>        | <b>(1,101.2)</b> | <b>(543.6)</b> | <b>601.6</b> |

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**FINANCIAL IMPLICATIONS**

53. As above.

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

54. Yes – there are none.

**LEGAL CONSIDERATIONS**

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

55. Yes – there are none.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

56. Both service delivery and financial results are in direct alignment with the LTCCP and Activity Management Plans.

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

57. As above.

**ALIGNMENT WITH STRATEGIES**

58. Not applicable.

**CONSULTATION FULFILMENT**

59. Not applicable.

**STAFF RECOMMENDATIONS**

It is recommended that the Council receives the report.

### 39. ROYAL COMMISSION OF INQUIRY INTO BUILDING FAILURE CAUSED BY CANTERBURY EARTHQUAKES

|                                     |   |
|-------------------------------------|---|
| <b>General Manager responsible:</b> | General Manager Regulation and Democracy Services |
| <b>Officer responsible:</b>         | Legal Services Manager                            |
| <b>Author:</b>                      | Judith Cheyne, Solicitor                          |

#### PURPOSE OF REPORT

1. This report is to advise the Council about the Royal Commission of Inquiry into Building Failure caused by Canterbury Earthquakes ("Royal Commission"), Council's involvement in the Royal Commission's process to date and to seek approval for the formal Expression of Interest form to be made by the Council to the Royal Commission.

#### EXECUTIVE SUMMARY

##### *Terms of Reference*

2. The Royal Commission was established by the Government to inquire into the performance of buildings within the Christchurch city central business district - the area bounded by Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues ("CBD"), and the adequacy of the current legal and best practice requirements for the design, construction, and maintenance of buildings in central business districts in New Zealand to address the known risk of earthquakes.
3. There is particular reference to the Royal Commission inquiring into four buildings (CTV, PGC, Forsyth Barr and the Hotel Grand Chancellor). The Department of Building and Housing is also completing a technical investigation into these four buildings. The Royal Commission will also inquire into a range of other buildings, as a representative sample.
4. The terms of reference note, among other things, that it is desirable to inquire into the building failures to establish why the four buildings failed severely, and why certain buildings failed severely while others failed less severely or there was no readily perceptible failure. The results of the inquiry can then inform the decision-making on the rebuild and repair work in the Christchurch and Canterbury region.
5. Justice Mark Cooper, who is a sitting High Court judge, will chair the Royal Commission. His fellow commissioners are Sir Ron Carter and Richard Fenwick. The Royal Commission's terms of reference are attached as **Appendix 1** to this report.

##### *Media releases from the Royal Commission and information requested*

6. Since its establishment the Royal Commission has issued a number of media releases about its work. Four of those media statements are attached as **Appendix 2** of this report. They are:
  - 25 May 2011 - Canterbury Earthquakes Royal Commission work underway
  - 14 June 2011 - Family liaison a priority for Chair of Royal Commission
  - 12 July 2011 - Technical reports being prepared for Canterbury Earthquakes Royal Commission
  - 14 July 2011 - Canterbury Earthquakes Royal Commission lists buildings of interest
7. The media releases provide a general picture of the work being undertaken by the Royal Commission to date. The most recent media release, on 14 July 2011, lists additional buildings the Royal Commission will investigate as part of its inquiry. These include any building in the CBD which failed and caused a loss of life (certain buildings outside the CBD that caused loss of life are also included).
8. Other buildings that withstood the earthquake are also listed for investigation, and these include the Council's buildings at 53 Hereford Street (new Civic offices), 163 Tuam Street (former Civic offices), the Art Gallery on Worcester Street, and the Town Hall (currently owned by VBase). It is clear that the list of other buildings that withstood the earthquake, which the Royal Commission will also investigate is not yet complete.

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9. Two of the media releases include other references to the Council. The 25 May 2011 release refers to the Commissioners being on the ground in Christchurch and meeting with various persons, including the City Council. The General Manager of Regulation and Democracy Services and other senior staff have met with the Commissioners to discuss preliminary matters and information the Commission will require (and now has required) from the Council.
10. The 12 July 2011 media release refers to technical reports the Royal Commission has requested from various bodies (the estimated costs to the Commission of the reports requested to date is \$326,000). It notes that those reports are in addition to information provided by the NZ Police, the Council and the Department of Building and Housing. Council staff have been collating information on various buildings from its property files and other records (including civil defence records) to support the work of the Royal Commission.
11. The Royal Commission has also requested a report from the Council, to be completed by 31 July 2011. The report is to cover the Council's powers and processes in relation to buildings, and on the "stickering" of buildings after the 4 September and Boxing Day earthquakes, including the provision of a list of all the buildings in the CBD, whether their status was red, yellow or green, and when and how that status changed (if that occurred). Similar information is also requested post the 22 February 2011 earthquake. That information will be provided to the Royal Commission as soon as it can be collated, but that will be after 31 July.

*Notice of issues and expression of interest*

12. On 2 July 2011 the Royal Commission published a "notice of issues and invitation for expressions of interest" (attached as **Appendix 3** of this report).
13. Expressions of interest are sought from anyone who wishes to make submissions, give evidence or provide information to the Royal Commission on the issues listed in the notice or any other issues considered to be within the terms of reference. Expressions of interest need to be submitted by 22 July 2011. An extension of time has been sought from the Royal Commission, to submit the Council's Expression of Interest form on 28 July 2011, following its approval at this meeting.
14. Although the Council has already provided the Royal Commission with information, and will continue to do so as requested by the Royal Commission, the Council may also wish to give evidence or make submissions on matters raised by other parties before the Royal Commission. It therefore needs to formally register its interest with the Royal Commission. The proposed Expression of Interest form to be submitted by the Council is attached as **Appendix 4** to this report.
15. In relation to Issue 6 in the Expression of Interest form, on future measures to be recommended by the Royal Commission in relation to new and existing buildings, a workshop will be held with Council before any submissions are made on that Issue.
16. The other issues which have been identified as areas where the Council will make submissions, give evidence or provide information largely involve factual and technical aspects in relation to when various buildings were constructed, any dealings with the Council since their construction and prior to the earthquakes, the assessments of the buildings post the earthquakes, during the civil defence periods and subsequently, and other interactions in relation to the buildings. Submissions and/or evidence will also need to be provided about the Council's earthquake-prone buildings powers and policies over the years.

**FINANCIAL IMPLICATIONS**

17. There are financial implications arising from the Council's involvement in the Royal Commission's inquiry. The Council has already budgeted \$320,000 in the 2011/12 Annual Plan for the Royal Commission.

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**LEGAL CONSIDERATIONS**

18. A Royal Commission of Inquiry is a process provided for in the Commissions of Inquiry Act 1908. Section 4A of that Act outlines the people entitled to be heard at an inquiry. Persons must satisfy the Royal Commission that they have an interest. It appears that in this instance the Royal Commission will consider the expressions of interest that are registered with it, and will then decide who is to be heard.
19. In the Royal Commission on the Pike River Mine expressions of interest were sought in a similar fashion and the Commission in that instance then went on to decide the standing of the various parties, splitting them into groups of "parties", "interested persons", and "witnesses/submitters".
20. The Council should therefore submit an Expression of Interest form and then wait to hear from the Royal Commission with regard to its status.
21. Simpson Grierson, one of the firms from the Council's panel of legal advisers, has been retained to assist the Council with its preparations for and representation at the Royal Commission hearings.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

22. Aligned to the extent there is budgeting provision for the work arising from the Royal Commission.

**ALIGNMENT WITH STRATEGIES**

23. Not applicable.

**CONSULTATION FULFILMENT**

24. This is not a matter for which the Council would generally carry out consultation. As a regulatory body and holder of relevant information the Council has already become involved in the process at the request of the Royal Commission. Members of the public are able to register their expression of interest directly with the Royal Commission.

**STAFF RECOMMENDATION:**

That the Council resolve to:

- (a) Receive the information in this report
- (b) Confirm its role before the Royal Commission by approving the attached Expression of Interest form.

#### 40. APPOINTMENT OF TANGATA WHENUA REPRESENTATIVE TO GREATER CHRISTCHURCH URBAN DEVELOPMENT STRATEGY IMPLEMENTATION COMMITTEE

|                                     |   |
|-------------------------------------|---|
| <b>General Manager responsible:</b> | Acting General Manager Strategy and Planning  |
| <b>Officer responsible:</b>         | Programme Manager District Planning           |
| <b>Author:</b>                      | Warren Brixton Committee Adviser DDI 941-5575 |

##### PURPOSE OF REPORT

1. To seek the Council's approval of the appointment of a replacement Tangata Whenua representative to the Greater Christchurch Urban Development Strategy Implementation Committee.

##### EXECUTIVE SUMMARY

2. The Urban Development Governance structure includes provision for a tangata whenua appointment on the Joint Committee. Such appointments are made through a recommendation from the Implementation Committee, back to the respective partner Councils for confirmation.

The Terms of Reference for the Implementation Committee do not include confirming the appointment of a tangata whenua representative.

Since the original establishment of the Implementation Committee, Mr Mark Solomon has been the tangata whenua representative. Te Ruanunga o' Ngai Tahu has advised that it wishes to change the representation and that Mr Mike Sang Interim Chief Executive be appointed (See **attached** correspondence)

The Greater Christchurch Urban Development Strategy Implementation Committee at its meeting of 30 May 2011 resolved "That pursuant to the Greater Christchurch UDS Terms of Reference (UDSIC) and the provisions of the Local Government Act 2002, The UDS Implementation Committee recommends to the UDS Partner Councils, that Mr Mike Sang be appointed as the tangata whenua representative on the UDS Implementation Committee, to replace Mr Mark Solomon.

##### FINANCIAL IMPLICATIONS

3. There are no financial implications arising from the recommendation of this report.

##### LEGAL CONSIDERATIONS

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

4. The Urban Development Strategy Implementation Committee is a joint committee of the partner Councils, and as such, its establishment and operations is governed by the provisions of the Local Government Act.

Changes in representation can occur at any time; however the appointment process needs to occur as outlined above.

##### 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?

5. Not applicable.

##### ALIGNMENT WITH STRATEGIES

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

6. Not applicable.



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**Consultation fulfilment**

7. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council, as one of the partner Councils, confirms the appointment of Mr Mike Sang, as the tangata whenua representative on the Greater Christchurch Urban Development Implementation Committee.

## 41. COUNCIL SUBMISSION ON THE PROPOSED CANTERBURY REGIONAL POLICY STATEMENT

|                                     |   |
|-------------------------------------|---|
| <b>General Manager responsible:</b> | General Manager, Strategy and Planning Group  |
| <b>Officer responsible:</b>         | Programme Manager - Healthy Environment, Strategy and Planning Group                |
| <b>Author:</b>                      | Peter Kingsbury, Principal Adviser - Natural Resources, Strategy and Planning Group |

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend that Council lodge a submission (**Attachment 1**) on Environment Canterbury's (ECan) Proposed Canterbury Regional Policy Statement (RPS). This is a statutory process under the Resource Management Act 1991 (RMA).
2. Council can adopt the submission in whole or in part, or can decide not to lodge a submission.

**EXECUTIVE SUMMARY**

3. The RPS provides an overview of the resource management issues for the Canterbury region and sets policies and methods to achieve integrated management of the natural and physical resources.
4. ECan started a review of the RPS in 2006 culminating with the notification of the RPS on 18 June 2011. The Council has been actively involved in the review since 2006 through regular reports to the Regulatory and Planning Committee and will continue to participate through the further submissions and hearing processes.
5. Overall, council staff are satisfied with the progress made by ECan to date on the development and review of the RPS and the fair recognition given to a wide variety of matters raised by the Council.
6. The key policy matters addressed in the submission (**Attachment 1**) are:
  - Chapter 5: Land-use and infrastructure - definitions and terminology, and landuse and transport integration.
  - Chapter 7: Freshwater - definitions and terminology, community water supplies, and stormwater management.
  - Chapter 8: The coastal environment - definitions and terminology, recognition of unique indigenous plants, jurisdictional boundary matters, sea-level rise and tsunami, non-statutory coastal strategies, development in the coastal environment, and general preservation, protection and enhancement of the coastal environment.
  - Chapter 9: Ecosystems and indigenous biodiversity - definitions and terminology, indigenous vegetation, and ecological enhancement and restoration.
  - Chapter 10: Beds of rivers and their riparian zones - definitions and terminology, biodiversity, local authority responsibilities, and river maintenance.
  - Chapter 11: Natural hazards - definitions and terminology, hazard management responsibilities, mitigation options, hazard zonation generally, and risk management approach.
  - Chapter 13: Historic heritage - definitions and terminology, and categories of significance.
  - Chapter 14: Air quality - research into low emission fuel burning devices and vehicles.
  - Chapter 15: Soils - preservation of 'natural soils', and 're-instating' production soils.
  - Chapter 17: Contaminated land - exchange of information and resourcing, and national standards.
  - Chapter 18: Hazardous substances - consistent and accepted approach.
  - Chapter 19: Waste minimisation and management - hazardous waste management and minimisation.
  - Glossary and definitions - suggested changes and additions.
7. This report recommends that Council endorse the submission on the proposed RPS.

**FINANCIAL IMPLICATIONS**

8. The RPS could result in additional resources being required to amend planning documents in order to give effect to the provisions it contains. Giving effect to the RPS will be achieved through a variety of mechanisms including the Christchurch City Plan review and the Long Term Plan. The extent and timing of any resources required is unclear at this stage and will need to be considered in subsequent LTP or Annual Plan processes.
9. The cost of preparing and participating in the RPS review is covered by existing budgets. Further submissions on the RPS and preparation of evidence and attendance at hearings will also be covered by proposed budgets.

**LEGAL CONSIDERATIONS**

10. The RMA requires regional councils to prepare Regional Policy Statements and review them every 10 years (sections 60 and 79(1) of the RMA). The process includes: notification of the proposed RPS; time for submissions; a notified summary of submissions and an opportunity to lodge further submissions in support or opposition to other submissions; followed by a hearing.
11. Any submission must be "on" the proposed RPS (clause 6 of the First Schedule of the RMA) – that is, it cannot seek changes that are beyond the scope of the proposed RPS. The hearing will be "into" the submissions, and the decision will be "on" the matters raised in submissions (cl. 8(b) and 10). That means that the Council cannot at the hearing raise new matters that were not included in its submissions.
12. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (section 66) provides that no submitter can appeal to the Environment Court on the merits of a decision on the proposed RPS. Appeals are solely to the High Court on points of law. The proposed RPS will be operative when any appeals to the High Court on a point of law have been resolved.

**PURPOSE AND EFFECT OF A REGIONAL POLICY STATEMENT**

13. The purpose of a Regional Policy Statement is "*to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region*" (section 59 RMA). The contents of the Regional Policy Statement are prescribed by the RMA. The main points are that the RPS must state issues that are significant for the region, the objectives for addressing those issues, the policies for those issues and objectives, methods (excluding rules) for achieving them, the principal reasons for that framework, and the anticipated environmental results (section 62 RMA).
14. The RMA requires a hierarchical order of policy statements and plans. When the RPS becomes operative, the Natural Resources Regional Plan (NRRP), City Plan and Proposed Banks Peninsula District Plan are required to "give effect to" the RPS (sections 67(3)(c) and 75(3)(c) of the RMA).
15. The Proposed Banks Peninsula District Plan and the City Plan must be changed if they do not "give effect to" the operative RPS, either as soon as reasonably practicable if there is no timeframe set, or within the time specified in the RPS (section 73(4) and (5)). The same requirement applies to the NRRP.
16. Overall, the requirement to "give effect to" a regional policy statement requires district plans to implement their provisions in relatively strict adherence, particularly where the regional policy statement contains mandatory and directive provisions. Where a regional policy statement contains a measure of flexibility, there will as a natural consequence, be a similar measure of flexibility for territorial authorities in giving effect to the RPS through their district plans. The flexibility of methods and approaches in the RPS for territorial local authorities to achieve particular outcomes, includes a variety of methods including identifying opportunities to "advocate and promote", "recognise and provide for" and "undertake or fund projects".

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**ALIGNMENT WITH STRATEGIES**

17. The proposed Council submissions support the Council's Biodiversity Strategy 2008-2035 (2008), Water Supply Strategy 2009-2039 (2009), Surface Water Strategy 2009-2035 (2009), Climate Smart Strategy 2010-2025 (2010), and the Public Open Space Strategy 2010-2040 (2010). The submission is also consistent with the objectives of the UDS.

**CONSULTATION FULFILMENT**

18. Extensive internal consultation, with technical experts, has been carried out throughout the review and submission preparation process. A presentation on the RPS was made to council staff and community boards on 27 May 2011 and 10 June 2011 respectively. The purpose of the presentations was to provide a background to the review process, to highlight the key changes to the RPS as a result of the public consultation phase and to outline the formal submission process.
19. Earlier drafts of individual chapters, prepared between 2006 and mid-2008 were presented to Council's Regulatory and Planning Committee for their comment during the document's development with formal feedback approved by Council.

**STAFF RECOMMENDATION**

It is recommended that:

The Council endorse the submission on the Proposed Canterbury Regional Policy Statement as set out in **Attachment 1** to this report.

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**BACKGROUND**

21. The RPS provides an overview of the resource management issues for the Canterbury region and sets policies and methods to achieve integrated management of the natural and physical resources. The RPS is prepared under section 60 of the RMA. The policies it contains affect the way the Council manages its District Plan, as Council is required to give effect to the RPS (section 75 of the RMA). The RPS also impacts on Council's operational matters, and sets the policy direction for the NRRP.
22. The current RPS became operative in 1998 and is required to be reviewed within ten years of becoming operative. ECan started a review of this document in 2006. The proposed RPS consists of 19 chapters, which discuss a wide range of regional issues, including water, land-use and infrastructure, natural hazards, landscapes, heritage, energy, soils and hazardous substances.
23. The Council has been actively involved in the review process since 2006. It will continue to be involved through formal submission processes and will prepare evidence and attend hearings as required. Due to legislative requirements under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010, any appeals on the final decision can only be made on points of law to the High Court. In essence, the Council will not be able to appeal the decision on its merits, which is the principal basis of most appeals to the Environment Court. Appeals can only be made where the decision has erred in law.
24. Since 2006, ECan consulted with Canterbury's territorial authority staff on the review process, issues and options papers, and draft chapters. Discussions have also taken place through workshops and meetings with staff and at councillor level through Council meetings, committee meetings and seminars.
25. Between October 2008 and April 2010, council staff presented five reports to the Council detailing progress with the review and development of various RPS chapters. The reports presented on the following dates were:
  - 30 October 2008 - waste minimisation and management, contaminated land, and hazardous substances
  - 27 November 2008 - energy, historic heritage, and air
  - 23 July 2009 - soils, and beds of rivers and lakes and their riparian zones
  - 26 November 2009 - landscape, ecosystems and indigenous biodiversity, and coastal environment
  - 16 April 2010 - water.

These reports gave the Council an overview of the issues, as identified by council staff, arising in the various draft chapters being reviewed by ECan at that time. Overall, councillors have been supportive of the report recommendations and approved them for submission to ECan.

26. During August and September 2010, council staff took part in a workshop review of the RPS with ECan and other Canterbury territorial authority staff. This was undertaken over a seven week period (16 days) and involved an intensive 'chapter by chapter' review, resulting in a greatly improved document, both in terms of technical content and readability. The workshop was chaired by an independent facilitator who provided valuable objective advice and direction.
27. Following the August - September 2010 review workshop, comprehensive discussions were had with ECan, regarding landscape, historic heritage, transport, and natural hazard matters, areas in which the Council has significant experience and expertise. These discussions were successful in ensuring ECan had a significantly improved understanding of these matters, and the implication of the CRPS policies on Council roles, responsibilities and functions. In December 2010, the Council, as part of ECan's public consultation phase, provided detailed review comments on the draft document.
28. The proposed RPS was publicly notified on 18 June 2011.

41 Cont'd

29. The submissions of council staff, incorporating feedback from three community boards (Akaroa/Wairewa, Lyttelton/Mt Herbert, and Shirley/Papanui), in **Attachment 1**, are consistent with and support previous review comments provided. The submissions are also consistent with decisions of the Council (October 2008 to April 2010) based on recommendations of the Regulation and Planning Committee, concerning chapters from previous draft versions.
30. Many of the comments and suggestions made by the Council during the review process have been adopted by ECan. Despite the RPS being a lengthy document (230 pages), council staff believe that it has been thoroughly prepared, is comprehensive, and provides the Council and other Canterbury territorial local authorities with clear and practicable policy direction on regional resource management matters.
31. The current review of the PCRPS is a separate process to the preparation of Proposed Change No. 1 (PC1), which will eventually form Chapter 6 - *Development of Greater Christchurch*, of the RPS. PC1 addresses land use and urban growth management in Greater Christchurch for the next 35 years and provides statutory backing for the Greater Christchurch Urban Development Strategy. This document was notified in 2007 and decisions were released in 2009. Appeals are underway in the Environment Court.
32. In parallel to the review of the RPS, ECan developed and completed in July 2010, the Canterbury Water Management Strategy (CWMS). The CWMS has been developed to foster a collaborative approach to managing water within the Canterbury region. The CWMS is not prepared under the RMA and it cannot override the provisions of the RMA or statutory policy statements and plans prepared under the Act. However, many of the fundamental concepts of the CWMS outcomes are integral to promoting the sustainable management of water under the Act and as such have been incorporated into the objectives and policies of Chapter 7 - Fresh Water of the PCRPS.
33. ECan has recently prepared the NRRP, which is now operative. Since the NRRP must give effect to the RPS, it will need to be reviewed in the near future to ensure it complies. It is expected that the Council will participate in the review process.
34. **Attachment 1** to this report provides submissions on 12 of the 19 chapters. Some of the Council's comments are very specific, while others are more general in nature. It is expected that ECan will request the council staff to further discuss, and if possible resolve, some of the Council's submission and those of other submitters, prior to any hearings.
35. The key matters addressed in the submissions (**Attachment 1**) are:
  - Chapter 5: *Land-use and infrastructure*. For easier comprehension, the submission asks for clearer definitions and terminology across several key issues, objectives and policies. The submission supports the overall intent of the chapter and in particular reference to the need to ensure development is appropriately served for the collection of stormwater to reduce the potential for localised flooding. The need for a new method that requires development proposals to be subject to an integrated transport assessment is also included in the submission.
  - Chapter 7: *Freshwater*. For easier comprehension, the submission asks for clearer definitions and terminology in several key issues and policies. In addition to identifying the need to broaden discussion on the potential effects of landuse intensification, the submission asks that there is an increased emphasis on the importance of community water supplies consistent with Canterbury Water Management Strategy objectives. Ensuring high quality and reliable community water supply remains a critical matter for the Council.

## 41 Cont'd

- Chapter 8: *The coastal environment*. For easier comprehension, the submission asks for clearer definitions and terminology across introductory explanations and several of the issues. A key submission point relates to the need for more explanation and cross-referencing to objectives and policies on sea level rise and tsunami inundation. This would provide a broader picture of coastal hazards. Various policies provide for the development of non-statutory coastal strategies. The submission supports these policies but asks for clarification on who should lead the implementation of the strategies. The implementation of the strategies has potential resourcing implications for the Council.
- Chapter 9: *Ecosystems and indigenous biodiversity*. For easier comprehension, the submission asks for clearer definitions and terminology in the introduction and in the policy on life-supporting capacity/mauri of ecosystems. The submission considers that public health matters need to be part of this policy. The dynamic nature of wetlands and their transience is not adequately recognised in the RPS. To achieve appropriate recognition, the submission requests an amendment to a policy on wetland protection and enhancement.
- Chapter 10: *Beds of rivers and their riparian zones*. For easier comprehension, the submission asks for clearer definitions and terminology in the introduction, and several issues and policies. The submission seeks that a policy on removal of vegetation and bed material from river beds is retained. These river maintenance activities are critical for the Council as a method for retaining the flood carrying capacity of water courses. The Council submission also recognises the need for a more conservative approach to vegetation removal in some parts of some watercourses.
- Chapter 11: *Natural hazards*. For easier comprehension, the submission asks for clearer definitions and terminology across three key issues and several policies. Responsibility for the control of land use to avoid or mitigate natural hazard is highlighted in the submission given the recent earthquakes and the current joint Council, Government and Canterbury Earthquake Recovery Authority responsibilities. The submission recognises this broader responsibility by requesting an additional clause. The Council submission also requests the addition of reference to Government best practice guidelines, the clear delineation of 'high hazard' areas, and the need to clearly explain existing use rights and how these rights may need to be extinguished to reduce future potential losses. The submission also requests that a risk management approach to hazard reduction forms part of the methods for local authorities. Risk management is a widely accepted and adopted approach to mitigating the potential adverse effects from natural hazards and other events. Overall the submission supports the intent of the policies and objectives.
- Chapter 13: *Historic heritage*. The Council submission supports the overall intent of the chapter but requests clearer definition and use of several key terms and phrases such as 'historic heritage', 'cultural heritage', 'historic cultural and landscape heritage', and 'heritage values'.
- Chapter 14: *Air quality*. The submission specifically supports the methods proposed in the RPS that reduce the adverse effect on ambient air quality from the use of solid and liquid based fuels. In particular the submission encourages research into the further development of low-emission fuel burning devices and vehicles.
- Chapter 15: *Soils*. The submission highlights the importance of the need to preserve 'natural soils' in undisturbed sites. These soils support some special types of vegetation and also provide the best opportunities for restoring natural vegetation. Clarification is sought in the submission on how subdivision and development can be carried out without foreclosing the ability to use productive soils.

41 Cont'd

- Chapter 17: *Contaminated land*. The submission raises a notable omission in this chapter - reference to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. This Standard is considered as a critical reference for the Council to carry out its relevant functions, roles and responsibilities. Overall, the submission supports the intent of the chapter and specifically requests that current provisions on identifying potentially contaminated land and collaborative access to and use of information between local authorities, is retained.
- Chapter 18: *Hazardous substances*. The submission states that the Council currently addresses issues on hazardous substances in the manner described in the RPS and supports the intent of the chapter. For these reasons the submission asks that the current provisions of the chapter are retained.
- Chapter 19: *Waste minimisation and management*. The Council's submission seeks rewording and/or a change to a policy to emphasise hazardous waste management and minimisation. This is the intent of the chapter and is supported by the Council's submission.
- *Glossary and definitions*. The requirement for the definition or clearer definition of various technical and non-technical words, terms and phrases is identified in the Council's submission. The use of specific and carefully defined words, terms and phrases is considered critical for 'readability', general comprehension, and uniform and consistent understanding and interpretation.



## 42. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 45 CHRISTCHURCH GOLF RESORT – FINAL APPROVAL

|                                     |  |
|-------------------------------------|--|
| <b>General Manager responsible:</b> | Acting General Manager Strategy and Planning |
| <b>Officer responsible:</b>         | Programme Manager District Planning          |
| <b>Author:</b>                      | David Punselie, Assistant Planner            |

### PURPOSE OF REPORT

1. This report seeks Council approval to make operative the changes to the City Plan introduced by a decision on Plan Change 45 Christchurch Golf Resort Ltd.

### EXECUTIVE SUMMARY

2. Plan Change 45 was initiated by Christchurch Golf Resort Limited to enable the development of an integrated golf resort community comprising a golf course, golf academy, residential development and associated facilities. For this purpose it sought to rezone approximately 132 hectares of land between Lower Styx Road and Spencerville Road from Rural 3 to Open Space 3D and approximately 43 hectares of land adjoining the Styx River in the vicinity of Lower Styx Road from Rural 3 to Conservation 3.
3. The Plan Change was considered by Commissioner John Milligan at a hearing over 5 days in November 2009. In his report to the Council he noted that, at the time of the hearing, he was required only to have regard to Change 1 to the Regional Policy Statement (PC1) and, for reasons set out in his report, he had decided that the safest course was for him to consider the request on the basis that PC1 did not stand in its way. His recommendation that the plan change be approved with modification was considered by the Council at its meeting on 25 March 2010.
4. In accepting the Commissioner's recommendation to approve the plan change the Council noted that its decision was inconsistent with the position established by it in respect of PC1 and that this reflected the timing and consideration of decisions made on these two changes. It also noted that where these matters are addressed by the Environment Court the Council will seek to ensure that any outcome is consistent with its position on PC1.
5. Ouruhia Styx Action Group and Canterbury Regional Council appealed the Council's decision to the Environment Court. Both these appeals have now been withdrawn.
6. As the matter is now beyond challenge the Council can take the necessary steps to make operative the changes introduced by Plan Change 45 Christchurch Golf Resort.

### FINANCIAL IMPLICATIONS

7. There are no direct financial implications.

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

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

### LEGAL CONSIDERATIONS

9. 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 45 (**Attachment 1**). 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. As both appeals against the Council's decision have been withdrawn this plan change has now reached the stage where it can be made operative.

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

10. As above.

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**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. 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?**

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

**ALIGNMENT WITH STRATEGIES**

13. Not applicable.

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

14. Not applicable.

**CONSULTATION FULFILMENT**

15. 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 Plan Change 45 Christchurch Golf Resort Limited
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 45 become operative.

## 43. FORMER TEMPLETON HOSPITAL – PROPOSED COUNCIL INITIATED PLAN CHANGE

|                                     |   |
|-------------------------------------|---|
| <b>General Manager responsible:</b> | Brigitte de Ronde, Acting General Manager Strategy and Planning |
| <b>Officer responsible:</b>         | Ivan Thomson, Team Leader, District Planning                    |
| <b>Author:</b>                      | 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 the former Templeton Hospital site, with costs of the plan change to be shared between Rookwood Holdings Ltd and the Council. This follows the Council's decision to decline Private Plan Change 23 for the same site in May 2010 and the subsequent appeal by the requester (Rookwood Holdings Ltd).

**EXECUTIVE SUMMARY**

2. Following discussions with Rookwood Holdings Ltd regarding their appeal on private Plan Change 23 (PC23), staff have developed a framework for re-zoning the site acceptable to Rookwood Holdings Ltd. On the basis of the proposed tailored zoning and a cost-sharing agreement, staff have agreed to seek a Council resolution to initiate a change to the City Plan which will facilitate development on the former Templeton Hospital site. The proposed plan change would enable existing uses such as the Westmount School, Canterbury Youth Development Programme, and driver training to continue operating, as well as facilitating new business uses. Council staff and Rookwood Holdings Ltd have held initial discussions as to what business uses might be anticipated by the plan change and what environmental outcomes might be sought. Key outcomes include maintaining rural aspect and noise environment, rural-based business activity, and retention of the existing school, and compatibility with the existing objectives and policies in the City Plan, and with Proposed Change 1 to the Regional Policy Statement (PC1).
3. The former Templeton hospital is located one kilometre north of Templeton and is 66 hectares. It is currently zoned Special Purpose (Hospital) but, for uses not health-care related, reverts to the Rural 2 (Templeton – Halswell) zone. The site contains a significant number of buildings and internal roads related to the former hospital, and also Westmount School buildings.
4. PC23 related specifically to the former hospital site and sought to rezone the site to a new Business 4M (Maddison Park) zone, based largely on the Business 4T (Suburban Industrial - Technology Park) zone provisions. PC23 was declined because it was not the most appropriate way to achieve relevant objectives and policies of the City Plan, particularly those at Volume 2 Section 6 (Urban Growth). The site is also outside the urban limit as delineated in PC1.
5. Rookwood Holdings Ltd has appealed against both PC23 and PC1. The appeals on PC23 and PC1 are scheduled to be heard together as part of the PC1 hearings.
6. The options available to the Council are:
  - (a) Initiate a plan change to appropriately provide for re-use of the site;
  - (b) Consult with Rookwood Holdings Ltd as they prepare a private plan change to appropriately provide for re-use of the site;
  - (c) Negotiate with Rookwood Holdings to amend PC23 in a manner which suits both parties and implement the agreed position through an order from the Environment Court;
  - (d) Defend it's decision on PC23 in the Environment Court, and seek that the site would retain the existing Special Purpose (Hospital) and Rural 2 zoning; or
  - (e) Address the site as part of the District Plan Review.

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7. After evaluating these options Council staff have concluded the promoting a Council initiating plan change is the most appropriate option in terms of section 32 of the Act. Rookwood Holdings would prefer to work with the Council to prepare a plan change which is consistent with Council principles and which could be completed in a relatively short time frame. Facilitating the re-use of the site would create a degree of public benefit in the employment created by construction / demolition work at the site, and subsequently increased employment on a more permanent basis. Having particular regard to Section 7(b) of the Act, amending the City Plan to facilitate re-use of the site would make efficient use of existing resources on the site including, existing buildings and infrastructure of value that would be re-used and retained in good condition, thereby avoiding the visual amenity issues referred to by the PC1 Commissioners.
8. Use of the site for urban activities would not align well with the City Plan nor PC1. Also it is unlikely that reverting to a Rural 2 Zone would be a sustainable option under the circumstance, particularly as it would permit as of right a significant number of dwellings within the noise contours of Christchurch International airport.
9. The key issue is whether it is possible to achieve a balance between enabling the site and existing infrastructure to be used efficiently whilst maintaining the integrity of the City Plan and PC1. Council staff consider option (a) – to initiate a plan change – would achieve such a balance and is the best of the available options. Initiating a Council plan change provides the Council with a greater degree of control than a private plan change would, and allows a wider range of potential uses than a consent order.

**CONSULTATION**

10. Council staff have been in consultation with Rookwood Holdings Ltd over several months.

**FINANCIAL IMPLICATIONS**

11. Each of options (a), (c) and (d) would likely cost between \$75000 and \$100000. Options (b) and (f) would likely cost less than \$20000. Option (e) would fall within the District Plan Review budget. For options (a) and (c), Rookwood Holdings have agreed to contribute 50 per cent of the costs up until the decisions are notified.
12. It is noted that Rookwood Holdings Ltd have yet to fully settle their account relating to PC23. The total amount was disputed and some relief given.

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

13. As above.

**LEGAL CONSIDERATIONS**

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

14. The process set out in the RMA 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?**

15. The project supports Activity Management Plan for 2009-19 LTCCP – Activity 1.3 District Plan – Preparing, maintaining, and reviewing the Christchurch City District Plan.

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**ALIGNMENT WITH STRATEGIES**

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

16. 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 outside the urban limits described in the UDS and subsequently in the decision on PC 1 (although this is subject to appeal). Given the location of the site, only option (d) could provide for urban activities and even this option would require a change to PC1 . This report, however, concludes there are significant public and private benefits provided by option (a) through facilitating the re-use of the site without compromising the UDS or PC1.

**STAFF RECOMMENDATION**

That the Council direct staff to prepare a plan change which would appropriately provide for the existing uses and additional business activities for the ex-Templeton Hospital site in accordance with the principle set out in this report.

**BACKGROUND & DISCUSSION**

17. The former Templeton Hospital is located on Kirk Road one kilometre north of Templeton, between State Highways 1 and 73. It is 66 hectares (refer to **Attachment 1**). The hospital closed in March 2000 and was sold by the Canterbury District Health Board to Rookwood Holdings Ltd. The site is currently used for the Westmount School (established in 2006, and the subject of two temporary resource consents), Canterbury Youth Development Programme, and driver training. It contains a significant number of buildings and internal roads related to the former hospital and also Westmount School buildings. Many of the hospital buildings are disused but are generally in good condition. Some may require repair or refit with at least one being potentially uneconomic to repair.
18. The site has vehicle access to both Maddisons and Kirk Roads, and State Highways 1 and 73 are close to the site. Stage 2 of the Christchurch Southern Motorway (CSM2) is likely to bypass Templeton, however, the New Zealand Transport Authority (NZTA) have yet to determine the exact route of CSM2. In the event that CSM2 did bypass Templeton, it is likely that the site would continue to have good vehicular access to State Highway 1.
19. The site is also close to the Christchurch Men's and Women's Prisons, Nova Trust (drug and alcohol rehabilitation centre) Brackenridge Residential Estate (long-term housing for people requiring significant mental health care), Waitaha Learning Centre, and a chapel.
20. Activity at Ruapuna Motor-sport Park is clearly audible from the site, and the air traffic associated with the international airport is significant. Airport noise contours (55dBA) cover the bulk of the site.
21. The relevant statutory documents are Proposed Change 1 to the Regional Policy Statement (PC1), the Urban Development Strategy (UDS), and the City Plan. The site is outside the urban limit as described in the first two documents, and urban development on this site would be inconsistent with the objectives and policies in Volume 2 Section 6 of the City Plan (Urban Growth). Any re-use would therefore need to fall outside the definition of 'urban activity'. That said, PC1 did not identify the need for additional business land in this area, and in fact allocates additional business land elsewhere.
22. The PC1 Commissioners in their decision, however, identified three sites where, in their view, a case might be made for allowing development outside the urban limit to offset remediation costs. The three sites are the Islington Freezing Works (the subject of Plan Change 19 which has been heard and a recommendation is pending), Belfast Freezing Works, and the subject site. The PC1 Commissioners considered that the remaining hospital buildings could potentially be significantly detrimental to the amenity of the area in the future. Policy 13(b) was drafted by the Commissioners to take account of this type of site and provides an opportunity to re-use sites like this outside the urban limit.
23. The site is currently zoned Special Purpose (Hospital) in the City Plan but reverts to the Rural 2 (Templeton – Halswell) zone for uses not health-care related. PC23 sought to rezone the site to a new Business 4M (Maddison Park) zone, based largely on the Business 4T (Suburban Industrial - Technology Park) zone. PC23 was declined because it was not the most appropriate way to achieve relevant objectives and policies of the City Plan, particularly those relating to Urban Growth. Rookwood Holdings Ltd has appealed the decision, citing a lack of consideration of the positive aspects of PC23, and that PC23 would better achieve the objectives and policies of the City Plan.
24. Although PC23 was declined, the Commissioner in his recommendation to the Council expressed an opinion that a rural use was unlikely to recur at the site, and noted that the PC1 Commissioners were also of this opinion. The PC23 Commissioner also considered the re-use of the site for health-care facilities to the extent originally envisaged is equally unlikely. It can be concluded from this that the existing zoning pattern is not the most efficient or effective means of achieving the purpose of the Act.

43 Cont'd

25. Rookwood Holdings Ltd and Council staff have met a number of times to discuss whether there is a way forward which might be efficient and effective. The outcome of these meetings was an agreement that Council would prepare a plan change to provide for the re-use of the site in an appropriate manner, subject to a resolution from the Council to this effect. Rookwood Holdings Ltd prefer to work with the Council to prepare a plan change consistent with Council principles and which could be completed in a relatively short time frame. Rookwood Holdings Ltd would share the cost of preparation. It is noted that the previous plan change (PC23), declined by the Council in April 2010, included a large amount of information which will still be useful. Relying this information where appropriate will reduce costs relative to preparation of the plan change for a site without such planning history.
26. Determining how the site might be re-used in an efficient and effective manner has been a focus of these discussions. The current proposal anticipates retention of the existing activities, including the school, Canterbury Youth Development Programme facilities, and driver training. It also anticipates an SPCA or similar establishment, healthcare facilities in keeping with the existing Special Purpose (Hospital) zoning, and general Business 6 (Rural Industrial) activities. Modifications are likely to be required to make such a zoning appropriate. For example, there is no height limit for the B6 zone and a site coverage of up to 40% is relatively high for this area. Residential uses were not considered appropriate given the location of the site outside the urban limit and under the 50 & 55dBA Ldn noise contours for the Christchurch International Airport.
27. Re-use of the site would provide public benefit through employment which would be created by construction / demolition work at the site, and subsequently economic development and employment on a more permanent basis. Amending the City Plan to facilitate re-use of the site would also offset or cover the costs of remediation, and existing buildings and infrastructure of value may well be re-used and retained in good condition, thereby avoiding the visual amenity issues referred to by the PC1 Commissioners.
28. Further, any development of the site needs to avoid or mitigate adverse effects on the surrounding environment, including from the additional traffic or noise, and impact on landscape, and avoid the uneconomic extension of services to a site on the periphery of the Council's infrastructure.
29. On balance, Council staff consider that the re-use and remediation of the site is the most appropriate method of achieving the purpose of the Act, and that re-use could be achieved in a manner which would not be inconsistent with PC1, the UDS, and the objectives and policies of the City Plan.
30. The options available to the Council are:
  - (a) Initiate a plan change to appropriately provide for re-use of the site;
  - (b) Consult with Rookwood Holdings Ltd as they prepare a private plan change to appropriately provide for re-use of the site;
  - (c) Negotiate with Rookwood Holdings to amend PC23 in a manner which suits both parties and implement the agreed position through an order from the Environment Court;
  - (d) Defend it's decision on PC23 in the Environment Court; or
  - (e) Address the site as part of the District Plan Review.

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**OPTIONS****Option (a) – Council Plan Change**

31. This option involves Council staff preparing a new plan change to provide for the appropriate re-use of the site. The plan change would recognise and provide for present uses such as the existing school, Canterbury Youth Development Programme, and driver training, healthcare facilities, as well as new business uses. It is likely to include rules on bulk and location and site coverage provisions in line with the existing Rural or Special Purpose Hospital zones, rather than a traditional business zone. The City Plan already includes a number of business zones, but none, as noted above, are considered appropriate in their current form.
32. Council staff and Rookwood Holdings Ltd have held initial discussions as to what business uses might be anticipated by the plan change and what environmental and strategic outcomes might be sought. The draft outcomes are:
  - Maintain open rural visual aspect ie non visually intrusive buildings from public spaces.
  - Maintain rural related activities ie low scale, rural based commercial activity.
  - Retain relatively quiet environment (exception of aircraft noise).
  - Compatibility with current users of the site.
  - Compatibility with current zoning.
  - Compatibility with PC1.
  - Lower vehicular movement numbers.
  - Desire to use existing infrastructure where possible/appropriate.
  - No hazardous/contamination activities.
33. Initiating a plan change should only be considered if there is public benefit available. As described above, it is considered that the re-use of the site could have significant public benefit, particularly in terms of employment in an area generally lacking in employment opportunities. The Council would have a significant amount of control over the content of the plan change while accommodating Rookwood Holdings Ltd within the bounds of what is considered reasonable for the site. This option also reduces the risk of the Environment Court making a decision on PC23 that does not align with what the Council seeks, or a Commissioner for a private plan change making a recommendation similarly.
34. PC23 as discussed above was lodged in May 2007 and there are records of discussions between the applicant and Council officers dating back to July 2004. Although it is likely that the District Plan Review will consider whether the existing Special Purpose (Hospital) zoning is appropriate it is likely to be some years before the Review is to a stage where re-use of the site could commence. Given that Council officers consider re-use of the site could be achieved in an appropriate manner, and the amount of time elapsed already, it is the view of officers that it is reasonable to address the matter in advance of the District Plan Review.
35. Council staff have discussed costs with Rookwood Holdings Ltd and at the time of writing, they were agreeable to a 50/50 cost sharing arrangement. On this basis, costs to the Council would not be dissimilar from those for defending the PC23 decision. This option would require the most staff resources

**Option (b) – Private Plan Change**

36. This option involves Rookwood Holdings Ltd and their consultants preparing a private plan change, which is intended be prepared in consultation with Council staff. The Council would have less control over the final provisions than for a Council plan change, however the applicant is unlikely to prepare a change which the Council may not support and which exposes it to risks of incurring more costs and expense. If the private plan change were appropriate, the Council has the option to adopt it as it's own at the time of notification.



43 Cont'd

37. The Council would incur less cost in the preparation of a private change and most of the demand on staffing resources would be post-lodgement, although similar issues with earthquake recovery work would occur.
38. This option also reduces the risk to the Council of the Environment Court making a decision on PC23 that does not align with what the Council seeks.

**Option (c) – Consent Order**

39. Having the Courts approve an outcome negotiated between the Council and the appellant (Rookwood Holdings Ltd) is a further option, with the Resource Management Act 1991 (RMA) providing scope to take any position on the continuum between what was sought by the requester/appellant and the decision.
40. The Council would prepare the documents and file them with the Court. This process would be similar to option (a) in that plan provisions would need to be prepared. Submitters would have the option to become party to the order as provided by s274 of the RMA and the matter would be heard in Court.
41. The disadvantage with this option is that the order is limited to the continuum as described above. It would not, for example, allow the Council to promote a land-use not originally contemplated. Preparation of a fresh plan change application would allow such.
42. Costs and demand on staff time would be about the same as for a private plan change, noting that a significant amount of legal advice and representation would be required.

**Option (d) – Defend the PC23 decision**

43. As noted above, the decision on PC23 by the Council has been appealed by Rookwood Holdings Ltd, as has Environment Canterbury's decision on PC1. The PC23 appeal would be heard as part of the PC1 proceedings.
44. The Council would incur significant costs in defending its decision and position on PC1, and although the decision is considered robust the issues are finely balanced and there is a possibility that the Environment Court may overturn it.
45. Remediation and employment benefits as described above might not result if this option were pursued, if the Council were successful.
46. If the Council agrees that there are some merits in the site being appropriately re-used then continuing on with the Court case is not the most efficient way to proceed.

**Option (e) – Address the site as part of the District Plan Review**

47. Staff consider that the site is very unlikely to return to health-care uses or rural uses given the amount of remediation which would be necessary. This type of matter is likely to be addressed by the District Plan Review, particularly now that it has been raised in PC1 as noted above, and through PC23. Strategic alignment issues would recur.
48. Although this option would have the same advantages as option (a), it would be delayed for what is now an uncertain period of time. It is likely that the appeal on PC23 will go before the Courts before the Review addresses the matter.

**44. CITY PLAN CHANGE 54 – REZONING OF LAND BETWEEN SIR JAMES WATTIE DRIVE, SHANDS ROAD AND MARSHS ROAD FROM RURAL 2 TO BUSINESS 5**

|                                       |   |
|---------------------------------------|---|
| <b>Programme Manager responsible:</b> | Acting General Manager Strategy and Planning.           |
| <b>Officer responsible:</b>           | District Planning Team Leader                           |
| <b>Author:</b>                        | Craig Barr, Planner, Environmental Policy and Approvals |

**PURPOSE OF REPORT**

1. This report describes a request to the Council for private Plan Change 54 (PC 54) to rezone 39.05 hectares of land at 201 and 305 Marshs Road, Hornby, from Rural 2 to Business 5 (Refer to **Attachment 1**). A decision is sought from the Council, pursuant to clause 25 of Schedule 1 of the Resource Management Act 1991 (RMA), on whether the proposed plan change should be publicly notified, and if so, with what status.

**EXECUTIVE SUMMARY**

2. PC 54 is a request to rezone 39.05 hectares of land from Rural 2 to Business 5 (General Industrial). The subject site is bounded by Sir James Wattie Drive to the north, Shands Road to the west, the Hornby railway siding to the east, and Marshs Road to the south. It is immediately opposite Business 5 zoned land on Sir James Wattie Drive, including the site of private Plan Change 47 (PC 47). That private plan change, which rezoned 2.93 hectare of Rural 2 land to Business 5, was approved by the Council on 26 May 2011 for which the period for appeals closed 18 July (at the time of writing no appeals had been received). The subject site is shown in **Attachment 1** and on the maps in **Attachment 3**.
3. PC 54 proposes to enable use of the site for general industrial land uses, although the storage and use of hazardous substances will be restricted in recognition of the site's location over a relatively shallow groundwater recharge zone. The change also incorporates a small café/retail amenity area, landscape buffer areas that include a stormwater infiltration system, and cycle and walkways. An internal loop road services the site which provides access to Sir James Wattie Drive and Marshs Road.
4. The applicant has consulted with Council officers and responded to requests for further information and to some suggested amendments in the preparation of this plan change. In particular, the traffic and landscape layout has been designed with input from officers', taking into consideration a broad range of factors including:
  - (a) the needs of the application site;
  - (b) opportunities to integrate with anticipated commercial growth on land to the west and north; and
  - (c) the maintenance of amenity of rural and rural/residential land to the south in the Selwyn District.
5. The Proposed Change is within the Urban Limits in Proposed Change 1 to the Canterbury Regional Policy Statement (PC1) as amended by decisions. The South West Area Plan (SWAP) excluded this land from industrial use, but the decisions on PC1 postdate the latest draft of the SWAP. The site in relation to PC 1 is shown in **Attachment 2**. The site in relation to the SWAP is shown in **Attachment 7**, together with the land use patterns and major infrastructure improvements as envisioned by the SWAP.
6. The landscape design of the proposal pays attention to the transition from a rural to urban landscape along the Shands and Marshs Road frontage, and desire to create an urban to rural buffer promoted in the officer reports on PC1 and in the SWAP. In addition, the proposal recognises the opportunity to provide a connection from the existing rail trail which is located along Shands Road.

## 44 Cont'd

7. There are two infrastructural matters which are in the process of being resolved. One concerns the alignment of Stage 2 of the Christchurch Southern Motorway (CSM2), the other being capacity of the wastewater system. Various alignments for CSM2 have been suggested, some of which involve the motorway passing through the subject site. To date, however, no preferred alignment has been determined by the New Zealand Transport Agency (NZTA). **Attachment 8** shows the potential alignments NZTA has been consulting on. While the SWAP indicates a preferred alignment, there has been no Notice of Requirement lodged by NZTA, nor a designation for the work included in the City Plan. The proponents have been in discussions with NZTA over the past two years and have indicated that they are prepared to re-examine the outline plan and other transport matters once the adopted route has been made public. The applicants recently met with NZTA and the Council to specifically discuss the Plan Change and CSM2 alignment. NZTA consider that it can work with the Plan Change process to manage its risks. The officers reached a view that there is sufficient robustness in the Plan Change to accommodate the most likely CSM2 alignment. Any such changes could be introduced through a submission to this Change.
8. Capacity in the wastewater network to meet the anticipated demand generated by PC 54 is dependent on the completion of the 'western interceptor', programmed for completion by 2014 at the earliest. The applicant acknowledges the current wastewater issue by proposing a rule providing that development of business activity on the site, prior to the ability of the site to be serviced by reticulated wastewater infrastructure will be a non-complying activity.
9. The applicant has made the request to change the City Plan in accordance with the relevant provisions of the RMA. It has responded to requests for further information and collaborated with Council officers to modify the proposals at their suggestions. The Section 32 assessment undertaken by the proponent is appended as **Attachment 6**.
10. The process options available to the Committee are set out in Schedule 1, clause 25, sub-clauses (2), (3) and (4) and clause 24 of the RMA, and are summarised below. The Committee may recommend to the Council that the requested private PC 54 be either:
  - (a) Rejected in whole or in part on one of the limited grounds set out in the Act; or
  - (b) Dealt with as if it were an application for a resource consent (in which case the provisions of Part 6 of the Act would apply accordingly); or
  - (c) Modified with the agreement of the person who made the request; or
  - (d) Adopted in whole or in part, as if it were a plan change made by the Council itself (this means accepting the responsibility and costs of processing it); or
  - (e) Accepted, in whole or in part, and that the Council proceed to notify the request, or part of the request, under clause 26, at the cost of the applicant.
11. It is considered that options (a) to c) are not available or are inappropriate in this case and that the choice is between (d) and (e). Option (e) is recommended. The full implications of the options under clauses 24 and 25 of the First schedule of the Act are discussed below.

**FINANCIAL IMPLICATIONS**

12. Should the Council resolve to notify the plan change there are legal processes which must be followed in accordance with the First Schedule of the RMA. This is a standard process that all plan changes must follow and if the processes are correctly followed, no particular financial risks are foreseen.
13. There would be costs arising at various stages of the plan change process relating to the preparation of officer reports and a hearing in response to submissions. The scale of costs would depend on the level of complexity of the submissions received. As this is a private plan change, these costs are largely recoverable from the applicant. Costs associated with responding to any Environment Court appeals received are not recoverable, except in instances where the court may award costs.

44 Cont'd

14. Should the Council resolve to adopt the plan change as its own, it will need to absorb all the processing costs.

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

15. Yes. The 2010/11 budget for the District Planning work programme, adopted by the Council and provided for in the LTCCP, includes funding for processing this plan change. As this is a private plan change request, these costs are largely recoverable.

**LEGAL CONSIDERATIONS**

16. There is a legal process set out in the RMA which must be followed. It includes public notification of the plan change followed by submissions, reporting, hearings, decisions and possible appeals. Provided the process is followed correctly there are no particular legal risks associated with this plan change. Should the Council decide not to publicly notify the application for any reason, the decision could be appealed in the Environment Court.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

17. 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?**

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

**ALIGNMENT WITH STRATEGIES**

19. The application is not in accordance with the South West Christchurch Area Plan but this document has been superseded by PC1.

**CONSULTATION FULFILMENT**

20. The applicant has informed Council officers that consultation has been undertaken with the NZTA, Te Runanga O Ngai Tahu, Environment Canterbury and the Selwyn District Council.
21. Officers are not aware whether or not the applicant has directly contacted the owners of properties in the vicinity of the site.
22. No consultation has occurred with the Riccarton/Wigram Community Board. However the proposal accords substantially with Proposed Change 1 to the RPS and the Urban Development Strategy, all of which will be familiar to the Community Board.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Accepts the attached Section 32 assessment for public notification;
- (b) Accepts proposed private Plan Change 54, Rezoning Rural 2 land to Business 5, pursuant to Schedule 1, Clause 25(2)(b) of the Resource Management Act 1991 for public notification;
- (c) Notes that in accordance with Council policy, the costs of processing the private plan change are to be borne by the applicant up until the release of decisions.

**BACKGROUND & DISCUSSION****Features of the Proposal**

23. Proposed Plan Change 54 (PC 54) is a privately requested change to the City Plan to rezone 39.05 hectares of land from Rural 2 to Business 5. The land is bounded by Marshs and Shands Roads, Sir James Wattie Drive and the Hornby industrial rail siding. It is immediately across Sir James Wattie Drive from existing Business 5 land. The land has been identified for business use in the Commissioners decisions on Proposed Change No 1 to the Canterbury Regional Policy Statement (PC1), identified within the Urban Limits as area CB9, on map G5 of Proposed Change 1. The site is identified in the South West Area Plan (SWAP) as an area which was to remain rural, and where the long term goal under the SWAP is for a 'indigenous tree corridor' along the urban limits. The proposed provisions of PC 54 recognise this outcome sought from the SWAP and have sought to address it by way of the landscape buffer area.
24. While PC 54 is within the Urban Limits in PC1, it is contrary to the Council's current appeal position on Policy 6, Table 3 which seeks that the site be in the post-2021 sequencing period. That appeal point has been challenged by the applicant and the Council's position on sequencing is not considered to be a sufficient reason to withhold notification of this plan change. The SWAP excluded this land from industrial use, but the decisions on PC1 postdate the latest draft of the SWAP. The SWAP indicated that the land remain rural to retain a buffer area. The SWAP also indicates that the Christchurch Southern Motorway, Stage 2 (CSM2), may pass through the site. **Attachment 7** shows the SWAP, Plan 12; Land Development and Major Infrastructure Improvements.
25. No changes are proposed to the Objectives and Policies of the City Plan. **Attachment 6** contains the proponents Section 32 assessment.
26. The rules package mostly follows the rules for the Business 5 zone, apart from where critical standards have been proposed to address the height of buildings located between the internal road, and Shands Road and Marshs Road frontages, wastewater provision and the upgrade of the Shands Road – Sir James Wattie Drive intersection. Additional development standards have been proposed to give effect to the landscaping and outline development plan, and to manage the use and storage of hazardous substances. **Attachment 4** shows the proposed changes to the City Plan.
27. The proposed development site is at the outer edge of the Metropolitan Urban Limit in PC1, and the outer boundaries of the site will be buffered with open space areas and tree plantings, stormwater ponds, and cycle and pedestrian linkages. PC 54 seeks to acknowledge the transition between the rural urban interface from the Prebbleton area heading north into Christchurch City, reflected in the landscape areas and building height and colour restrictions. The site overlies the groundwater recharge area and the stormwater disposal system has been designed to reflect this situation. In addition, the storage and use of hazardous will be subject to the 'Group 3 Hazardous Substances criteria' as described in the City Plan. Whereas typical Business 5 zoned sites are classified in the 'Group 4 criteria' grouping for hazardous substances. **Attachment 5** contains the proponents assessment of effects on the environment.
28. The urban design aspects of the proposal appears attentive to the location of the site on the urban periphery. Careful attention has been given to designing a business park that can be sympathetic to the wider rural environment to the south within the Selwyn district. A landscape buffer area is proposed along the Marshs and Shands Road boundaries, as are restrictions on building heights and colour palettes to buildings on the outer perimeter of the site.
29. The stormwater system will be largely constructed as a set of swales. Stormwater from the roads will be collected in sumps and piped to swales prior to entering infiltration basins. Stormwater from individual lots will be collected in sumps and passed through a sediment trap on each lot before being piped into swales prior to infiltration basins.
30. PC 54 includes provisions that will seek to preclude any development until the City wastewater system is in place, or where any site can demonstrate minimal impact. These are the same rules applied to Plan Change 62 (Wigram) and a resource consent authorised to establish business activities at 206 Shands Road which authorised a 40 hectare site for business use.

44 Cont'd

31. The roading system consists of an internal loop road, via an access onto Marshs and Shands Roads. There will be no direct access onto Shands or Marshes Roads from any lots within the site. The Change proposes that the internal road be a local road. The traffic assessments undertaken to date have taken into account the likely range of options for CSM2 that the applicant has been aware of. Once the preferred alignment has been made public ( which could be prior to the July Council meeting) the transport assessment could be modified accordingly through submissions. Should the preferred option bi-sect the site, the southern portion of the proposed zone would not be developed for business purposes and would probably become a stormwater detention basin.
32. The applicant has consulted with Council officers and advisers in the preparation of this plan change. In particular, the wastewater, landscape buffer area and traffic components have been formulated largely to officers' satisfaction, bearing in mind the needs not just of the Application site but also of adjacent land uses with frontage Shands Road. The intention is to produce a package of roading, water and sewer reticulation, stormwater management and open space that is integrated economically and efficiently with the wider Hornby industrial and Selwyn District rural area.
33. The applicant has stated that consultation has been undertaken with tangata whenua, Selwyn District Council, Environment Canterbury and the NZTA. If not already canvassed, amendments to the proposal arising out of this process can be made through submissions, either by the iwi or the applicant.

**Resource Management Act Requirements**

34. The application has been lodged pursuant to Section 73 (2) of the Act. . The applicant has responded appropriately to requests for further information and collaborated with Council officers to modify the proposals at their suggestions. At this stage of the process, the Council must decide which of the options under Clauses 24 and 25 of the First Schedule to the Resource Management Act 1991 to employ.
35. The implications of the options under clauses 24 and 25 of the First Schedule of the Act are discussed below.

**Option 1 – Resolve to reject PC 54**

There are very limited grounds in the Act for rejecting an application. A Plan change can be rejected if:<sup>5</sup>

- (a) It is frivolous or vexatious;
  - (b) The substance of the change has been dealt with by the Council or the Environment Court in the last two years;
  - (c) The change is not in accordance with sound resource management practice;
  - (d) The change would make the District Plan inconsistent with Part 5 of the Act (other policy statements or plans, such as Regional Policy Statement or Plan, iwi management plans);  
or
  - (e) The District Plan has not been operative for more than two years.
36. PC 54 cannot be said to be frivolous or vexatious. The substance of the plan change has not been considered in the last two years and the relevant parts of the City Plan have been operative since November 2005. The applicants have invested significant time and financial resources in preparing the plan change and have made a case for the plan change that warrants consideration. It is generally in accordance with PC1. No significant or fundamental issues have been raised that would suggest that the proposed change is so inappropriate that it could be considered not in accordance with sound resource management practice.

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<sup>5</sup> Clause 25(4) of the First Schedule to the RMA.  
Council Agenda 28 July 2011

**Option 2 - Resolve to deal with PC 54 as if it were an application for resource consent**

37. Under this option the plan change would be converted to a resource consent application and be processed by the Council as such. The applicant bears all of the associated costs. A resource consent could provide for the establishment of the proposed land uses and the subdivision of the land. It would be inappropriate to deal with a proposal of this magnitude as a resource consent which would be a non-complying activity. Notwithstanding the proposal's alignment with PC1, there would be difficulties meeting the objectives and policies of the City Plan while the site remained zoned Rural 2, too much detailed design would be required at this early stage and the result may be inflexible. This would not be an efficient option in terms of Section 32 of the Act.
38. In this case a change of zoning to more closely reflect the future use of the site would assist the Council in meeting its obligations to achieve integrated management of effects of activities under Section 31 of the Act, and to have regard to the provisions of PC1. It also gives certainty to adjacent land owners. It is considered that it remains appropriate for the Council to continue processing the plan change request, rather than place reliance on the resource consent process.

**Option 3 - Resolve to modify PC 54 with the agreement of the person who made the request**

39. The Council may, within 30 working days of the receipt of the plan change request, as a result of further or additional information, commissioned reports, or other relevant matters, with the agreement of the person who made the request, modify the request. The applicant has made a number of changes to the proposal already, being a revised application in December 2010, and on 18 May 2011 an amendment to the rule relating to the upgrade of the Shands Road – Sir James Wattie Drive intersection as a result of discussions with Council officers and advisers, so this process has already taken place to an extent, although informally and not within the prescribed timeframe. However no further changes are recommended at this stage.

**Option 4 - Resolve to adopt PC 54 and publicly notify it as if it were the Council's own plan change**

40. Under this option PC 54 would become a Council plan change. It would be notified, heard and decided in the same way as a plan change prepared by the Council, that is, the Council bears all of the associated costs. Adopting the plan change would mean that:
  - (a) The Council would be indicating that the plan change has merit and that it generally supports the proposal; and
  - (b) The Council would bear the costs of managing and processing the plan change.
41. Adoption of a private plan change application would generally only occur where there is a wider public good flowing from the plan change. A plan change promoting wider public good would normally be one that addressed an existing city wide or multiple zone-wide adverse environmental effects, for example, a change to a bulk and location control that had lead to unexpected adverse outcomes. There may also be an argument that adopting this plan change would help to give effect to PC1, under which the land is identified for just this purpose. However there may be some aspects the Council would not choose to support. The applicant has not requested the Council to adopt the Change.

**Option 5 - Resolve to accept PC 54 and the Section 32 Assessment for public notification**

42. Under this option PC 54 would be notified in its current form as prepared by McCracken and Associates Ltd for Calder Stewart Industries Ltd. Accepting the plan change means:
  - (a) Calder Stewart Industries determines the nature of the plan change that is notified;
  - (b) The Council remains neutral as to its position on the proposal but is satisfied that the Change includes sufficient information to be publicly notified; and

**44 Cont'd**

- (c) Calder Stewart Industries bear the cost of the complete plan change process up until the point of any appeals.
- 43. Any concerns the Council may have regarding the plan change, such as the format of the amendments to the City Plan, could be raised through the officer's Section 42A Report.
- 44. The recommendation, based on the analysis of the options, is to accept PC 54 for notification (Option 5).



#### 45. PROPOSED PRIVATE PLAN CHANGE 58 – REZONING OF 98 WRIGHTS ROAD FROM OPEN SPACE 3B TO BUSINESS 4

|                                     |   |
|-------------------------------------|---|
| <b>General Manager responsible:</b> | Acting General Manager, Strategy and Planning                   |
| <b>Officer responsible:</b>         | Programme Manager, District Planning and Acting General Manager |
| <b>Author:</b>                      | Sean Ward, Senior Planner, EPAU                                 |

#### PURPOSE OF REPORT

1. This report describes a request to the Council for a private Plan Change (PC 58) to rezone 98 Wrights Road, Addington from Open Space 3B (underlying Zone Living 2) to Business 4, and recommends the process for dealing with the request in terms of the Resource Management Act 1991 (RMA) provisions. A decision is sought from the Council, pursuant to clause 25 of Schedule 1 of the RMA, on whether the proposed plan change should be publicly notified, and under what status.

#### EXECUTIVE SUMMARY

2. The request seeks to rezone approximately 2.1 hectares of land located at 98 Wrights Road (the site) from Open Space 3B (OS3B) to Business 4 (B4) see attachment one of the locality plan (**Attachment 1**). The site proposed for rezoning is part of the larger area (26.04 hectares) of the Addington Raceway complex zoned OS3B and is indicated as being surplus to the operational requirements of Addington Raceway Ltd.
3. The land comprising the site proposed to be rezoned is owned by Addington Raceway Ltd and currently contains several stable blocks, a soft training track and extensive hard surfacing. The site has an underlying zoning of Living 2, which is the zone that the City Plan identifies as being the most appropriate if the OS3B zone is up-lifted. The immediate environment has a dominance of business - type activities.
4. PC 58 proposes some site specific amendments to the current B4 rules. An Outline Development Plan showing the areas subject to additional landscaping requirements and site access restrictions is also proposed to be inserted into the City Plan. Refer to the proposed text changes and Appendix E in the Plan Change document (**Attachment 2**).
5. The purpose of this report is not to consider the requested plan change on its merits. Rather, it is to recommend which of the options under clause 25(2)-(4) of Schedule 1 of the RMA is to apply to the processing the plan change application. Consideration of merits of the application will occur after submissions have been received, as a part of the decision making process by the hearings panel.
6. The process options available to the Committee are set out in Schedule 1, clause 25, subclauses (2), (3) and (4) and clause 24 of the RMA, and are summarised below. The Committee may recommend to the Council that the requested private Plan Change 58 (Addington Raceway) be either:
  - (a) Rejected in whole or in part on one of the limited grounds set out in the Act;
  - (b) Dealt with as if it were an application for a resource consent (in which case the provisions of Part 6 of the Act would apply accordingly);
  - (c) Modified with the agreement of the person who made the request;
  - (d) Adopted in whole or in part, as if it were a plan change made by the Council itself (this means accepting the responsibility and costs of processing it);
  - (e) Accepted, in whole or in part, and that the Council proceed to notify the request, or part of the request, under clause 26, at the cost of the applicant.

45 Cont'd

7. The implications of the options under clauses 24 and 25 of the first schedule of the Act are discussed below.

**Option 1 – Resolve to reject PC 58**

8. There are very limited grounds in the Act for rejecting an application. A Plan change can be rejected if:
  - (a) It is frivolous or vexatious;
  - (b) The substance of the change has been dealt with by the Council or the Environment Court in the last two years;
  - (c) The change is not in accordance with sound resource management practice;
  - (d) The change would make the District Plan inconsistent with Part 5 of the Act (other policies or plans, such as Regional Policy Statement or Plan); or
  - (e) The District Plan has not been operative for more than two years.
9. PC 58 cannot be said to be frivolous or vexatious. The applicants have invested significant time and financial resources in preparing the plan change and have made a case for the plan change that warrants consideration in the plan change process. The substance of the plan change has not been considered in the last two years and the relevant parts of the City Plan have been operative since November 2005. Both Council officers and external consultants have been involved in assessing various aspects of the proposal. No significant or fundamental issues have been raised that would suggest that the proposed change is so inappropriate that it could be considered not in accordance with sound resource management practice.

**Option 2 - Resolve to deal with PC 58 as if it were an application for resource consent**

10. Under this option the Plan Change is converted to a resource consent application and is processed by the Council as such. The applicant bears all of the associated costs. Resource consent could provide for the establishment of business activities on the site as has occurred on land to the north along Wrights Road. This would in all likelihood require a number of separate resource consents and further any proposed change to approved consents would require additional expenditure on further consenting and variation processes. Such an alternative is not considered efficient, does not give certainty of outcome, and it does not allow for consideration of consistency with the City Plan objectives and policies or the benefits of other options.
11. In this case a change of zoning to more closely reflect the future use of the site may assist the Council in meeting its obligations to achieve integrated management of effects of activities under s31 of the Act. It also gives certainty to adjacent land owners. It is considered that it remains appropriate for the Council to continue processing the plan change request, rather than place reliance on the resource consent process.

**Option 3 - Resolve to modify PC 58 with the agreement of the person who made the request**

12. The Council may, within 30 working days of the receipt of the plan change request, as a result of further or additional information, commissioned reports, or other relevant matters, with the agreement of the person who made the request, modify the request. In this case the 30 working days have expired and it is not an option open to the Council.

**Option 4 - Resolve to adopt PC 58 and publicly notify it as if it were the Council's own plan change**

13. Under this option PC 58 becomes a Council plan change. It would be notified, heard and decided in the same way as a plan change prepared by the Council, that is, the Council bears all of the associated costs. Adopting the plan change would mean that:
  - (a) The Council is indicating that the plan change has merit and that it generally supports the proposal; and
  - (b) The Council bears the costs of managing and processing the plan change.
14. Adoption of a private plan change application would generally only occur where there is a wider public good flowing from the plan change. A plan change promoting wider public good would normally be one that addressed an existing city wide or multiple zone-wide adverse environmental effect, for example, a change to a bulk and location control that had lead to unexpected adverse outcomes. This private plan change application creates a zone that facilitates a private development with most economic benefit flowing to the applicant.

**Option 5 - Resolve to accept PC 58 and the Section 32 Assessment for public notification**

15. Under this option PC 58 would be notified in its current form as prepared by Aurecon (NZ) Ltd for Addington Raceway Ltd. Accepting the Plan Change means:
  - (a) Addington Raceway Limited determine the nature of the plan change that is notified;
  - (b) The Council remains neutral as to its position on the proposal but is satisfied that the Change includes sufficient information to be publicly notified; and
  - (c) Addington Raceway Limited bear the cost of the complete plan change process up until the point of any appeals.

Note that all reasonable associated costs will be borne by the applicant.

16. Any concerns the Council may have regarding the Plan Change, such as the format of the amendments to the City Plan, can be raised through the officer's Section 42A Report.
17. The officer recommendation based on the analysis in the aforementioned options is to accept PC 58 – Rezoning OS3B to B4, Addington, for notification.

**FINANCIAL IMPLICATIONS**

18. Should the Council resolve to notify the plan change there are legal processes which must be followed in accordance with the First Schedule of the RMA. This is a standard process that all plan changes must follow and if the processes are correctly followed, no particular financial risks are foreseen.
19. There would be costs arising at various stages of the plan change process relating to the preparation of officer reports and a hearing in response to submissions. The scale of costs would depend on the level of complexity of the submissions received. As this is a private plan change, these costs are largely recoverable from the applicant. Costs associated with responding to any Environment Court appeals received are not recoverable, except in instances where the court may award costs.
20. Should the Council resolve to adopt the plan change as its own, it will need to absorb all the processing costs.

45 Cont'd

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

21. Yes. The 2011/12 budget for the District Planning work programme, adopted by the Council and provided for in the LTCCP, includes funding for processing this plan change. As this is a private plan change request, these costs are largely recoverable.

**LEGAL CONSIDERATIONS**

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

22. There is a legal process set out in the RMA which must be followed. It includes public notification of the plan change followed by submissions, reporting, hearings, decisions and possible appeals. Provided the process is followed correctly there are no particular legal risks associated with this plan change.

**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?**

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

**ALIGNMENT WITH STRATEGIES**

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

24. Yes. PC 58 is of little strategic significance.

**CONSULTATION FULFILMENT**

25. A memo outlining the proposal has been sent to the Spreydon-Heathcote Community Board for information and feedback in July 2011.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Accept the attached Section 32 assessment for public notification;
- (b) Accept Private Plan Change 58 – Rezoning open Space 3B land to Business 4, Addington pursuant to Schedule 1, Clause 25(2)(b) of the Resource Management Act 1991 for public notification;
- (c) Note that in accordance with Council policy, the cost of processing the private plan change are to be borne by the applicant.

## BACKGROUND & DISCUSSION

### Private Plan Change 58 (PC 58) Request

26. PC 58 (refer **Attachment 2**) is requested by Addington Raceway Ltd and seeks to rezone approximately 2.1 hectares of land located at 98 Wrights Road (the site) from Open Space 3B (OS3B) to Business 4 (B4). The site is part of the larger (26.04 hectare) Addington Raceway complex. Refer to the attached Planning Map 45A (**Attachment 1**) for the location and extent of the rezoning.
27. The Open Space 3B Zone covers nine sites within the living zones of the City, which contain major recreation facilities that are privately owned. These consist of Addington and Riccarton Racecourses, Lancaster, Wilding, Christchurch and Rugby Parks, and Shirley, Avondale and Waimairi Beach Golf Courses. These private recreation facilities play a significant role in providing for the outdoor recreational needs of the city's population, including for events of regional and national importance. These sites may contain substantial facilities in the form of grandstands; tracks, playing fields and courts; restaurants and bars; and associated facilities. The Open Space 3B Zone allows for the continued functioning, upgrading and expansion of these metropolitan facilities. As well as providing substantial facilities and recreational opportunities, the Addington and Riccarton Racecourse sites and the three golf courses, provide large areas of open space, including areas of planting and provide opportunities for large trees to grow.
28. The Business 4 (Suburban Industrial) Zone includes a number of light industrial and servicing areas in the city generally located within or adjoining suburban living areas. It also includes light industrial areas intended to serve as buffer zones between living zones and the Business 5 (General Industrial) Zone, and servicing areas adjoining some large suburban centres. It is characterised by significant variation in geographic location; nature of established activities and range in bulk of built form.
29. The rezoning is proposed to facilitate a planned redevelopment of land considered surplus to the operational requirements of Addington Raceway Ltd.

### Description of the Site and the Proposal

30. The land comprising the site proposed to be rezoned is owned by Addington Raceway Ltd and currently contains several stable blocks, a soft training track and extensive hard surfacing.
31. Land immediately to the north west of the site comprises several development allotments varying in size between 1,850m<sup>2</sup> and 8,050m<sup>2</sup>. Several of those allotments have been developed with a mixture of industrial and office activities, with some retailing components, in accordance with land use consent RMA 20014829, granted in April 2004.
32. Land to the west and south of the site, on the opposite side of Wrights Road, is zoned Business 5 (General Industrial) and comprises a mix of light industrial, trade and office based activities. The buildings are of varying ages, styles and colours.
33. Land to the north and northeast of the site is zoned Open Space 3B and forms part of the wider Addington Raceway complex. In accordance with its Open Space (Private Recreation Facilities) zoning, the site is dominated by extensive areas of impervious surfacing, grandstands, race tracks and soft landscaping. The Westpac Centre lies to the southeast of the principal grandstand.
34. Addington Raceway Ltd wish to develop the land subject to the plan change for business use in order to better and more economically use a part of the wider site identified as surplus to operational raceway requirements.

## 45 Cont'd

35. The applicant considers that the underlying zoning (Living 2) having effect when uses proposed are not associated with the non-motorised recreational activities anticipated by the OS3B zoning is inappropriate given the business and industrial uses in the immediate area. This issue is further compounded by the proximity of the southern motorway flyover and its current expansion.
36. The applicant states that the proposed rezoning will enable the development of the subject site for business purposes, subject to specific controls on landscaping and access. These controls will ensure that the surplus land can be developed in an efficient and effective manner, whilst ensuring any adverse effects on the surrounding area are appropriately mitigated. The applicant states also that the proposed rezoning will facilitate an appropriate use for the site (being business activities), as opposed to that use permitted by the site's underlying zoning (being residential activity).
37. Some minor amendments are proposed to the B4 zone rules by adding additional site specific landscaping requirements along the Wrights Road, Jack Hinton Drive and other zone boundaries; and rules restricting access to the Wrights Road frontage. Alteration to both assessment matters and reasons for rules are also proposed to address the above rule changes.
38. An Outline Development Plan showing the areas subject to additional landscaping requirements, and the site access restrictions, is also proposed. Refer to Appendix E in the Plan Change (**Attachment 2**).

**Description of Alternatives and Issues**

39. The Section 32 Analysis (within **Attachment 2**), and associated Assessment of Environmental Effects, provides a discussion of the proposal, the subject site, its surrounding environment, the potential effects of the proposal, and a costs/benefits analysis of the two alternatives. The "do nothing" alternative is summarised below:
40. Do nothing (status quo) – Retention of the OS3B zoning is not considered appropriate by the applicant as it limits potential uses of the land both through restrictions under current zone rules and uncertainty around resource consent processes. The underlying Living 2 zoning is not seen as appropriate given land uses in the general vicinity
41. The Section 32 assessment analyses the above option as well as the option promoted by this plan change in further detail. It includes the costs/benefits and the efficiency/effectiveness comparison of all options. The report concludes that the proposed rezoning of the subject site to B4 is the most appropriate option.
42. An analysis of potential adverse effects of the B4 rezoning on the adjacent environment is carried out in terms of loss of open space / landscape amenity and the possible traffic effects resulting from an increased number of vehicle trips generated by the proposed business use of the site. Overall, the Traffic Impact Assessment considers the plan change site is appropriately located within the existing road network, such that rezoning to Business 4 and subsequent development consistent with the Business 4 zone would have no more than a minor effect on the adjoining road network and would be consistent with the transport related objectives and policies of the City Plan (refer Appendix G in **Attachment 2** for further details).
43. The Landscape Impact Assessment (refer to Appendix H in **Attachment 2**) discusses the potential effect of the future development of the site for Business 4 use on the landscape character, amenity and outlook of the site and the surrounding area. The landscape assessment concludes that while the proposed plan change will have a noticeable landscape and visual effect on the immediate local landscape, the proposed mitigation measures, Outline Development Plan (Appendix E in **Attachment 2**) and existing rules contained within the CCP will guide development in a manner that is responsive and sympathetic to the evolving and existing forms of development adjacent to the site.

## 45 Cont'd

44. Taking into account the proposed mitigation methods, the overall adverse effects of the rezoning, including the traffic and landscape effects, are considered by the applicant to be no more than minor. The Section 32 report concludes that the proposed B4 zoning is consistent with the City Plan objectives as they relate to business activities. The applicant considers that the proposed plan change will better achieve the purpose of the Resource Management Act 1991.

## OPTIONS

45. In order for the Council to decide whether to notify the plan change and with what status the committee is directed to Schedule 1, Clause 25, subclauses (2), (3) and (4) of the RMA as set out below:

**25. Local authority to consider request**

(...)

(2) *The local authority may either –*

- (a) *adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself (...); or*
- (b) *accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.*

(...)

(3) *The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.*

(4) *The local authority may reject the request in whole or in part, but only on the grounds that—*

- (a) *the request or part of the request is frivolous or vexatious; or*
- (b) *the substance of the request or part of the request has been considered and given effect to or rejected by the local authority or Environment Court within the last 2 years; or*
- (c) *the request or part of the request is not in accordance with sound resource management practice; or*
- (d) *the request or part of the request would make the policy statement or plan inconsistent with Part 5; or*
- (e) *in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.*

(...)

46. **Option 1**

Resolve to reject PC 58 request pursuant to Clause 25(4) of the first schedule of the Resource Management Act 1991.

There are very limited grounds in the Act for rejecting an application. A Plan change can be rejected if:

- (a) It is frivolous or vexatious;
- (b) The substance of the change has been dealt with by the Council or the Environment Court in the last two years;
- (c) The change is not in accordance with sound resource management practice;
- (d) The change would make the District Plan inconsistent with Part 5 of the Act (other policies or plans, such as Regional Policy Statement or Plan); or
- (e) The District Plan has not been operative for more than two years.

45 Cont'd

PC 58 cannot be said to be frivolous or vexatious. The applicants have invested significant time and financial resources in preparing the plan change and have made a case for the plan change that warrants consideration in the plan change process. The substance of the plan change has not been considered in the last two years and the relevant parts of the City Plan have been operative since November 2005. Both Council officers and external consultants have been involved in assessing various aspects of the proposal. No significant or fundamental issues have been raised that would suggest that the proposed change is so inappropriate that it could be considered not in accordance with sound resource management practice.

47. **Option 2**

Resolve to deal with PC 58 request as if it were an application for resource consent pursuant to Clause 25(3) of the first schedule of the Resource Management Act 1991.

Under this option the Plan Change is converted to a resource consent application and is processed by the Council as such. The applicant bears all of the associated costs. Resource consent could provide for the establishment of business activities on the site as has occurred on land to the north along Wrights Road. This would in all likelihood require a number of separate resource consents and further any proposed change to approved consents would require additional expenditure on further consenting and variation processes. Such an alternative is not considered efficient, does not give certainty of outcome, and it does not allow for consideration of consistency with the City Plan objectives and policies or the benefits of other options.

In this case a change of zoning to more closely reflect the future use of the site may assist the Council in meeting its obligations to achieve integrated management of effects of activities under s31 of the Act. It also gives certainty to adjacent land owners. It is considered that it remains appropriate for the Council to continue processing the plan change request, rather than place reliance on the resource consent process.

48. **Option 3**

Resolve to modify PC 58 request with the agreement of the person who made the request pursuant to Clause 24 of the first schedule of the Resource Management Act 1991.

The Council may, within 30 working days of the receipt of the plan change request, as a result of further or additional information, commissioned reports, or other relevant matters, with the agreement of the person who made the request, modify the request. In this case the 30 working days have expired and this is not an option open to the Council.

49. **Option 4**

Resolve to adopt PC 58 request and publicly notify it as if it were the Council's own plan change pursuant to Clause 25(2)(a) of the first schedule of the Resource Management Act 1991.

Under this option PC 58 becomes a Council plan change. It would be notified, heard and decided in the same way as a plan change prepared by the Council, that is, the Council bears all of the associated costs. Adopting the plan change would mean that:

- (a) The Council is indicating that the plan change has merit and that it generally supports the proposal; and
- (b) The Council bears the costs of managing and processing the plan change.

Adoption of a private plan change application would generally only occur where there is a wider public good flowing from the plan change. A plan change promoting wider public good would normally be one that addressed an existing city wide or multiple zone-wide adverse environmental effect, for example, a change to a bulk and location control that had lead to unexpected adverse outcomes. This private plan change application creates a zone that facilitates a private development with most economic benefit flowing to the applicant.



45 Cont'd

50. **Option 5**

Resolve to accept PC 58 request and the Section 32 Assessment for public notification pursuant to Clause 25(2)(b) of the first schedule of the Resource Management Act 1991.

Under this option PC 58 would be notified in its current form as prepared by Aurecon (NZ) Ltd for Addington Raceway Ltd. Accepting the Plan Change means that:

- (a) Addington Raceway Limited determine the nature of the plan change that is notified;
- (b) The Council remains neutral as to its position on the proposal but is satisfied that the Change includes sufficient information to be publicly notified; and
- (c) Addington Raceway Limited bear the cost of the complete plan change process up until the point of any appeals.

Note that all reasonable associated costs will be borne by the applicant.

Any concerns the Council may have regarding the Plan Change, such as the format of the amendments to the City Plan, can be raised through the officer's Section 42A Report.

51. The options were discussed in detail in paragraphs 6 - 17 above. Having considered all the relevant matters, it is recommended that the Council accept the request in whole and proceed to notification.

**THE PREFERRED OPTION**

52. The preferred option is **Option 5** - accept PC 58 (Rezoning OS3B to B4, Wrights Road, Addington) and its associated Section 32 Assessment in whole pursuant to Clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991 and proceed to publicly notify it.

28. 7. 2011

**46. NOTICES OF MOTION**

To consider the following motion, notice of which was given by Councillor Keown and pursuant to standing order 3.10.1:

That the Council ask staff to prepare a report on having all trades people working in the territory of Christchurch be registered with the Christchurch City Council before being able to do any work.

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

That the Council ask staff to advise on the implications of adopting the **attached** draft Procurement Policy.

**47. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.

THURSDAY 28 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 items 48, 49, 50, 51, 52, 53 and 54.

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

|     | <b>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</b>   | <b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER</b> | <b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</b> |
|-----|--|--|---|
| 48. | Confirmation of Minutes – Council Meetings of 29.6.2011 and 18.7.2011 )  | )  |   |
| 49. | 42c Rotherham Street Disposal )  | )  |   |
| 50. | Proposed Change 1 Stage 1 Appeals – Mills Road and Hills Road )  | )  |   |
| 51. | Plan Change 44 Listing of the Lowland Kahikatea Forest Remnant, (Riccarton bush) as a Category 2 Notable Group of Trees – recommendation of Commissioner ) | ) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7)                    | SECTION 48(1)(a)  |
| 52. | Plan change 19 (Islington Park Ltd): Rezoning of Land at Islington - Report and Recommendation of Commissioner Ken Lawn )                                  | )  |   |
| 53. | Resource Consent and Building Consent Applications in Earthquake Damaged Areas )   | )  |   |
| 54. | Appointment of Chairman to the Board of Eco Central Limited )  | )  |   |

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               |
|------|--|----------|--|---|
| 48.  | Council to make a recommendation         | 48(1)(d) |  |   |
| 48.  | Right of appeal                          | 48(2)(a) |  |   |
| 48.  | Protection of privacy of natural persons | 7(2)(a)  |  |   |
| 48.  | Protection of source of information      | 7(2)(i)  |  |   |
| 49.  | Commercial activities                    | 7(2)(h)  |  |   |
| 49.  | Conduct of negotiations                  | 7(2)(i)  |  |   |
| 50.  | 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 |

|     |  |          |  |   |
|-----|--|----------|--|---|
| 51. | 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       |
| 52. | 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       |
| 53. | Conduct of negotiations                  | 7(2)(i)  | To enable Council to reach a position before discussing with other parties.  | After discussions concluded and decisions made  |
| 54. | 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 |

**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.”