

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 10 NOVEMBER 2011**

**9.30AM**

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

## CHRISTCHURCH CITY COUNCIL

**Thursday 10 November 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 and Sue Wells.

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1. **APOLOGIES**
2. **DEPUTATIONS BY APPOINTMENT**
3. **PRESENTATION OF PETITIONS**
4. **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 13.10.2011**

Attached.

10. 11. 2011

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**20. REPORT OF A MEETING OF THE METROPOLITAN SMALL GRANTS FUND SUBCOMMITTEE:  
MEETING OF 24 OCTOBER 2011**

Attached.

**21. REVIEW OF LOCAL AUTHORITY REMUNERATION SETTING**

<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. This report seeks the views of the Council on a discussion document circulated by the Remuneration Authority (RA) regarding the review of how remuneration is set for members of local authorities.

**EXECUTIVE SUMMARY**

2. The current system for determining remuneration for elected members (excluding the Mayor) of local authorities has been in place since 2002. Each year the RA allocates, on a points basis after considering population/expenditure/assets, a remuneration pool for each local authority. The RA makes the final decision on how that pool should be allocated among elected members after first considering recommendations from local authorities.
3. The RA is seeking feedback by 10 November 2011 from elected members – councils and community boards – on two possible options for changing the current system:
  - (a) an amended pool approach; similar to the current system in that local authorities would still recommend the allocation of their remuneration pool, but different in that the size of that pool would be reached through a different methodology; and
  - (b) a specified salary approach; quite different to the current system in that the RA would set the base salary for each type of position in each local authority, a process in which local authorities would have no recommendatory role.
4. These two options do not cover the salary of Mayors/Regional Chairs, which are set by a different process. After feedback is received on its discussion document, the RA will prepare a final proposal for further consultation with local authorities. Local Government New Zealand has established a working party to consider the RA’s discussion document, which has provided some guidance/commentary for local authorities in considering this issue.

**FINANCIAL IMPLICATIONS**

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

5. Not applicable.

**LEGAL CONSIDERATIONS**

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

6. Yes. There are no legal implications arising from the Council providing feedback on the RA’s discussion document on remuneration setting. Any future decisions of the RA to change the remuneration setting process are likely to require legislative changes and the Council will be informed accordingly.

**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?**

7. Not applicable

21 Cont'd

**ALIGNMENT WITH STRATEGIES**

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

8. Not applicable

**CONSULTATION FULFILMENT**

9. No public consultation is required. Each of the Council's eight Community Boards has received copies of the discussion document, and has had workshops on its contents. It is up to each Board to decide whether it wishes to provide feedback to the RA.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Notes the possible options put forward by the Remuneration Authority for changing how remuneration is set for members of local authorities
- (b) Decides whether it wishes to provide feedback to the Remuneration Authority on those options, and if so, whether it wishes to support/provide comment on the Local Government New Zealand working party comments outlined in **Attachment One**.

**BACKGROUND (THE ISSUES)**

**Current System for Determining Remuneration**

10. The current system for determining remuneration for elected members of local authorities has been in place since 2002. In summary:
- (a) Each year the RA sets a national pool for remuneration in the local government sector as a whole
- (b) Then the RA assesses which share of that pool each local authority should have. In doing so the RA takes into account population, expenses, and net assets of each. Points are allocated using weights for each as follows: population (50 per cent), expenses (33 per cent), net assets (17 per cent).
- (c) Individual pools are advised to each local authority, which then makes recommendations to the RA for allocating the pool between groups of elected member positions (e.g. councillor, community board member)
- (d) Half of community board salaries must be met from this pool
- (e) Local authorities can have a salary only model (which is the case for Christchurch City Council), or a salary plus meeting fees model (note: in the case of the latter, no meeting fees are permitted for community boards).
11. The salary for Mayors/Regional Chairs has been excluded from remuneration pools since 2010, and is set by a separate process.

**RA Discussion Document for Review of Current System**

12. The RA is aware of some concerns from local authorities around the country with the current system, which include a perceived lack of equity in what elected members earn between councils of similar size, and difficulties in maintaining relativities between councils. This includes there being no universal delegation or representational guidelines for community boards, and the RA has no knowledge of levels of delegation or responsibilities for individual community boards.

**21 Cont'd**

13. The RA has circulated a discussion document (**separately circulated**) to all local authorities inviting comment on a range of issues, specifically two options for adopting a new system:
  - a) an amended pool approach, or
  - b) a specified salary approach.
14. Salaries for Mayors/Regional Chairs are not covered by either of these options; the RA has signalled that it is comfortable with a revised system established in 2010 for those roles.
15. After receiving feedback from local government on the options outlined in its discussion document, the RA will prepare a final proposal for consultation with local authorities, with the final decisions to be made by the RA.
16. To assist local authorities with responding to the discussion document, a Local Government New Zealand (LGNZ) working party (**also separately circulated**) has also provided some commentary on the document, which outlines possible advantages and downsides of the two options.

***Option One: Amended Pool Approach***

17. This option is similar to the current approach, though with some changes.
18. First, a national remuneration pool would no longer exist. The RA would determine, for each authority, either: a) a single pool, or b) one pool for councillors and one for community board members.
19. The key would be to ensure how a pool(s) reflects the extent and complexity of a council's business. This would be achieved by ranking councils by "size" and adopting a points formula, with each council having a number of points allocated to it:
  - a) A sample of councils would be job sized. A points formula (e.g. based on population, expenses etc) would be developed to apply to each sample council of the same size, and then be applied to all councils.
  - b) In order to determine a fair pool size in relation to points allocated to a council, an elected member's job is sized and multiplied by the number of councillors (and a margin is added for additional responsibilities).
  - c) All information in a) and b) above would be taken into account for calculations to determine individual council pools.
20. Councils then recommend the allocation of their pool(s) to the RA. Under this option, the RA may set minimum councillor salaries and/or specify standard councillor positions
21. Advantages of this amended pool approach as noted by the RA and/or the LGNZ working party are:
  - a) Councils having the freedom to develop their own governance arrangements and pay elected members accordingly.
  - b) Having a separate pool for each council should remove the issue of some growing faster than others and taking a bigger proportion of the national pool.

**21 Cont'd**

22. Any downsides could be:

- a) The time taken for new councils post election to decide their governance and thus remuneration requirements
- b) The perception held by some in the community that elected members are involved with deciding their own remuneration
- c) Ongoing administration is more complex and time consuming for the RA.

***Option Two: Specified Salary Approach***

23. Under this option, the RA would set a base salary for each type of position in each local authority, and a similar approach would be taken with regard to community board positions.

- a) When setting a base salary for councillors, it would be estimated on relative council size. The RA notes research to date has indicated there are about three different job sizes across all local authorities, and the proportion of full time worked ranges from 20 per cent to 80 per cent (equivalent to four days a week on average). Relativities between councils (job size and proportion full time) would need to be determined.
- b) When setting a base salary for Community Board members, the RA would be likely to take into account the population base of the Community Board and the level of delegation to the Board.
- c) An additional small pool could be allocated to enable each council to pay additional salaries for additional responsibilities (e.g. district plan reviews). This additional pool would likely be based on a fixed percentage of the total of the base councillor and community board member salaries. The RA would determine the allocation of this small pool after submissions from Councils.

24. Advantages of this salary approach noted by the RA and/or the LGNZ working party are:

- a) The certainty of income immediately after election
- b) Once relativities are determined, the system should be less complex than the pool approach.
- c) Perceived greater fairness between councils.
- d) Councillors with similar job sizes would be paid the same
- e) Community Board members' pay may be fairer.

25. Any downsides could be:

- a) The difficult of developing a system that reflects the diversity of local authorities' governance arrangements. This approach would remove some ability for councils to arrange their salaries and positions to best meet their particular circumstances.
- b) The RA would need to job-size more positions and to assess the proportion to which those positions are full time. There would be some complexity for the RA to distinguish between, for example, committee chairs with wide delegations and those with no delegations, or community boards with wide powers and those with none.



21 Cont'd

**Feedback Sought on Options**

26. Feedback on the Remuneration Authority's discussion document is required by 10 November 2011. The key issue for feedback is: which approach do Councils and Community Boards prefer; the amended pool option or the specified salary option?
27. To assist Councils with working through the issues the LGNZ working party's paper provides some preliminary views. **Attachment One** outlines the LGNZ thinking on key issues in the RA discussion document, and the Council may wish to consider whether it wishes to support the LGNZ comments, or amend them depending on the preferred option.
28. Community Boards have had seminars on the topic and have been considering whether to provide feedback at individual Board level, or at Community Board Chair level (i.e. a joint Board Chair submission). At the time of writing this report, these views are not known but will be reported to the Council when available.

**22. TIMING OF NEXT CHRISTCHURCH CITY COUNCIL REPRESENTATION REVIEW**

<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) Provide the Council with details of the requirements of the local government electoral review process, including the issues of:
    - i) establishing Māori wards, and
    - ii) changing the voting system for the local body elections
  - (b) Seek a decision from the Council on the timing of the next Christchurch City Council Representation Review.

**EXECUTIVE SUMMARY**

2. The Council is required to review its representation arrangements (a "Representation Review") at least once every six years. The last Representation Review was carried out in 2008/09 for the 2010 local authority election. The Council is not required to undertake another Review until 2014/15 in time for the 2016 election – but does have the option, should it wish, to undertake a Review for the 2013 election, which would need to start immediately and be completed by August 2012.
3. Representation Reviews cover a range of representation issues including the number of councillors, how the latter are elected (at large or by ward), and if wards are preferred what their boundaries and populations should be. They also include whether community boards should be established.
4. One key factor required to be considered for a Review is population. The Local Government Commission has stated it is important that each local authority applies population data that most accurately reflects its current situation. The next Census will not be undertaken until March 2013. Population estimates that are released annually by Statistics New Zealand may be used, however the estimates available for any Representation Review for the 2013 election would be drawn from information taken as at 30 June 2011. This would mean that population information would be used that did not reflect movements across the city from the post earthquake redzoning of residential properties.
5. What could also influence the timing of a Representation Review is the issue of Māori Representation. If a Council decision was made to establish a Māori ward, or there was a successful poll requesting it, one outcome would be to trigger the need for a Representation Review.
6. At any time the Council may decide, or a successful poll could determine, to establish a Māori ward, providing that a threshold of number of voters on the Māori electoral roll has been met. That is currently the case; the numbers on the Māori electoral roll as a ratio of the general Christchurch population are sufficient for one ward to be established. The Local Government Commission advises that local authorities need to consider appropriate consultation at an early stage with iwi and hapu on the issue of Māori representation. Council staff have only recently advised Christchurch Māori of this threshold being met, and there has been insufficient time for both Christchurch Māori and the Council to consider the implications if the Council was looking to make a decision (required by 23 November 2011) to establish a Māori ward for the 2013 election.
7. At any time the Council may decide, or a successful poll could be held, to change the voting system, i.e. to change from First Past the Post (FPP) to Single Transferable Vote (STV). As required by the Local Electoral Act 2001, public notice has already been given of the right for electors to demand a poll on the issue of changing the voting system for the 2013 election.

**22 Cont'd**

8. It is proposed that the Council does not carry out its next Representation Review until 2014/15 in time for the 2016 elections, and delays giving full consideration to the establishment of a Māori ward until that Review is carried out. That will ensure there is sufficient time to consider communities of interest in light of impending population movements, that there is more up to date information on those movements to hand, and that there is sufficient time for Christchurch Māori and the Council to consider the range of scenarios and their implications for Māori representation.

**FINANCIAL IMPLICATIONS**

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

9. If a Representation Review was to be held for the 2013 elections, no operational funding has been set aside for that. If a Representation Review is held in 2014/15 in time for the 2016 elections, additional funding would be sought in the Council's Long Term Plan.

**LEGAL CONSIDERATIONS**

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

10. Yes. The main elements of the local electoral legislative framework are the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Local authorities are also required to take into account the Guidelines for Undertaking Representation Reviews provided by the Local Government Commission. Relevant references to the legislation and guidelines are made throughout this report.

**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?**

11. Pages 157-161 relating to Democracy and Governance reflect the Council's obligations to comply with the Local Electoral Act 2001 and the Local Electoral Regulations 2001.

**ALIGNMENT WITH STRATEGIES**

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

12. Not applicable.

**CONSULTATION FULFILMENT**

13. No public consultation process is required in relation to decisions taken by the Council on the timing of a representation review, the establishment of Māori wards and/or the election system to be used. Council staff have discussed the recommendations of this report with Te Rūnanga o Ngāi Tahu, Mahaanui Kurataiao Ltd and Te Rūnanga o Ngā Maata Waka. At the time of writing this report informal feedback had not yet been received, and this will be provided to the Council prior to its meeting considering this report.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) delay giving full consideration to the option of establishing a Māori ward for Christchurch City Council's representation arrangements until the next Representation Review is carried out
- (b) undertake its next Representation Review in 2014/15 in time for the 2016 local authority election, once further population data reflecting post earthquake movements across the city is available.

## 22 Cont'd

### BACKGROUND (THE ISSUES)

14. The Council is required to review its representation arrangements at least once every six years. Such a review must consider:
  - The number of Councillors (between 6 and 30 including the Mayor).
  - Whether the elected members (other than the Mayor) are to be elected by the district as a whole or by wards (or a mixture of both systems).
  - If election by wards is preferred, the boundaries and names of those wards and the number of elected members that will represent them.
  - Whether to have Community Boards, and if so how many, what their boundaries and membership should be, and whether to subdivide a community for electoral purposes.
15. Decisions relating to the choice of electoral system, and the establishment of Maori wards/constituencies, are not formally part of the representation review process. Decisions on the establishment of a Maori ward, however, can impact on the representation review process. These impacts are described in paragraph 30 below.

### 2008/09 Review

16. The Christchurch City Council last carried out a comprehensive representation review in 2008/09. Essentially the "status quo" was retained for the 2010 local body elections, though with small changes to the boundaries of four wards to bring the Riccarton/Wigram and Shirley/Papanui wards into line with the requirements for population equality under the legislation.
17. It is a requirement of a representation review to define communities of interest. The Council noted during the 2008/09 review that the nature of Christchurch communities of interest had not changed markedly since comprehensive reviews of representation were undertaken in 2003/04 and 2005, and that there was little basis to change existing arrangements. In response, the Local Government Commission commented in its 2009 Determination that *"projected population changes across the City also signal the need for a comprehensive review of City-wide arrangements when the Council next undertakes a representation review. This should include the identification and evaluation of a range of ward options. The Council has assured us that this will happen."*

### Timing of Next Review – Population Issues

18. While the Council is required to carry out a review at least once every six years, it also has the discretion to undertake a review three years after the last review. This means it could, if it so chose, commence a review process for representation arrangements for the 2013 local body elections. In such a case the Council would need to determine its proposed representation arrangements by 31 August 2012.
19. One critical issue in determining the timing of the next Representation Review is that of population. The Local Government Commission's guidelines for undertaking Representation Reviews state:
  - It is important that each local authority applies population data that most accurately reflects its current situation.
  - If a district/region is experiencing significant population changes then the Census information, if more than one year old, is unlikely to provide an accurate picture of the current population of the district/region and its subdivisions. The Commission therefore recommends that in all cases the most recent population estimate is used.

22 Cont'd

20. Statistics New Zealand has advised:

- The next Census will be taken on 5 March 2013, with data available in late 2013.
- New population estimates at the territorial authority level were released on 25 October 2011 (these show the population level as at 30 June 2011). They indicate that Christchurch City's population decreased by 8,900 (2.4 percent) in the June 2011 year. This population decrease was due to a net migration loss of 10,600, partly offset by a natural increase of 1,700.
- New estimates for area units within Christchurch (as at 30 June 2011) will be released on 19 December 2011.
- New estimates for wards and community board areas within Christchurch (as at 30 June 2011) will be released in late January 2012.

21. Prior to the earthquakes there was projected population expansion of Christchurch population in the southwest area. It is not yet known what impact the red zone residential areas will have on the southwest and other areas of Christchurch, though it can be assumed there will be some impact for a number of wards. If the Council undertook a Representation Review for the 2013 election, on the basis of population estimates that do not take into account population movements due to movement from the red zone areas, then the Council would be highly likely to have to undertake another Review in 2016.

22. The Council is not required to formally give consideration to the timing of the next comprehensive review, however, this information is provided as an opportunity for Councillors and the general public to be informed of the key issues. In any case, the Council also needs to be aware of two issues that could have an impact on the timing of the next representation review: Māori representation and the voting (electoral) system.

**Maori Representation**

23. The statutory provisions for establishing Māori wards for electoral purposes are set out in sections 19Z to 19ZH of the Local Electoral Act. At any time a decision to establish Māori wards can be made, i.e. it does not have to fit into a Representation Review Process. Such a decision can be initiated in two ways:

- a) a local authority may resolve that its district be divided into one or more wards, or
- b) a poll of electors of the local authority be held to determine the issue.

24. A poll can arise from either:

- a) a Council decision to conduct a poll, or
- b) a public demand. Five percent of electors may demand a poll at any time on whether a district or region should be divided into one or more Māori wards or constituencies.

25. Prior to contemplating any decision or poll around the establishment of Māori wards, however, a mathematical calculation must be made to determine whether (and if so, how many) members could be elected from Māori wards or constituencies, otherwise the debate around making such a decision is an academic one (Schedule 1A of the Act, section 2(1, (2) and (3))). This calculation is as follows:

$$\text{Formula: } nmm = (mepd / (mepd + gepd)) \times nm$$

## 22 Cont'd

26. The general electoral population (gepd) and the Māori electoral population (mepd) are defined in section 3 of the Electoral Act 1993. The general electoral population is the total ordinarily resident population at the last census less the Māori electoral population. The Māori electoral population is a calculation based on the number of electors on the Māori roll and proportions of those of Māori descent not registered and those under 18 years of age. The Māori electoral population and the general electoral population are calculated by Statistics New Zealand
27. With current population data available (as at 30 June 2010<sup>1</sup>), the calculation for Christchurch City Council is as follows:

<b>mepd</b>	Maori electoral population of the district	19,750
<b>gepd</b>	General electoral population of the district	356,900
<b>nm</b>	Proposed number of members of the territorial authority (other than the Mayor)	13
<b>nmm</b>	<b>Number of Maori ward members</b>	<b>0.68</b>

28. If the number of the Māori ward members calculated includes a fraction, the fraction must be disregarded unless it exceeds a half (.5). If the fraction exceeds a half, the number of Māori ward members must be the next whole number, i.e. one. The calculation in paragraph 27 above shows that, based on the current membership of 13 Council members (excluding the Mayor), one Māori ward member could be elected as the threshold used to qualify for the election of at least one member under the Local Electoral Act 2001 has been met.
29. If a Council resolution or poll demand for a Māori ward is to apply for the next triennial election (i.e. 2013), they must be made within a particular timeframe. Further information is provided in paragraph 36 below.
30. It should be noted that if, as a result of a resolution or a poll, a Māori ward was to be established, it would trigger the need for a Representation Review. The Local Electoral Act requires (Schedule 1A, clauses 1 and 3) that a comprehensive review of the representation arrangements of the local authority be undertaken. Key requirements of such a review in relation to Māori representation are outlined as **Attachment One**.

**Electoral (Voting) System**

31. The statutory provisions for changing a local authority's electoral system are set out in sections 27 to 34 of the Local Electoral Act.
32. The Local Electoral Act 2011 offers the choice between two electoral systems for local government elections: first past the post (FPP) and the single transferable vote (STV). Six Councils used STV at the 2010 elections, down from eight at the 2007 elections.
33. At any time a decision to establish change the electoral system can be made, i.e. it does not have to fit into a Representation Review Process. Such a decision can be initiated in two ways:
- a local authority may resolve to change its electoral system, or
  - a poll of electors of the local authority be held to determine the issue.
34. A poll can arise from either:
- a Council decision to conduct a poll, or
  - a public demand. Five percent of electors may demand a poll at any time on whether a specified electoral system may be used at the election of a local authority.

<sup>1</sup> New estimates of the Maori and general electoral population, at 30 June 2011, for all subnational geographies (regional council areas, territorial authority areas, wards etc) are likely to be available in mid-February 2012

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35. If a Council decision or poll demand to change the voting system is to apply for the next triennial election, they must be made within particular timeframes. Information on those timeframes that would apply for a Council resolution or poll demand to be made in time for the 2013 local body elections is provided below.

**Comment**

36. If a Council decision or valid poll for a Māori ward, or change in voting system, were intended to apply for the 2013 elections, these are the key steps and timeframes required:

12 September 2011	Deadline for any Council resolution to change the <i>voting system</i> (optional – note: this date has passed and therefore a Council decision could not apply for the 2013 elections)
19 September 2011	Deadline for public notice of the right for electors to demand a poll on the <i>voting system</i> (mandatory – note: this has already been actioned)
23 November 2011	Deadline for any Council resolution to establish <i>Māori wards</i> to apply for next triennial election (optional)
30 November 2011	Deadline for public notice of any Council resolution to establish <i>Māori wards</i> , to include a statement that a poll is required to countermand that resolution
28 February 2012	Last date for a valid demand for a poll, or for any Council resolution to hold a poll on <i>Māori representation</i>  Last date for a valid demand for a poll on the <i>voting system</i>
21 May 2012	Last date for a poll to be held on <i>Māori representation</i>  Last date for a poll to be held on the <i>voting system</i> for 2013 elections

*If, as a result of a Council resolution or a poll, Māori wards or constituencies are to apply for triennial local elections, the Act requires that a review of representation arrangements be held*

31 August 2012	Local authority determines proposed representation arrangements including provision of Māori wards/constituencies
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37. Given that:

- a) any Representation Review for the 2013 local body elections would need to get underway immediately and be concluded by 31 August 2012
- b) the 2011 Census, which will provide updated information on population changes, has been delayed to 2013 and that in the meantime the annual population estimates as at June 2011 do not take into account all population movements that will arise from the redzoning of residential properties post earthquake
- c) the Local Government Commission's comments in paragraph 17 above around communities of interest/population changes would mean considerable time and resource would need to be dedicated to the next Review
- d) there has been insufficient time for both the Council and Christchurch Māori to engage on the issue of establishing a Māori ward,

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staff are proposing that:

- a) a decision not be made on the issue of establishing a Māori ward at this point in time, and
  - b) the next Representation Review be carried out in 2014/15 in time for the 2016 elections
38. In 2014/15 there will be more up to date population information available, and more time to consider appropriate resourcing, to carry out an accurate and comprehensive review. There will also be more time to fully consider the implications of establishing a Māori ward.



## 23. TEMPORARY ATHLETICS CANTERBURY BUILDINGS – RAWHITI DOMAIN

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 94-8608
<b>Officer responsible:</b>	Unit Manager Asset and Network Planning
<b>Author:</b>	Derek Roozen, Parks and Waterways Planner

**PURPOSE OF REPORT**

1. To obtain Council approval for the temporary location of a building and structure to house equipment belonging to Athletics Canterbury on the Rawhiti Domain recreation reserve pursuant to the Canterbury Earthquake (Reserves Legislation) Order 2011.

**EXECUTIVE SUMMARY**

2. Athletics Canterbury Incorporated (“Athletics Canterbury”) is the regional body responsible for inter-club and championship competitive athletics in the Canterbury area. It provides for a range of athletic pursuits, including track and field, and cross country and road running. It also supports the activities of athletics organisations catering for specific groups, including masters track and field (Canterbury Masters Athletics Association), and children’s athletics (Canterbury Children’s Athletics Association Incorporated). Since the development of the QEII Park Recreation and Sport Centre (“QEII”) in 1973, Athletics Canterbury has booked time each year at QEII for athletics events and activities, and has stored athletics equipment there.
3. Due to extensive damage caused to QEII by the 22 February 2011 earthquake, this facility is no longer able to be used as the base for track and field athletics in Christchurch. Whilst cross country and road running can be readily accommodated at other locations, track and field need suitable temporary facilities to give the athletes continuing opportunities to achieve their potential. Athletics Canterbury’s Track and Field Committee has established an Athletics Sport Recovery Group with members including from its committee and the Canterbury Children’s Athletics Association, this group liaising with Council officers to identify a venue for track and field for the summer of 2011/2012. After consideration of a number of parks around the city, the Group proposed three parks where inter-club track and field competitions could best be held (QEII Park Ascot Green, Nunweek Park and Rawhiti Domain) until such time more permanent all-weather track and associated facilities can be built for Athletics Canterbury, the location for such facilities not being known at this time. Rawhiti Domain was selected as the best available venue for the sport in the meantime. The Rawhiti Domain recreation reserve is shown on the plan in **Attachment A**. The rationale for selecting this location, including why the other sites were discounted, are given in the table following paragraph 12 of this report below.
4. The area on Rawhiti Domain that has been selected already has a track and field facility, used by the New Brighton Athletic Club Incorporated (“NBAC”), which owns and operates the field infrastructure and the adjacent club rooms. The track and field facility is old and in poor condition. NBAC have existing rights of occupation (ground lease for the area of land upon which the club rooms are situated, and a licence to occupy for the specific parts of the Domain upon which NBAC has a starter box, four discus/shot-put circles, a long jump track, a high jump artificial surface and a pole vault track), which terminate on 1 January 2024. NBAC is required to maintain all structures within its licensed areas in a good serviceable condition at all times. The Council maintains all other areas, including the irrigation system that it owns. **Attachment B** shows a photo plan of the part of Rawhiti Domain containing the existing track and field facilities, including the NBAC’s areas of occupation.
5. The Athletics Sport Recovery Group has proposed to upgrade the Rawhiti Domain athletics facility to bring it up to a reasonable standard for inter-club athletics. This includes:
  - (a) Providing three new throwing circles for discus, hammer and shot put.
  - (b) Removing two circles at the south end and one at the north end that are in poor condition.
  - (c) Providing an all weather 70 metre long jump/triple jump runway with pits at both ends on the west side outside the running track.

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- (d) Upgrading the existing all-weather high jump area to allow for left and right foot jumpers.
  - (e) Providing an all-weather javelin runway.
  - (f) Removing the existing long jump runway and pit inside the track on the eastern side.
  - (g) Providing a fence on top of the embankment to prevent anyone from straying on to the adjacent archery range from the athletics track.
  - (h) Providing toilet facilities for athletes and spectators (portaloos).
  - (i) Providing a cut-down and modified container (reduced to approximately three metres in length) inserted into the embankment adjacent to the finish line to house all the photo finish and electronic timing equipment.
  - (j) Providing a power supply to the photo finish and timing equipment area.
  - (k) Providing a temporary equipment storage shed (with a footprint of approximately 110 square metres in area) to be situated close to the 100/110 metres start area.
  - (l) Preparation of grass track areas by QEII ground staff (it is proposed that for the 2011/2012 season the grass track be of six lanes with the 100/110 metres straight providing eight lanes).
6. The proposal referred to in paragraph 5 of this report above has the support of the NBAC.
7. The Council has granted the NBAC permission to upgrade the Club's licensed facilities at Rawhiti Domain in the manner described in paragraph 4 of this report above, which is part of the process of temporarily transferring the Athletics Canterbury centre for athletics from the earthquake damaged QEII facilities to Rawhiti Domain. The NBAC and Athletics Canterbury have agreed to share the use of the track and field facilities at Rawhiti Domain, and for Athletics Canterbury to use part of the NBAC's club rooms for control room purposes during periods when it uses the athletics facility. The Athletics Sport Recovery Group will facilitate and fund the upgrades, including the establishment of the proposed temporary storage and photo-finish/timing facilities.
8. The arrangement for use by each party is for this to be at different times. Athletics Canterbury has booked the grounds to be used on Saturday mornings for Canterbury Children's competitions and on Saturday afternoons for its Track and Field Committee events, with the season to run from mid October until mid March 2012. For the rest of the week (Sunday to Friday), the facility will be used by the NBAC and its members. NBAC's track and field season commences 4 October 2011 and will run until the end of March 2012. In addition, various schools and zone sports book the grounds during school hours for their athletics championships. There may be more such use this year with the QEII track being out of action. Athletes and coaches from other clubs will be discouraged by Athletics Canterbury from using the venue for training; as such training will have a detrimental effect on the athletic track's turf surface. There are other grass areas in the Christchurch, Selwyn and Waimakariri local authority areas that can be used for training.
9. The temporary facilities Athletics Canterbury proposes to locate on Rawhiti Domain within the existing track and field facility complex described in paragraph 4 of this report above are necessary for it and its supported athletics groups to be able to use the complex for athletic activities. These temporary facilities, and their purpose and function, are described in the table below. The proposed locations of these are shown on the photo plan in **Attachment B**. A plan and elevation of the larger proposed building is given in **Attachment C**. Photos of the sites are provided in **Attachment D**.

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Proposed Temporary Facility	Description	Purpose
Equipment storage shed	A Totalspan Heritage Barn with an approximate footprint of 10.5 metres by 10.5 metres (110 square metres), and a ridge height of 4.73 metres, placed on a concrete slab in an alcove between mature trees. The barn will require power supply and provision for stormwater drainage. This building can be painted/supplied in a colour that is acceptable to the Council.	To store approximately half of Athletics Canterbury's track and field gear that has been stored at QEII.
Photo-finish and timing gear shed	A cut down and modified Boxman container, with a 3.2 metre by 2.4 metre (7.7 square metres) footprint, and 2.6 metres high, placed at an elevated position on the embankment, aligned with a shifted start/finish line. This building structure will require a power supply connection, and can be painted/supplied in a colour that is acceptable to the Council.	Required for housing all the photo-finish and electronic timing equipment in a weather-protected secure environment.

10. Rawhiti Domain and the adjoining Thomson Park make up a 63.5 hectare Council park area fronting Marine Parade on the New Brighton coastline. This combined park area is characterised by pine and macrocarpa trees, together with open grassed areas. The majority of the park area is taken up with a golf course and sports fields, with some areas available for informal play and recreation. A large number of existing buildings and structures are spread throughout Rawhiti Domain, most of which are built on ground leased by various groups and clubs for sport, recreation and community use. The park area is classified as Recreation Reserve, subject to section 17 of the Reserves Act 1977, the separate land parcels being listed in the following table and the two largest shown in **Attachment A**.

Land Parcel	Reserve	Gazetted	Certificate of Title	Area (hectares)
Part Reserve 1579 (all New Zealand Gazette, 31 July 1969, page 1429), SO 2573	Recreation Reserve	New Zealand Gazette 2005, page 3446	269402	35.9107
Part Reserve 1616 (all New Zealand Gazette, 31 July 1969, page 1429), SO 2573	Recreation Reserve	New Zealand Gazette 2005, page 3446	269402	27.2039
Reserve 4467 (all Computer Freehold Register CB268/103 – all New Zealand Gazette, 31 July 1969, page 1429), DP 3213	Recreation Reserve	New Zealand Gazette 2005, page 3446	269402	0.2507
Lots 2 and 3 DP 3276	Recreation Reserve	New Zealand Gazette 2002, page 1217	269402	0.0622
Lot 9 DP 5123			269402	0.1085
			TOTAL AREA:	63.5360

The track and field facility is located in the south-western corner of the combined park area, in Part Reserve 1579.

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11. There is a reserve management plan for the combined park area. This is the Rawhiti Domain and Thomson Park Management Plan approved by the Council in January 2007. The vision for the park area as defined in the management plan is for the Christchurch community to be able to enjoy this park area and the associated benefits of diverse sport, recreation and environmental opportunities in a sustainable, accessible and attractive open space.
12. In addition to the preferred venue of Rawhiti Domain, alternative venues where inter-club track and field competitions could be held have been considered. Some of the benefits and reasons to discount four of these, as well as for the preferred venue, are given in the following table.

Location	Benefits	Reasons to Discount
South-western corner of Rawhiti Domain (New Brighton) – <b>Preferred Venue</b>	<ul style="list-style-type: none"> <li>• Solid ground.</li> <li>• Existing athletics track and field facility, with an athletics club already present on site and supportive.</li> <li>• Permission given by the Council for the NBAC to upgrade the Club's licensed facilities, which will be partly funded by Athletics Canterbury, with the use of these facilities shared by Athletics Canterbury.</li> <li>• Will not displace anyone, and not have to share with another sport.</li> <li>• Close to previous venue at QEII, and still in the same community catchment.</li> </ul>	<ul style="list-style-type: none"> <li>• To bring this venue up to a reasonable safe standard will require remedial work to be undertaken to upgrade the existing track and field facility.</li> </ul>
Nunweek Park (Harewood)	-	<ul style="list-style-type: none"> <li>• Existing high use for cricket, touch, rugby and football.</li> <li>• No room for an athletics track to be established.</li> <li>• Would require an athletics facility to be set up from scratch, and be the costliest option of all the proposed venues.</li> </ul>
Ascot Green, QEII Park (North New Brighton)	<ul style="list-style-type: none"> <li>• Maintains some link with Athletics Canterbury's "home" since 1973.</li> <li>• Provides a community facility in the eastern suburbs.</li> </ul>	<ul style="list-style-type: none"> <li>• Severely damaged by the earthquakes, and unavailable.</li> <li>• Vulnerable to further damage if further earthquakes occur.</li> <li>• Would require a lot of repair work to be undertaken before athletic facilities could be established there.</li> <li>• Would need to be set up from scratch.</li> </ul>
Hansen Park (Opawa)	-	<ul style="list-style-type: none"> <li>• Damaged.</li> <li>• Lot of repair work is required to the existing facilities before athletics could use the facilities.</li> <li>• Other users, such as football.</li> </ul>

Other potential venues initially considered and discounted include Crosbie Park, Hoon Hay Park, Middleton Park and Walter Park.

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13. Officers consider the proposed temporary facilities at Rawhiti Domain will have a manageable effect upon the overall Domain environment and its use due to these facilities being related to an existing use of the Domain and located by existing built structures. An assessment of effects is given in the following table, along with comment on how each of these may be mitigated.

Area of Effect	Effects	Comment on Effects and how they can be mitigated
Public Access	The proposed facilities will not restrict public access to the Domain.	-
Impact on Recreational Activities	The proposed temporary facilities will enable Athletics Canterbury, and its associated athletics groups, to effectively undertake athletic activities at a competition level on the Domain. These temporary facilities, in conjunction with the other track and field facility upgrades taking place on the Domain, will enhance the activities of the existing club (NBAC).	Positive effect.
Visual	The proposed storage shed is a moderately large building.	The storage shed will be tucked away into an alcove in a stand of mature trees on the perimeter of the ground, and will be close to the larger existing NBAC club rooms. It will be painted/provided in a suitable colour to blend into the surrounding Domain environment. The photo-finish and timing gear shed is small, tucked into the embankment, close by an existing structure and can also be of a colour to sympathetically blend into the surrounding Domain environment. In addition, the proposed facilities will provide only a temporary visual intrusion as they will be removed at the end of the occupation.
Vehicle Access and Parking	The proposed temporary facilities in themselves will not result in any increased demand at any one time for the use of the existing car park that would be additional to any increase resulting from the already approved use of the athletics facility by Athletics Canterbury.	-
Access to Utilities	The siting of the proposed facilities will not restrict the Council's ability to access any underground services.	-

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Physical (Ground)	The site for the proposed storage shed will require some levelling, and excavation for placement of a concrete slab foundation. Excavation for an underground power cable from both the storage shed site and the photo-finish and timing gear shed to connect to existing services will be required. This will require some surface disruption during the construction phase of the proposed development.	The disruption will be temporary, being only during the period of construction phase. During this phase, fencing will be required to keep the sites secure and to exclude the public for their safety.
Physical (Vegetation)	The proposed storage shed will be positioned close to existing mature exotic (poplar, Eucalyptus, pine and oak) trees, and within the fall zone of branches from the Eucalypt trees.	Council arborists advise that the Eucalypt trees will be removed as these are in poor form and declining condition, it being planned prior to the earthquakes to remove these. The building will be positioned so that it is at least ten metres away from the trunk of the oak tree on its south-western side and 12 metres from the trunk of the poplar tree on the north-eastern side (as shown on the photo plan in <b>Attachment B</b> ).
Level of compliance with reserve classification/ management plan/ City Plan zoning	The proposed temporary facilities are not inconsistent with the reserve classification (recreation reserve), City Plan zoning (Open Space 2) and management plan for Rawhiti Domain.	The facilities support a use on the Domain that the Council supports (athletics) and is consistent with the recreation reserve classification. The Open Space 2 (District Recreation and Open Space) Zone provides for buildings and facilities necessary to facilitate recreation, as long as they and hard surfacing do not dominate the open space. Management plan policy 7.5(c) permits new buildings and structures on the reserve where they are necessary for the outdoor use of the reserve, and the proposed activity is unable to be accommodated in existing buildings either on the reserve or elsewhere.

**FINANCIAL IMPLICATIONS**

14. There are no financial implications for the Council arising from granting permission for Athletics Canterbury to temporarily occupy the two sites in Rawhiti Domain with the proposed temporary facilities. Athletics Canterbury will meet all costs associated with the establishment and operation of the proposed facilities, including all resource and building consents, and costs to reinstate the sites, to the satisfaction of the Greenspace Manager or her designate, at the end of the occupation under the Canterbury Earthquake (Reserves Legislation) Order 2011.

## 23 Cont'd

15. Athletics Canterbury is contributing financially towards the upgrading of the NBAC's licensed athletics facilities on Rawhiti Domain, which Athletics Canterbury estimates will cost between \$80,000 and \$100,000, to the level detailed in the table below. There will be the legacy of an enhanced athletics facility on the Domain once a more permanent home for Athletics Canterbury is found and built and its temporary occupation ends. Officers are therefore of the view that, in acknowledgement of Athletic Canterbury's financial contribution towards this enhanced athletics facility, the Council should not charge Athletics Canterbury a rental for the temporary occupation of the two sites on Rawhiti Domain.

<b>Funding Source</b>	<b>Amount</b>
SPARC through Sport Canterbury	\$15,000
Calliope Athletic and Harrier Club	\$10,000
Athletics Canterbury Track and Field Committee	\$20,000
Canterbury Children's Athletics Association	\$10,000
Canterbury Masters Athletics Association	\$5,000
Mayoral Relief Fund	Balance of between \$20,000 and \$40,000 to be sought from the fund.

16. There will be no change to the existing maintenance arrangements for the athletics track and field facility with the Council granting permission for the temporary occupations. The Council meets the cost of operating and maintaining the automatic irrigation system to irrigate the running track, including the water used for that, and maintains the track to cricket wicket outfield standards. At present, the Council mows the outfield area on an informal basis. In addition, the QEII ground maintenance crew will be undertaking some ongoing maintenance to the track, which will raise it to a slightly higher standard than it is currently. This work is covered within existing budgets. All other grounds maintenance of the area is paid for by the NBAC.

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

17. Yes, see above.

**LEGAL CONSIDERATIONS**

18. The Council entered into a lease dated 27 July 1983 with the New Brighton Athletic Club Incorporated ("NBAC") for the land the Club occupies at Rawhiti Domain, being part of the recreation reserve, for a term of 21 years, with a right of renewal for a further 21 years, the final expiry of the lease term on 1 January 2024. The Council on 11 December 2003 approved the restructuring of the lease to a lease/licence arrangement, with the expiry dates remaining the same as the original lease expiry date; the lease under section 54(1)(b) of the Reserves Act 1977 being for the land underlying the clubrooms building footprint, and the licence under section 54(1)(c) of the Reserves Act covering the areas containing structures (starter's box, four discus/shot-put circles, a long jump track, a high jump artificial surface and a pole vault track) the Club has built and owned on the athletic ground.
19. A letter from the Council dated 7 September 2011 granted the NBAC permission to upgrade the Club's existing licensed facilities at Rawhiti Domain, as part of the process of temporarily transferring Athletics Canterbury's athletics activities from the earthquake damaged QEII facilities to Rawhiti Domain. This permission is subject to a number of requirements being met prior to any work commencing, including the NBAC signing a temporary site access licence with the Council.
20. Ordinarily, the grant to a sports body of a right to occupy a recreation reserve would be by way of a lease granted by the Council under section 54 of the Reserves Act 1977. If a proposed lease conforms to the management plan for the reserve then no other process steps are required. However, if a proposed lease does not conform to the management plan, the Reserves Act requires that a public consultation process is undertaken (including the hearing of any objections received) and that the consent of the Minister of Conservation is obtained.

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21. In response to the circumstances arising from the 22 February 2011 earthquake, the Government made the Canterbury Earthquake (Reserves Legislation) Order 2011 ("Order") to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act 1977.
22. Whilst the Order currently expires on 31 March 2012, the Department of Building and Housing and the Department of Conservation have recommended to the Government that the Order be extended to 18 April 2016 (which is the expiry date of the empowering legislation under which the Order has been made). It is expected that the extension will have been granted by early October 2011. Unless the Order is extended beyond 18 April 2016 it will not be possible for the Council to authorise the use of the Rawhiti Domain recreation reserve beyond this date. Any use beyond that date would need to be authorised using the 'business as usual' processes available under the Reserves Act.
23. Clause 5(c) of the Order provides that the Council, or any person authorised by the Council in writing, may use a reserve or erect a structure on a reserve for any purpose if the use or structure is necessary in the opinion of the Council or the chief executive of the Council to respond in a timely manner to any circumstances arising from the earthquake.
24. The Order provides that when the Council authorises such use of a reserve, or the erection of any structure on a reserve, it does not need to comply with any relevant management plan or the usual Reserves Act processes. However, the Council is required to take all reasonable steps to protect the integrity of the reserve and to ensure that the reserve is reinstated as closely as practicable at the end of the use or when the structure is removed to its original condition.
25. In addition to Council authorisation under the Order, the applicant will also need to obtain all necessary resource and building consents required.
26. If the Council approves the proposed occupation under the Order then a formal written occupation agreement in the form of a "warrant of occupation" will be entered into by the applicant. The agreement will contain the provisions that would ordinarily be included in a lease to protect the Council's position, including an obligation on the occupier to remove its building at the end of the term and to reinstate the land.
27. Before any work commences upon the site it will be necessary for Athletics Canterbury or its principal contractor to contact the Greenspace Eastern Area Contract Manager and Council arborist to arrange an onsite meeting to discuss the Council's requirements for working on the reserve, some of which are set out below:
  - (a) The contractor undertaking the work is to have a minimum of \$2,000,000 public liability insurance; a copy of the policy is to be brought to the meeting.
  - (b) The site works within the reserve must be fenced off at all times to prevent public access to the site, because the work is being undertaken in a public reserve.
  - (c) No materials or equipment are to be stored under the drip line of any trees in the reserve.
  - (d) There is to be a temporary site access licence signed by the Greenspace Eastern Area Contract Manager, who is acting under the delegated authority of the Council, and the contractors undertaking the work to install the temporary buildings.
  - (e) A bond will be required to be paid to the Christchurch City Council via the Greenspace Eastern Area Contract Manager before work commences upon the site. The bond, less any expenses incurred by the Council to restore the reserve to its former condition, will be refunded to the contractor upon completion of the work, after the site has been inspected by the Greenspace Area Contract Manager.
  - (f) There may be other on-site requirements that the Greenspace Eastern Area Contract Manager or Council arborist wish to include in the licence.



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

28. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

29. Not applicable.

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

30. Not applicable.

**ALIGNMENT WITH STRATEGIES**

31. Not applicable.

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

32. Not applicable.

**CONSULTATION FULFILMENT**

33. Clause 6 of the Order expressly provides that the Council may act under the Order without complying with the Reserves Act 1977 (including any provision relating to public notification or the hearing of objections).
34. Clause 7 of the Order requires the Council to give notification to parties who have an easement, lease, licence, covenant or other legal right over the area of reserve to be temporarily occupied under the Order. There are no such parties external to the Council immediately over the sites proposed to be temporarily occupied at Rawhiti Domain, although the NBAC has a licence covering areas containing athletics facilities that lie nearby. The NBAC is party to and supports the shared use of the Rawhiti Domain track and field athletics facility.
35. In addition, the Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out in the Local Government Act 2002. These include the requirement that the Council considers community views and preferences.
36. The exemptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury Earthquakes.

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**STAFF RECOMMENDATION**

It is recommended that the Council resolve as follows:

- (a) Pursuant to clause 5(c) of the Canterbury Earthquake (Reserves Legislation) Order 2011, and having formed the opinion that such is necessary to respond in a timely manner to circumstances resulting from the earthquake of 22 February 2011 and subsequent aftershocks, that Athletics Canterbury Incorporated be authorised to use those parts of the recreation reserve known as Rawhiti Domain as are approximately shown as hatched areas labelled "Equipment storage shed" and "Photo-finish and timing gear shed" on the plan attached to this report as **Attachment B**, for the purposes of the placement of a building to be operated as an athletics equipment store, and a cut-down container to be operated as a photo-finish and timing gear platform, respectively.
- (b) That the period for which the authority referred to in paragraph (a) of this resolution shall apply is that period commencing on the date of this resolution until the date on which the Canterbury Earthquake (Reserves Legislation) Order 2011 shall expire (including any amended expiry date).
- (c) That the Corporate Support Manager be delegated the power to negotiate and enter into on behalf of the Council such occupancy agreement, warrant or similar document on such terms and conditions as he shall consider necessary to implement the authority referred to in paragraph (a) of this resolution (including the approval of the colour scheme for the buildings, and the obligation on the occupier to remove them and to reinstate the reserve once this authority has expired).
- (d) That the principal contractor for the site establishment works contacts the Greenspace Eastern Area Contract Manager to sign a temporary site access licence and complete the procedures as set out in paragraph 27 of this report above before commencing work upon the reserve.
- (e) In recognition of Athletics Canterbury's financial contribution towards the upgrading of the New Brighton Athletic Club's licensed athletics facilities on Rawhiti Domain, which will be a legacy for the Domain and its users, the Council resolves not to charge Athletics Canterbury Incorporated a rental for the temporary occupation of the two building sites on Rawhiti Domain.

**BOARD CONSIDERATION**

Whilst supportive of Athletics Canterbury's proposal, the Board noted that the removal of nearby eucalyptus trees was due to their poor condition and something which was planned for prior to the earthquakes. Accordingly, the Board expressed a strong desire that any trees to be removed in the vicinity, be replaced with other trees suitable to the conditions in accordance with the Rawhiti Domain Management Plan.

Members also noted that there were other areas in the Burwood/Pegasus ward where trees in public places have been affected as a result of the earthquakes and as a consequence, their removal will be necessary.

**BOARD RECOMMENDATION**

That the Council:

- (a) Adopt the staff recommendation.
- (b) Note the planned removal of eucalyptus trees in Rawhiti Domain and further that suitable replacement trees be planted as soon as practicable in accordance with the Rawhiti Domain Management Plan.

**24. EXTENSION OF DELEGATION TO APPOINT COUNCIL HEARINGS PANELS**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Unit Manager, Democracy Services
<b>Author:</b>	Clare Sullivan, Council Secretary

**PURPOSE OF REPORT**

1. To recommend extending the delegation to the Mayor and Chief Executive to appoint certain Council Hearings Panels until 8 December 2011 (or until such time as the Council has considered its delegations to Hearings Panels) and to seek retrospective approval for the appointment of hearings panels from May 2011 to 9 November 2011.

**EXECUTIVE SUMMARY**

2. At its 16 December 2010 meeting the Council resolved:

*That the Mayor and Chief Executive appoint any hearings panels required to meet before 28 February 2011 on the following matters:*

- (i) RMA panels;*
- (ii) A number of exemptions under the Fencing of Swimming Pools Act;*
- (iii) Several objections under the Dog Control Act; and*
- (iv) Sale of Liquor Act 1989.*

3. In February 2011 it was intended to bring a report to Council considering the issues of hearings panels and extending this delegation, if the matter was not resolved. However, following the period of the national emergency this matter was overlooked and the extension of the delegation and retrospective approval for the period from May to November is now required.

**LEGAL CONSIDERATIONS**

4. Clause 30 Schedule 7 of the Local Government Act 2002 gives the Council the power to appoint such committees as it considers appropriate.
5. The Council Hearings Panel appointed by the Council has the same status as a Committee. Historically the Mayor, Councillors and Community Board Members are appointed to the Hearings Panel.
6. The responsibilities usually delegated to the Hearings Panel include the power to hear applications and objections under various statutes and regulations.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Extend the delegation to the Mayor and Chief Executive to appoint any hearings panels until such time as the Council has considered its delegations to Hearings Panels on the following matters:
  - (i) RMA panels;
  - (ii) A number of exemptions under the Fencing of Swimming Pools Act;
  - (iii) Several objections under the Dog Control Act; and
  - (iv) Sale of Liquor Act 1989.
- (b) Grant retrospective approval of the appointment of Hearings Panels from May 2011 to 9 November 2011.

**25. ADOPTION OF REPORT ON DOG CONTROL POLICY AND PRACTICES 2010/11**

<b>General Manager responsible:</b>	General Manager Regulatory & Democracy Group, DDI 941-8462
<b>Officer responsible:</b>	Inspections & Enforcement Unit Manager
<b>Author:</b>	Mark Vincent, Animal Control Team Leader

**PURPOSE OF REPORT**

1. The Dog Control Act 1996 (“the Act”), section 10A requires all territorial authorities to report on the administration of its dog control policy and practices annually (**Attachment 1**). Once Council has adopted the report, a public notice must be given of the report and a copy sent to the secretary for Local Government. This provision in the Act was introduced by the Dog Control Amendment Act 2003. The Act lists the information required in the report.

**EXECUTIVE SUMMARY**

2. The Dog Control Act 1996 was amended by the Dog Control Amendment Act 2003 with a focus on increasing public safety. As part of the amendments Central Government has introduced the requirement for Territorial Authorities to report annually with certain information.
3. The annual report requires Territorial Authorities to provide details in relation to such matters as: dog exercise and leash control; dog prohibited areas; impounded animals; education programmes and initiatives and a range of specific annual statistics including aggressive/dangerous dogs, number of dogs classified as dangerous or menacing dog, the number of registered dogs, number of infringement notices issued, and the number of prosecutions etc.

**FINANCIAL IMPLICATIONS**

4. There are no direct financial implications in relation to the preparation of the annual report nor any financial implications should Council adopt the recommendation contained in the report.
5. Covered by existing unit budgets.

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

6. Yes.

**LEGAL CONSIDERATIONS**

7. Section 10A of the Dog Control Act requires that a Territorial Authority must report on Dog Control Policy and Practices –
  - (1) In respect of each financial year, report on the administration of –
    - (a) Its Dog Control Policy adopted under section 10; and
    - (b) Its Dog Control Practices
  - (2) The report must include, information relating to –
    - (a) The number of registered dogs
    - (b) The number of probationary and disqualified owners
    - (c) The number of dogs classified as dangerous and the relevant provision under which the classification was made.
    - (d) The number of dogs classified as menacing under section 33A
    - (e) The number of dogs classified as menacing under section 33C
    - (f) The number of infringement notices issued
    - (g) The number of prosecutions taken
  - (3) The Territorial Authority must give public notice of the report –
    - (a) by publishing the report in –
      - (i) One or more daily newspapers circulating in the district
      - (ii) One or more other newspapers that have at least an equivalent circulation in the district to the daily newspapers circulating in that district.
    - (b) by any means that the territorial authority thinks desirable in the circumstances.

**25 Cont'd**

- (4) The territorial authority must also, within one month after adopting the report, send a copy of it to the Secretary for Local Government.

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

8. As per above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. The annual report and recommendation contained in this report aligns with the LTCCP level of services for Animal Control as the levels of service detailed in the LTCCP require complaints in regards to aggressive behaviour by dogs to be responded to within stipulated timeframes (page 90 of the 2009-19 LTCCP, under "Regulatory Services").

**ALIGNMENT WITH STRATEGIES**

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

10. Not applicable.

**CONSULTATION FULFILMENT**

11. There is no requirement for consultation in relation to the preparation of the annual report. There is a statutory requirement (section 10A of the Dog Control Act 1996) for the report to be publicly notified once adopted by Council.

**STAFF RECOMMENDATION**

It is recommended that the Council adopt the attached Christchurch City Council Report on Dog Control Policy and Practice for 2010/11, pursuant to Section 10A of the Dog Control Act 1996.

10. 11. 2011

26. NOTICES OF MOTION

27. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

