

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 24 NOVEMBER 2011

9.30AM

**COUNCIL CHAMBER, CIVIC OFFICES,
53 HEREFORD STREET**

CHRISTCHURCH CITY COUNCIL

Thursday 24 November 2011 at 9.30am
in the Council Chamber, Civic Offices, 53 Hereford 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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24. 11. 2011

1. **APOLOGIES**
2. **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 27.10.2011**
Attached.
3. **DEPUTATIONS BY APPOINTMENT**
4. **PRESENTATION OF PETITIONS**

5. ELECTION OF ONE MEMBER OF THE BURWOOD/PEGASUS WARD

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Clare Sullivan, Electoral Officer

PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the early processing of the returned voting documents used at the election of one Councillor to the Burwood/Pegasus Ward, to be held on Friday 10 February 2012. A decision is also sought as to the order in which the candidates' names are to be shown on the voting documents used at that election.

EXECUTIVE SUMMARY

Early Processing

2. Chrissie Williams resigned as a Councillor on 30 September 2011. This created an extraordinary vacancy which, as it is more than 12 months before the next triennial election, under s117(1) of the LEA 2001 must be filled by an election.
3. As the notice of vacancy was received by the Electoral Officer in the period beginning 28 September – 20 November 2011, under s138(1)(a) of the LEA the polling day must be no earlier than 10 February 2012. Therefore, nominations open on Thursday 24 November 2011, nominations close on Thursday 22 December 2011 and the voting period will be from 18 January 2012 to 12 noon on Thursday 10 February 2012.
4. Section 79 of the Local Electoral Act 2001 permits a local authority to process (but not count) returned voting documents over the voting period.
5. Early processing of voting documents was introduced for the 1998 Christchurch City elections (but restricted to the 84 hours before the close of voting) and was used very successfully throughout the country. Because of the success of early processing in 1998 and the benefits which early processing provides, the early processing period was subsequently increased to the entire three week voting period now provided under the current legislation. The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time-consuming task of extracting and checking the voting documents is undertaken progressively over the three week voting period (under strict security and under the supervision of a Justice of the Peace). This means a quicker and more accurate result can be achieved on polling day.

Order of Candidates' Names on Voting Documents

6. Clause 31(1) of the Local Electoral Regulations 2001 allows the Council to decide whether the names are to be arranged on the voting documents in alphabetical order of surname, pseudo-random order or random order. In the absence of any Council resolution approving another arrangement, the candidates' names must be arranged in alphabetical order of surname.
7. The features of each arrangement are described below:

(a) **Arrangement 1 - Alphabetical Order of Surname**

This is the order which was used for all local authority elections prior to 2004, and is self-explanatory.

(b) **Arrangement 2 - Pseudo-Random Order***

Under this arrangement, the candidates' names for each issue are placed in a hat (or similar receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being placed on all voting documents for that issue in the order in which they are drawn. (*Note: Although the term "pseudo random order" is used in the Local Electoral Regulations to describe this arrangement, this is a somewhat imperfect description, in that the term "pseudo random" is understood by mathematicians and/or information technology specialists to have a different meaning.)

5 Cont'd

(c) **Arrangement 3 - Random Order**

Under this arrangement, the names of the candidates for each issue are shown in a different order on each and every voting document, utilising software which permits the names of the candidates to be laser printed in a different order on each paper.

This is the order which was used for all the issues included in the voting documents used for the 2010 and previous Christchurch City elections, ie:

- Election of Mayor
- Election of Councillors
- Election of Community Board Members
- Election of Canterbury District Health Board Members.

FINANCIAL CONSIDERATIONS

8. The cost of printing the voting documents employing Arrangement 1, Arrangement 2 or Arrangement 3 will be identical. Thus, there will be no additional costs should random order be chosen for any or all of the five issues to be contested.

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

9. Costs for the election are estimated to be around \$90,000, though this will depend on the voter turn-out. Budgetary provision of \$50,000 is incorporated within the 2011/12 Annual Plan for the running of polls or byelections. It is expected that there will be savings of approximately \$30,000 from the non-payment of remuneration for a period of four months from October to January.

LEGAL CONSIDERATIONS

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

10. The early processing of the returned voting documents is provided for in section 79 of the Local Electoral Act 2001 and clause 101 of the Local Electoral Regulations 2001.
11. The ability to choose between alphabetical order of surname, pseudo-random order or random order for arranging the candidates' names on the voting documents is provided for in clause 31(1) of the Local Electoral Regulations 2001.
12. The regulations provide that if a local authority has determined that pseudo-random order or random order is to be used, the electoral officer must state, in a public notice required to be given, the date, time and place at which the order of the candidates' names will be arranged. Any person is then entitled to attend while the arrangement is in progress.

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?

13. Yes. Democracy and Governance - public participation.

ALIGNMENT WITH STRATEGIES

14. Not applicable.

CONSULTATION FULFILMENT

15. Not required.

5 Cont'd

STAFF RECOMMENDATION

It is recommended:

- (a) That the returned voting documents for the election of one Councillor for the Burwood/Pegasus Ward be processed during the voting period in accordance with section 79 of the Local Electoral Act 2001, the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.
- (b) That the names of the candidates for the election be arranged in random order.

6. REVIEW OF DELEGATIONS TO COMMUNITY BOARDS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8642
Officer responsible:	Legal Services Manager
Author:	Vivienne Wilson and Ian Thomson, Solicitors

PURPOSE OF REPORT

1. To report back to Council on the review of the delegations to Community Boards, following the Council resolution of 9 June 2011.

EXECUTIVE SUMMARY

2. On 9 June 2011, the Council resolved to delegate to Community Boards the majority of matters set out in **Attachment A**. However, the Council also resolved that the Community Boards be asked to review the delegations and bring them back to the Council by November 2011.
3. Since the June Council meeting, staff have
 - discussed the Community Board delegations with the Community Board Chairs at the Community Board Chair Forum on 22 July 2011:
 - reported to each Community Board on their current delegations and asked each Board whether they would like to see any amendments:
 - participated in the Combined Community Boards Seminar on Delegations and Role (which was held on 1 October 2011).
4. The Boards have identified some issues with their current delegated powers. There is one major issue which relates to the Hagley/Ferrymead Community Board and the prior removal of a number of their delegated powers with respect to the Central City Area. The Boards have also questioned their ability to make submissions on notified resource consent applications as well as be more involved in the liquor licensing process. In addition, some technical changes have been identified that would improve and update the current wording of the delegations. In light of these comments staff have proposed some amendments to the current set of delegations. However, it is recommended that the Council make no changes to the restrictions on the Hagley/Ferrymead Community Board exercising various delegated powers in the Central City Area. The report recommends that once the Central City Plan is finalised, the Council reviews this position.
5. The Boards have also raised some issues about Council processes and their involvement in technical or metropolitan issues. Some suggestions have been made with respect to dealing with these matters. It is considered that a good way of progressing this would be through the Community Board Chairs Forum.
6. Set out in **Attachments D and E** are two revised sets of delegations. Attachment D contains the delegations in the current format with the changes shown. Attachment E contains the delegations to Community Boards in a revised format with the changes shown.

LEGAL CONSIDERATIONS

7. The Local Government Act 2002 provides that “... *for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers*” except for certain specified responsibilities, duties and powers. The Council is also able to impose any conditions, limitations or prohibitions on any delegations it may make.
8. Clause 32(6) of Schedule 7 of the Local Government Act 2002 also provides that the Council must consider whether or not to delegate to a Community Board if the delegation would enable the Community Board to best achieve its role.

6 Cont'd

9. Section 52 of the Act defines the role of Community Boards as follows:
- (a) *represent, and act as an advocate for, the interests of its community; and*
 - (b) *consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*
 - (c) *maintain an overview of services provided by the territorial authority within the community; and*
 - (d) *prepare an annual submission to the territorial authority for expenditure within the community; and*
 - (e) *communicate with community organisations and special interest groups within the community; and*
 - (f) *undertake any other responsibilities that are delegated to it by the territorial authority.*
10. The Act provides that once a delegation has been made by the Council to a Community Board then that Board is legally able to make a decision within the delegations as if it were the Council itself. This means that decisions made by a Community Board within the delegations legally bind the Council. If a matter or issue does not fall within these delegations, as a default position, a decision on that matter or issue is one for the Council itself.
11. The Act provides that the Council itself cannot rescind or amend a decision made by a Community Board made under delegated authority. However, the Council can at any time amend or revoke a delegation so as to apply any future decisions.

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

12. Yes. The delegations comply with the Local Government Act 2002.

CONSULTATION FULFILMENT

13. Staff from the Legal Services Unit discussed the delegations with the chairs of each Community Board on 22 July 2011 at the Community Board Chair Forum. The Chairs raised a number of issues in relation to delegations. Those issues and the staff comments are set out in **Attachment B**, and were contained in the report that went to each Community Board in August – September this year.
14. Details of the consideration of this issue by each Community Board are set out below. Further specific issues that were raised by each Community Board are set out in **Attachment C**. This includes staff comment on those issues.

Riccarton/ Wigram

15. The minutes from the meeting dated 30 August 2011 record as follows:

BOARD CONSIDERATION

The Board considered each of the current delegations and discussed suggested amendments to the attending staff. The Board recommend that a Combined Community Board seminar be held.

6 Cont'd

Hagley / Ferrymead

16. The minutes from the meeting dated 31 August 2011 record as follows:

BOARD CONSIDERATION

The Board considered the current delegations and made comments and sought clarification on matters, as recorded by attending staff.

Points raised included the central city delegations for roads, parks and leases as they relate to the Board. The Board sought further information regarding the rationale for the change to these delegations in 2009 in regard to expedience of decision making, and clarification on the Central City area as it relates to earthquake response matters.

Board members commented on Board involvement in consideration and recommendation to the Council on metropolitan issues, and some members raised concern that involvement is not consistent throughout the city. It was also suggested that there is a need for clarification within delegations on public excluded matters.

The Board indicated it was supportive of members of all Community Boards having the opportunity to discuss the delegations collectively, or at a combined Community Board Seminar.

The Board was advised that the comments from each Community Board will be reported back to the Council, and that it is anticipated before this consideration a workshop will be held.

Burwood / Pegasus

17. The minutes from the meeting dated 12 September 2011 record as follows:

DELEGATIONS TO COMMUNITY BOARD - REVIEW

The Board considered a report seeking feedback on the Council's current delegations to its community boards.

*After discussion, the Board **decided** to defer the report and to offer feedback on the delegations at a forthcoming Elected Members' Workshop.*

In the interim, members were encouraged to think about the matter and to pass their thoughts on to staff.

Lyttleton / Mt Herbert

18. The minutes from the meeting dated 13 September 2011 record as follows:

BOARD CONSIDERATION

The Board thanked the Council for being given appropriate time to consider the delegations.

The Board considered each of the current delegations and discussed suggested amendments with the attending staff.

Board members commented on the following points:

Sub-delegation – suggested that the prohibition on sub-delegating some of the delegations relating to reserves, should apply to all Community Boards, not just the two Banks Peninsula Boards.

Parks – heading should be "Parks and Reserves".

Technical and Metropolitan projects – include wording around consultation being carried out with the relevant Board when these projects involved local communities. This was suggested to encourage staff to consult with the relevant Community Board on these issues.

Financial – Clause 1 replace the word "criteria" with "resolution".

Financial – Clause 4 should be incorporated into Clause 2 and should refer to The two "Banks" Peninsula Boards....

Roads – Clause 8(d) – include an explanation of what clauses 10 and 15 of the Traffic and Parking Bylaw refer to.

Parks – the Board requested clarification of whether regional parks were included under this section, as members expressed a wish to be involved in decisions relating to the regional parks in the Lyttelton/Mt Herbert area.

Parks – Clause 7 – the Board sought clarification on the "policy" referred to in this clause.

Leases – this section should be located above the Miscellaneous section.

6 Cont'd

The Board raised a further two issues in relation to the difficulty in maintaining an overview of services provided to the community, and the difficulty preparing an annual submission on expenditure in the community. The Board also noted that for delegations to work, they needed to be supported by sound processes.

The Board was advised that the comments from each Community Board will be reported back to the Council and that it is anticipated before this consideration, a Combined Boards' Seminar will be held.

Fendalton / Waimari

19. The minutes from the meeting dated 13 September 2011 record as follows:

BOARD CONSIDERATION

The Board considered the current delegations and suggested the following amendments to the attending staff.

- *that the abilities of Community Boards to make submissions to 'non-territorial' authorities be made explicit.*
- *the Board would like to formally request a review of the process for decision making in regards to sub-divisions to enable Community Boards to have some input/advocacy for residents before and/or during the hearings for resource consent.*
- *that Community Boards have the ability to participate in the formulation of key strategic policies and plans – including the Annual Plan, during the development phase, rather than as a consultee once any such policy or plan has been drafted.*

Akaroa / Wairewa

20. The Board considered each of the current delegations and discussed suggested amendments with the attending staff. Specific mention was made of the following:

- *Roads – the Board sought a delegation for Community Boards to consider classification of roads for special purposes.*
- *Roads – the Board suggested that the two Banks Peninsula Community Boards should have additional delegations in regard to unformed legal roads, because of the large number of such roads on Banks Peninsula.*
- *Marine Structures – the Board sought a delegation for local Community Boards to be involved in decisions relating to harbour/marine structures, because of the consummate local knowledge of Community Board members.*
- *Sub-delegation – suggested that the prohibition on sub-delegating some of the delegations relating to reserves, should apply to all Community Boards, not just the two Banks Peninsula Boards.*
- *Financial – the Board expressed a wish for the Community Boards to be involved in the Annual Plan and Long Term Plan processes at an earlier stage.*

Shirley / Papanui

21. The Board Report to Council regarding the meeting of the Board on 14 September 2011 states as follows:

BOARD RECOMMENDATION

The Board considered each of the current delegations and discussed suggested amendments to the attending staff.

6 Cont'd

Spreydon / Heathcote

22. The Board considered the matter at its meeting on 30 September 2011 as follows:

BOARD CONSIDERATION

The Board considered the current delegations and suggested the following matters be considered in the final report.

- *that Community Boards have the ability to participate in the formulation of key strategic policies and plans – including the Annual Plan, during the development phase, rather than as a consultee once any such policy or plan has been drafted.*
- *that the process surrounding the granting of liquor licensing and resource consents be reviewed to include Community Board's input at an earlier stage.*
- *that a review of the plantings/beautification of the city be carried out to allow the Community Boards to have greater input into the beautification of their wards.*

23. A Combined Community Boards Seminar on Delegations and Role was held on 1 October 2011 at the Beckenham Service Centre. It was attended by 15 out of 40 Community Board Members. At the seminar, there were presentations by David Griffith of the Canterbury Temporary Accommodation Service, Carolyn Gallagher, Christchurch City Council Community Support Manager, and Yvonne Palmer, a former member of the LGNZ Community Board Executive and a former chair of the Shirley / Papanui Community Board.

24. In the seminar, the participants broke into 3 groups and discussed issues of increased decision making, the meaning of the community boards advocacy role under section 52 of the Local Government Act 2002, and process issues. It was agreed that issues arising out of the group discussions with implications for Board delegations would be noted in this report. Issues relating to the Boards' advocacy roles, or involvement in Council processes, would be discussed at the next Board Chairs Forum with a view to determining how progress could be made. The issues that related to delegations were as follows:

- Ask the Council to reconsider the restriction on the Hagley/Ferrymead Community Board exercising delegated authority in the Central City Area.
- RMA – The Boards want greater involvement in planning decisions. They would like to be able to make submissions on behalf of the community (not the Council).
- There is a need for greater alignment between delegations and policies (eg tree policy).
- Alcohol/gambling – the Boards need more input
- Delegations need to be adaptable to have specific delegations for Wards, eg harbour / marine structures relevant to Banks Peninsula.

25. The staff comment on these issues is as follows:

Hagley / Ferrymead delegations

At present, the position of the "Central City Area" as represented in the current Delegations Register is unclear. This is because of the red zone cordon remaining in place and the fact that the final form of the Central City Plan has not yet been settled. However, once the Central City Plan has been determined it is suggested that the Council reviews the position of the Hagley/Ferrymead Community Board. At this point the Council can determine whether or not the Board may exercise delegated powers in the Central City Area and if so what those powers might look like. Consequently, staff consider that it is appropriate to maintain the status quo until the time that the Central City Plan has been finalised.

6 Cont'd

RMA issues

Further consideration has been given to whether or not Community Boards should have delegated authority to be able to make submissions on notified resource consent hearings where the Council is the decision-maker on the application. Generally, the Council's position is that the comments of the Council as a whole (and this includes the interests of the Community Board) are provided by way of the officer report on an application. In other words, there is a whole of Council approach to dealing with applications. On this basis, it is not considered desirable for Community Boards, which are part of the Council organisation, to be making separate submissions on notified resource consent hearings where the Council is the decision-making body. However, it is noted that there is a current mechanism by which Community Board members may raise concerns about particular resource management applications with staff.

Need for greater alignment between delegations and policies

The introductory words to the delegations to Community Boards currently provide that "*any decision by a Community Board shall be consistent with any policies or standards or resolutions adopted by the Council.*" In addition, some specific delegations also refer to being within the terms of the policy set by Council. Given the general requirement about consistency, it is not considered that additional wording is required in the delegations themselves. However, it is noted that relevant policies need to be clearly detailed in any report to the Community Board where the Community Board is asked to exercise its delegated functions. This is a matter that could be further discussed at the Community Board Chairs Forum.

Alcohol/Gambling

The current delegations provide that each Community Board may appoint one or more members of the Board to appear and be heard under s.108(e) of the Sale of Liquor Act 1989, for the purpose of providing community input. Section 108 of the Sale of Liquor Act 1989 states that in any proceedings before the Liquor Licensing Authority or a District Licensing Agency, various persons may appear and be heard. Paragraph (e) includes "*any person authorised in that behalf by any local authority*". On this basis, a Community Board member can make a submission to the Liquor Licensing Authority or the Council (in the Council's capacity as the District Licensing Agency) when the Authority or Agency are hearing a liquor licensing application.

With respect to gambling, the Council is currently embarking on a review of the Gambling Policy. Once the Gambling Policy has been reviewed, it would be appropriate for the Council to consider any delegation issues.

Delegations need to be adaptable etc

The comments from the various Community Boards have not suggested that the current set of delegations are inflexible. However, some technical amendments have been suggested to improve the wording of the current provisions. In the past the Council has also adopted the practice of re-resolving the delegations at the start of each triennium. This provides an opportunity to make changes to the current set of delegations if required.

6 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receives this report; and
- (b) Determines that once the Central City Plan has been finalised, the Council considers whether or not the Hagley/Ferrymead Community Board may exercise delegated responsibilities, functions and powers in the Central City Area and if so the wording of those delegations; and
- (c) Makes a number of changes to the current set of delegations which changes include –
 - (i) extending the current prohibition on subdelegation of various delegated responsibilities, functions and powers that currently applies to the two Banks Peninsula Community Boards to all Community Boards:
 - (ii) reordering the wording of the financial delegations so the discretionary funding allocation is clear in the way it applies to the two Banks Peninsula Community Boards:
 - (iii) inserting the words "per annum" in the financial delegations:
 - (iv) including the road stopping delegations that were made by the Council to Community Boards on 9 April 2009 in this part of the Delegations Register and deleting the delegation in the current paragraph 4(a) under the heading "Roads" which is no longer relevant:
 - (v) updating the names of the various bodies under the heading "Miscellaneous":
 - (vi) providing that the current paragraph 7 under the heading "Parks" refers to policy set by the Council" as opposed to "policy authorised by the relevant community board"; and
- (d) Therefore, in substitution for the delegations made to the Community Boards on 9 June 2011 and pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, delegates to the Community Boards the delegations set out in **Attachment E**.

BACKGROUND (THE ISSUES)

26. After each local authority election, it is the practice of the Council to reconsider and resolve the delegations it makes to the Community Boards. Following the disruption caused by the earthquakes on 4 September 2010 and 22 February 2011, the Council delegated various responsibilities, duties and powers to the Community Boards on 9 June 2011. However, the Council also resolved that the Community Boards be asked to review the delegations and bring them back to the Council by November 2011.
27. It should be noted that even though the Council did not resolve the delegations until 9 June 2011, the previous delegations continued in force over that period. There was no question that, in the interim, the Boards acted without delegated authority.
28. The current delegations, as set out in Attachment A, cover a wide range of matters, including financial delegations, roads, sale of liquor, resource management, parks, leases and other miscellaneous matters. There are some specific provisions relating to the Hagley/Ferrymead Community Board, the Lyttelton/Mt Herbert Community Board, and the Akaroa/Wairewa Community Board.
29. It should be noted that it has been the Council's procedure for many years that any exercise of the Board delegations must be within any policies or standards set by the Council. So if the Council has resolved a particular position then it is not open to a Community Board to make a decision which conflicts with that Council position.

6 Cont'd

30. Experience has also shown it is not feasible to write delegations which cover every permutation of a subject. The question may arise as to whether a matter falls within a Board's delegated authority.
31. To assist in these situations a decision on whether or not a Board has delegated authority on a particular matter will be a matter for joint decision by the General Manager, City Environment (as most matters are considered to be delegated are operational issues that fall within that group) and the General Manager Regulation and Democracy Services. This was provided for in Attachment A.
32. Where there is a matter outside a Board delegation, such as a metropolitan facility which has a city wide impact but is situated in a particular Community Board area, and where the Board historically has taken an interest in the activities on that facility within their community, the issue has been addressed in the following way: a report on a particular matter involving the metropolitan facility is forwarded to the Community Board for comment before referring the final report to Council.
33. Following the report to Council on 9 June 2011, it came to the attention of staff that there were some further delegations that were made by the Council to Community Boards that were not referred to in the June report. These delegations relate to the Council's Road Stopping Policy and were made on 9 April 2009 and are still in force. However, it would be desirable for these delegations to be contained in the Council's Delegation Register with the other delegations.
34. The current set of Community Board delegations were considered by each Community Board and (as noted above), each Community Board made various comments about their powers or had a general discussion about the nature of those powers. Issues were also raised and discussed at the Community Boards Seminar on 1 October 2011.
35. There is one major issue which concerns the inability of the Hagley/Ferrymead Community Board to exercise various delegated powers in the Central City Area. As noted above, staff propose that the Council looks at this issue once the Central City Plan has been finalised.
36. A number of the Boards have also raised the following issues in relation to delegations:
 - The ability of Community Boards to make submissions on notified resource consent applications:
 - The ability to be involved in the liquor licensing process:
 - The prohibition on sub-delegation of certain matters currently only applying to the two Banks Peninsula Community Boards.
37. Staff do not propose that Community Boards be given a wider ability to make submissions on resource consent applications than is currently the case. However, it is noted that there is currently a mechanism in place which will allow Community Board members to provide comments on current resource applications before Council. There is already the ability for Community Boards to be involved in the liquor licensing process by making submissions under section 108(e) of the Sale of Liquor Act 1989. No further delegation is needed in this respect. In relation to extending the prohibition on sub-delegation of certain matters by Community boards, there is no reason why this prohibition should not apply if the other Boards were of a mind to establish reserve committees.
38. A number of technical amendments were raised in relation to the wording of the delegations. These technical amendments include:
 - Tidy up the wording of the financial delegations so that current paragraphs 2 and 4 sit next to each other:
 - Insert some notes in the roading section to explain the meaning of some of the Traffic and Parking Bylaw clauses:
 - Shift the wording of the prohibition on sub-delegation so that it sits next to the delegations to which the prohibition relates.
 - Updating the names of the various committees in the Miscellaneous section.

6 Cont'd

39. It is considered that these technical amendments should be addressed as part of the review process.
40. It is acknowledged that the Community Boards expressed a number of concerns about how they exercise their advocacy role as set out in section 52 of the Local Government Act 2002, and their involvement in the Annual Plan / LTP process. In addition they had concerns about public excluded matters when those matters are discussed and voted on at Council meetings having previously been before the Community Board in public excluded, and their involvement in technical or metropolitan issues.
41. With respect to the Annual Plan/LTP issue, it is not yet clear what the final process/documents will be for 2012-2013. However, it is suggested that further consideration could be given to building into the Annual Plan / Long Term Plan process an earlier opportunity (than is currently the case) for Community Board members to be involved in these processes.
42. In terms of the issues relating to public excluded matters, given the current requirements of the Local Government Official Information and Meetings Act 1987, it is not considered that any further action needs to be taken with respect to the attendance of Community Board members during a public excluded part of a Council meeting. It is open to the Council to resolve that members of a Community Board may stay in the public excluded part of the meeting if this is appropriate.
43. With respect to the involvement of the Boards in technical or metropolitan issues, it is suggested that a process for dealing with this could be addressed through the Community Board Chairs Forum.

THE OBJECTIVES

44. The purpose of the review has been to provide an opportunity for each Community Board to consider and comment on their current set of delegations with respect to any issues that they may have. The desired outcome is a set of robust delegations to Community Boards.

THE OPTIONS

45. There are three options:

Option 1 – Do nothing. This would mean that the Council retains the current set of delegations with no amendments.

Option 2 – Make some changes to the set of delegations but keep the current format (ie Attachment D)

Option 3 – Make some changes to the set of delegations and adopt a revised format (ie Attachment E).

THE PREFERRED OPTION

46. The preferred option is option 3 and using Attachment E. Option 3 makes various changes to the current set of delegations but also sets out the delegations in a new format. Each subject area has its own table. The table then describes the responsibility, function or power to be delegated and any other limits on that delegation. This new format is easier to read and will be easier to amend in the future should any changes be required. Where the text has been amended to improve readability or standardised, or a substantive change has been made, the text has been highlighted.

6 Cont'd

THE OTHER OPTIONS

47. Option 1 retains the status quo and the Council would make no changes to the current set of delegations to Community Boards.
48. Option 2 retains the original format but makes changes to the wording as referred to in this report. The proposed changes are shown as tracked changes for ease of reference.

7. DELEGATIONS

General Manager responsible:	General Manager Corporate Services, DDI 941-8528
Officer responsible:	Corporate Finance Manager
Author:	Steve Kelsen, Funds and Financial Policies Manager

PURPOSE OF REPORT

1. On 25 August 2011 the Council resolved:
 - (a) That a report reviewing Council's contracts and financial delegations be prepared for Council consideration at the 27 October 2011 Council meeting.
 - (b) That a report recommending a new procurement policy be prepared for Council consideration at a meeting to be held by May 2012.
2. This report provides the information requested by the Council at 1(a) above and proposes financial delegations to be set by the Council. Recommendations in relation to the procurement process will be reported to the Council in May 2012.

EXECUTIVE SUMMARY

Current Delegations

3. Delegations from the Council are currently recorded in the Register of Delegations which is published by the Council Secretary and is available online on both the Council's intranet and external website. The Register records those delegations made by resolution of the Council which have not yet been revoked.
4. A full set of the existing financial delegations is set out in **Appendix 1** and the Council resolutions are set out in **Appendix 2**. In summary, current maximum financial delegations are:

Area	Amount
OPEX	\$500,000
CAPEX	\$5,000,000

Proposed Delegations Framework

5. It is proposed that the Council revoke its existing financial delegations and adopt a new three-tier delegations framework in which:
 - (i) The Council maintains its governance responsibilities. Specifically by retaining responsibility for:
 - Setting maximum delegations to the Chief Executive.
 - Approving total budgets through the Annual Plan and Long Term Plan (LTP).
 - Approving all carry-forwards.
 - Approving all changes to levels of service.
 - Approving the purchase and disposal of all equity investments.
 - Approving the purchase and disposal of all property.
 - (ii) The Council delegates authority by resolution to the Chief Executive.
 - (iii) The Chief Executive delegates authority to staff. No staff may sub-delegate their authority.

7 Cont'd

6. The exercise of delegations will be subject to requirements set by the Procurement Policy to be adopted, and constrained by the Annual Plan and LTP budgets approved by the Council.
7. The proposed financial delegation to the Chief Executive is:

Area	Delegate	Amount
OPEX and CAPEX	Chief Executive	\$5,000,000

FINANCIAL IMPLICATIONS

8. Nil.

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

9. Not applicable.

LEGAL CONSIDERATIONS

10. Clause 32 Schedule 7 of the Local Government Act 2002 enables the Council to delegate to officers any of its responsibilities, duties or powers except in respect of certain powers that are set out in that Clause. None of the exceptions are relevant to the delegations being discussed in this report.
11. Clause 32B provides that an officer may sub-delegate one or more of his or her powers, except the power to delegate under that section. In other words, once delegated by the Council a power may only be sub-delegated once.
12. The Chief Executive is responsible for ensuring that all responsibilities, duties, and powers delegated to him or any employee, or imposed by an Act, Regulation or By-law, are properly performed or exercised.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Not applicable.

ALIGNMENT WITH STRATEGIES

14. Not applicable.

CONSULTATION FULFILMENT

15. Not applicable.

STAFF RECOMMENDATION

It is recommended that Council:

- a) **resolve** to revoke the financial delegation resolutions set out in **Appendix 3**;
- b) **delegate** to the Chief Executive the financial delegations set out in **Appendix 4**.

7 Cont'd

BACKGROUND (THE ISSUES)

FINANCIAL DELEGATIONS

Current Delegations

16. Delegations from the Council are currently recorded in the Register of Delegations which is published by the Council Secretary and is available online on both the Council's intranet and external website. The Register records those delegations made by resolution of the Council which have not yet been revoked. The Register has a publication date of 18 November 2010 although the majority of financial delegations date to either October 1996 or December 2001.
17. A full set of the existing financial delegations is set out in **Appendix 1** and the Council resolutions are set out in **Appendix 2**. In summary, current delegations to Council officers are:

Area	Delegate	Delegation
OPEX	Any two of the Chief Executive and general managers	Approve OPEX expenditure against annual plan projects up to the value of \$500,000
CAPEX	Any two general managers	Approve CAPEX and maintenance expenditure against annual plan or LTCCP projects up to the value of \$5,000,000
OPEX and CAPEX	Chief Executive, all general managers, and business unit managers	\$100,000

Contract Size

18. Since 1 July 2009 staff have sought approval from the Council for 14 contracts or payments that are above existing delegations. This number excludes land purchases, grants, and events and festivals funding which must all be referred to the Council. Those requests for approval can be broken down into the following value ranges:
- \$500,001 to \$750,000 1
 - \$750,001 to \$1,000,000 1
 - \$1,000,001 to \$2,000,000 1
 - \$2,000,001 to \$3,000,000 1
 - \$3,000,001 to \$4,000,000 0
 - \$5,000,001 to \$7,500,000 2
 - \$7,500,001 to \$10,000,000 1
 - >\$10,000,000 7
19. Based on this two plus year history should the Council delegate authority to the Chief Executive of up to \$5,000,000 for operating and capital expenditure, on average:
- the Chief Executive would approve an additional two contracts per year, and
 - the Council would see approval requests for the five largest contracts each year.

7 Cont'd

20. A review of the purchase order system over the same period shows that if the Chief Executive's current delegations were to be halved to \$250,000 for operating and \$2,500,000 for capital expenditure the Council would be asked to approve approximately an additional 25 contracts per year.

The Effect of Inflation

21. Since the majority of financial delegations were adopted in 1996 the Civil Construction Capital Goods Price Index has risen by 64 percent. The Consumer Price Index has risen by 42 per cent. Council costs can therefore be assumed to have risen in the order of 50 per cent. If current delegations were to be increased accordingly limits for 2011 would be:

Area	Amount
OPEX	\$750,000
CAPEX	\$7,500,000

Other Councils

22. A summary of the financial delegations to Chief Executives of metropolitan councils and Environment Canterbury is:

Chief Executive			
Council	Type	Upper Limit	Restrictions
Christchurch City	OPEX	\$500,000	Requires 2 signatures } Restricted to AP and LTP Requires 2 signatures
	CAPEX	\$5,000,000	
Wellington City	OPEX & CAPEX	Unlimited	Restricted by Annual Plan or LTP approval
Auckland	OPEX & CAPEX	\$7,500,000	Transactions over \$1,000,000 reported to responsible committee
Tauranga City	OPEX & CAPEX	Unlimited	Within budget
Dunedin City	OPEX & CAPEX	Unlimited	Within budget
Hamilton City	OPEX & CAPEX	Unlimited	Within budget
Environment Canterbury	OPEX & CAPEX	Unlimited	With 2 signatories - otherwise \$200,000

Best Practice

23. The Controller and Auditor General have published some best practice principles for delegations in the 2008 document *Procurement guidance for public entities* and these are attached at **Appendix 4**. The key advice for local government in this document is:

2.17 *A public entity should cross-reference its procurement policies and procedures to the up-to-date list of financial delegations, and ensure that all relevant staff are aware of them.*

2.18 *Once the total cost of procurement has been approved, financial delegations for payments to suppliers within the approved amount should be set at a level that does not place undue restrictions and administrative burden on the contract manager. In deciding on the levels of financial delegations in a contract, entities may wish to consider:*

- *the value and complexity of the contract;*
- *the function that the individual is responsible for performing in the project;*
- *and*
- *the fiscal risk to the entity.*

7 Cont'd

24. In addition, any delegations should also be clear and understood by both the delegator and the delegate.

Proposed Financial Delegations

25. It is proposed that the Council revoke its existing financial delegations and adopt simplified delegations framework in which:
- (i) The Council maintains its governance responsibilities. Specifically by retaining responsibility for:
 - Setting maximum delegations to the Chief Executive.
 - Approving total budgets through the Annual Plan and Long Term Plan.
 - Approving all carry-forwards.
 - Approving all changes to levels of service.
 - Approving the purchase and disposal of all equity investments.
 - Approving the purchase and disposal of all property.
 - (ii) The Council delegates authority by resolution to the Chief Executive.
 - (iii) The Chief Executive delegates authority to staff. No staff may sub-delegate their authority.
26. The exercise of delegations will be subject to requirements set by the Procurement policy and constrained by the Annual Plan and LTP budgets approved by the Council
27. The proposed delegation to the Chief Executive is set based at the low end of the delegations adopted by other metropolitan councils. It is also proposed that the distinction between operating and capital expenditure be eliminated on the basis that \$1 of ratepayer money is \$1 of ratepayer money regardless of where it is spent. On that basis it is proposed that the Council delegate the following maximum authority to the Chief Executive:

Area	Delegate	Amount
OPEX and CAPEX	Chief Executive	\$5,000,000

28. A full schedule of the proposed delegation by the Council to the Chief Executive is attached at **Appendix 3**.

8. DELEGATIONS INFORMATION REPORT

General Manager responsible:	General Manager Corporate Services, DDI 941-8528
Officer responsible:	Corporate Finance Manager
Author:	Funds and Financial Policies Manager

PURPOSE OF REPORT

1. To address questions posed by Councillors in relation to the Financial Delegations report left to lie on the table by the Council on 27 October 2011. Councillors questions are set out by subject below, with staff response following each question.

ADDITIONAL INFORMATION

Rationale for the proposed increase in operating expenditure delegations

Councillor Carter: “Can you please provide the rationale for the proposed increase in the OPEX delegation from \$500,000 to \$5 Million?”

Councillor Livingstone: “Eliminating the distinction between OPEX and CAPEX is not reflective of sound financial practice. This runs against good, clear accounting of public money. It runs against the fundamentals of openness as required by the Local Government Act. Councillors accepting this proposition would be putting themselves in a very vulnerable position. I strongly urge staff to retract this proposal and my colleagues to reject it.”

2. Our research across the sector indicates that other metropolitan Councils don't draw a distinction between operating and capital expenditure in their delegations frameworks. That is, it is generally accepted that similar levels of delegation should be established regardless of whether a dollar spent is on operational items (such as maintenance or professional fees) or capital assets. Further, this research shows that Councils rely on exercising their governance role over operating and capital budgets via their approval of Council Annual Plans rather than via approval of specific contracts. This includes approval of operating budgets to the group of activity level as well as capital budgets to a project level.
3. At Christchurch City Council, this standard approval process is reinforced in three ways. Firstly, during the Long-Term Plan process, the Council analyses budgets down to activity level. Secondly, by a performance management and reporting process that was recently recognised as world class through its induction to the Harvard Business School Balanced Scorecard Hall of Fame. The reporting process that forms part of this recognition results in comprehensive quarterly performance reporting to Council covering performance against all levels of service, activity budgets and project budgets. And finally, assurance on internal controls is provided through an Internal Audit programme, which is reported to the Audit & Risk Management Subcommittee.
4. Staff have recommended a delegations financial threshold of \$5 million, which is well below other metropolitan councils. The only other metropolitan Council with a dollar threshold is Auckland City, whose threshold is \$7.5 million. The delegations for the other metropolitan councils are unlimited and rely on the respective council's approval of Annual Plans and Long Term Plans. Notwithstanding this, staff consider that given feedback from councillors it is still appropriate to make recommendations to Council regarding the highest value contracts. A limit of \$5 million would ensure that the largest contracts entered into each year are brought to Council for approval.
5. Requiring some contracts to come to Council for approval transfers accountability from staff to the Council and gives the responsibility to councillors to ensure the requirements of section 77 of the Local Government Act 2002 (LGA) are met with regards to decision making. This section requires Council to seek to identify all reasonably practicable options for the achievement of the objective of a decision to assess those options by considering amongst other things, benefits and costs and the impact of each option.

8 Cont'd

6. In setting a common delegation amount for both operating and capital expenditure the Council would not undermine good financial management or best practice accounting. The Council continues to be required by the LGA and financial reporting standards to account for operating and capital expenditure separately. It would therefore continue to adopt separate budgets specifically for operating and capital expenditure, and staff would continue to report on those items separately at a management level, to the Council through monthly updates and the quarterly performance reports, and to the public through the Annual Report.

Simplicity, Transparency and Accountability

Councillor Livingstone: "I question the word 'simplified' in paragraph 25. This is not the same as 'transparent'. 'Simplified' is not exacting enough. This is public money and all monies need to be able to be clearly seen. Why was 'simplified' used in this context?"

7. As a matter of course it is not prudent for all contract terms and values to be made publically available. Complete transparency in relation to contracts and payments would inhibit the ability of Council to negotiate the best possible prices and terms. This is recognised by section 7 of the Local Government Official Information and Meetings Act 1987 (LGOIMA) which allows information to be withheld to:
- (h) *enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or*
 - (i) *enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or*
 - (j) *prevent the disclosure or use of official information for improper gain or improper advantage.*
8. The Financial Delegations report to the Council meeting dated 27 October 2011 proposes a simplified delegations structure. This simplification would improve transparency and accountability by ensuring that Councillors, staff and the public can clearly understand the dollar limit delegated to the Chief Executive. Under current delegations it can be difficult to determine whether a contract relates to the delegation for:
- materials, works and services (\$500,000)
 - capital works or for maintenance (\$5 million)
 - stock or materials (\$500,000),
 - plant (within annual plan limits), or
 - insurance (within annual plan limits).
9. The proposed delegations framework sets a single clearly understandable limit that cannot be confused by contract definitions. It therefore makes Council's delegations to staff more transparent and makes it easier to hold staff to account for delegations.
10. Adoption of the proposed framework for delegations would remove the details of financial delegations to staff below the Chief Executive from Council resolutions. They would therefore no longer be available through Council minutes or via the online Delegations Register. However, the information would still be available to interested members of the press and public through the LGOIMA.
11. In addition, as noted in paragraph 3 above, Council receives comprehensive financial reporting as part of the performance reports that are provided to Council on a quarterly basis.

8 Cont'd

Volumes of approvals

Mayor Parker: "I'd appreciate some bigger numbers comparing our current delegations with impacts if delegations increase - a few useful increments between where we are at now, and where the proposed delegation in the report sits. This will give us a useful spread and comparison as well."

Councillor Livingstone: "amounts across the spectrum would be good; right through from 0\$ to \$15000 to \$25000 to \$50000".

Councillor Carter: "Can you please detail the effects of reducing the OPEX delegations to \$100,000".

12. The table below, based on a review of the Council's purchase order system, sets out the number of contract approval reports the Council would receive should it resolve to set the delegation to the Chief Executive at each dollar value shown. For example, a flat \$50,000 operating and capital expenditure delegation would result in approximately 496 reports each year. A reduction of the operating expenditure delegation from the current \$500,000 to \$100,000 would require the Council to make a decision about an additional 49 contracts per year.

Contracts by Value – Annual Quantity				
Contract Value	Operating Expenditure	Capital Expenditure	Total	Cumulative
less than \$15,000			16,272	18,826
\$15,001 - \$25,000			895	2,554
\$25,001 - \$50,000			1,163	1,659
\$50,000 - \$100,000	306	33	339	496
\$100,001 - \$250,000	36	43	79	157
\$250,001 - \$500,000	13	26	39	78
\$500,001 - \$1,000,000	5	17	22	39
\$1,000,001 - \$2,000,000	1	6	7	17
\$2,000,001 - \$5,000,000	2	5	7	10
\$5,000,001 - \$10,000,000	0	1	1	3
greater than \$10,000,000	1	1	2	2

Notes:

- These figures:
 - are average per annum calculated from the period 1 July 2009 to September 2011
 - exclude individual payments approved as part of larger contracts
 - exclude earthquake-related transactions
- The volume of transactions below \$50,000 in value make it difficult to analyse them into operating costs and capital expenditure.
- The Financial Delegations report to the Council meeting dated 27 October 2011, paragraph 18, noted that since 1 July 2009 staff have sought approval from the Council for 14 contracts that are above existing delegations. That number excluded 6 land purchases above delegation levels, which must be reported to the Council regardless of value, giving a total of 20 reports over a two year period or 10 per annum. In addition to this, the insurance contract was entered into under a staff delegation and staff reported separately on appointment of consultants to the Central City Plan Project. The table above shows that on average 11 reports per annum would be expected to go to the Council at the existing delegation levels of \$500,000 for operating expenditure and \$5 million capital expenditure. This indicates that the number of reports provided to Council for contracts that are above delegations is consistent with this review of the Council's purchase order system.

8 Cont'd

13. In determining the appropriate level of financial delegations the Council must determine the appropriate balance between the breadth and depth of its governance role and the responsibilities of management. It also needs to consider the time and cost of preparing additional Council reports and the time required for Council to consider any additional reports. The cost in staff time will vary based on the number of reports and it is appropriate that the effort and cost of preparing such information is directed towards the most high-value contracts. Decreasing the level of delegations would also result in a delay to the commencement of work under a contract while formal Council approval is sought.

Breaches of delegations

Councillor Carter: "Please provide the number of times that delegations have been breached since you have been the Chief Executive of the City Council and details of such breaches?"

Councillor Carter: "In the instances above where delegations have been breached can you please clarify if the increase from \$500,000 to \$5 Million would have prevented delegations being breached."

14. The procurement module within Council's financial management and information system has embedded authorisation limits. With the exception of General Managers and the Corporate Finance Manager the maximum amount that may be authorised by a member of staff mirrors the financial delegation issued by the Council. This effectively eliminates the possibility of most delegation breaches. General Managers and the Corporate Finance Manager have no upper limit loaded into SAP so that they can give effect to Council resolutions that exceed their individual delegations.
15. The information set out at paragraph 11 above shows that the number of reports received by the Council over the last two years equates to the number that would be expected given a review of payments. Staff are not aware of any breaches of delegations apart from those mentioned below and have not been made aware of any breaches by either Audit New Zealand or Internal Audit.
16. Staff reported to Council on 29 June 2011 on the appointment of consultants to the Central City Plan Project including one contract that exceeded the operating expenditure delegation of \$500,000. At that meeting, the Council passed a resolution to reaffirm both the process followed and the appointment of consultants to the Central City Plan project. The Council's insurance contract with Civic Assurance was entered into under a staff delegation passed by Council on 28 August 2003 that "the Chief Executive and the Director Strategic Investment jointly be granted delegated authority to enter into arrangements for the placement of all the Council's insurance policies, subject to the exercise of such delegated power being reported back to the Council in each case". This delegation was exercised by the General Manager Corporate Services, without reference to the CEO because the CEO was a director on the Board of Civic Assurance and may have been conflicted. This was subsequently discussed with the chair of the Audit & Risk Management Subcommittee and reported to the Subcommittee on 14 August 2009.

Central City Plan

Councillor Carter: "In Appendix 1 summarizing the current financial delegations it says that the approval is in the annual plan for the OPEX delegations – can you please explain how this fits in with the central city planned project as this work was not in the Annual plan."

Councillor Livingstone: "Review of Contracts. We could have been more specific. I took this to be a review of the Central City Plan contracts. Is staff planning to review the contracts themselves and if not, why not?"

8 Cont'd

17. As reported to the Council on 29 June 2011 the Canterbury Earthquake Recovery Act 2011 requires Council to lead the development of a recovery plan for the CBD and dictates that a draft recovery plan for the CBD must be developed within nine months of enactment. To achieve this and due to the complexity and scale of the work involved, suitable experienced consultants were required to be engaged immediately to assist with the development of a "Central City Plan".
18. The expenditure required to produce a Central City Plan was not provided for in the 2010/11 Annual Plan, however, the Annual Plan and LTCCP both contain funding for Central City Revitalisation. The Central City Plan project was approved by both Council and through the central city plan workshops. For the 2010/11 year, the budget for the activity "City & Community Long-Term Policy & Planning" was used. As reported in the Council performance report for the year ended 30 June 2011, this budget was overspent by \$1.625 million. Council approval for the 2011/12 budget was given during the 2011/12 Annual Plan process and the expenditure and process adopted by staff was approved by Council at its meeting of 29 June 2011.
19. In respect of Councillor Livingston's question on the review of contracts, Council's resolution of 25 August 2011 referred to a review of the "Contract and Financial delegations" in general, not a specific review of the central city contracts.

Sub-delegations

Councillor Livingstone: "Is there an ambiguity between 5 (iii) re sub-delegations, where it describes staff as not being able to sub-delegate their authority and 11 (Legal Considerations), where 'an officer may sub-delegate one or more of his or her powers, except the power to delegate under that section'?"

20. Clause 32B of the LGA provides that once delegated by the Council, a power may only be sub-delegated once. While this clause sets a maximum number of times that a power may be delegated it does not prevent the Council from adopting a policy that prevents sub-delegation.

P-Cards and delegations

Councillor Johanson: "I would like information around the practices/policies relating to credit card spending by staff and what limits are and what controls are over what is spent."

21. The Council provides P-Cards, or Council credit cards, to some staff who regularly make low value purchases. These cards have a transaction limit of \$1,000 plus GST and a monthly limit of \$5,000, or for General Managers and Unit Managers \$10,000 per month with no transaction limit.
22. Each month P-Card holders must provide tax invoices or receipts for all transactions and verify that transactions are for valid Council purposes. Receipts are then reviewed by the holder's manager and, if appropriate, approved. Failure to provide and verify receipts in a timely manner by a P-Card holder results in the withdrawal of that card.
23. All P-Card expenditure is subject to Council delegations and Council approved budgets. On receipt of their P-Card staff are required to sign a declaration that they understand that if they misuse the Card they may be dismissed and face legal proceedings.
24. The P-Card Policy is attached as Appendix 1 noting that expenditure approval is required by the P-Card holder's immediate manager. In the case of the CEO, P-Card expenditure is approved by the Chair of the Audit & Risk Management Subcommittee.

8 Cont'd

Ministry of Economic Development Procurement Advisory Note

Councillor Livingstone: “The 2008 document from the Auditor-General’s office has been referred to in Appendix 4 and under paragraph 23 but why hasn’t the Ministry of Economic Development’s ‘Procurement Advisory note – Canterbury Earthquake – ‘Emergency Procurement’, not been referred to?”

25. The Ministry of Economic Development (MED) Procurement Advisory Note Canterbury Earthquake – Emergency Procurement was issued by MED on 2 March 2011. This note permitted Government agencies to forgo routine procurement procedures if following them would prevent the timely delivery of goods or services following the February earthquake. Effectively this allowed agencies to forego best practice in relation to procurement during the earthquake response period.
26. This Procurement Advisory Note has now lapsed.

Revocation of current delegations

Councillor Livingstone: “What is the rationale for revoking the financial delegation resolutions as set out in Appendix 3?”

27. Staff recommendation a) in the Financial Delegations report to the Council meeting dated 27 October 2011 includes the recommendation that existing financial delegations, as set out in Appendix 2 to that report, are revoked.
28. The delegations framework proposed in that paper is that the Council delegates authority by resolution to the Chief Executive, the Chief Executive delegates authority to staff, and no staff may sub-delegate their authority. To give effect to this framework it is necessary for all existing delegations to be revoked. Without that revocation the Chief Executive cannot delegate to staff because his delegations cannot change or limit those delegations issued by the Council.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) receive the information in this report.

9. ARANUI LIBRARY PROJECT

General Manager responsible:	Michael Aitken, General Manager Community Services, DDI 941-8534
Officer responsible:	Carolyn Robertson, Unit Manager Libraries & Information, DDI 941-7851
Author:	Rachel Shaw, Project Management Unit, Capital Programme Group, DDI 941-5105

PURPOSE OF REPORT

1. To seek approval for a budget increase of \$797,388 for the construction of Aranui Library as a result of post-earthquake cost increases.

EXECUTIVE SUMMARY

2. The contract was awarded to Hawkins Construction on 17 December 2010. The expected construction time was 30-weeks, with an opening scheduled for Spring 2011.
3. On site construction was due to start in March 2011, however, the major earthquake in February and the subsequent aftershock sequence have delayed the project by approximately eight months.
4. Authorisation to recommence the project was given on 19 April 2011. This followed a blanket hold period for all capital projects after the 22 February event. The redesign phase was immediately initiated and a geological engineering evaluation was commissioned.
5. The geotech report strongly recommended that the Aranui Library be constructed on a base reinforced gravel raft foundation or better. Options were reviewed and agreement was made to move forward with a raft and waffle slab foundation. This involves constructing a compacted gravel raft with one metre of imported granular fill under the building. It includes base reinforcing (with a geo-grid) to give additional strength and to reduce the risk of liquefaction penetrating the floor slab. A waffle floor slab will also be incorporated to further stiffen the foundation system.
6. The redesign incorporated ensuring the building would meet the new code requirements, hazard rating ("z") from 0.22 to 0.3. The change in z rating is a change in the application of the Building Code which has been done through the regulatory authority as directed.
7. Structural and architectural drawings have been updated and an amendment to the building consent was issued on 30 September 2011.
8. A revised contract price has been provided from the contractor Hawkins Construction. The new contract value is \$3,090,744, an increase of \$693,739.
9. The total Project cost is now \$4,571,629. This correlates to an increased project budget of \$797,388. This figure is inclusive of professional fee's (Council), consultant costs and an increased project contingency.

FINANCIAL IMPLICATIONS

10. The figure of \$797,388, is a worst case financial evaluation. Contractual negotiations are underway with Hawkins to finalise the contract price.
11. The recommendation to fund the increased budget through additional borrowing is consistent with the Council's Revenue and Financing policy for new capital assets.
12. The majority of this increased cost relates to the redesign and construction of improved building foundations but it also includes materials and labour price increases as a result of the delayed start to construction.

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

13. The 2009-19 LTCCP had included project funding of \$775k in 2009/10 and \$2.324M in 2010/11.

9 Cont'd

LEGAL CONSIDERATIONS

14. Nil identified.

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

15. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. The Aranui Library project is included in the 2009-19 LTCCP as LTCCP project number 163.

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

17. The recommendations support a project in the 2009-19 LTCCP.

ALIGNMENT WITH STRATEGIES

18. The Libraries 2025 Facilities Plan identified and prioritised the need for a new neighbourhood library facility in Aranui. Community studies, agencies, statistical and demographic information have also indicated the need in the Aranui area for a library facility.

Do the recommendations align with the Council's strategies?

19. The construction of a library facility within the Aranui neighbourhood was identified as filling a gap in the current library services and was prioritised as a result of the high need and high deprivation in the community in that area.

CONSULTATION FULFILMENT

20. The community has been consulted extensively, initially as part of LTCCP and the development of the Libraries 2025 Facilities Plan and more recently throughout the initial design phase where the community has had input into building design and service development.

STAFF RECOMMENDATION

It is recommended that the Council:

21. Approve an increase in total project budget from \$3,774,241 to \$4,571,629 (an increase of \$797,388) through increased borrowings.

10. CHRISTCHURCH EARTHQUAKE MAYORAL RELIEF FUND: APPLICATIONS FOR GRANTS

General Manager responsible:	General Manager, Community Services, DDI 941-8607
Officer responsible:	Strategic Initiatives Manager
Author:	Lincoln Papali'i, Strategic Initiatives Manager and John Filsell, Unit Manager Recreation and Sports

PURPOSE OF REPORT

1. The purpose of this report is to request the Council to approve the allocation of grants from the Christchurch Earthquake Mayoral Relief Fund as follows:
 - (a) \$95,000 conditional upon the Heathcote Cricket Club providing the following:
 - (i) How the Heathcote Cricket Club will provide services to the wider community.
 - (ii) How the Heathcote Cricket Club development will be financially sustainable.
 - (iii) That the Heathcote Cricket Club has raised all funding and acquired all permissions for the development to go ahead as envisaged in the funding application and accompanying documents.
 - (b) \$1,130 to the Council of Social Services in Christchurch for expenses contributing to hiring of a container for storage of furniture.

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. Heathcote Cricket Club sustained significant damage to its facilities on 22 February 2011. The club is seeking \$95,000 towards repairing artificial turf practice wickets, practice nets, a roller shed and the club building. The club's insurance covers part of the rebuild cost but does not extend to facilities such as practice nets and a roller shed.
4. The Council of Social Services in Christchurch provides office furniture to voluntary sector organisations and community groups. Their premises at Community House, 141 Hereford Street has since been demolished. As building premises and storage space in Christchurch is difficult to secure at present, the applicant has hired a container to be used instead. Funding has been secured from other sources towards costs associated with hiring the container but there is a shortfall of \$1,130.

FINANCIAL IMPLICATIONS

5. Specific financial details for each project/activity are outlined in the background section of this report. As at 28 October 2011 there was \$3,535,717.30 in uncommitted funds held by the Christchurch Earthquake Mayoral Relief Fund.

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:*

10 Cont'd

- *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.

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. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. Discussions with the individual applicants have been carried out.

STAFF RECOMMENDATION

It is recommended that the Council approve the following grant allocations from the Christchurch Earthquake Mayoral Relief Fund:

- (a) \$95,000 conditional upon the Heathcote Cricket Club providing the following:
- (i) How the Heathcote Cricket Club will provide services to the wider community.
 - (ii) How the Heathcote Cricket Club development will be financially sustainable.
 - (iii) That the Heathcote Cricket Club has raised all funding and acquired all permissions for the development to go ahead as envisaged in the funding application and accompanying documents.
- (b) \$1,130 to the Council of Social Services in Christchurch for expenses contributing to hiring of a container for storage of furniture.

10 Cont'd

MAYORAL RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

Request for Grant by Heathcote Cricket Club

14. The Heathcote Cricket Club has operated on its present site since 1928 and sustained extensive damage to its facilities during the February earthquake.
15. The club is seeking funding to repair artificial turf practice wickets, practice nets, a roller shed and the club building. The club's insurance covers part of the rebuild cost but does not extend to facilities such as practice nets and a roller shed.
16. It should be noted that since the club buildings have to be rebuilt, the club is also proposing to make some improvements to the club building, namely adding an extra storey for players and officials to use.
17. The Council's Recreation and Sports Unit has reviewed the application including costing and has engaged or consulted with the following organisations:
 - Canterbury Cricket
 - Consulted Council's Greenspace Asset Planning Team
 - Consulted Community Recreation Advisors
 - Discussed with Sport Canterbury and Sparc.
18. The application has considerable merit and if successful will make a meaningful contribution to the wider Heathcote community.

Request for Grant by Council of Social Services in Christchurch

19. The group provides office furniture to voluntary sector organisations and community groups, and has secured a donation of a large amount of surplus office furniture for distribution to community groups within Christchurch. The group's premises at Community House, 141 Hereford Street suffered significant damage in the 22 February 2011 earthquake and has since been demolished.
20. The furniture needs to be stored until it is allocated or until community groups secure new premises. As premises or storage space in Christchurch is difficult to secure at present the Council of Social Services has hired a container to store the surplus furniture instead.
21. Expressions of interest have been received for the furniture from groups including Community House and many of its tenants, SAFE and Methodist Mission.
22. The group has budgeted for six months container hire at a cost of \$6,469.75. Funding of \$5,339.75 has been secured from other sources leaving a shortfall of \$1,130.00.

11. **METROPOLITAN DISCRETIONARY RESPONSE FUND 2011-12 APPLICATION – NATIONAL COUNCIL OF WOMEN CHRISTCHURCH BRANCH**

Officer responsible:	Carolyn Gallagher, Unit Manager Community Support
Author:	Lincoln Papali'i, Strategic Initiatives Manager

PURPOSE OF REPORT

1. The purpose of this report is for the Council to consider an application for funding to the 2011/12 Metropolitan Discretionary Response Fund. The application is from the National Council of Women Christchurch Branch (**Attachment 1**).

EXECUTIVE SUMMARY

2. In 2011/12, the total pool available for allocation for the Metropolitan Discretionary Response Fund is \$145,057. At the time of writing, there is \$113,366 remaining in the Metropolitan Discretionary Response Fund for 2011/12.
3. The purpose of the Fund is to assist community groups where the project and funding request falls outside other Council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations. Applications requesting over \$15,000 require consideration by the Metropolitan Funding Committee. Staff have delegated authority to consider applications for less than \$15,000.
4. There is one application to be considered:

National Council of Women Christchurch Branch	
Amount requested	\$56,792
Priority	2
Staff recommendation:	\$15,000

FINANCIAL IMPLICATIONS

5. If funding is approved, the available balance of the Metropolitan Fund will decrease accordingly.

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

6. Yes, see LTCCP page 184.

LEGAL CONSIDERATIONS

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

7. Not applicable.

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?

8. Yes. Strengthening Communities Funding. See LTCCP pages 178 and 179 regarding community grants schemes.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

9. Yes. The funding allocation process is covered in the Council's Strengthening Communities Strategy.

11 Cont'd

CONSULTATION FULFILMENT

10. Not applicable.

STAFF RECOMMENDATION

That the Council makes a grant of \$15,000 to the National Council of Women Christchurch Branch as a contribution towards the transcription costs for their Women's Voices: Recording women's experiences of the Canterbury Earthquakes 2010-11 project.

12. 240A HALSWELL ROAD - SALE OF PART

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, City Water and Waste
Author:	Justin Sims, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to the sale of part of 240a Halswell Road to Enable Networks for the location of a building to support ultra-fast broadband being provided to residents of Christchurch.

EXECUTIVE SUMMARY

2. Enable Networks won the contract to provide Christchurch with ultra-fast broadband in May 2011. The project will cost \$440 million and provide a fibre optic network to 180,000 homes. In order to service the new network it is necessary to construct a number of buildings to act as fibre optic hubs. Such hubs are best placed in the middle of the area serviced and are designed to service 10-20,000 users.
3. A number of sites were investigated by Enable Networks but this location was considered the most favourable, and has further benefits from being co-located with another public work.

FINANCIAL IMPLICATIONS

4. None. All costs, together with the open market value of the site and associated easements, will be paid by Enable Networks.

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

5. No.

LEGAL CONSIDERATIONS

6. A sale and purchase agreement has been entered into with Enable Networks.

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

7. Yes the Legal Services Unit has been consulted. An easement for the main building is not appropriate given the permanent nature of the structure and the exclusive occupation of the site.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. This does not align with the LTCCP or Activity Management Plans.

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

9. No.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. Not applicable.

12 Cont'd

STAFF RECOMMENDATION

That the Council adopts a resolution in the following form:

- (a) Approve the sale of part of 240a Halswell Road, as shown on the plan attached as **Attachment 1**, to Enable Networks.
- (b) Delegate authority to the Corporate Support Unit Manager to manage the disposal process.

BOARD RECOMMENDATION

The board's recommendation will be forwarded at a later date.

24. 11. 2011

13. NOTICES OF MOTION

14. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

CHRISTCHURCH CITY COUNCIL AGENDA (Cont'd)

THURSDAY 24 NOVEMBER 2011

9.30AM

**COUNCIL CHAMBER, CIVIC OFFICES
53 HEREFORD STREET**

AGENDA (Cont'd) - OPEN**CHRISTCHURCH CITY COUNCIL**

Thursday 24 November 2011 at 9.30am
in the Council Chamber, Civic Offices, 53 Hereford 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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18.	REVIEW OF TEMPORARY ACCOMMODATION STANDARDS AND USE OF COMMISSIONERS TO MAKE DECISIONS ON SITE SPECIFIC APPLICATIONS	15
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24. 11. 2011

7. (CONT'D)

Appendix 4 relating to item 7 Delegations in main agenda – attached.

24. 11. 2011

17. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 10.11.2011

Attached.

18. REVIEW OF TEMPORARY ACCOMMODATION STANDARDS AND USE OF COMMISSIONERS TO MAKE DECISIONS ON SITE SPECIFIC APPLICATIONS

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Environmental Policy & Approvals Manager
Author:	John Gibson, Planning Administration Manager

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Provide a review on the operation of the current standards in the public notice for temporary accommodation (**Attachment 1**) and to recommend changes to some of those standards.
 - (b) Provide a review on the use of Commissioners to make decisions on site specific applications for temporary activities which do not comply with the standards. This review is in accordance with the following Council resolution of 31 March 2011:

“That the use of Commissioners is made due to the current workload of Councillors, and that this will be reviewed at three and six months.”

EXECUTIVE SUMMARY

2. The Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 (OIC) was made on 8 March 2011. It enables the Council to permit temporary accommodation for displaced people and businesses that otherwise would not comply with the City Plan and to permit depots and storage facilities incidental for construction work undertaken for earthquake recovery purposes.
3. Temporary accommodation, depots and storage facilities in specified locations are deemed to be a permitted activity under the OIC as long as they comply with any standards and requirements imposed by the Council. The locations, standards and requirements must be outlined in a public notice given by the Council. Such a notice was issued on 9 April 2011.
4. Activities that comply with all of the requirements and standards of this general public notice are permitted under the OIC. Where an activity does not comply with any of the requirements and standards of this general public notice, the Council may issue a site specific public notice to permit the activity.
5. Site specific approvals can be sought in any of the following situations:
 - The proposal does not meet one or more of the prescribed standards in the public notice.
 - The activity is not listed in the public notice.
 - The activity is located in a different zone to those located in the public notice.
 - A combination of the above.

Site specific approvals provide the Council with the discretion to decline consents for activities which may create detrimental adverse effects or alternatively, impose conditions to mitigate adverse effects.

6. At its meeting on 28 April this year the Council appointed four sole practice commissioners to determine applications for activities which do not comply with the standards in the Public Notice for Temporary Accommodation.
7. The overriding requirement for both permitted and site specific approvals is that the activity must fall within the scope of the OIC, that is, by being temporary accommodation for displaced businesses or residents, or being a depot or storage facilities for construction work for earthquake recovery purposes as defined in the OIC. If it does not meet this requirement, it cannot be dealt with under the OIC and must instead either comply with the City Plan or obtain a resource consent.

18 Cont'd

8. The current standards for temporary accommodation have now been in place for six months. They have generally worked well and have facilitated the relocation of many businesses and other activities whose premises were damaged in the September and February earthquakes. At the time of writing this report 239 activities had applied using the temporary accommodation provisions. Of these 155 complied with the standards and 84 involved applications for site specific approval.
9. While the standards have worked well, staff have come across a few issues in relation to their operation particularly in Living Zones. These are set out below:
 - (a) The standard which has caused most concern is the provision for retailing in Living zones. The definition of retailing in the City Plan is broad and embraces all forms of retailing and commercial services. It includes food and beverage outlets such as cafes, takeaway bars and liquor stores. Some of these retail activities have the potential to have an adverse effect on the amenity of residential areas. In view of this potential Council staff administering the temporary activity provisions consider it would be prudent for the current standards to be amended to remove permitted activity status for retailing in Living zones. This amendment would not prevent an applicant wanting to establish a retail activity in a Living Zone from applying for a site specific approval.
 - (b) There is currently no limit on the number of activities which can establish on a property in Living Zones. This means that one property can have multiple tenancies. A potential consequence of this is the creation of small scale shopping complexes or office parks on a single site. In Living Zones these sorts of developments can create adverse effects. In view of this potential staff consider it would be sensible to amend the current standards so as to limit relocated activities to one per existing title in Living Zones. Applicants wanting to establish more than one activity on a title could apply for a site specific approval.
 - (c) The current standards provide for a maximum of 10 FTE staff for relocated activities in Living zones. The provision for 10 staff is considered to be appropriate however if an activity employs part time staff the standard enables many more than 10 employees to be on site at any one time. To prevent the potential adverse effects this can create in residential areas, staff suggest the current standard be amended to remove reference in the standard to FTEs in relation to Living zones are. Again, applicants wanting to establish activities with more than 10 staff would be able to apply for a site specific approval.
 - (d) The current standards permit existing pre-schools to have a 30 per cent increase in children and staff numbers. The same standard also provides an exemption for preschools using this provision from having to comply with the other standards in the Public Notice. Consequently there is no requirement for new buildings or extensions constructed to accommodate an increase in child numbers to comply with other standards in the notice such as set backs from boundaries. The exemption could therefore result in new structures having a detrimental effect on nearby properties. An amendment to the exemption so that it does not apply to extensions of existing buildings or new buildings would fix this problem.
10. The use of Commissioners to make decisions on site specific applications for temporary activities has also worked well. The four Commissioners the Council appointed to perform this task have been available and able to make decisions quickly. This has assisted in the three day turnaround from the time a completed application is received until the time a decision is released generally being met. The experience of the Commissioners has also meant they have been able to make the sound and practical decisions required in the circumstances. This is reflected in the low level of complaints that Council has received about activities which have relocated in accordance with site specific approvals.
11. It is understood that Councillors workloads remain high due to the impact of earthquake related work and that this will continue to be the case for some months. Councillor availability to serve on panels to make decisions on site specific applications may therefore be problematic. Given this situation it is recommended that the current use of Commissioners to make decisions on site specific applications continue and be reviewed again in six months.

18 Cont'd

FINANCIAL IMPLICATIONS

12. Not applicable.

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

13. Not applicable.

LEGAL CONSIDERATIONS

14. Not applicable.

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

15. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Not applicable.

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

17. Not applicable.

ALIGNMENT WITH STRATEGIES

18. Not applicable.

Do the recommendations align with the Council's strategies?

19. Not applicable.

CONSULTATION FULFILMENT

20. Not applicable.

STAFF RECOMMENDATIONS

1. That the Council authorise the following amendments to the standards for permitted temporary accommodation and depots and storage facilities:
 - (a) Remove the provision for retailing in Living Zones.
 - (b) Add a standard limiting the number of relocated activities in Living Zones to not more than one per existing title.
 - (c) Remove the reference to FTE staff in Living zones.
 - (d) Amend the exemption for pre-schools increasing child numbers so that it does not apply to extensions of existing buildings or new buildings.
2. That the use of commissioners to make decisions on site specific applications continue and be reviewed again in six months.

19. COUNCIL SUBMISSION ON REVIEW OF LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Manager
Author:	Vivienne Wilson and Ian Thomson, Solicitors

PURPOSE OF REPORT

1. The purpose of this report is to ask the Council to approve the attached draft submission on the Department of Internal Affairs' Discussion Document "*Managing Conflicting Interests in Local Government: The Local Authorities (Members' Interests) Act 1968 and Associated Issues*". The Council's submission needs to be lodged with the Department of Internal Affairs by 30 November 2011.

EXECUTIVE SUMMARY

2. The Department of Internal Affairs has released a discussion document on the Local Authorities (Members' Interests) Act 1968 ("the Members Interests Act") and has invited submissions. A copy of the Member's Interests Act is attached to this report as **Attachment C**, and the Discussion Document is **Attachment B**. This is the first stage of the review of the Members' Interests Act.
3. Staff have prepared a draft submission, see **Attachment A**. The submission addresses the various questions in the discussion document and also makes some general comments.
4. The main points of the submission are that the Council supports–
 - The repeal of the Members' Interests Act and the introduction of a new Act that would cover both pecuniary and non pecuniary conflicts of interest:
 - The adoption of a register system where members are required to disclose interests. A register system is provided for in the Crown Entities Act 2004 and the New Zealand Public Health and Disability Act 2000:
 - Covering both pecuniary and non-pecuniary interests to the extent reflected in section 62 of the Crown Entities Act 2004:
 - Using a similar process to that set out in clause 36 of Schedule 3 of the New Zealand Public Health and Disability Act 2000 for managing conflicts of interest:
 - Giving the Auditor-General the power to rule on whether or not a conflict of interest exists:
 - Giving local authorities the ability to exclude members from participating in a decision-making process where the Auditor-General has issued a binding ruling that a conflict of interest exists:
 - Abolishing the criminal sanctions that are currently contained in the Members' Interests Act.

FINANCIAL IMPLICATIONS

5. Depending on the outcome of the review, there may be some financial implications for the Council in that it may need to introduce a new regime for managing members' conflicts of interest. However, there are no immediate financial implications for the Council in making a submission on this matter.

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

6. This is not a matter that would normally be provided for in the LTCCP budgets.

LEGAL CONSIDERATIONS

7. A summary of the Members' Interests Act is set out in the background to this report.

19 Cont'd

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

8. The draft submission addresses the legal implications for the Council.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The LTCCP provides that democracy and governance is a council activity and, with respect to city governance and decision-making, provides that the Council tries to achieve, amongst other things, Council and community board decisions that comply with statutory requirements, and take into account Council policy and delegations granted by the Council, as well as a transparent decision-making process.

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

10. Yes.

ALIGNMENT WITH STRATEGIES

11. The Council's Code of Conduct for Mayor and Councillors includes a discussion about financial and non-pecuniary interests and how conflicts of interest are to be managed.

Do the recommendations align with the Council's strategies?

12. Depending on the outcome of the review, changes may need to be made to the Council's Code of Conduct in due course.

CONSULTATION FULFILMENT

13. On 26 October 2011, staff from the Legal Services Unit held an Elected Member Workshop (ie Councillors and Community Board Members) on the review of the Members' Interests Act. The workshop was attended by 6 Community Board members. The questions that were discussed included
- Declare potential conflicts of interest at election time? Is this workable?
 - Keep a register of interests? How would this work?
 - Keep the contracting rule and increase the threshold or get rid of the contracting rule?
 - Are there other ways the "contracting rule" issues can be managed, e.g a robust procurement process?
 - What interests should be covered by a statute if there is one? e.g just pecuniary interests?
 - Should there be official guidelines for managing conflicts of interest?
 - Is third party oversight needed? e.g by the OAG?
 - What if any should be the consequences of breaching the rules?
 - Should there be the ability to exclude members who have a conflict?
 - Should members who have a conflict receive all information provided to other members about the matter in question?
 - Should there be an ability to hold agenda items over until a conflict of interest issue is resolved?
14. The general view of the workshop participants was that it would be appropriate to introduce a new regime that deals with both pecuniary and non-pecuniary conflicts of interest. Some support was expressed for the conflict of interest provisions that apply to district health board members (as set out in the New Zealand Public Health and Disability Act 2000). Other disclosure regimes were also discussed such as those that apply to crown entities, Members of Parliament and Cabinet Ministers.
15. Staff from the Legal Services Unit also attended a Local Government New Zealand Workshop on the Members Interests Act review. A copy of the Local Government New Zealand submission is attached to this report as **Attachment D**.

19 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receives this report; and
- (b) Approves the draft submission (to be signed by the Mayor and the Chief Executive) for lodging with the Department of Internal Affairs.

BACKGROUND (THE ISSUES)

Background information about the Members' Interests Act

16. There are two main components of the Members' Interests Act. The 'contracting rule' (section 3) prohibits a member of a local authority being involved in contracts with the authority under which total payments exceed \$25,000 in any financial year. Exemptions from the rule are possible with approval from the Auditor-General. The penalty for breaching the rule is automatic disqualification from membership of the local authority. The member may also be prosecuted for a criminal offence.
17. The 'discussing and voting rule' (section 6) prohibits members of local authorities from voting or taking part in local authority business on any matter in which they have a pecuniary interest, unless their interest is 'in common with the public' or one of the other statutory exemptions applies. Breaching the rule is a criminal offence, and a conviction results in vacation of office. The Members' Interests Act also requires a member to declare any pecuniary interest at relevant meetings and for the minutes to record the declaration.
18. As noted in the discussion document, the discussing and voting rule is a partial codification of the common law relating to bias in public body decision-making. The discussing and voting rule applies to financial interests only. Non-financial interests are governed by the common law. The contracting rule is not strictly speaking part of the law about bias (because it is not connected to participating in decision-making). It does however reflect concerns about the potential for a member to profit from his or her public position.
19. In terms of the common law that applies to non-pecuniary conflicts of interest, administrative law requires that a decision be made fairly, lawfully and reasonably. The law relating to bias or predetermination is directed to ensuring fairness in decision-making. In general, bias or predetermination will arise where a decision-maker has an interest, such as a pecuniary interest, that will mean that he or she cannot appear to act impartially, or where a decision-maker has committed to a certain outcome before the time that the decision should be made (eg before hearing and considering submissions).
20. A review of the Members' Interests Act has been on the cards for a good number of years. Again as noted in the discussion document, "*the main problems with [the Members' Interests Act] are that the way it deals with issues and the drafting style are both out of date. As a result, its provisions have proved difficult to understand and to apply in today's circumstances.*" The discussion documents goes on to state that

"The OAG has experienced difficulties administering [the Members' Interests Act] – relating both to its obligations and to the perverse outcomes that its application can have for local bodies and individual members.

In the case of the contracting rule, the low monetary limits impose unnecessary compliance costs on the bodies subject to [the Members' Interests Act] in seeking exemptions and impose significant costs for the OAG from the number of applications for exemptions that must be considered. The limits may deter some candidates from seeking election to local government.

19 Cont'd

In the case of the discussing and voting rule, the OAG has observed that [the Members' Interests Act] is not well designed to meet the decision-making needs of modern local authorities and has become increasingly difficult to operate in practice. There has been a steadily increasing number of applications for exemptions and complaints in recent years. This may be in part due to a heightened awareness of, and sensitivity about, conflict of interest issues in the public sector generally rather than as a result of issues unique to the local government sector."

Draft submission

21. Following staff attendance at the Local Government New Zealand workshop and the comments received from elected members at the Council's own elected member workshop, staff have prepared a draft submission which suggests that the Members' Interests Act be repealed and a new system be introduced that covers both pecuniary and non-pecuniary interests. A summary of the main points of the submission is contained in paragraph 4 above.
22. It should be noted that the submission proposes that the statutory rules should cover both pecuniary and non-pecuniary interests to the extent reflected in section 62 of the Crown Entities Act 2004. Section 62 provides as follows:

"62 When interests must be disclosed

- (1) *In this section, **matter** means—*
 - (a) *a statutory entity's performance of its functions or exercise of its powers; or*
 - (b) *an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the entity.*
- (2) *A person is **interested** in a matter if he or she—*
 - (a) *may derive a financial benefit from the matter; or*
 - (b) *is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or*
 - (c) *may have a financial interest in a person to whom the matter relates; or*
 - (d) *is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or*
 - (e) *may be interested in the matter because the entity's Act so provides; or*
 - (f) *is otherwise directly or indirectly interested in the matter.*
- (3) *However, a person is not interested in a matter—*
 - (a) *only because he or she is a member or an officer of a wholly-owned subsidiary of the entity or of a subsidiary that is owned by the entity together with another parent Crown entity or entities; or*
 - (b) *because he or she receives an indemnity, insurance cover, remuneration, or other benefits authorised under this Act or another Act; or*
 - (c) *if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act or another Act; or*
 - (d) *if an entity's Act provides that he or she is not interested, despite this section."*

23. Paragraph 13 of the submission also proposes that the regime that applies to district health board members should also apply to local authority members. Clause 36 of Schedule 3 of the New Zealand Public Health and Disability Act 2000 provides as follows:

“36 Disclosure of interests

- (1) *A member of a board of a DHB who is interested in a transaction of the DHB must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the board.*
- (2) *A member of a board who makes a disclosure under this clause must not (unless subclause (4) applies, or the Minister, by a waiver or modification of the application of this subclause under clause 37, permits)—*
 - (a) *take part, after the disclosure in any deliberation or decision of the board relating to the transaction; or*
 - (b) *be included in the quorum required by clause 25 for any such deliberation or decision; or*
 - (c) *sign any document relating to the entry into a transaction or the initiation of the transaction.*
- (3) *A disclosure under this clause must be recorded in the minutes of the next meeting of the board concerned and entered in a separate interests register maintained for the purpose.*
- (4) *However, a member of the board who makes a disclosure under this clause may take part in any deliberation (but not any decision) of the board relating to the transaction concerned if a majority of the other members of the board permits the member to do so.*
- (5) *If subclause (4) applies, the board must record in the minutes of its next meeting—*
 - (a) *the permission and the majority's reasons for giving it; and*
 - (b) *what the member says in any deliberation of the board relating to the transaction concerned.*
- (6) *Every member of a board of a DHB must ensure that—*
 - (a) *the statement completed by the member under section 31(1)(c) of the Crown Entities Act 2004 or clause 6 of Schedule 2 is incorporated in the interests register maintained under subclause (3); and*
 - (b) *any relevant change in the member's circumstances affecting a matter disclosed in that statement is entered in that register as soon as practicable after the change occurs. ...”*

THE OBJECTIVES

24. The Council needs to determine whether it wants to make a submission on the review of the Members' Interests Act and the terms of that submission.

THE OPTIONS

25. There are two options. These are to make a submission or not make a submission on the review.

THE PREFERRED OPTION

26. The preferred option is to make a submission on the review. Issues about conflicts of interest routinely arise in dealing with Council business and this review provides an opportunity for the Council to help shape the future law. The Council has successfully sought an extension from the Department of Internal Affairs to be able to make its submission by 30 November 2011 (instead of 18 November 2011).

20. SCHEDULING ADDITIONAL MEETING 15 DECEMBER 2011

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Liveable City
Author:	Clare Sullivan, Council Secretary

PURPOSE OF REPORT

1. The purpose of the report is to seek the adoption by the Council of an additional meeting on 15 December 2011 to adopt the Draft Central City Plan and forward it to the Canterbury Earthquake Recovery Minister.

CENTRAL CITY RECOVERY PLAN

2. In May 2011 the Council adopted a schedule of meetings for the remainder of 2011. In order to meet the dates set by the Canterbury Earthquake Recovery Act 2011 for the completion of the recovery plan for the Central City, the plan must be adopted by the Council by December 2011. At that point the Act requires the Chief Executive to publicly notify what will be the draft plan and provide a copy to the Minister for Earthquake Recovery. It is intended that this is done at a separate meeting on Thursday 15 December 2011.

FINANCIAL IMPLICATIONS

3. Costs associated with holding meetings are provided for in the LTCCP.

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

4. Yes. Page 159 of the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

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

5. Yes.

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?

6. Yes – Democracy and Governance pages 154 to 159 of the 2009-19 LTCCP.

STAFF RECOMMENDATION

It is recommended that the Council hold an additional Council meeting on Thursday 15 December 2011 to adopt the Draft Central City Plan.

21. SELWYN STREET SHOPPING AREA - SUBURBAN CENTRE MASTER PLANS

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager - Healthy Environment, Strategy and Planning
Author:	John Scallan, Planner

PURPOSE OF REPORT

1. This report seeks approval of the draft Master Plan for the Selwyn Street Shopping Area (**Attachment 1**) for consultation.

EXECUTIVE SUMMARY

2. The recent earthquakes have caused significant damage to a number of suburban commercial centres across Christchurch. At its meeting on 23 June 2011 the City Council approved a programme of work including Master Plans and Case Management for identified suburban centres.
3. Due to the scale and nature of damage to the Selwyn Street Shopping Area, between the intersections of Selwyn Street with Brougham Street and Coronation Street, it was selected for a master planning approach aimed at assisting its rebuild and recovery.
4. Preparation of the Master Plan has involved considerable public consultation and participation. The Master Plan sets out a Vision for the rebuild and recovery of the centre, including a spatial plan, projects and an implementation plan.
5. This report presents the draft Selwyn Street Shopping Area Master Plan for consultation.

BACKGROUND (THE ISSUES)

6. The series of earthquakes that has occurred across the region since September 2010 has caused significant damage to the Selwyn Street Shopping Area with the loss of many buildings, services and facilities that support the residents living around the centre.
7. The scale and concentration of the earthquake damage to the Selwyn Street Shopping Area, together with the needs of the local community, indicated that a more comprehensive and co-ordinated approach would be required for the rebuild and recovery of the centre. Council approved the preparation of a Master Plan for this centre as part of the Suburban Centres programme at its meeting on 23 June 2011.
8. The Selwyn Street Shopping Area suffered damage from the September 2010 earthquake and additional damage from the February 2011 earthquake. The damage sustained to a number of buildings in the centre has resulted in the demolition of the buildings and clearance of the site comprising 285-299 Selwyn Street and the building at the front of 304 Selwyn Street. In addition the buildings comprising 288-290a Selwyn Street were severely damaged and are likely to be demolished. Likewise, the buildings comprising 320 Selwyn Street and 57 Somerset Crescent are also likely to be demolished. In total the loss or potential loss of these buildings accounts for approximately 60 per cent of the commercial floor area of Selwyn Street and 179 metres of the shop frontage onto Selwyn Street (out of a total of 262 metres).
9. Under the draft CERA Recovery Strategy the Suburban Centres Programme sits within the Local Neighbourhood Plans and Initiatives. The Strategy does not identify Suburban Centre Master Plans as formal Recovery Plans. However, there is potential, should it become necessary, to request that the CERA legislation be used to assist the delivery of the Master Plans. This could include opportunities to fast track District Plan changes.

21 Cont'd

THE OBJECTIVES

10. The overall objectives for the Master Plan are two fold:
 - to assist in achieving a rapid recovery, and;
 - to create a platform for long term regeneration.
11. In order to achieve this the Master Plan will set out a Vision for the centre. This will be accompanied by a spatial plan that sets out where development concepts have been identified, and an implementation plan that sets out the actions needed to give effect to the proposals. Through this it is hoped to build community and investor confidence for the future of the centre.

MASTER PLAN PROCESS

12. Council staff have worked with property owners, local businesses and the local community in the preparation of the draft Master Plan. This has included the following four stages:
 - **Project Foundation** – comprising information gathering, site visits, and meeting with community leaders
 - **Community Engagement** – ‘ideas gathering’ workshops held with property owners, business owners and the local community on 25 August 2011. Across these meetings approximately 70 people shared their likes, dislikes and aspirations. In the weeks that followed, people continued to share ideas by telephoning and sending comments in by post or email. In addition, consultation discussions were held with the Community Board and the local Member of Parliament.
 - **Design Workshop** – Council staff participated in a Council-led one day technical design workshop on 31 August 2011. Through an integrated and iterative process, urban planners, transport planners and engineers, landscape architects, urban designers, community engagement and resource consent staff took the base information for the centre and the ideas from the community engagement sessions and developed, tested and refined options to generate the initial concepts for the Master Plan.
 - **Documentation** – this stage focused on development of the draft Master Plan. Analysis of the community comments was undertaken and further technical evaluation of the concepts occurred. The concepts were translated into actions and an implementation plan was developed.
13. The Draft Master Plan is now to be considered for public consultation. It is anticipated that the consultation period will run from mid-December to early February. Adoption of the Master Plan is anticipated for early 2012.

KEY ISSUES AND PROPOSALS

14. From the initial consultations with the community and key stakeholders a number of issues emerged highlighting the concerns and aspirations of the community.
 - The community felt that the centre was improving prior to the earthquakes and was catering well to the changing demographics of the area (more young families, more young professionals, for example). In particular there was support for the shops and services that were (and, for some, still are) fulfilling convenience needs (such as the dairy, grocer, restaurant, café, fish and chip shop, medical centre and pharmacy). The aim should not be to try and compete with the nearby malls.
 - The community wanted a centre to be rebuilt with the same or an improved variety of shops. It should continue to become a centre that appeals primarily to local convenience needs but also possess some measure of city wide appeal.
 - There was a strong desire to reflect on the built heritage of the centre with the rebuild, but not to replace it like for like. A mix of one and two storey buildings; uniformity but not repetition of blanc facades; open, light and airy shops; and the retention of verandas. Street frontages were preferred, rather than set-back buildings behind parking.

21 Cont'd

- Overall the new buildings should work well and complement each other, and together create a boutique and village feel to the centre.
 - The community wanted a better pedestrian environment that improved safety for all users and made the street more inviting by providing informal meeting spaces, a calmer and slower traffic environment with safe crossing points.
 - There was a strong desire to use this opportunity to address some of the traffic safety concerns in the centre, such as at the intersection between Selwyn and Coronation Streets. There was some concern of the impact of the State Highway expansion and how this may increase traffic through the centre. At the same time the good connection with the rest of the city afforded by Brougham Street and Selwyn Street to the north was considered an asset for the centre.
 - Improved cycling facilities were also wanted and the parking arrangements for the centre needed to be considered during the rebuild.
 - Better use of Selwyn Street Reserve to make it more attractive, more family friendly and safer for small children.
 - A desire for a new meeting space in the form of a square or plaza incorporated into redevelopment and providing outdoor seating but not directly on the street. This could be in combination with commercial activities such as cafes also having an outdoor element.
 - Mixed use redevelopment with retail and services at ground floor and residential or professional offices above.
 - Better communication and coordination between business owners in the centre.
15. In response, the key elements of the Draft Selwyn Street Shopping Area Master Plan are:
1. Bulk and scale plans, elevations and impressions of the redevelopment sites.
 2. Selwyn Street Reserve upgrade.
 3. An upgrade proposal for the street including improvements to the pedestrian environment, intersection changes, traffic management and parking arrangements.
 4. Proposal for incorporation of an area of open space for public use, on the largest redevelopment site in Selwyn Street.
 5. Encourage and assist the formation of a business association for Selwyn Street.
 6. Provide an ongoing 'case management' facility to property owners.
16. A copy of the draft Master Plan is included as an attachment to this report. This provides full details of the issues and proposals for the centre and outlines the options that have been considered as part of the master-planning process. This document still requires redesigning for publication. This will be done once the content has been approved.
17. It is not currently proposed that a request be made to CERA for this Master Plan to become a formal recovery plan as other options exist to assist implementation. Further consideration can be given to the potential use of the CERA legislation following evaluation of the feedback on the draft consultation plan.

CONSULTATION

18. As outlined in paragraph 12 above, considerable consultation has been undertaken with the local communities during the preparation of the draft Master Plan. It is acknowledged that achieving a sense of community ownership is an important part of a successful plan. However, there is also a need to ensure that the planning process is expedient, enabling the community to progress with the recovery process. As such, it is considered that a further final round of consultation will be an appropriate means of providing the community and stakeholders with another opportunity to engage in the process and comment on the formal proposals of the draft plans.

21 Cont'd

19. The consultation period needs to allow sufficient opportunity for the community and stakeholders to consider the draft proposals. It also needs to take into account the time of year in which the consultation period falls. As the consultation will be over the Christmas holiday period it is proposed that the draft Master Plan be out for consultation for a longer than typical period (seven weeks). This would enable progress to finalising the plans early in the new year. Copies of the full Master Plan documentation will be made available on the Council's web site, with hard copies also provided for reference in the local Service Centres and Libraries. Copies of the summary version will be circulated to local household and businesses. Other relevant stakeholders will also be provided with copies. In addition it is intended to hold open day drop-in sessions in the centre during this consultation period.
20. For Selwyn Street a seven week consultation period from mid-December through to the beginning of February 2012. Following this, officers will analyse the responses and prepare a consultation report on submissions on the draft Master Plan for the Council to consider, in conjunction with the Spreydon/Heathcote Community Board. At this time, a decision will be sought as to whether to conduct hearings prior to adopting the final version of the Selwyn Street Master Plan.

FINANCIAL IMPLICATIONS

21. The Annual Plan has made provision within the Strategy and Planning Group's budget for the Suburban Centres Programme, including the production of this Master Plan.

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

22. Yes, see above.

LEGAL CONSIDERATIONS

23. There are no immediate legal considerations. Officers have met with officials from CERA and will continue to do so to ensure that the work is consistent with, and will inform, the development of the Recovery Strategy and Recovery Plans.

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

24. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

25. The Master Plan was not anticipated by the LTCCP or Activity Management Plans but is a response to natural disaster and reflect the Council's land use planning functions. Provision has been made for the Suburban Centre Programme through the Annual Plan process.

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

26. Yes – the Annual Plan 2011/12 includes a revised level of service: the recovery of Suburban Centres is supported by urban design and planning initiatives.

ALIGNMENT WITH STRATEGIES

27. The Master Plan is consistent with the Urban Development Strategy objectives and its implementation tool Change 1 to the Regional Policy Statement. It recognises the current hierarchy of centres, and is consistent with the vision of enabling the central city to be the pre-eminent business, social and cultural heart of the City.
28. The draft CERA Recovery Strategy identifies local neighbourhood plans and initiatives as one of its goals to help communities recover. The Suburban Centres Programme and these Master Plans are therefore consistent with the Recovery Strategy.

21 Cont'd

Do the recommendations align with the Council's strategies?

29. Yes, see above.

CONSULTATION FULFILMENT

30. There has been extensive consultation with the local communities, stakeholders and the Community Board during the preparation of the Selwyn Street Shopping Area Master Plan. Approval of the draft Master Plan will enable a further formal stage of consultation to be undertaken.

STAFF RECOMMENDATION

It is recommended that the Council:

(a) Endorse the content of the draft Selwyn Street Shopping Area Master Plan (**Attachment 1**) and recommend to Council that it be approved for public consultation;

and:

(b) In 2012, receive a consultation report on submissions on the draft Master Plan and consider and recommend to the Council whether to conduct hearings prior to adopting the final version of the Selwyn Street Shopping Area Master Plan.

This report was considered by the Spreydon/Heathcote Community Board at a meeting on Friday 18 November. The Board's recommendation will be forwarded to the council.

22. LINWOOD VILLAGE CENTRE MASTER PLAN

General Manager responsible:	General Manager Strategy and Planning , DDI 941-8281
Officer responsible:	Programme Manager - Healthy Environment, Strategy and Planning
Author:	Susan Lilley, Senior Policy Planner

PURPOSE OF REPORT

1. This report seeks Council approval of the draft Linwood Village Master Plan (**Attachment 1**) for consultation.

EXECUTIVE SUMMARY

2. The recent earthquakes have caused significant damage to a number of suburban commercial centres across Christchurch. At its meeting on 23 June 2011 the City Council approved a programme of work including Master Plans and Case Management for identified suburban centres.
3. Due to the scale and nature of damage to the commercial centre at the intersection of Worcester Street and Stanmore Road the centre became selected for a master planning approach aimed at assisting its rebuild and recovery.
4. Preparation of the Master Plan has involved considerable public consultation and participation. The Master Plan sets out a Vision for the rebuild and recovery of the centre, including a spatial plan, projects and an implementation plan.
5. This report presents the draft Linwood Village Master Plan for consultation.

BACKGROUND (THE ISSUES)

5. The series of earthquakes that has occurred across the region since September 2010 has caused significant damage to the Linwood Village commercial centre at the intersection of Worcester Street and Stanmore Road, with the loss of many buildings, services and facilities that support the residents living around these centre.
6. The scale and concentration of the earthquake damage at Linwood Village, together with the needs of the local community, indicated that a more comprehensive and co-ordinated approach would be required for the rebuild and recovery of the centre. Council approved the preparation of a Master Plan for this centre as part of the Suburban Centres programme at its meeting on 23 June 2011.
7. The Linwood Village commercial centre suffered damage from the September 2010 and February 2011 earthquake and additional damage from the June 2011 earthquake. Approximately 60% of the commercial buildings, comprising approximately 3,000m² of commercial floor space and including two complete corner sites, were severely damaged in the earthquakes. Damaged buildings on these corner sites have since been demolished and cleared. Four buildings adjacent to the cleared north-west and south-west corners, at 374, 378 and 387a Worcester Street and 95a Stanmore Road, are currently deemed unsafe to use and may be demolished in the future.
8. Under the draft CERA Recovery Strategy the Suburban Centres Programme sits within the Local Neighbourhood Plans and Initiatives. The Strategy does not identify Suburban Centre Master Plans as formal Recovery Plans. However, there is potential, should it become necessary, to request that the CERA legislation be used to assist the delivery of the Master Plans. This could include opportunities to fast track District Plan changes.

THE OBJECTIVES

9. The overall objectives for the Master Plan are two fold:
 - to assist in achieving a rapid recovery, and;
 - to create a platform for long term regeneration.

22 Cont'd

10. In order to achieve this the Master Plan sets out a Vision for the centre. This is accompanied by a spatial plan identifying various redevelopment concepts, and an implementation plan detailing the actions needed to give effect to the proposals. Through this it is hoped to build community and investor confidence for the future of the centre.

MASTER PLAN PROCESS

11. Council staff have worked with property owners, local businesses and the local community in the preparation of the draft Master Plan. This has included the following four stages:
 - **Project Foundation** – comprising information gathering, site visits, and meeting with community leaders
 - **Community Engagement** – ‘ideas gathering’ workshops held with property owners, business owners and the local community on 22nd and 24th August. Approximately 70 people shared their likes, dislikes and aspirations across three meetings. In the weeks that followed, people continued to share ideas by telephoning and sending comments in by post or email. In addition, consultation discussions were held with the Community Board and the local Member of Parliament.
 - **Inquiry by Design** – Council staff participated in a Council-led one day technical design workshop on 30th August. Through an integrated and iterative process, planners, landscape architects, urban designers, community engagement and resource consent staff took the base information for the centre and the ideas from the community engagement sessions and developed, tested and refined options to generate the initial concepts for the Master Plan.
 - **Documentation** – this stage focused on development of the draft Master Plan. Analysis of the community comments was undertaken and further technical evaluation of the concepts occurred. The concepts were translated into actions and an implementation plan was developed.

KEY THEMES AND PROPOSALS

12. From the initial consultation with the community and key stakeholders a number of themes emerged highlighting their concerns and aspirations. The ‘village vibe’ was a much loved aspect of the centre, characterised by:-
 - the good variety of shops and ability to get all day-to-day needs locally.
 - sense of community, with long term shop keepers that customers knew and local visitors regularly seeing others they knew.
 - the colourful appearance of many buildings that added vibrancy to the area.
 - high levels of foot traffic and cycle activity throughout the day.
 - activity around the Linwood Community Arts Centre.
13. Issues of poor safety and security were identified, with particular attention needed to improve safety and the perception of safety in carparking areas, and to improve the quality of lighting and discourage anti-social behaviour in the evenings and at night.
14. Future aspirations for the centre included the return of speciality businesses and services, creating an environment that encouraged foot traffic and provided social spaces, possible mixed use, better street trees, improved parking arrangements, better design around the Linwood Community Arts Centre and more community events in the village. Generally, the desire is for an improved version of the pre-quake village.
15. In response, the key elements of the draft Linwood Village Master Plan are:
 - Outline plans and concept drawings for comprehensive redevelopment of two cleared blocks within the centre.
 - Vision for the relationship between Doris Lusk Park and Linwood Community Arts Centre
 - An upgrade proposal for the street including improvements to the pedestrian environment, traffic management and parking arrangements.
 - Proposal for improved safety and amenity in carparking areas.
 - Proposal to encourage and assist the formation of a business and residents association
 - Provision of an ongoing ‘case management’ facility to property owners.

22 Cont'd

16. A copy of the draft Master Plan is included as an attachment to this report. This provides full details of the issues and proposals for the centre and outlines the options that have been considered as part of the master-planning process. This document still requires final graphic design for publication which will be completed once the content has been approved.
17. It is not currently proposed that a request be made to CERA for this Master Plan to become a formal recovery plan as other options exist to assist implementation. Further consideration can be given to the potential use of the CERA legislation following evaluation of the feedback on the draft consultation plan.

CONSULTATION

18. As outlined in paragraph 11 above, considerable consultation has been undertaken with the local communities during the preparation of the draft Master Plan. It is acknowledged that achieving a sense of community ownership is an important part of a successful plan. However, there is also a need to ensure that the planning process is expedient, enabling the community to progress with the recovery process. As such, it is considered that a further final round of consultation will be an appropriate means of providing the community and stakeholders with another opportunity to engage in the process and comment on the formal proposals of the draft plans.
19. The consultation period needs to allow sufficient opportunity for the community and stakeholders to consider the draft proposals. It also needs to take into account the time of year in which the consultation period falls. As the consultation will be over the Christmas holiday period it is proposed that the draft Master Plan be out for consultation for a longer than typical period (seven weeks). This would enable progress to finalising the plans early in the new year. Copies of the full Master Plan documentation will be made available on the Council's web site, with hard copies also provided for reference in the local Service Centres and Libraries. Copies of the summary version will be circulated to local household and businesses. Other relevant stakeholders will also be provided with copies. In addition it is intended to hold an open day drop in session in the centre during this consultation period.
20. For Linwood Village a seven week consultation period from mid-December through to early February 2012 is proposed. Following this, officers will analyse the responses and prepare a consultation report on submissions on the draft Master Plan for the Council to consider, in conjunction with the Hagley Ferrymead Community Board. At this time, a decision will be sought as to whether to conduct hearings prior to adopting the final version of the Linwood Village Master Plan.

FINANCIAL IMPLICATIONS

21. The Annual Plan has made provision within the Strategy and Planning Group's budget for the Suburban Centres Programme, including the production of this Master Plan.

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

22. Yes, see above.

LEGAL CONSIDERATIONS

23. There are no immediate legal considerations. Officers have met with officials from CERA and will continue to do so to ensure that the work is consistent with, and will inform, the development of the Recovery Strategy and Recovery Plans.

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

24. Yes, as above.

22 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

27. The Master Plan was not anticipated by the LTCCP or Activity Management Plans but is a response to natural disaster and reflect the Council's land use planning functions. Provision has been made for the Suburban Centre Programme through the Annual Plan process.

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

28. Yes – the Annual Plan 2011/12 includes a revised level of service: the recovery of Suburban Centres is supported by urban design and planning initiatives.

ALIGNMENT WITH STRATEGIES

29. The Master Plan is consistent with the Urban Development Strategy objectives and its implementation tool Proposed Change 1 to the Regional Policy Statement. It recognises the current hierarchy of centres, and is consistent with the vision of enabling the central city to be the pre-eminent business, social and cultural heart of the City.
30. The draft CERA Recovery Strategy identifies local neighbourhood plans and initiatives as one of its goals to help communities recover. The Suburban Centres Programme and these Master Plans are therefore consistent with the Recovery Strategy.

Do the recommendations align with the Council's strategies?

31. Yes, see above.

CONSULTATION FULFILMENT

32. There has been extensive consultation with the local communities, stakeholders and the Community Board during the preparation of the Linwood Village Master Plan. Approval of the draft Master Plan will enable a further formal stage of consultation to be undertaken.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Endorse the content of the draft Linwood Village Master Plan (Attachment 1) and recommend to Council that it be approved for public consultation; and
- (b) In 2012, receive a consultation report on submissions on the draft Master Plan and consider and recommend to the Council whether to conduct hearings prior to adopting the final version of the Linwood Village Master Plan.

BOARD CONSIDERATION

The Board considered the draft Master Plan, and received an overview from staff. Board members sought clarification from staff on matters, including the consultation undertaken during preparation of the draft Master Plan, related regulatory requirements and contact with the Canterbury Earthquake Recovery Authority and other government agencies.

Board members discussed, and agreed that the draft Master Plan should include comment from the Community Board, and acknowledgement of the staff involved in the preparation of the plan.

The Board supported the staff recommendations, including the opportunity for hearings to be held prior to adopting the final version of the Master Plan. Board members discussed the need for appropriate engagement with the diverse local ethnic community on the draft, and requested consideration be given to translation of the document.

The Board **decided** to request that its acknowledgement and appreciation of the work staff have done in preparation of the draft Master Plan be formally recorded.

22 Cont'd

BOARD RECOMMENDATION

It was **resolved** on the motion of Bob Todd, seconded by Brenda Lowe-Johnson that the Council:

- (a) Endorse the content of the draft Linwood Village Master Plan (Attachment 1) and approve it for public consultation.
- (b) In 2012, receive a consultation report on submissions on the draft Master Plan and consider in conjunction with the Community Board whether to conduct hearings prior to adopting the final version of the Linwood Village Master Plan.
- (c) Include comment from the Community Board within the introduction to the draft Plan, and acknowledge the staff involved in preparation of the plan.
- (d) Ensure that the consultation and communication on the draft plan include engagement with local ethnic communities.

23. ENERGY CONSERVATION PROGRAMME

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager – Healthy Environment, Strategy and Planning
Author:	Dr Leonid Itskovich, Energy Manager

PURPOSE OF REPORT

1. The purpose of this report is to seek Council endorsement of a programme developed by the Christchurch Agency for Energy (CAfE) for reducing the amount of energy consumed and increasing the proportion of renewable energy used in Christchurch.

EXECUTIVE SUMMARY

2. The Council's "Sustainable Energy Strategy for Christchurch 2008-18" (Energy Strategy) was adopted by Council in September 2007. This strategy included targets for reducing energy consumption, with a greater proportion of the energy used coming from renewable sources. Council's 2009-19 Long Term Council Community Plan (LTCCP) included levels of service for the development of programmes to achieve these changes in energy use.
3. In June 2010 the Christchurch Agency for Energy (CAfE) was established (see **Attachment 1** for Statement of Intent). A key role of this agency is to progress the majority of actions identified in the Energy Strategy which, in combination, aim to achieve the targets for changes in energy use. The programme of work for achieving this is set out in **Attachment 2** of this report. Council endorsement is sought for this programme.

FINANCIAL IMPLICATIONS

4. The funding for the first five-year period of the action plan in the Energy Strategy comes from revenue received from the sale of carbon credits to British Gas. This includes a five-year commitment to provide over \$700,000 per annum, including \$100,000 per annum towards the administration costs of the CAfE. The Council earned the carbon credits following the successful commissioning of the project to capture and use landfill gas.
5. The five Appointor organisations (members of the CAfE) provide their annual financial contributions to the CAfE budget.

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

6. Yes, the 2009-19 LTCCP (page 200) includes five years of funding for the implementation of the Energy Strategy at over \$700,000 per annum.

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

7. CAfE has been established as a council controlled organisation under the Local Government Act 2002 and registered as a Charitable Trust under the Charitable Trusts Act 1957 and the Charities Act 2005.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Page 194 of the LTCCP, levels of service under energy conservation.

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

9. Yes. The recommendations of this report will achieve two levels of service in the 2009-19 LTCCP:
 - 1.5.2. A programme is developed to contain increase in the amount of energy used in Christchurch (to reduce increase in energy use to +12.0% by 2014).
 - 1.5.3. Programme developed to encourage an increase in the proportion of renewable energy used in the City (to 23 per cent by 2014).

23 Cont'd

ALIGNMENT WITH STRATEGIES

10. The programme of work that is the subject of this report will implement the majority of actions identified in the "Sustainable Energy Strategy for Christchurch 2008-18".

Do the recommendations align with the Council's strategies?

11. Yes, as above.

CONSULTATION FULFILMENT

12. The Energy Strategy, on which the programme of work is based, was subject to a public consultation process prior to its adoption by Council.

STAFF RECOMMENDATION

It is recommended that the Council endorse the programme of work (**Attachment 2**) developed by the Christchurch Agency for Energy (CAfE) to reduce the amount of energy consumed and increase the proportion of renewable energy used in Christchurch.

BACKGROUND

13. On 27 September 2007 the Council, following a public consultation process, adopted the Sustainable Energy Strategy for Christchurch 2008-2018. The Strategy included 28 energy efficiency and renewable energy initiatives. The Strategy contains description and explanation of each initiative and is available on Council's website <http://resources.ccc.govt.nz/files/EnergyStrategy-docs.pdf>. One of the initiatives was the establishment of the Christchurch Agency for Energy (CAfE).
14. The draft 2009 -19 Long Term Council Community Plan included a Statement of Proposal that the CAfE be established as a charitable trust, to carry out the initiatives in the Strategy and for the purposes of promoting energy efficiency and renewable energy in the Council's district. It was proposed that the CAfE would be a council controlled organisation. Following the public consultation process, the Council resolved on 26 June 2009 to adopt the proposal that the Christchurch Agency for Energy be established.
15. On 24 June 2010 the Council resolved to adopt the Deed of Trust for the establishment of the CAfE. On 12 August 2010 the Christchurch Agency for Energy was registered under the Charitable Trusts Act 1957 and the Charities Act 2005.
16. The Agency's Statement of Intent is attached (**Attachment 1**). It stipulates that "*in carrying out the purposes..., the Trustees will have regard to the principles and initiatives established in the Sustainable Energy Strategy for Christchurch 2008-2018 published by the Christchurch City Council*".
17. The CAfE work was affected by the September 2010 and February 2011 earthquakes. As a result, there was a delay in the development of programmes and implementation of some projects. However, the Agency reacted to the new realities in the city by identifying opportunities for better energy future associated with the post-earthquake recovery, which produced new initiatives such as the District Energy Scheme.
18. The CAfE's three-year programme of work for 2011-14 is attached (**Attachment 2**). It covers 22 projects (20 out of the 28 initiatives listed in the Sustainable Energy Strategy plus two new initiatives). The two new initiatives are the District Energy Scheme and the Energy Design Advice Service. The both are intended to assist the recovery of the Central City.
19. In addition to the programme outlined in **Attachment 2**, the CAfE works with two partner organisations: Community Energy Action and Beacon Pathway. As their partner, the CAfE participates in their respective projects: Home Energy Advice Service and the Build Back Smarter Christchurch.

23 Cont'd

20. While the CAfE is responsible for the implementation of 20 out of 28 original initiatives of the Sustainable Energy Strategy, the Council itself is the lead agency for another eight initiatives (**Attachment 3**).

24. COUNCIL POSITION ON THE ROADS OF NATIONAL SIGNIFICANCE

General Manager responsible:	General Manager Strategy and Planning, 941-8281
Officer responsible:	Asset and Network Planning Unit Manager
Author:	Shaun Hardcastle, Transport Network Planning, Team Leader Rae-Anne Kurucz, Principal Advisor Transport

PURPOSE

1. The purpose of this report is to seek Council endorsement of a Council position on New Zealand Transport Agency programme of work around the Roads of National Significance.

EXECUTIVE SUMMARY

2. New Zealand Transport Agency (NZTA) have renewed business-as-usual and the Roads of National Significance (RoNS) projects are being advanced. Significant progress on construction has been made on the first stages of the Southern and Western corridors and NZTA are submitting Notices of Requirements for large parts of the Northern Arterial and second stages of the Western Corridor.
3. There are issues associated with each of these corridors that impact on the Council's local network and surrounding land use. Council decisions need to be made on the overall principles of investing in the local road network to support RoNS and more specifically, on the individual issues associated with each corridor.
4. At a meeting on the 22 February 2011, the Council met to hear presentations from CCC and NZTA Officers on the RoNS projects. As follow up to this workshop, Council officers were requested to compile a report to assist Council in their decision making on the RoNS issues relating to the Christchurch City network. Due to the earthquake on that day, the report was not progressed. A further presentation was given to Council on the 20 September 2011, at this meeting, Council requested a further workshop and a report to enable them to make decision on the RoNS issues.
5. A Council workshop on 9 November allowed both NZTA officers and Council staff to update the Council on the programme and outline the issues and options relating to the three RoNS corridors – Southern, Northern Arterial, and the Western. This report formalises the Council position through support of the staff recommendations.

BACKGROUND**Overall network principles**

6. RoNS form part of the Region's strategic road network as set out in the Regional Land Transport Strategy, and serve an important role for longer distance trips and the distribution of goods. They provide; National and Regional access to Lyttelton Port and Christchurch International Airport; improve efficiency of local road networks by catering for strategic traffic; and reduces the conflict between heavy goods vehicles and sensitive urban areas and communities.
7. As a resource the RoNS sit within the Christchurch Transport Plan (CTP) as part of our strategic network. The objective is to create "one balanced network" by linking our local roads to the strategic network, and to do so in a way which supports local land use and growth; and to support the strategic direction of the Christchurch Transport Plan which not only provides for road network improvements but also suggesting additional investment in public transport and active travel to provide a more balance transport network.
8. A set of principles relating to the planning, design and implementation of the RoNS projects has been developed by Council staff (see **Attachment 1**). These outline the desired outcomes that staff expect the RoNS projects to achieve. While these principles have been discussed with Council and NZTA staff, they have not been formally adopted, nor formally agreed with NZTA. The RoNS principles are:

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- (a) Land use and transport planning will be well integrated with the RoNS
 - (b) Travel demand management principals will be use to minimise demand on the RoNS
 - (c) The RoNS will be designed and managed as safe multi-modal corridors
 - (d) RoNS will exemplify best practice environmental planning and context sensitive urban design
 - (e) CCC and NZTA will work in partnership to enhance the state highway network and achieve positive outcomes for the city and its residents and the wider Canterbury community.
9. The issues relating to the RoNS are discussed within the context of a network wide approach, rather than on an individual basis.

Rationale for the RONS Corridors

10. The Christchurch Southern Motorway (CSM) project is proposed to reduce journey times and increase reliability for people travelling from Main South Road to the central city and to the Port. It will also assist with removing freight traffic from SH73A through Hornby.
11. The Northern Corridor, which forms a key component to the region's strategic network includes the Northern Arterial (RoNS) the Northern Arterial extension (CCC) and the Cranford Street upgrade (CCC). The Northern Corridor provides benefits to the local road network by:
- (a) Removal of strategic traffic from Main North Road through the northern suburbs of Belfast (growth area), Northwood and Redwood (these benefits are further supported by the Western Belfast Bypass);
 - (b) Allowing for re-allocation of road space on Main North Road to allow a greater public transport function, street treatments to improve amenity and reduce speed and greening of the corridor; and
 - (c) Reducing conflict between heavy traffic and community uses in the suburbs and increasing connectivity and place-making opportunities (as identified in the Council's Belfast Area Plan).
12. The Western Corridor, serves an arterial function for moving short local trips and strategic traffic through the Christchurch Network. The future efficiency (traffic growth) of the overall network requires the four laning of the Russley Road corridor. However, there is potential for large scale conflict between land use and transport planning as the current design for the corridor is not dealing with the existing numerous connections and existing and proposed land use.

SPECIFIC CORRIDOR ISSUES

Southern Corridor Discussion

13. The Christchurch Southern Motorway project comprises three stages: 1) CSM1 - Collins Street to Halswell Junction Road, 2) CSM2 - Halswell Junction Road to Waterholes Road, and 3) Main South Road Four Laning from Waterholes Road to Weedons Road in Rolleston.

CSM – Stage 1 Discussion

14. The changes to the layout of the Curletts Interchange and the limited access nature of this link has resulted in additional infrastructure requirements and costs to serve development in the southwest area. At present the changes have resulted in an increase in construction costs for the Wigram-Magdala Bridge extension, this is currently under further investigation and review .

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CSM – Stage 2 Discussion

15. Historically there have been concerns with alignment options for CSM2, which have now been resolved. Specific issues relating to this section of the corridor primarily involve intersection arrangements and accessibility.
16. There are concerns with the proximity of the two signal controlled intersections at the Shands Road/Marshs Road intersection and the northern off-ramp/on-ramp intersection to CSM2. The proposed intersection is for signal control within a high speed environment, but there is reduced visibility due to the over-bridge. This increases the potential for collision with queued traffic. Work needs to be undertaken to ensure that any lights based management system does not create additional accident risks on the local network.
17. There are existing cycle facilities on Marshs Road with several cycle routes converging in the immediate area such as the Christchurch to Little River Rail Trail, Templeton and the north western cycleway catchments to both the Christchurch to Little River Rail Trail and the CSM1 cycle-path which Council has funded. Staff consider that NZTA, should extend and fund the CSM1 cyclepath as part of the CSM2 build, which will enable a number of connections to be made, as well as providing a separated cyclepath on the proposed Marshs Road overbridge.
18. NZTA propose a freight only access at the Halswell Junction Road/Springs Road intersection. However, there is potential, subject to demand, to provide express public transport services from Halswell and Selwyn District to central city via the CSM. This would assist in promoting rapid public transport into the central city, without compromising NZTA's desire to keep commuter traffic off the State Highway network.
19. The provision of the two stages of CSM is proposed to relieve strategic traffic from Main South Road through Hornby and east to Blenheim Road and Riccarton Road, future responsibility for these roads will need to be discussed with NZTA.
20. As the Southwest Area developments are progressed there is potential to secure Main South Road and Riccarton Road as a high quality public transport corridor. (Similar to that proposed for Main Road North) This will improve public transport options, and also help to regenerate the Key Activity Centre of Hornby to serve local requirements rather than just providing a through traffic function.

Northern Corridor Discussion

21. Current proposals by NZTA for the northern interchange to connect SH1, the Northern Arterial and the Western Belfast Bypass include the increase in lane provision on the SH1 Waimakariri Bridge from the existing four lanes to five or potentially six lanes to improve legibility and safety at the intersection. Increasing the capacity of the bridge has three key impacts for Council to consider:
 - (a) Increased congestion on the local network as the increased volume of traffic on the Northern Arterial funnels into the City's network.
 - (b) Downstream effects such as congestion at local intersections and an influx of traffic on the four avenues of the Central City.
 - (c) Facilitating development capacity beyond Christchurch at the expense of local city development (the Belfast 293 scenario), in a manner inconsistent with the agreed Urban Development Strategy position.
22. The Northern Arterial connects with QEII Drive and in the Council's Long Term Plan there is a proposal for the Northern Arterial Extension and the Cranford Street upgrade to support this RoNS project. The Northern Arterial extension requires land purchase within the Cranford Basin, there are currently issues that need to be resolved to enable the required properties to be secured . In addition the provision of four general traffic lanes will encourage car based travel to the city centre.

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23. In addition to the Cranford Street link, there have been discussions regarding the need for additional links to further facilitate the anticipated Northern Arterial traffic demands. The other links considered are Hills Road, Philpotts Road, Innes Road and Marshland Road. These links would add additional capacity for vehicle travel and further encourage car based travel to the city centre. The additional investment in upgrading intersections and providing additional lanes would need to be funded by CCC. Investigations into a number of alternatives was carried out prior to the September and February Earthquakes. Changing traffic patterns following these events are likely to impact on the preferred solution, as will the impact of new development at Prestons, and other north eastern areas. Further remodelling of these links is required.
24. There will also be additional pressures on the transport infrastructure in the northern areas with the Preston's Plan Change and the Plan Change submitted to council for the Highfield development. To consider the impacts of this land use, it is essential that Council have an overall network wide approach for delivering transport infrastructure to support the Northern Arterial and additional demands from development proposals. Council staff are currently working with CERA and NZTA to consider the impacts of the additional and accelerated demands on the northern network.
25. The provision of the two stages of the Northern Arterial Motorway is proposed to relieve strategic traffic from Main North Road through the northern suburbs of Belfast, Northwood and Redwood. The future form of Main North Road is undecided as NZTA has not confirmed its intentions with regards to the future of SH1.
26. A package of measures entitled 'The Christchurch Northern Access Package' (CNAP) was agreed following the 'Christchurch Northern Access Transport Investigations' (CNATI) commissioned by CCC, NZTA and ECan. The package identified Main North Road as a high capacity public transport corridor. The removal of strategic and freight traffic from Main North Road would allow the delivery of a high quality public transport corridor with interchange facilities at Belfast and Northlands. The change in function of Main North Road would also allow enhanced connectivity across Main North Road for all modes of transport rather than primarily providing a through traffic function, and facilitate accessibility and place-making opportunities in and around the centres of Belfast, Northwood and Redwood. These will be positive outcomes from the development of the Northern Arterial.

Western Corridor Discussion

27. There are a number of issues with the long term objectives of the Western Corridor, in particular the application of national motorway design principles to an existing road corridor that has significant traffic volumes/ movements in a semi urban environment.
28. Russley Road and Johns Road provides an informal boundary between the semi-urban area, the airport and rural surrounds. The corridor provides access not only to the airport but to existing and zoned business development.
29. NZTA has five projects scheduled for the upgrading of the western corridor including the Western Belfast Bypass, the four-laning of Johns Road and Russley Road from the Groynes through to Memorial Avenue including a new grade-separated intersection at Memorial Avenue and Russley Road, four laning of Russley Road to Yaldhurst Road and the four laning of Masham and Carmen Roads between Yaldhurst Road and Waterloo Road. Each of the sections is considered individually below.
30. The design and safety of cycle provisions along the corridor needs to be discussed with NZTA to agree an acceptable type of facility for the corridor.

Western Belfast Bypass Section

31. Detailed design elements that require agreement and finalisation relating to the impact on the Groynes and access ramps for the Belfast area are being undertaken by CCC and ECan officers. The other issues relating to the merging of the Western corridor with the Northern Corridor (at the Waimakariri Bridge) have been identified in the discussion of the Northern corridor.

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Johns Road - Groynes to Sawyers Arms Road Section

32. The proposals limit access to the following links to provide safe intersection arrangements:
 - (a) Left turn in only at Gardiners Road (southbound)
 - (b) Left turn out only at Wilkinsons Road (southbound)
 - (c) Left turn in and out at Greywacke Road (northbound)
33. There is potential to add a service road between Greywacke Road and Sawyers Arms Road and NZTA and ECan are investigating this.
34. The current traffic model (the UDS Christchurch Traffic Model) shows that the Johns Road/Sawyers Arms Road intersection will require grade separation in 10-15 years at current growth levels.

Johns Road/Russley Road – Sawyers Arms Road to Harewood Road Section

35. A safety audit of the design shows that Waimakariri Road was required to be left in/left out to Sawyers Arms Road. This is a local road, and NZTA's solution is appropriate.

Russley Road – Harewood Road to Yaldhurst Road Section

36. The four laning project is under construction from Avonhead Road south to Yaldhurst Road. Access changes are to be incorporated at Ryans Road, which restricts right turning movements out on to Russley Road.
37. The Memorial Avenue / Russley Road intersection traffic model indicates that a signal controlled intersection would have a minimal design life before grade-separation is required. Therefore a decision to proceed with a grade-separated intersection was made by NZTA. This intersection provides a gateway to Christchurch as it is the first intersection on departing the airport. As a result a feature bridge is being proposed as a gateway. While this is a NZTA cost, it was agreed by CIAL, NZTA and CCC to fund the "difference" to create a more sculptural or architectural bridge feature. NZTA have recently announced that they will pay for this difference (estimated at \$5 million) directly. However, this includes some "value engineering" of the original design, which is likely to reduce its visual attractiveness. At the workshop there was some criticism of the design adopted, but Council will have less input on the final form if NZTA are the sole funder of any bridge.
38. The grade-separation of Russley Road/Memorial Avenue significantly impacts the Memorial Avenue/Ron Guthery/Peter Leeming intersection and restricts access at the Russley Road/Wairakei Road intersection and Russley Road/Avonhead Road this may be in part related to the speed environment proposed.. The access restrictions will result in changes to local traffic patterns and displaces traffic into community areas, particularly where schools are present, (Roydvale Avenue has been identified to implement a School Speed Zone in June 2012). Council officers have yet to see the NZTA transport assessment or any proposed mitigation, measures for these issues.
39. Central median closures at these local road intersections will reduce accessibility between the City and the Airport, including the adjacent employment area.
40. The initial studies undertaken by council staff (as background to the CCP) for a rapid transit network identified a link from the Airport to Central City. If a light rail vehicle is to use Memorial Avenue and route under the proposed Russley Road over-bridge then a minimum clearance of 6 metres is required. The absolute minimum vertical clearances set by the TRANSIT guidelines (NZTA) is 4.5 metres, but if this is the specified over-dimension route into the airport and surrounding business zones then this minimum increases to 6 metres. NZTA must provide a 6 metre clearance at Russley / Memorial regardless of CCC's requirement to accommodate a potential light rail vehicle clearance if such a structure is constructed. The proposed bridge is a first step in the eventual provision of a number of grade separated intersections, and the upgrading of the speed environment along this route.

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41. Council has a fundamental concern with the programme being undertaken by NZTA. While the current four laning is desirable, the proposed bridged Memorial should not be pursued if it results in approach ramps which require a reduction in the function of the Wairakei Road intersection.
42. Similarly if the bridge is confirmed, final design and configuration should be agreed between NZTA, Council and CIAL, to protect its future functionality and ensure the city has an attractive as well as future proofed design. Finally any decisions on the development of this intersection needs to be cognisant of the longer term options for the Western Airport Bypass (discussed below). There is a risk that without that the short term decisions might effectively foreclose on these options, despite NZTA's verbal assurances.

Russley Road – Yaldhurst Road to Waterloo Road Section

43. Scheduled for four laning to proceed to construction, no current issues.

Western Corridor – Western Airport Bypass

44. The proposed grade-separation of Russley Road/Memorial Avenue and the resulting effects of restricted movements at Capital A access options, Wairakei Road and Avonhead Road, will reduce access to the airport. In response, CIAL developed an alternative arrangement that would see high speed traffic routed to the west of the airport (Western Airport Bypass) and thereby reduce the need for grade-separation at Russley Road/Memorial Avenue and the associated access restrictions to the airport and east to residential communities. This approach is consistent with Council staff views, which also had identified a far Western preference for a permanent motorway route for the western side of the city.
45. Council staff have identified that the Western Airport Bypass would provide benefits including enabling supporting land uses (freight / distribution / industrial) at the airport and around the proposed Islington Park (on Main South Road), and set future land use direction in the land around the state highways. With the Western Airport Bypass in place a more balanced network with increased connectivity would enable transport networks to facilitate economic growth for Christchurch around the airport.
46. The Western Airport Bypass could also displace strategic traffic from Hornby and with the combination of the southern motorway significant freight movements could be reduced from a Key Activity Centre that is set to support the southwest growth area.
47. NZTA has stated its position on the Western Airport Bypass and does not deem the option as viable and they are currently proceeding with the Russley Road alignment for the Western Corridor.
48. A parallel assessment was commissioned by NZTA and CCC to consider the implications for a Western Airport Bypass. The methodology and findings of the report were not endorsed by council or CIAL staff. Further work has been carried out by CIAL on reviewing the parallel assessment. CCC staff concur with the conclusions of the review that more detailed analysis and costing is required in consideration of a western airport bypass as part of the network solution. In particular Council is concerned that the short term work programme by NZTA will result in a level of commitment to the Russley Road route which would make a future alternative unviable. Council should continue to encourage NZTA to review their assessment of the WAB option, and commit only to those immediate projects on Russley Road, that do not impact on the long term case for a dedicated Bypass.

Western Corridor – CCC Network Discussion

49. An additional consideration is the future function and classification of Sawyers Arms Road. Sawyers Arms Road is currently a two-lane road that varies in use from rural to residential. Change 1 has a land use allocation at Upper Styx (CN3) for 2,470 residential units that sits to the north of Sawyers Arms Road.

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50. QEII Drive is to be upgraded to four lanes from Main North Road to Innes Road to support the Northern Arterial. Northcote Road is also due to be upgraded to four lanes by CCC (LTCCP 2014-2017) which includes changes (safety project) to the Greers Road/Northcote Road/Sawyers Arms Road intersection (LTCCP 2009-2013). There is also a further safety project at Gardiners Road/Sawyers Arms Road (LTCCP 2009-2011).
51. Sawyers Arms Road could potentially provide an upgraded link from Johns Road to Northcote Road to complete an orbital connection. Harewood Road is currently designated as an arterial and is predominantly four lanes; however a CCC cycle project proposes to reduce the capacity of this link by removing two lanes of traffic between Bishopdale Mall and Nunweek Boulevard to assist with school crossings and enhance amenity and connectedness by reducing the dominance of vehicle based travel.
52. All of the above suggests that upgrading and reclassifying Sawyers Arms Road to provide four lanes could have positive and negative impacts for different stakeholders. A full investigation for Sawyers Arms Road and its CCC and strategic function is required with full council visibility.

FINANCIAL IMPLICATIONS

53. There are several local roading projects that are being investigated as part of the supporting network to RoNS. Funding or part-funding is listed in the LTCCP for:

Southern Corridor:

- Southern Motorway Cycleway & Auxiliaries 2009-2014
- Aidenfield Drive Underpass 2010-2013
- Carrs Rd Overbridge 2010-2013
- Wigram-Magdala Link Bridge 2010-2013
- Wigram Road Extension 2016-2018
- Awatea/Dunbars Route Upgrade 2015-2018
- Wigram Road Upgrade 2015-2018
- Lincoln Road Widening (Curletts - Sylvan) 2012-2015
- Halswell Bus Priority Route 2012-2014
- Frankleigh / Lyttelton Intersection 2010-2013
- Hoon Hay / Sparks Intersection 2012-2014
- Halswell Junction Road Extension 2013/14
- Whincops Road 2012/13
- Sockburn Roundabout 2016-2018
- Brougham / Burlington Intersection 2012-2014

Northern Corridor:

- Northern Arterial Extension 2016-2019
- Cranford Street Upgrade 2015-2019
- Cranford Bus Priority Route 2016-2018
- "Hills Road Extension" - 2nd Link (to QEII Drive) 2015-2019
- Hills Road Upgrade 2014-2019

Western Corridor:

- Northcote Road (4 Laning) 2014-2017
- Greers / Northcote / Sawyers Arms Intersection 2009-2013
- Gardiners/Sawyers Arms Intersection 2009-2011 (on-hold due to EQ)

54. All of the above projects require CCC funding, currently programmed in the LTCCP 2009-2019. The timing and funding allocation of each will be reviewed in the capital investigation stage. This will be addressed in the next Annual Plan or Long Term Plan.
55. Additional projects not currently scheduled in the LTCCP may be required because of accelerated development and will be included in the next Annual Plan or Long Term Plan.

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

56. Investigations are underway which will identify existing projects that may require extra funding and new projects which need applications to be added in LTCCP.

LEGAL CONSIDERATIONS

57. There is a high court case related to the Cranford Street Upgrade and Northern Arterial Extension that could be at risk in supporting the Northern Arterial RoNS.

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

58. Officers from the Property and Legal teams at CCC are aware of the Cranford Street high court case.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

59. No as existing being prioritised and new projections in application.

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

60. Pending outcomes of investigations currently being undertaken as discussed earlier.

ALIGNMENT WITH STRATEGIES

61. "Connecting New Zealand" Government Policy Direction for Transport 2012, Regional Policy Statement, Urban Development Strategy, Draft Christchurch Transport Plan. The recommendations will better align RONS projects with Council Sustainability and Climate Change Policies.

Do the recommendations align with the Council's strategies?

62. The Roads of National Significance align with the draft Christchurch Transport Plan (CTP) as the Regional strategic network and the regional, national and local freight routes. The recommendations will better align RoNS projects with Council Sustainability and Climate Change Policies.

CONSULTATION FULFILMENT

63. NZTA have undertaken consultation on the RoNS network.
64. Initial consultation completed for the Wigram-Magdala Link Bridge in approaching directly affected property owners.
65. Information sessions have been held with residents' associations in the vicinity of the Northern Arterial Extension.

RECOMMENDATIONS

66. It is recommended to Council that:

SOUTHERN CORRIDOR

- (a) The location and type of works for the Western and Southern RoNS in support of the proposed additional infrastructure required to support the southwest area developments primarily focuses on active transport to reduce the reliance on travel by private vehicles. Further downstream modelling is required due to post earthquake changes in the South west Christchurch area.

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- (b) New Zealand Transport Agency be requested to review the intersection arrangements at the Shands Road/Marshs Road on-ramp/off-ramp intersection and the southern on-ramp/off-ramp intersection (both currently programmed to be controlled by traffic lights), to ensure traffic safety is not compromised.
- (c) New Zealand Transport Agency be requested to provide separated cycle facilities both on the Marshs Road overbridge and along a parallel pathway with the section of the CSM2 from Springs Road to Marshs Road and from the CSM2 pathway along the rail corridor south to Marshs Road.
- (d) New Zealand Transport Agency be requested to consider allowing future public transport access at the Springs Road 'Freight Only' access.
- (e) New Zealand Transport Agency is requested to confirm the future status of SH73A Main South Road and Yaldhurst Road to allow Christchurch City Council to plan the future of these links and protect them for public transport corridors.

NORTHERN CORRIDOR

- (f) The connections to the SH1 Waimakariri Bridge is reviewed to ensure that lane additions create a safe and efficient river crossing and interchange, and do not create capacity which exceeds that planned to be accommodated as part of the agreed Greater Christchurch Urban Development Strategy.
- (g) New Zealand Transport Agency investigate and implement Park and Ride site at Tram Road to offer transport choice and reduce the volumes of trips over SH1 Waimakariri Bridge.
- (h) Christchurch City Council and Waimakariri District Council investigate public transport and cycling priority measures for the Old Waimakariri Bridge.
- (i) That the parallel cycleway, and adjoining links, to the Northern Arterial be implemented by New Zealand Transport Agency as part of the corridors transport provision.
- (j) The additional lanes proposed for the Cranford Street upgrade be capable of being used as High Occupancy Vehicle lanes if future congestion on Cranford Street shows these as desirable solutions.
- (k) That a 'second link' to the Northern Corridor be further reviewed in light of accelerated land uses in the area. Any changes to the parallel links, particularly Hills Road should include public transport priority measures and cycle facilities.
- (l) Christchurch City Council continue to work with New Zealand Transport Agency on a strategic traffic model for the northern area and to propose suitable multi-modal infrastructure improvements to support growth in the area and reduce downstream effects in northern suburbs.
- (m) New Zealand Transport Agency are requested to confirm the future status of Main North Road SH1 and SH74 to allow the Council to plan the future of this link and protect them for public transport corridors.

WESTERN CORRIDOR

- (n) Urgently investigate further the Western Airport Bypass as this could reduce the need for grade-separation at Russley Road / Memorial Avenue and enable existing connectivity to continue. The design of the Johns Road/Sawyers Arms Road would be subject to further investigation and future demands.
- (p) As a minimum, provide for the increased transport demand generated by proposed developments and encourage active transport by providing cycle connections across Russley Road and Johns Road at Memorial, Wairakei and Harewood and consider alternate designs of the cycle facilities along the corridor e.g. shared pedestrian/cycle paths to increase the safety for cyclists.

24. 11. 2011

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- (q) Request New Zealand Transport Agency to review the proposed Memorial Overbridge to ensure that any bridge not compromise current levels of access to Wairakei Road.
- (r) Request that New Zealand Transport Agency continue to work in partnership with Christchurch City Council and Christchurch International Airport Ltd on any final bridge design, and not act unilaterally to amend the design or to “value engineer” the outcome.

25. URBAN DESIGN PANEL REVIEW

General Manager responsible:	General Manager, Strategy & Planning DDI 941-8281
Officer responsible:	Programme Manager - Healthy Environment
Author:	Josie Schroder, Principal Advisor Urban Design

PURPOSE OF REPORT

1. The purpose of this report is to address a number of short term operational issues faced by the Urban Design Panel. This report does not address the issues regarding the number, composition, or scope of panels that may arise as a result of the Central City Plan and Suburban Masterplanning exercises. A more comprehensive report addressing these issues, along with the role of community members on Urban Design Panels, and the funding required to support this is in preparation. It is considered appropriate that this more holistic report be considered in the New Year once the Minister's decision on the Central City Plan is known and once consultation has been completed on at least the first four Suburban Masterplans.
2. This report therefore specifically addresses some capacity and payment issues within the scope of the current Urban Design Panel's terms of reference, and recognises the need to source a wider pool of people post the earthquakes.
3. The report therefore seeks to:
 - (i) Recommend the continuation of the Urban Design Panel (UDP) until the end of June 2012;
 - (ii) Recommend the expansion of the pool of panellists from 18 to 24;
 - (iii) Recommend that the Mayor and Chief Executive have delegated authority to address any future expansion of the pool of panellists;
 - (iv) Recommend an amendment to panellist remuneration.
4. The present Urban Design Panel was established as a trial, and therefore needs to be reviewed. Given the strong interest in the panel approach in both the Central City Plan and the Suburban Masterplanning work, a review at this stage is premature until these documents are further developed or adopted. However it will be important to fully review the panel's effectiveness as part of the comprehensive report addressing the long-term future of the panel in the New Year.

EXECUTIVE SUMMARY

5. The UDP was set up in 2008, formed from nominated representatives from various professional institutes related to urban design.
6. There is currently provision for eighteen UDP panellists. An increase in the number of projects requiring assessment by the panel is anticipated, even within the current terms of reference. With more of our current panellists involved in applications it is considered an appropriate time to bolster the UDP pool of panellists to meet the anticipated increase in number and complexity of proposals for review, particularly in regard to the Central City. For the immediate future, it is recommended that the number of panellists be increased to twenty four.
7. Further expansion of the pool of panellists may be required depending upon the number and breadth of consents. To respond quickly to additional UDP resourcing, it is proposed that any further expansion to the pool of panellists be at the discretion of the Mayor and Chief Executive. The Chief Executive and Mayor have the ability to appoint nominated panellists, but the total number of panellists is currently a Council decision under the UDP Terms of Reference.

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8. The panellists have been serving on the UDP for over three years without any increase in rate of remuneration. They are paid only for time sitting on the UDP, which excludes preparation time, travel and other expenses (with the exception of the two out of town panellists). An increase in remuneration to reflect the expertise and service provided to the UDP would be appropriate at this time. Senior experts are often paid in excess of \$200/hr, this report recommends raising the remuneration from \$150/hr to \$180/hr.
9. The review in 2012 will consider scope and appointment processes, in the light of the Central City Plan and Suburban Masterplans. It will also consider process improvements for any panels, as well as improved nomination processes by contributing professional institutes, remuneration and tenure.

FINANCIAL IMPLICATIONS

10. Additional costs will be incurred with any increase in the number of panel meetings resulting from the rebuilding of Christchurch in 2011/12 and therefore additional panellist time required, and the proposed increase in panellist remuneration. Due to the changing nature, timing and scope of a number of projects in the City and Community Long-Term Policy and Planning area it is expected that these costs can be met within existing operational budgets.
11. The 2012 review will need to address funding if any significant expansion of the panel's role-function is adopted. Staff are mindful of the need for any panel not to become a direct development cost, which will have a funding impact for the community.

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

12. Yes

LEGAL CONSIDERATIONS

13. No legal considerations have arisen in connection with the UDP since the review undertaken in 2010.

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

14. There are no additional legal issues arising from this report.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. As discussed in previous reports to Council, the UDP aligns with a number of community outcomes including:
 - An attractive and well designed city
 - A safe city
 - A prosperous city
 - A healthy city
 - A city for recreation, fun and creativity and
 - A well governed city.

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

16. Yes. The proposal is part of the district planning levels of service in the LTCCP (pages 94 and 200).

ALIGNMENT WITH STRATEGIES

17. The UDP aligns with the Council's Safer Christchurch Strategy, Climate Smart Strategy and the Greater Christchurch Urban Development Strategy. It also aligns with Chapter 12A (formerly Proposed Change 1) of the Regional Policy Statement, and the draft Central City Plan.

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Do the recommendations align with the Council's strategies?

18. In terms of the Council's Strategic directions the recommendations of this report contribute to achieving the following aspects of these strategies:

Safer Christchurch Strategy

Enhance safety from crime through preventative and supportive actions

- The use of planning and design as a means of reducing crime and fear of crime is an activity that can contribute to improving the safety of our community.

Climate Smart Strategy

Provide leadership in addressing climate change

- The Council has a critical role providing leadership for the community on responding to climate change through great urban design in respect to our public spaces, buildings, infrastructure and through Council processes.

Greater Christchurch Urban Development Strategy

Enrich Lifestyles by:

- Ensuring that the Greater Christchurch area is a liveable, safe, prosperous and healthy place.
- Recognising and protecting cultural identity and enhancing a sense of place.
- Improving community safety and encouraging neighbourhood design that makes people feel safe.
- Promoting good urban design to make our communities more liveable and attractive with good connectivity.

CONSULTATION FULFILMENT

19. Given that this report deals with a minor increase in capacity, rather than a review of the panel function no consultation is considered necessary.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the continuation of the Urban Design Panel until at least the end of June 2012.
- (b) Approve an expansion of the available pool of panellists from 18 to 24.
- (c) Delegate authority to the Mayor and Chief Executive to address any future need to expand the pool of panellists.
- (d) Approve an increase to the panellists' remuneration from \$150/hr to \$180/hr.

26. CCC – CDHB LAND EXCHANGE

General Manager responsible:	General Manager, Strategy and Planning Group, DDI 941-8462
Officer responsible:	Programme Manager, Strong Communities
Author:	Ian Thomson, Solicitor, Legal Services Unit

PURPOSE OF REPORT

1. To seek approval for accelerating the legislative process (**Attachment 1**) required to achieve the exchange of land agreed upon by the Council and the Canterbury District Health Board (CDHB).

EXECUTIVE SUMMARY

2. Attached to this report is a copy of the Council's resolutions (**Attachment 2**) passed at its ordinary meeting on 23 July 2010.
3. The Council agreed to proceed with the proposed land transfers and the steps necessary to implement this. The exchange was to include the transfer of the Nurse's Memorial Chapel and land to the Council.
4. A draft bill was prepared and discussed by staff from the CDHB, Ngai Tahu and the Council. Before this could be finalised and brought back to the Council for approval, the process was interrupted by the September 2010 earthquake.
5. A similar thing happened in February 2011, when work had started again on the matter.
6. Since then both CDHB and Council staff have been focussed on issues arising from the earthquakes. However, the impact of those events has resulted in the CDHB looking to bring forward its plans for the redevelopment of Christchurch Hospital. The CDHB would like to accelerate the process for the exchange of land.
7. It is proposed that Council and CDHB staff approach the Canterbury Earthquake Recovery Authority (CERA) to discuss whether or not an Order in Council would be an appropriate legislative mechanism to use. If made, an Order would effect the necessary statutory amendments required to complete the exchange and take less time than it would for a local bill to be enacted.

STAFF RECOMMENDATION

It is recommended that the Council resolves to:

- (a) authorise Council staff to meet and discuss with CERA a proposal that the land exchange agreed to by the Council and the Canterbury District Health Board as part of the development of Christchurch Hospital be effected by an Order in Council made under the Canterbury Earthquake Recovery Act 2011.

FINANCIAL IMPLICATIONS

- 8 The Council and the CDHB have agreed to share all costs incurred in respect of the exchange of land. The process for an Order in Council to be made would be less complex, take less time and would be less expensive than preparing a local bill and taking it through the Parliamentary process.

LEGAL CONSIDERATIONS

9. The Christchurch City (Reserves) Empowering Act 1974 sets out the purposes for which certain reserves in Christchurch (including Hagley park and the botanic gardens) are held. The Act defines the location and size of Hagley park and includes the land sought by the CDHB.
10. The Christchurch Hospital Act 1887 (as amended) transferred to the North Canterbury Hospital District (now the CDHB) the buildings used for the purposes of Christchurch hospital, together with its grounds. That land, including the area to be exchanged with the Council, is also a reserve (**Attachment 3**).

26 Cont'd

11. The Christchurch City (Reserves) Empowering Act specifically excludes the exchange of reserves for other land. The Act must therefore be amended to allow the exchange to be completed. The Hospital Act also prevents a sale or transfer of land connected with the hospital and this Act will have to be amended as well.
12. To date it has been proposed that the Council would promote an amendment to the Empowering Act which, if passed, would amend the Hospital Act too. Although the draft bill was close to completion, it would still be at least a year before it was enacted.
13. Any speeding up of the process would be for the purposes of recovery from the earthquake. These events have reinforced the need for a strong and stable hospital and health service in Canterbury and the Christchurch Hospital redevelopment is a key part of that.
14. The Legal Services Unit believes that the statutory amendments required to effect the land exchange could be made by way of an Order in Council under the Canterbury Earthquake Recovery Act 2011. The matter has been briefly discussed with CERA staff who have indicated a willingness to explore this option.
15. If the staff recommendation in this report is adopted and steps taken for an Order to be made are successful then it is likely that the process could be completed by the end of the first quarter of the 2012 year.

BACKGROUND

16. In the first half of 2010 the Council and the CDHB undertook a joint consultation process that included both the Christchurch Hospital redevelopment proposal and the exchange of land. A hearings panel was appointed and its report was considered by the Council at its meeting on 23 July 2010.
17. A copy of that report is attached, including maps and diagrams. This document provides a comprehensive background of the matter for those Councillors unfamiliar with the proposed redevelopment and/or land exchange.
18. The CDHB has advised that the earthquakes have reduced bed capacity at Christchurch Hospital and a number of significant buildings and infrastructure services have been damaged or interrupted. There is a substantial programme underway of invasive inspections and engineering reports which is expected to conclude that a range of key clinical buildings are no longer up to the standard required for a tertiary hospital facility.
19. The recovery plan prepared by the CDHB is substantive and includes a range of building projects that not only deal with the effects of the earthquakes but are also being undertaken in the context of the proposed redevelopment. Therefore whilst work has been continuing on the redevelopment, the impact of the earthquakes has meant that more urgency needs to be applied to the process.
20. Attached is a copy of a letter from the Chief Executive of the CDHB confirming the Board's position. The letter also confirms that the areas of land to be exchanged are unchanged.
21. It should be noted that test drilling has been carried out, including on land close to the river. The CDHB has no concerns about the geotechnical state of the land to be used for the development.
22. The CDHB has also advised that the highest engineering standards will be used. The new buildings will be rated at level 4 in importance under the seismic code.

24. 11. 2011

27. NOTICES OF MOTION

The following Notice of Motion is submitted by Councillor Aaron Keown pursuant to Standing Order 3.10.1:

That the Christchurch City Council actions its enforcement unit to remove or fine any individuals from 'trading' on the street in the area of Manchester Street from Bealey Avenue to Edgeware Road. To apply this enforcement 24 hours per day effective immediately.

28. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

CHRISTCHURCH CITY COUNCIL AGENDA (Cont'd)

THURSDAY 24 NOVEMBER 2011

9.30AM

**COUNCIL CHAMBER, CIVIC OFFICES
53 HEREFORD STREET**

CHRISTCHURCH CITY COUNCIL

Thursday 24 November 2011 at 9.30am
in the Council Chamber, Civic Offices, 53 Hereford 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.

ITEM NO	DESCRIPTION	PAGE NO
30.	RESOLUTION TO EXCLUDE THE PUBLIC	1

24. 11. 2011

30. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.