

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 27 OCTOBER 2011

9.30AM

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

CHRISTCHURCH CITY COUNCIL

**Thursday 27 October 2011 at 9.30am
in the Boardroom, Beckenham Service Centre, 66 Colombo Street**

Council: The Mayor, Bob Parker (Chairperson).
Councillors Helen Broughton, Sally Buck, Ngaire Button, Tim Carter, Jimmy Chen, Barry Corbett,
Jamie Gough, Yani Johanson, Aaron Keown, Glenn Livingstone, Claudia Reid and Sue Wells.

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27. 10. 2011

1. APOLOGIES

Councillor Sue Wells.

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 22.9.2011

Attached.

27. 10. 2011

3. DEPUTATIONS BY APPOINTMENT

4. PRESENTATION OF PETITIONS

5. CHRISTCHURCH EARTHQUAKE MAYORAL RELIEF FUND: APPLICATIONS FOR GRANTS

General Manager responsible:	General Manager Regulation & Democracy Services
Officer responsible:	Democracy Services Manager
Author:	Sarah Owen, Mayor's Office Executive Manager

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) \$50,000 to Halswell Hall Incorporated to provide financial assistance for repairing earthquake damage to the Hall.
 - (b) \$13,350 to the Sumner Urban Design Team (SUDT) as a contribution to expenses incurred and projected in undertaking work on the Sumner Suburb Masterplan.

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. Halswell Hall is a community hall that has had extensive damage through the earthquakes. The Trust is seeking a contribution of \$50,000 towards costs of building repairs not covered by their insurance claim. Those repairs are for the upgrading of the building to comply with the present building code. This report recommends that the full amount sought be granted.
4. There are two Masterplan planning projects currently underway in Sumner, a Sumner Village Masterplan and a Sumner Suburb Masterplan. The Sumner Urban Design Team (SUDT) is contributing to both and has applied for a grant of \$149,800 to reflect work (both completed and projected) for the Sumner Suburb Masterplan. This report recommends that a lesser amount of \$13,350 be granted.

FINANCIAL IMPLICATIONS

5. Specific financial details for each project/activity are outlined in the Background section of this report. As at 28 September 2011 there was \$3,583,516 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:*
 - *remedying hardship suffered by individuals, groups, community organisations and businesses, and/or*
 - *protecting, repairing damage to or enhancing the physical fabric of the city.*

5 Cont'd

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) \$50,000 to Halswell Hall Incorporated to provide financial assistance for repairing earthquake damage to the Hall.
- (b) \$13,350 to the Sumner Urban Design Team (SUDT) as a contribution to expenses incurred and projected in undertaking work on the Sumner Suburb Masterplan.

MAYORAL RECOMMENDATION

That the staff recommendation be adopted.

5 Cont'd

BACKGROUND (THE ISSUES)

Request for Grant by Halswell Hall Inc

14. Halswell Hall is a community owned hall built in 1913 with money raised by local people on land which is believed to be donated by Sir Cecil Rhodes. It is used by Drama, Indoor Bowls, Garden, Dancing, Tai Chi, Probus, Craft, Walking, AA, Women in Motion and Tai Kwon Do Clubs on a weekly basis. Other organisations and local people also use the facility on an as needed basis or regular basis. The local Police have an office in the hall.
15. The earthquakes caused extensive damage to three of the load bearing walls of the hall, necessitating the total replacement of these three walls. The walls were made 96 years ago of bricks and the mortar has deteriorated allowing extensive cracks to the walls. Therefore, the walls no longer supply any strength to the structure. To comply with present building codes it is necessary to dismantle these walls and rebuild them. There has also been some movement of the ground but it has not caused any need for remedial work.
16. The Trust is seeking funds to cover building repairs not covered by their insurance claim. The Trust has advised that the total cost of the claim is \$786,467.31 but that their insurance only covers \$669,891.93, leaving a shortfall of \$116,575.38. This shortfall is due to the cost of upgrading the building to comply with the present building codes.
17. The Trust is seeking \$50,000 from the Mayoral Earthquake Relief Fund as a contribution to this shortfall, as they believe they can raise the remainder of \$66,000 through approaches to other organisations as well as traditional fundraising.

Request for Grant by the Sumner Urban Design Team (SUDT)

18. There are two master planning projects currently underway in Sumner.
 - **Sumner Suburb Masterplan**
 - This was initiated by the SUDT following the February earthquakes. SUDT comprises seven people with architectural and project management backgrounds.
 - This masterplan has a wide scope, extending to the esplanade, residential areas, surf reef options etc.
 - The outputs will be 'owned' by the community but may feed into Council processes (eg District Plan review, LTP submissions).
 - **Sumner Village Masterplan.**
 - The Council resolved in June 2011 to provide staff support for the 'community-led initiative in Sumner' as part of the Council's Suburban Centres Programme.
 - A Village Masterplan process has been commenced with a more narrow scope than the Suburb Masterplan, focusing on the commercial core of Sumner and upon earthquake recovery.
 - The project team is intended to comprise both Council officers and representatives of the Sumner Community Group (likely to be two to three members of the SUDT).
 - It is proposed that the output will be adopted by the Council as one of several masterplans in the Suburban Centres Programme and may lead to or inform a 'Recovery Plan' if considered necessary to support implementation.
19. The distinction between these projects is important given that the applicant for the Fund is working on both projects. The outputs from the broader Suburb Masterplan will inform development of the Village Masterplan. However, the Suburb Masterplan is a separate project and was neither proposed nor commissioned by the Council.
20. SUDT's application for assistance from the Christchurch Earthquake Mayoral Relief Fund requests \$149,800. This is for both work undertaken to date and projected for the future. The application indicates costs incurred from 1 March to 30 June 2011 were \$82,250 (of these costs, \$6,000 was spent on expenses). Projected costs from 1 July to 31 October 2011 will be \$67,550 (of these costs \$7,350 are for expenses). Of the \$149,800 sought, a total of \$13,000 is for expenses while the remainder of \$136,450 is for architectural hours.

5 Cont'd

Comment

21. The Sumner Suburb Masterplan is 75% complete. To get to this point the SUDT has had numerous meetings, working sessions/design studios, discussions, and workshops and has been using several social media tools to receive and disseminate information. The SUDT strongly believe their work is of substantial value to their community and to future generations. Many members of the wider Sumner community also appear to hold that view.
22. At meetings with Council officers on the Sumner Village Masterplan, the SUDT has verbally requested that the Council pay for the work undertaken to date on the Suburb Masterplan. It has been explained that the Council does not retrospectively pay for work that it has not commissioned.
23. There is a risk of setting a precedent for communities to do work on a voluntary basis and then requesting financial support from the Council. Staff are therefore recommending that expenses to date and projected expenses totalling \$13,350, excluding professional fees, be granted to the applicant from the Mayoral Earthquake Relief Fund. It is suggested that any professional time be reinforced as pro- bono where it has not been specifically commissioned.
24. If the Council approves a grant from the Christchurch Earthquake Mayoral Relief Fund to the SUDT, it would need to clearly specify the relevant project as being the Sumner Suburb Masterplan, rather than the Sumner Village Masterplan.

6. SYDENHAM AND LYTTTELTON SUBURBAN CENTRE MASTER PLANS

General Manager responsible:	General Manager Strategy and Planning
Officer responsible:	Programme Manager Healthy Environment, Strategic Support Unit
Author:	Mark Rushworth, Acting Team Leader Suburban Centres Programme

PURPOSE OF REPORT

1. This report seeks Council approval of the draft Master Plans for Sydenham (**Attachment 1**) and Lyttelton (**Attachment 2**) Suburban Centres for consultation. It also seeks approval for proposed steps in the public consultation process for Master Plans in the Suburban Centres Programme.
2. Separate consultation documents which summarise the Master Plans proposals and present them in a more accessible style will be tabled at the Council meeting. The consultation documents will not contain any proposals that are not in the more comprehensive draft Master Plans attached to this report.

EXECUTIVE SUMMARY

3. 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.
4. Due to the scale and nature of damage to Sydenham and Lyttelton, and the fact that regeneration work was already underway in these areas, these centres became the first in the programme to commence work on Master Plans aimed at assisting their rebuild and recovery.
5. Preparation of the Master Plans has involved considerable public consultation and participation. The Master Plans set out a Vision for the rebuild and recovery of these centres, including proposals for a spatial plan, projects and an implementation plan.
6. This report presents draft Master Plans for consultation and sets out options for the process of finalising these documents. There is no statutory requirements for hearings on the Master Plans and advantages in following a streamlined process, particularly to provide timely guidance for the rebuilding of businesses and to meet Annual Plan timelines. However, Council may decide that providing the opportunity for people to present their submission at a hearing is an important step to include.

FINANCIAL IMPLICATIONS

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

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

8. Yes, see above.

LEGAL CONSIDERATIONS

9. 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?

10. Yes, as above.

6 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. The Master Plans were not anticipated by the LTCCP or Activity Management Plans but are 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?

12. 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

13. The Master Plans are consistent with the Urban Development Strategy objectives and its implementation tool Proposed Change 1 to the Regional Policy Statement. They recognise the current hierarchy of the centres, and are consistent with the vision of enabling the central city to be the pre-eminent business, social and cultural heart of the City.
14. 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?

15. Yes, see above.

CONSULTATION FULFILMENT

16. There has been extensive consultation with the local communities, stakeholders and Community Boards during the preparation of these Master Plans. Approval of the draft Master Plans will enable a further formal stage of consultation to be undertaken.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approves the draft Sydenham Master Plan for public consultation purposes;
- (b) Approves the draft Lyttelton Master Plan for public consultation purposes;
- (c) Makes the draft Master Plans within the Suburban Centres Programme available for three weeks of public consultation;
- (d) Receives a consultation report on submissions on draft Master Plans in the Suburban Centres Programme in lieu of hearings prior to approving the final version of the Master Plans.

6 Cont'd

BACKGROUND - THE ISSUES

17. The series of earthquakes that has occurred across the region since September 2010 has caused significant amounts of damage to the commercial centres of Sydenham and Lyttelton. Both of these centres have been badly affected with the loss of many buildings, services and facilities that support the residents living around these centres.
18. The scale and concentration of the earthquake damage in Sydenham and Lyttelton, together with the loss of many historic buildings that provided the centres with so much of their character, and the underlying economic conditions that existed prior to the earthquakes indicated that a more comprehensive and co-ordinated approach would be required for the rebuild and recovery of the centres. Council approved the preparation of Master Plans for these centres as part of the Suburban Centres programme at its meeting on 23 June 2011.
19. Sydenham suffered damage from the September 2010 earthquake which resulted in the immediate demolition of the heritage listed Angus Donaldson building, later followed by the demolition of the heritage listed Greystones building. Several other sites were cleared between the September 2010 and February 2011, however many of the remaining buildings remained cordoned off due to earthquake damage including several heritage listed buildings such as the Sydenham Church and the Beverley Buildings. Negotiations were taking place with owners to progress the repairs and earthquake strengthening of these buildings. The February 2011 earthquake was devastating for Sydenham with the whole area cordoned off until the necessary sites were cleared. In total 33 sites were demolished or partly demolished and cleared and there are a remaining six sites that are awaiting demolition or confirmation of the course of action. This includes the Old Sydenham Post Office for which the owner is investigating a deconstruction in order to be able to salvage the materials for use in the rebuild. In total over 300m of building frontage along Colombo St has been lost.
20. In Lyttelton's town centre, 69 percent of the buildings had either red or yellow placards, resulting in a significant reduction in trade. Over 20 commercial and community buildings have been lost, including Volcano Café, Lava Bar, Ground, Harbour Light Theatre and Lyttelton Hotel. London Street was cordoned off for a period after 22 February while many buildings were demolished and sites cleared. While some shops have now reopened or are in the process of being rebuilt, many continue to operate out of temporary premises or remain closed with difficult development viabilities under the current District Plan provisions and an uncertain future. Many local artists, musicians and performers have also been displaced. Community facilities damaged or destroyed by the earthquakes include the Lyttelton Recreation Centre (squash meeting room), Lyttelton Service Centre, Information Centre, Police Station, Masonic Lodge, Lyttelton Plunket Rooms, Lyttelton Museum and all three churches. Forty percent of the heritage buildings have been lost, including a number of large masonry buildings which occupied commanding positions in the streetscape, having a notable impact on Lyttelton's character. There are also route security vulnerabilities for Lyttelton, access into and out of it being reliant on the Lyttelton Tunnel and roads over the Port Hills. All existing roads in and out of Lyttelton remained closed or compromised in some way for a period after 22 February. Evans Pass Rd remains closed and its future is uncertain due to rock fall risk and land instability.
21. 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

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

6 Cont'd

23. In order to achieve this the Master Plans set out a Vision for the centre. This is 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 in the future of these centres.

MASTER PLAN PROCESS

24. Council staff have worked together with consultants Urbanism Plus and the local communities in the preparation of these draft Master Plans. This has included the following five stages:

- **Project Foundation** – comprising information gathering, site visits, meeting community leaders and key stakeholders, including representatives from Lyttelton Port of Christchurch;
- **Community Engagement** – a series of Focus Groups were held with a cross section of stakeholders from each centre including elected representatives (MPs, Community Board members and ward Councillors), property owners, business operators, social and environmental groups. Public workshops were also held. Approximately 120 people attended the public workshop in Sydenham on 31 May, whilst over 300 people attended the two sessions held in Lyttelton on 1 & 2 June;
- **Inquiry by Design** – a technical workshop was held over four days between 7 – 10 June. This involved over fifty participants, with staff from across Council, external agencies including NZTA and ECan, and specialist consultants including property experts. The workshop was held in a vacant retail unit within The Colombo mall in Sydenham enabling members of the public to see the planning process in action. Through an integrated and iterative process the workshop took the base information for each of the centres and the ideas from the public consultation and developed, tested and refined options to generate the initial concepts for the Master Plans.
- **Community Feedback** – between 21–23 July community presentations were held to provide information on the emerging concepts and options. This information was also made available on the Council's web site and through Service Centres and other local venues. The public was asked to provide feedback which would help to steer and further refine the plans. These sessions were again well attended and generated 35 written responses on the Sydenham plan and 145 on the Lyttelton plan. Following the presentations the Sydenham Business and Community Association undertook its own planning and review process and provided a report of its findings to the project team. The Lyttelton-Mount Herbert Community Board facilitated a meeting between local design professionals and the Master Plan project team.
- **Documentation** – this stage focused on development of the draft Master Plan. Analysis of the community feedback was undertaken and further technical evaluation of the concepts occurred. The concepts were translated into actions and an implementation plan was developed.

25. This approach is now being used as a template for the preparation of the other Master Plans in the Suburban Centres Programme.

KEY ISSUES AND PROPOSALS

26. The following paragraphs outline the main issues and proposals that have emerged for each of these centres.

Sydenham

27. 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 wanted to break free from the perception that Sydenham was old and run down and just a place to pass through. They wanted Sydenham to be seen as a destination for visitors from a wider area, for attractions such as markets, music & language schools and museums etc.

6 Cont'd

- A strong desire to build on the industrial heritage of Sydenham and highlight the area as a place of business start ups and artisans, the home of kiwi ingenuity, by reclaiming the Old Sydenham Borough Council motto of "Deeds not Words" .
 - The community wanted a better pedestrian environment that improved safety for all users and made the public spaces more inviting by providing informal green meeting spaces, street trees and provide better lighting for safety.
 - Improved access into the area from both north and south with better pedestrian access over Brougham Street and to mark these entrances with gateways to identify Sydenham with particular emphasis on the Southern entrance reflecting the history of the Sydenham Church and Old Post Office.
 - Better use of the existing public spaces especially Buchan Park and providing a better relationship and access from Colombo Street or looking into the option of providing a town square to create a Heart to Sydenham.
 - A desire to see a mix of uses within the area including retail, office and residential in addition to entertainment to create activity in the area after normal office hours.
 - The issues of traffic and transport were important to the community with the need to balance out the need for all modes of transport to pass through the area to the Central City but with the desire to ensure that being able to stop and visit the area was the main purpose rather than to pass through as quickly as possible, this included the removal of the bus priority previously proposed and the rationalisation of parking within the side streets for longer term visitors but to stop the area being a commuter car park for Central City workers.
 - To see the development of the KiwiRail B Shed and the old Sydenham School sites as major contributors to the economy of the area and which currently detract from the area.
28. The planning process has taken in account the desires and aspirations of the local community in the formulation of the main proposals for the Draft Sydenham Master Plan. The key elements of the plan are as follows:
- To assist the Sydenham Business and Community Association in partnership with Recover Canterbury to produce a Love Sydenham Marketing campaign.
 - To assist in restoring the social hubs such as the Post Office and the Sydenham Church whilst investigate the location of other community facilities to establish themselves in the area.
 - Investigate remodelling of Buchan Park to enhance use and increase potential for adjacent residential/mixed use development. It is recognised that there might be issues associated with residential development occurring in or close to B3 zones. This issue is no different to other areas of the city where there is an interface between living and business zones, and there are examples such as the Sydenham Square development where it has been possible to achieve resource consent to facilitate redevelopment. It is likely that this proposal would require a District Plan Change, and that existing use rights would likely impact the pace of change. These matters can be addressed in detail through the plan change process.
 - To assist in the recovery by undertaking a pilot redevelopment project of a site within multiple ownership.
 - Assist in the development of the Old Sydenham School site and the KiwiRail B shed site to ensure quality design of development and attract suitable use.
 - To investigate and implement a transport solutions that allow for all modes of transport to co-exist within a slower, safer and more attractive street environment by encouraging through traffic to seek other routes and provide safe and convenient parking for the users visiting the centre.
 - The greening of Colombo Street and provision of a safer pedestrian environment with buildouts, improved lighting and crossing facilities both to and from and within the area, such as improved crossings facilities at the Brougham Street junction.
 - Providing more informal green meeting spaces by acquiring land or setting back buildings and by rationalisation of the existing green spaces to make better use of them or replace them and link them into Colombo Street.
 - To provide gateway treatment to the north and south entrances to help identify the area as unique and build on its identity and reflect its history.

6 Cont'd

- To work with landowners, Greening the Rubble and Gap filler to create temporary landscapes to retain the vitality of the area during the rebuild period.
- Providing dedicated Council resources to aid property owners through the redevelopment process by appointing a Sydenham case manager.
- To provide urban design and character guidance for property owners looking to rebuild in the area to achieve quality urban outcomes appropriate to the local area.
- Look to make necessary changes to the City Plan to support the rebuild of the centre around parking provision, proposed uses and new mixed use development.

Lyttelton

29. The following community concerns and aspirations arose from initial consultation with the Lyttelton community, including through a preliminary community consultation meeting led by the Lyttelton/Mt Herbert Community Board:

- More public amenities and gathering spaces, including green spaces, a town square, a large community meeting space for events, performance, film and general use (including to provide employment for Lyttelton performers) and an imaginative state-of-the-art playground.
- Temporary accommodation for the Lyttelton Toy Library and permanent shared facilities with Plunket.
- Repair and restoration of infrastructure and community facilities, including restoration of the red volcanic rock retaining walls.
- Telco infrastructure which allows high-speed wireless internet access across the town centre.
- The re-routing of heavy, port-related traffic off Norwich Quay and provision of public access to the inner harbour waterfront as soon as possible.
- An inner harbour waterfront that is a destination in its own right but which doesn't compete with London St.
- To make the most of what heritage fabric remains.
- New buildings and pedestrian laneways (particularly between London St and Norwich Quay) built in a style which fits the former architectural character and quirkiness of the town, but rebuilt with affordability, sustainably, resilience and the future generation in mind.
- Recognition of Ohinehou fishing village and interpretative plaques on new buildings to show what used to be there.
- More local art.
- Maintenance of and provision for access to sunlight and views of the water and crater rim.
- Revitalised retail, including through getting businesses back up and running quickly, building certainty and making sure people and displaced businesses and community groups come back to Lyttelton.
- Maintenance of the Lyttelton Farmers' Market and (relocated) museum.
- Strengthening the tourism and destination appeal of Lyttelton through facilities such as a cruise ship terminal, reopening of Grubb Cottage as soon as possible and a combined community museum.
- A 'financial recovery in hard times' workshop for business people.
- District Plan (particularly on-site parking) provisions unsupportive of architecturally sensitive and economically feasible redevelopment.
- A design advice fund to provide free architectural advice to building owners.
- Establishment of a Lyttelton design and advisory committee to review resource consent applications.
- A plan for the renewal of Lyttelton Town Centre developed with genuine community participation and incorporating many of the suggestions made by the community.
- An assessment of the environmental effects of proposed reclamation using demolition rubble.

6 Cont'd

30. In response, the key elements of the Draft Lyttelton Master Plan are:
- Better utilisation of public space, including a new multifunctional civic square which provides for a children's playground and relocation of the cenotaph; a rooftop park above the library which enables public views of the harbour from London St; enhancements to London St (through a review of parking utilisation and standards) and the existing pool garden.
 - London St to Norwich Quay pedestrian linkages and interface for additional commercial opportunities.
 - Arts precinct and performance/film venue in the Donald St vicinity.
 - Identification and assistance towards retention of the remaining built heritage, including the red volcanic rock retaining walls and Lyttelton Museum.
 - Provision of a second public toilet.
 - Possible temporary accommodation of activities such as Plunket, the toy library and play centre in a Council-owned building adjoining the recreation centre.
 - Investigations necessary to establish broadband wireless (WiFi) access within the town centre.
 - Encouraging realisation of the Head to Head Walkway along Norwich Quay.
 - Interim small scale and appropriate (to its movement function) amenity enhancements within the kerb to Norwich Quay and a Heads of Agreement with the Lyttelton Port Company, NZTA and community to agree and progress the commitment to re-routing of heavy, port-related traffic off Norwich Quay and provision of public access to the inner harbour waterfront.
 - Creating uniquely Lyttelton public spaces that highlight the area's special landscape features and Maori and Pakeha history and identity, through building design, public art and signage, etc, including Ohinehou, the Bridle Path, etc.
 - A uniquely Lyttelton marketing and attraction campaign and Lyttelton-specific case manager.
 - An information workshop for affected property and business owners.
 - A creative hub of affordable workspace.
 - Development-supportive amendments to the District Plan provisions, including design guidance and height, sunlight and on-site car parking requirements.
 - Inclusion of appropriately qualified local design professionals on the existing Urban Design Panel.
31. Copies of the draft Master Plans are included as attachments to this report (Attachment 1: Sydenham, Attachment 2: Lyttelton). These provide the full details of the issues and proposals and outline the options that have been considered as part of the process. These documents still require redesigning for publication. This will be done once the content has been approved.
32. At the time of writing this report consultation documents that summarise the draft Master Plans proposals are also in preparation. These will be tabled at the Council meeting. They will be presented in a user friendly format to enhance community engagement during the final consultation stage.
33. It is not currently proposed that requests be made to CERA for either of these Master Plans to become formal recovery plans. Other options exist to assist their implementation. Further consideration can be given to the potential use of the CERA legislation following evaluation of the feedback on the draft consultation plans.

6 Cont'd

CONSULTATION

34. As outlined in paragraph 24 above, considerable consultation has been undertaken with the local communities during the preparation of these draft Master Plans. Whilst this has generally been well received, some people are still seeking greater participation and engagement in planning process. It is acknowledged that achieving a sense of community ownership is an important part of a successful plan. Response from the community feedback stage shows a high level of support for the proposals, and amendments to the draft plans have been made in the light of some of the comments received. However, there is also a need to ensure that the planning process is expedient, enabling the community to progress with recovery. It is particularly important that building owners and business operators are able to understand the opportunities that exist, and how these might be achieved in a collaborative way working with others as part of the rebuild and 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.
35. There are two key decisions for Council in respect of this final round of consultation. These relate to the period over which consultation will occur, and whether or not to hold hearings on the submissions received.
36. The consultation period needs to allow sufficient opportunity for the community and stakeholders to consider the draft proposals. Given that the level of engagement during the preparation of the draft plans, it is considered that this could be kept to a short timeframe of three weeks. This would enable swift progress to finalising the plans. 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 centres during this consultation period.
37. Normal practice for plans of this nature is to hold hearings on submissions. There has been some interest expressed in this approach from sectors of the community, including Lyttelton Community Association. However, there are a number of circumstances that may justify a more streamlined approach for this programme. The hearing process will add extra time to finalising the Master Plans. This is an important consideration within the current situation where there is some urgency in getting rebuilding and recovery underway. Some property owners have indicated that they are keen to progress their plans for rebuilding but are wanting to see the final Master Plan so that they can understand the context within which this will occur. Some of the actions identified in the Implementation Plan can provide a further opportunity for consultation on specific aspects of the plans, thereby enabling interested parties another means of engagement prior to the details being finalised. In terms of administering hearings, this will place additional demands on Councillors and Council resources in an already busy period. This would result in resources being diverted away from progressing implementation and the support available through case management. It also needs to be born in mind that the Master Plans are only one of many processes that are currently underway to assist rebuild and recovery. As such, there is a risk of engagement fatigue within communities that have been significantly affected by the earthquakes.
38. An alternative to hearings is to produce a consultation report that summarises the comments received, provides analysis of the issues and makes recommendations as to how the plans should be amended. This would accompany the revised plans when they are brought back to Council via the Community Board for approval. As a non-statutory planning process there is no requirement to hold hearings for submissions on Master Plans. It should be noted that if it is determined that the Master Plans should form formal Recovery Plans, under the CERA Act, hearings are optional.

27. 10. 2011

6 Cont'd

39. For Sydenham and Lyttelton a three week consultation period during November, with no hearings would enable analysis of the responses and preparation of amendments to the draft Master Plans in December, with the revised plans being brought back to Council via the relevant Community Boards in February. An important consideration is that this will enable the proposals set out in the Master Plans to be taken into account in the next Annual Plan round.

7. PLAN CHANGE 44 - LISTING OF THE LOWLAND KAHIKATEA FOREST REMNANT, (RICCARTON BUSH) AS A CATEGORY 2 NOTABLE GROUP OF TREES. – FINAL APPROVAL

General Manager responsible:	General Manager Strategy and Planning
Officer responsible:	Programme Manager District Planning
Author:	David Punselie, Assistant Planner

PURPOSE OF REPORT

1. This report seeks Council approval to make operative the changes to the City Plan introduced by a decision on Plan Change 44, The Listing of the Lowland Kahikatea Forest Remnant, (Riccarton Bush) as a Category 2 Notable Group of Trees.

EXECUTIVE SUMMARY

2. Plan Change 44 is a Council initiated change that seeks to provide the lowland kahikatea forest remnant area commonly known as Riccarton Bush with better protection from the effects of external activities. While the forest remnant is well protected from within through a Conservation 1 zoning and an ecological heritage site status, there are no mechanisms protecting it from the external threats posed by peripheral urban development occurring along its legal boundaries. These potential threats include damage to trees and/or their root systems, negative effects of impervious surfaces on the soil moisture content and aeration, shading of trees and the surrounding vegetation by buildings, fire risk, chemical spray drift and reverse sensitivity associated with leaf and branch litter, wind throw and shading by trees.
3. The plan change adds the entire forest remnant enclosed within the predator proof fence, as well as a kahikatea tree growing close to the north-west legal boundary of the reserve, to Appendix 4 – Heritage/Notable Trees in Part 10 of the City Plan. The protected trees provisions in Part 10 are also amended to include specific reference to the forest remnant. The rules applicable to Category 2 – Notable trees - seek to protect the listed or groups of trees and their roots from development and other activities, which have the potential to cause damage to the trees. Resource consent for a restricted discretionary activity would be required for any proposed development within 10 metres of the predator fence surrounding the forest remnant.
4. Public notification of the plan change in June 2010 attracted 10 submissions. A hearing was conducted on 30 May 2011 before Commissioner Ken Lawn. His recommendation that the Plan Change be adopted with some modifications was accepted by the Council on 28 July 2011. A copy of the plan change as modified is **attached** to this report.
5. No appeals were lodged against the decision. As the matter is now beyond challenge the Council can take the necessary steps to make operative the changes introduced by this plan change.

FINANCIAL IMPLICATIONS

6. There are no direct financial implications.

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

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

LEGAL CONSIDERATIONS

8. The recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by the Council's decision on Plan Changes 44. The Resource Management Act 1991 requires that, following the closing of the appeal period and the resolution of any appeals, the Council must formally approve the changes to the plan under clause 17 of Schedule 1 before the plan change becomes operative on a date that is nominated in a public notice of the Council's approval. As the appeal period has closed and no appeals were lodged against the Council's decision this plan change has now reached the stage where it can be made operative.

7 Cont'd

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

9. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with District Plan Activity Management Plan.

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

11. Yes. Supports the project of processing plan changes in compliance with statutory processes and time frames.

ALIGNMENT WITH STRATEGIES

12. Not applicable.

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. Approval of changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 is a procedural step that does not require consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the Council's decision on Plan Change 44 - Listing of the Lowland Kahikatea Forest Remnant, (Riccarton Bush) as a Category 2 Notable Group of Trees.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 44 become operative.

8. **ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT (RICCARTON/ILAM) BYLAW 2011 HEARINGS PANEL REPORT**

Author:	Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 Hearing Panel
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PURPOSE OF REPORT

1. This is the report of the Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 Hearings Panel (the Panel). It summarises the submissions received on the proposed Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 (proposed Amendment Bylaw) and contains recommendations from the Panel to make minor alterations to the proposed Amendment Bylaw in certain respects, as well as other recommendations related to matters outside of the Amendment Bylaw. The proposed Amendment Bylaw (with the recommended changes highlighted) is included with this report as **Attachment 1**, and a final version of the Bylaw recommended for adoption is included as **Attachment 2**.

EXECUTIVE SUMMARY

2. The purpose of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (2009 Bylaw) is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by placing restrictions on alcohol in some public places. The proposed Amendment Bylaw amends the 2009 Bylaw to create a new Permanent Alcohol Ban Area for Riccarton/Ilam.
3. At its 28 April 2011 meeting, the Council declared a temporary alcohol ban area in Riccarton/Ilam that would apply 24 hours per day and seven days per week, commencing on 19 May 2011 and ending on 30 November 2011.
4. On 23 June 2011 the Council resolved that a special consultative procedure should be undertaken on an amendment to the 2009 Bylaw to add a permanent alcohol ban area for Riccarton/Ilam. Submissions on the proposed Amendment Bylaw were open between 8 July and 10 August 2011. There were 92 submissions received during the consultation period, with one submitter providing a revised submission. Of the 91 submitters, 74 (81.3 per cent) support the Amendment Bylaw in whole or in part and 17 (18.7 per cent) oppose it. Although seven submitters initially requested to be heard by the Panel in support of their submissions, three withdrew prior to the hearings. The hearings were held on 1 September 2011. The Panel was chaired by Councillor Claudia Reid, and the Panel members were Councillors Helen Broughton, Tim Carter, Jimmy Chen, and Aaron Keown.
5. The Panel recommends that:
 - The Council adopt the proposed Amendment Bylaw (with minor changes).
 - Give notice as soon as practicable that the Amendment Bylaw has been adopted, if the Council adopts the Amendment Bylaw.
 - The Council resolve to undertake a non-statutory review of the permanent alcohol ban in the Riccarton/Ilam area two years after the Amendment Bylaw is adopted.
6. Some changes are recommended to the proposed Amendment Bylaw as a result of submissions, as follows:
 - Correct the title of the bylaw to Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011.
 - Add the words "as indicated on the map below" to Schedule 1.
 - Modify the area description in Schedule 1 to add the words "including University Drive but excluding the other private roads on University of Canterbury property".

8 Cont'd

7. Other suggested changes are to the wording of some clauses and explanatory notes in the proposed Bylaw. No changes (from what was proposed) are recommended to either the Alcohol Ban Area or the times or days during which the restrictions will apply. The suggested changes are referred to in more detail throughout this report, and a full copy of the proposed Bylaw, with the changes indicated, is attached as Attachment 1. The Panel also recommends to the Council that it takes several other steps relating to issues arising out of submissions. These are referred to throughout this report and in the recommendations section at the end of the report.

DEVELOPMENT OF PROPOSED AMENDMENT BYLAW

8. Following the 22 February 2011 earthquake many parts of the city were seriously damaged and the majority of the central city was cordoned off. In regards to alcohol, central city bars and other drinking establishments were inaccessible. Police have identified a very clear trend where patronage of bars has moved to a number of surrounding suburbs, including Riccarton/Ilam. As a consequence, Police requested Council impose a temporary alcohol ban in these areas.
9. At its 28 April 2011 meeting, the Council declared a Temporary Alcohol Ban in Riccarton/Ilam that would apply 24 hours per day and seven days per week, commencing on 19 May 2011 and ending on 30 November 2011.
10. At the 26 May 2011 Council meeting, the Council resolved that staff should undertake an analysis of the need for a permanent alcohol ban area in Riccarton/Ilam in accordance with section 155 of the Local Government Act 2002. In order to add new Permanent Alcohol Ban Areas the Council must amend the 2009 Bylaw. This is because the 2009 Bylaw sets out the Permanent Alcohol Ban Areas in the Schedule of the Bylaw. Similarly, in order to change any aspects of the current Permanent Alcohol Ban Areas, the Council must use the special consultative procedure as these form part of the 2009 Bylaw.
11. At the 23 June 2011 Council meeting staff reported on the section 155 analysis. The analysis determined that adding the Riccarton/Ilam area to the Schedule of Permanent Alcohol Ban areas, which must be done through an amendment to 2009 Bylaw, would be an effective tool to manage the potential downstream effects of alcohol in public places in Riccarton/Ilam.
12. On 23 June 2011, Council resolved that:
 - A special consultative procedure on the proposed Amendment Bylaw should be undertaken;
 - A hearings panel should be appointed to hear submissions; and
 - The hearings panel should report back to Council on the matter in October 2011.

CONSULTATION AND SUBMISSIONS

13. A special consultative procedure on the proposed Amendment Bylaw was undertaken from 8 July to 10 August 2011.
14. The consultation process was publicly notified in The Press and other local print publications and as well as the Council web site. In addition, letters were sent to residents in the proposed alcohol ban area.
15. A summary document, including a submission form, was available at Council facilities. In addition, a public consultation portal was provided on the Council's Have Your Say web pages. An online version of the submission form was also provided through the Have Your Say page.

8 Cont'd

16. Submissions were received via the Council's Have Your Say web site, email, and hard copy submissions. There were 92 submissions received during the consultation period. One of the submissions was a revision of an earlier submission made by the same individual, so the total number of submitters was 91. Of the 91 submitters:
- 77 were individuals
 - 5 were residents' associations¹
 - 2 were community boards²
 - 7 were organisations³
17. Out of the 91 submitters, 74 submitters (81.3 per cent) supported the Amendment Bylaw in whole or in part and 17 submitters (18.7 per cent) opposed it.
18. The Panel met to hear oral submissions and consider written submissions on 1 September 2011 at the Beckenham Service Centre.
19. Although seven submitters initially requested to be heard by the Panel in support of their submissions, three withdrew prior to the hearings. Two of the submitters that appeared before the Panel largely reiterated the points made in their written submissions. Two submitters provided some additional information, with the representative of the Central Riccarton Residents' Association providing some photographs of disturbances in the Riccarton/Ilam area, and the representatives of the New Zealand Police providing current crime statistics of the area.

SUMMARY OF SUBMISSIONS

20. Of the 91 unique submissions, the majority of submissions provided one or more reasons for the submitters' positions on the matter. Approximately one-quarter of the submissions were brief and indicated support for or opposition to the propose Amendment Bylaw without elaborating on the reasons. A few submissions included additional comments not directly applicable to the proposed Amendment Bylaw.
21. 68 submitters (74.7 per cent) fully supported the proposed Amendment Bylaw. The table below summarises the reasons given by submitters who support the proposed Amendment Bylaw

Reason	Number of submitters*
Street disturbances/littering/vandalism due to alcohol	27
No reasons were provided	20
Temporary alcohol ban has improved public safety	19
Migration of bar district to Riccarton post-earthquake exacerbated problem	6
Alcohol ban provides effective tool to manage problem	6
Bylaw makes it easier to maintain law and order, ensure safe streets	3
Alcohol ban promotes responsible drinking	2
Those causing disturbances need to understand it is not acceptable	1

* Note: Some submitters provided more than one reason for their positions.

¹ Upper Riccarton/Ilam Neighbourhood Support, Central Riccarton Residents' Association Inc, Templeton Residents Association Inc, Hamilton Ave & Otara St Residents Association, Community Watch Riccarton Inc.

² Fendalton/Waimairi Community Board, Riccarton/Wigram Community Board.

³ Residents of 71 Matipo St, University of Canterbury Students' Association, University of Canterbury, New Zealand Police (Hornby), unnamed organisation (65 persons), unnamed organisation (unknown number of persons), unnamed organisation (6 persons).

8 Cont'd

22. 6 submitters (6.6 per cent) indicated partial support for the proposed Amendment Bylaw. The table below summarises the reasons provided in the submissions that partially support the proposed Amendment Bylaw.

Reason	Number of submitters*
Support a ban, but offending should not be criminal offence; offenders should get ticket or be fined instead	3
Should not be 24-hr ban; consider evening/early morning only	2
Concerned over applicability to private roads	1

23. 17 submitters (18.7 per cent) did not support the proposed Amendment Bylaw 2011. The table below summarises the reasons submitters gave for their opposition to the proposed Amendment Bylaw.

Reason	Number of submitters*
Restricts people's freedom (e.g., people should be able to enjoy wine at a picnic)	12
Bylaw is heavy handed approach	7
Will not be effective	4
Public disturbances not necessarily alcohol-related	3
Existing legislation already exists to allow for prosecution of antisocial behaviour	3
No reasons were provided	1
Alcohol bans in limited areas only push problem elsewhere	1
No more need to have permanent alcohol ban in this residential area than any other residential area in Christchurch	1
No evidence that temporary ban has been effective	1
A criminal conviction is disproportionate to the offence of having alcohol in a public place	1
The right to search people in the ban area is disproportion to the possible offence	1

* Note: Some submitters provided more than one reason for their positions.

COMMENTS ON PROPOSED AMENDMENT BYLAW

Need for a permanent alcohol ban in Riccarton/Ilam

24. Some submitters suggested that a permanent alcohol ban is not needed, for reasons such as:
- A permanent ban would not be effective.
 - Legislation already exists to allow for prosecution of anti-social behaviour.
 - An alcohol ban in Riccarton/Ilam would only push the problem to another area.
 - There isn't evidence that the temporary ban has been effective.
25. A significant majority of submitters supported a permanent alcohol ban in Riccarton/Ilam, because:
- The temporary alcohol ban has had a positive effect.
 - A permanent alcohol ban would be an effective tool to manage anti-social behaviour due to alcohol.
 - The problems that existed in the area prior to the earthquake have been exacerbated with a migration of entertainment areas from the central city to Riccarton/Ilam.

8 Cont'd

26. The Police commented that an alcohol ban is one tool to assist Police in dealing with alcohol-related problems.

The Panel's response

27. The Panel considered that there could be three possible courses of action; that:
- The temporary alcohol ban could be allowed to lapse.
 - The temporary alcohol ban could be extended.
 - The 2009 Bylaw could be amended to include a permanent ban in the Riccarton/Ilam area.
28. With respect to pursuing an extension to the temporary alcohol ban area, the Panel heard legal advice that:
- There would have to be a sound legal basis for an extension.
 - A temporary alcohol ban area is not intended to be a long-term response.
 - An extension might be viewed as a circumvention of the public consultation process required to create a permanent alcohol ban.
29. The Panel also received legal advice that a six month time frame is a reasonable period of time for a temporary alcohol ban area and should be of sufficient duration to determine whether a permanent alcohol ban might be needed. The temporary alcohol ban area for Riccarton/Ilam is due to expire on 30 November 2011, six months after it was adopted.
30. The Panel considered the strong support from submitters for a permanent alcohol ban. The unanimous view of the Panel is that there is a demonstrated need for a permanent alcohol ban in Riccarton/Ilam, and therefore recommends that the Council adopt the proposed Amendment Bylaw (with recommended minor changes).

Need for review of a permanent Riccarton/Ilam alcohol ban

31. The Riccarton/Wigram Community Board, in its submission in support of a permanent alcohol ban, recommended that the Council undertake a review of the ban 12 to 18 months after the Amendment Bylaw is adopted. The review could examine both the effectiveness of the Permanent Alcohol Ban and whether the current alcohol ban area is needs to be adjusted.

The Panel's response

32. The Panel heard advice from staff that the Local Government Act 2002 requires councils to review their bylaws, with the first review of a bylaw to be undertaken no more than five years after the bylaw is adopted. Thereafter bylaws are on a 10-year review cycle.
33. The Panel discussed whether a non-statutory review of the Amendment Bylaw (if adopted) should be recommended, and, if so, the time frame in which a review should occur. There was general agreement that a review of the permanent alcohol ban area in Riccarton/Ilam should be undertaken two years after the Amendment Bylaw is adopted, and that the review should be a study of the effectiveness of the alcohol ban and the boundaries of the alcohol ban area.
34. The Panel recommends that the Council undertake a non-statutory review two years after the permanent ban has been in effect.

Area to be covered by Ban

8 Cont'd

35. Three submitters proposed additions to the alcohol ban area. The areas suggested differed somewhat, but all comprised several blocks to the west of the proposed alcohol ban area. The additional areas suggested were:
- Grahams-Avonhead-Middlepark-Craven-Watts;
 - Avonhead-Parkstone-Brodie;
 - Yaldhurst/Peer-Yaldhurst/Avonhead-Johns-Memorial-Greers
36. The Police commented that the alcohol ban area in the proposed Amendment Bylaw, which is the same as the Temporary Alcohol Ban area, is a simple, well-defined area that eliminates confusion over the area covered by the alcohol ban. They recommended keeping the current alcohol ban area.

The Panel's response

37. The Panel considered whether the Amendment Bylaw should include an extended area, additional to the area for which the special consultative procedure was undertaken. The Panel heard legal advice that the substantial size of the additional areas proposed by submitters would not be minor and that an alteration of the alcohol ban area would therefore require further public consultation.
38. The Panel also considered that the temporary alcohol ban area covers the same area as the area in the proposed Amendment Bylaw.
39. The Panel concluded that the alcohol ban area should remain as proposed in the Amendment Bylaw.
40. The Panel agreed that a study of the need for an extension to the permanent alcohol ban area could form part of the review of the Amendment Bylaw.
41. A technical modification to the wording of Schedule 1 was suggested by legal staff, to add the words "as indicated on the map below" so that it would be consistent with the schedules in the 2009 Bylaw. The Panel agreed with this change, and recommends that Schedule 1 be amended accordingly.

Hours that the alcohol ban is in effect

42. The hours of the alcohol ban in the proposed Amendment Bylaw are 24 hours a day, seven days a week. Four submissions suggested that the alcohol ban should be limited to evening and early morning hours only, with some variations in the hours proposed. The submitters felt that this would enable people to enjoy alcohol in public places, such as for picnics and community social events, at earlier times of the day. The hours suggested for the ban are as follows:
- 5pm to 9am;
 - 8pm to 9am;
 - 9pm to 9am; and
 - evening "from when the streetlights go on".
43. The Panel noted that the current temporary alcohol ban area in Riccarton/Illam is in effect 24 hours a day, seven days a week. The Panel heard views that a 24-hour daily alcohol ban is straightforward and uncomplicated, and that the Police supported this coverage for the ban area.
44. The Panel agreed that a 24-hour daily alcohol ban avoids confusion concerning when the ban applies, and that the hours should not be changed. The Panel recommends that a permanent alcohol ban area for Riccarton/Illam is in effect 24 hours a day seven days a week as proposed during the public consultation.

8 Cont'd

Exceptions to the alcohol ban for some venues

45. In its submission supporting the Amendment Bylaw, the Fendalton/Waimairi Community Board suggested that the entire grounds of Riccarton House and Mona Vale should be covered by their respective liquor licenses, so that members of the public consuming alcohol in the portions of both venues not covered by their current liquor licenses would not be in breach of the Amendment Bylaw.

The Panel's response

46. The Panel heard from the Police that they would be using discretion in applying the Amendment Bylaw, and that they would follow their practice of verbal requests to comply and a pre-warning process where appropriate.
47. The Panel was informed that:
- Licensed areas are exempt from alcohol bans under the 2009 Bylaw.
 - One-off special liquor licenses for events can be obtained for events at these, and other, venues, where coverage of existing liquor licenses do not otherwise extend.
 - Riccarton House is owned by a trust. It is not a public place and is therefore not subject to the alcohol ban.
48. The Panel concluded that it would not be necessary to exclude unlicensed areas of Riccarton House, which as noted is not covered by the ban anyway, or Mona Vale from the alcohol ban area, and recommends against excluding these venues from the alcohol ban area. The Panel also recommended the addition of an explanatory note that provides guidance on special liquor licenses for one-off events in public places.

Applicability of the alcohol ban to University roads

49. The University of Canterbury noted in its submission that section 147 of the Local Government Act 2002 (LGA 2002) states that public place "includes a road, whether or not the road is under the control of a territorial authority". The University of Canterbury submitted that University-owned land, including roads on University property, should not be subject to the alcohol ban, other than University Drive.

The Panel's response

50. Staff advised the Panel that all of the roads on University property are private roads.
51. The Panel heard legal advice that the LGA 2002 does not define the word "road" although other statutes such as the Land Transport Act 1998 define "road" in a relatively wide way. Some of the roads going through University property could be viewed as accessways rather than roads. The Panel was also advised that the Council has some discretion concerning the applicability of the alcohol ban over private roads, in that the Council could determine to exclude those roads from the application of the bylaw.
52. The Panel supported the University's request to exclude roads on University property other than University Drive, and recommends that the Amendment Bylaw specify that the alcohol ban applies to University Drive but not the other private roads on University property.

Need for definition of open container

53. One submitter commented that a partially consumed container that is being taken from one location to another, such as carrying a bottle of wine that had been opened from a BYO restaurant, should not be subject to the alcohol ban, and that the Amendment Bylaw should define "open container".

8 Cont'd

The Panel's response

54. The Panel considered the issue of "open" containers. The Panel was advised that LGA 2002 addresses unopened containers but not open containers.
55. The Panel heard from the Police that they will exercise discretion with respect to partially consumed containers which are capped, closed or otherwise sealed.
56. The Panel concluded that it was unnecessary to define open container in the Amendment Bylaw.

Criminality

57. Several submitters suggested that the penalty for breach of the Amendment Bylaw was too harsh, and that breaches of the Amendment Bylaw should incur a fine only.
58. The Police stated that they use their discretion in the enforcement of alcohol bans. They have initiated a pre-warning process, in which offenders are arrested and receive a warning but are not prosecuted. The Police are also instituting a new Neighbourhood Policing Team initiative aimed at improving public safety in targeted areas.

The Panel's response

59. The Panel received legal advice that the issue of criminality is set under the LGA 2002.
60. The Panel concluded that there is no need to change the Amendment Bylaw. The Panel recommends that the Council should take note of the following matters regarding enforcement of the Amendment Bylaw; that:
 - With respect to the penalties, these are established under the LGA 2002.
 - The Police are utilising a pre-warning process for initial offences of the alcohol ban.
 - The Police are establishing new Neighbourhood Policing Teams.
 - When the Alcohol Reform Bill is enacted, there will be an infringement notice regime for breaches of a liquor control bylaw such as the 2009 Bylaw.

Signage

61. The Fendalton/Waimairi Community Board commented that excess signage can be visual pollution and asked that signs, which would be needed for the permanent alcohol ban, utilise existing sign posts.

The Panel's response

62. The Panel agrees and recommends the use of existing sign posts as much as possible for signs needed for the permanent alcohol ban.

8 Cont'd

COMMENTS NOT DIRECTLY CONCERNED WITH THE PROPOSED AMENDMENT BYLAW

Non-family accommodation

63. The Central Riccarton Residents' Association expressed concern over the high density caused by non-family rental accommodation. They argue that owners of the rental accommodation are not exercising a reasonable duty of care to tenants or the community and that the high density resulting from the accommodation exacerbates problems in the area, for example student activities spill out onto roads and public spaces. There are also concerns over rental of individual rooms that are not covered by legislation governing motels etc.

The Panel's response

64. The Panel recommends that when the Council undertakes the review of the City Plan the issue of non-family accommodation and the issue of individual room rentals are included in light of the high density that these accommodations can create.

Waste and recycling bins

65. The Police noted that the presence of rubbish and recycling bins at the kerbside during evening hours provide a temptation to trouble-makers. There have been incidents in which Police and residents have been struck with bottles and rubbish taken from recycling and rubbish bins.

The Panel's response

66. The Panel heard that changing the collection day in Riccarton/Ilam would be extremely expensive as it would require a change not only in this area but other parts of the city as well. A later collection time, along with a later time in which the residents would be expected to place bins on the street for collection, may be a less costly option.
67. The terms and conditions for the Council's kerbside waste and recycling collection states that "[b]ins are to be placed for collection ... prior to the collection starting in that area (the standard collection day starts at 6:00 am) and no earlier than 5:00 pm on the day before collection....The Council may direct that any other times will apply to the placement or removal of bins."⁴
68. The Panel recommends that the Council work with the Police to determine whether a cost-effective solution to the timing of rubbish and recycling collection in Riccarton/Ilam can be achieved.

University-community relations

69. The Panel heard differing views concerning the relationship of the University of Canterbury with the Riccarton/Ilam community and the Police. There was agreement that there needed to be active dialogue between the University, the community, the Police and other stakeholders. The Panel heard that an Ilam Community Safety Joint Working Party agreed to by Council resolution on 26 August 2010⁵ had been stalled due to the earthquakes.

The Panel's response

70. The Panel noted the desirability of the Council developing an improved relationship with the Canterbury University Council. There are a number of issues of mutual interest to be discussed currently. The Panel recommends therefore a formal meeting between the Council and the Canterbury University Council to discuss a range of matters.

⁴ Kerbside Collection and Waste Collection Points Terms and Conditions, Clause 9 (i) and (iii), as approved by the Council 19 December 2008.

⁵ 19. (g) Recommends that the Council establishes and administers an Ilam Community Safety Joint Working Party with the attached membership and terms of reference.' The membership was to comprise: 1 City Councillor from Riccarton/Wigram Ward (possible Chair), 1 City Councillor from Fendalton/Waimairi Ward, 1 Community Board member from Riccarton/Wigram and Fendalton/Waimairi Wards, NZ Police Southern Area Commander or his nominee, University of Canterbury Vice Chancellor or his nominee, UCSA President or his/her nominee, 2 local residents (to be selected by the Working Party).

8 Cont'd

71. The Panel recommends that the Ilam Community Safety Joint Working Party, agreed to by the Council in August 2010, be established.

WIDER COMMUNICATION OF THE BAN

72. The Panel considered the need to communicate the alcohol ban to the public. It was suggested that in addition to signage to indicate the hours and area of the alcohol ban (displayed as per the recommendation in clause 62) and the publication of a public notice:

- Information on the alcohol ban is sent to each submitter.
- Brochures on the alcohol ban are available at Council facilities and the University of Canterbury.
- Menus in bars include information about the alcohol ban.
- Stencilled notices concerning the alcohol ban are added to footpaths within the ban area

LEGAL CONSIDERATIONS

73. A bylaw Hearing Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions⁶. The Council can then accept or reject those recommendations, as it sees fit. However, section 82(1) (e) of LGA 2002 states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making".⁷
74. Section 157 of the LGA 2002 requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect.
75. The Legal Services Unit considers that the form of the Bylaw, as proposed in this report, is the most appropriate form, and that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002). The Legal Services Unit considers that the amendments, as recommended by the Panel, comply with these requirements.
76. It is appropriate to resolve that the Amendment Bylaw will come into effect on 1 December 2011, as the Temporary Alcohol Ban for Riccarton/Ilam expires on 30 November 2011.

HEARINGS PANEL RECOMMENDATIONS

The Panel unanimously recommends that the Council:

- (a) Adopt the Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 as amended (Note: Attachment 1 shows recommended changes to the Amendment Bylaw. Attachment 2 is a clean copy for adoption):
- Modify Schedule 1 to add the words "as indicated on the map below" so that it would be consistent with the schedules in the 2009 Bylaw.
 - Modify Schedule 1 to specifically refer to University Drive and specifically exclude the other private roads on University of Canterbury property.
 - Include a new guidance note at the end of the current explanatory note under clause 7 of the 2009 Bylaw concerning advice on special liquor licenses for one-off events in public places within the alcohol ban area, to read as follows⁸.

⁶ Clause 32 of Schedule 7 of LGA 2002 expressly prohibits the power to make a bylaw from being delegated.

⁷ This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

⁸ This note can be inserted by resolution as it is not part of the bylaw.

8 Cont'd

Clause 7(c) provides that an exemption applies to any public place that is subject to a special licence, in accordance with that special licence. Under In accordance with section 73 of the Sale of Liquor Act 1989, the a special licence authorises the holder of the licence to sell and supply liquor, on the premises or conveyance described in the licence, to any person attending any occasion or event or series of occasions or events described in the licence. Therefore, any person may apply to the Council for a special licence if they are holding an event or occasion and would like to sell and supply liquor at that occasion or event.

- (b) Give public notice as soon as practicable that the Christchurch City Council Alcohol Restrictions in Public Places Amendment (Riccarton/Ilam) Bylaw 2011 has been adopted by Council, if that is the decision of the Council, that the Amendment Bylaw comes into effect on 1 December 2011, and that copies of the Amendment Bylaw will be made available.
- (c) Resolve to undertake a non-statutory review of the permanent alcohol ban in the Riccarton/Ilam area two years after the Amendment Bylaw is adopted.
- (d) Include in its review of the City Plan the issues of non-family accommodations and individual rooms rentals in light of the high density that these accommodations may create.
- (e) Work with the Police to determine whether a cost-effective solution to the timing of rubbish and recycling collection in Riccarton/Ilam can be achieved.
- (f) Establish the Ilam Community Safety Joint Working Party, resolved by the Council on 26 August 2010.
- (g) Establish a formal meeting with the Canterbury University Council.
- (h) Request staff to use existing sign posts as much as possible for displaying permanent alcohol ban area signs.
- (i) Undertake wider communication of the Amendment Bylaw.

9. REPORT OF THE HEARINGS PANEL ON THE ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT (OKAINS BAY) BYLAW

General Manager responsible:	Acting General Manager Strategy and Planning
Officer responsible:	Programme Manager Strong Communities
Author:	Alcohol Restrictions in Public Places Amendment (Okains Bay) Bylaw 2011 Hearing Panel

PURPOSE OF REPORT

1. This is a report of the Okains Bay Alcohol Bylaw Amendment Hearing Panel (the Hearing Panel). It summarises the consultation process and the submissions received on the proposed Christchurch City Council Alcohol Restrictions in Public Places Amendment (Okains Bay) Bylaw (the Bylaw) and recommends the adoption of the Bylaw (with amendments), as set out in **Attachment 1**.

EXECUTIVE SUMMARY

2. On 28 July 2011, the Council resolved to consult on a Bylaw to amend the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009. The Bylaw introduces a permanent alcohol ban in the Okains Bay beach and reserve area from 5.00 pm on 31 December until 7.00 am on 1 January each year, to take effect from New Year's Eve 2011/12. The purpose of the Ban is to prevent disorderly and anti-social behaviour arising from the consumption of alcohol.
3. Submissions on the proposed Bylaw could be made between 9 August 2011 and 12 September 2011. Six submissions were received. Three submitters oppose a permanent alcohol ban on the grounds that it unnecessarily restricts people's ability to enjoy themselves with alcohol on the beach on New Year's Eve. Three submitters support the proposed ban as an effective measure to reduce problem behaviours and maintain the safety and security of the area.
4. The Hearing Panel met to consider the proposed Bylaw on 23 September 2011. The panel members were Councillors Barry Corbett (Chair), Aaron Keown and Glenn Livingstone. The Hearing Panel unanimously agreed that a permanent alcohol ban in the Okains Bay area on New Year's Eve is a useful tool for the Police to proactively prevent disorder nuisance behaviours and maintain the beach as a safe place for families to enjoy themselves. The Hearing Panel recommends that the Council adopt the Bylaw in the form proposed.

DEVELOPMENT OF PROPOSED BYLAW

5. A temporary alcohol ban was put in place for New Year's Eve 2010/11 in Okains Bay as a result of disorderly behaviour on the same night the previous year. The Council considered preliminary advice on a possible permanent alcohol ban in the Okains Bay area on 26 May 2011. On 28 July 2011, the Council resolved that there was sufficient evidence to support proposing a permanent alcohol ban in the area and to commence a special consultative procedure on a proposed amendment to the Alcohol Restrictions in Public Places Bylaw 2009.
6. The proposed Bylaw will introduce a permanent alcohol ban in the Okains Bay beach and reserve area. The alcohol ban will apply from 5.00 pm on 31 December until 7.00 am on 1 January each year, to take effect from New Year's Eve 2011/12. The effect of the ban will be to prohibit, or otherwise regulate or control, the possession and consumption of alcohol in the Okains Bay area as specified on the map attached to the Bylaw and the bringing of alcohol into the same area.

CONSULTATION

7. Public consultation on the proposed Bylaw took place from 9 August 2011 to 12 September 2011, by use of the special consultative procedure. Consultation documents were sent directly to a range of groups, organisations and individuals, public notices were placed in *The Press*, *The Star* and community newspapers, including Banks Peninsula. The consultation documents were made available at Council Service Centres, Council Libraries and on the Council's website. Six submissions were received, three of which opposed the Ban and three which supported it. Only one submitter made an oral submission to the Hearing Panel.

9 Cont'd

Those opposed to the proposed ban

8. The three submitters who oppose a permanent alcohol ban are all local residents who have lived in Okains Bay for many years. In general, their views are that such a ban infringes their (and others') ability to enjoy themselves with alcohol on their local beach on New Year's Eve. These submitters indicate they have never had any concerns about behaviour on this night. Two of these submitters consider that to impose a permanent ban as a reaction to one incident two years ago is an over-reaction.
9. All of these submitters consider that a Police presence at the Beach would be sufficient to prevent any potential problems, noting that they would need to be there to enforce the ban if it were to be imposed. These submitters also note that campground residents would be able to enjoy alcohol during the ban period as the campground would not be subject to the ban, which they feel is unfair.

Those supportive of the proposed ban

10. Of the three submissions that support the Ban, one is from a resident of Barry's Bay, one is from the Akaroa-Wairewa Community Board and one is from the new caretakers of the Okains Bay Campground. In general they are of the opinion that the area has been a place for young people to gather together, drink to excess and disrupt the family atmosphere of the campground.
11. These submitters believe the temporary ban imposed for the 2010/11 New Year's Eve was an effective measure in reducing problem behaviours and that a permanent ban would maintain the safety and security of the area.
12. The Akaroa Wairewa Community Board Chair, Pam Richardson, spoke to the Community Board's submission at the Hearing Panel, reiterating the views contained in the written submission and elaborating on them. She explained that the Okains Bay campground is on Ngāi Tahu land, is managed by Council and is run by the Community Board. It is a wilderness campground and thus has no power sites. There is no clear line between the beach and the campground. Police support the ban and would enforce it. The problems have been increasing over the last 20 years, possibly as a result of the ban in Akaroa.

DELIBERATIONS

13. While some submitters consider that the proposed permanent alcohol ban is an unnecessary restriction on people's freedom, the Hearing Panel was of the view that it is a minor restriction since the ban will only apply for one night per year. All the Panel members were in agreement that a Permanent Alcohol Ban in the Okains Bay area on New Year's Eve each year is a useful tool for the Police to proactively prevent disorder and nuisance behaviours and maintain the beach as a safe place for families to enjoy themselves.

LEGAL CONSIDERATIONS

14. A bylaw hearing panel has no decision-making powers, but can make recommendations to the Council, in accordance with its delegation for that purpose, as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit, bearing in mind that the Local Government Act 2002 requires views presented during consultation to be given "due consideration in decision-making".⁹

⁹ Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

9 Cont'd

15. Three minor corrections are required to the proposed amendment Bylaw:
 - (a) The commencement date of the Bylaw should be changed from 30 December 2011 to 1 December 2011. While the actual Permanent Alcohol Ban Area will come into force on 31 December at 5pm, it is intended that signage advertising the ban will be installed before 31 December 2011. The Bylaw Amendment should be in force before the signage is installed.
 - (b) The road in the table in Schedule 1 in the Bylaw is incorrectly named as "Okains Bay Reach Road". It should be "Okains Bay Road".
 - (c) The map in Schedule 1 of the Bylaw associated with the list of Permanent Ban Areas refers to a Temporary Ban Area. This should be a reference to a Permanent Ban Area.
16. If the Council agrees to the proposed amendment to the Alcohol Restrictions in Public Places Bylaw 2009, it should be noted that the Schedule of the Alcohol Restrictions in Public Places Bylaw 2009 will either refer to ten or eleven permanent Alcohol Ban Areas. It will depend on whether the Alcohol Restrictions in Public Places Amendment (Riccarton / Ilam) Bylaw 2011 is adopted before this Amendment.
17. Section 157 of the Local Government Act 2002 requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect. It is recommended that the Bylaw come into effect on 1 December 2011.
18. The Legal Services Unit considers that the form of the bylaw, as proposed in this report, is the most appropriate form, and that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

HEARING PANEL RECOMMENDATIONS

The Panel unanimously recommends that the Council:

- (a) Adopts the Christchurch City Council Alcohol Restrictions in Public Places Amendment (Okains Bay) Bylaw 2011, as amended (Note: **Attachment 2** shows recommended changes to the Amendment Bylaw. **Attachment 1** is a clean copy for adoption):
 - In clause 2 of the Amendment Bylaw, delete the phrase "30 December 2011" and substitute the phrase "1 December 2011".
 - In Schedule 1 of the Amendment Bylaw, in the Description of Alcohol Ban Area, delete the words "Okains Bay Reach Road" and substitute the words "Okains Bay Road".
 - In Schedule 1 of the Amendment Bylaw, in the map showing the Alcohol Ban Area, delete the word "Temporary" and substitute the word "Permanent".
- (b) Notes that in adopting the Christchurch City Council Alcohol Restrictions in Public Places Amendment (Okains Bay) Bylaw 2011, the Schedule of Permanent Alcohol Ban Areas to the Alcohol Restrictions in Public Places Bylaw 2009 will either refer to ten or eleven permanent Alcohol Ban Areas depending on whether or not the Christchurch City Council Alcohol Restrictions in Public Places Amendment (Riccarton / Ilam) Bylaw 2011 has already been adopted.
- (c) Give public notice as soon as practicable, that the Christchurch City Council Alcohol Restrictions in Public Places Amendment (Okains Bay) Bylaw has been adopted by Council, that it comes into effect on 1 December 2011 and that copies of the bylaw will be made available.

10. HERITAGE GRANT APPROVAL – 3 CHURCH STREET, AKAROA

General Manager responsible:	General Manager, Strategy and Planning Group, DDI 941-8281
Officer responsible:	Programme Manager, District Planning
Author:	Brendan Smyth, Heritage, Architecture and Urban Design

PURPOSE OF REPORT

1. The purpose of this report is to obtain approval for a Heritage Incentive Grant (HIG) for 3 Church Street, Akaroa.

EXECUTIVE SUMMARY

2. 3 Church Street, also known as 'The Old Shipping Office' is located close to the main wharf in Akaroa. There is no certainty as to the architect of the building but it was built in 1895 for W. H. Henning & Co (refer to the Statement of Heritage Significance in **Attachment 1**).
3. The single storey building has a relatively simple form and plan and a pitched corrugated iron roof. The principle feature is the classical style façade to Church Street which is formed from timber but mimics a stone façade. The building has been damaged by the recent Canterbury earthquakes and is the subject of repairs funded by insurance and EQC claims. These repairs include the removal of the masonry chimney down to ceiling level and repairs and strengthening to the masonry side walls. However, a considerable amount of repair and maintenance work was found to be required to the timber façade. It is this latter portion of work associated with the timber façade which is the subject of this grant application. The flashings on the parapet to the façade have deteriorated allowing moisture to penetrate and migrate down the inside of the woodwork causing a number of areas of rot and decay both in the façade and in the roofing timbers. The relatively high level of the pavement surface which has been raised over time due to the addition of layers of asphalt has resulted in water damage to the base of the timber façade.
4. The building at 3 Church Street, is listed in Appendix IV, 'Schedule of Protected Buildings, Objects and Sites', of the Banks Peninsula District Plan. The building is registered Category II by the New Zealand Historic Places Trust Pouhere Taonga (NZHPT).
5. The building has not been the subject of a previous Council Heritage Incentive Grant and is owned by the 'John Skevington Trust'.
6. The work that the applicant is seeking grant support for will ensure the future protection and continuing use of this significant heritage building. The application meets all the criteria for a grant as provided in the Heritage Incentive Grants Policy – Operational Guidelines.

SCOPE OF WORK

7. A summary of conservation and maintenance works include:
 - (a) Removal of dry rot timbers and replace with similar timber;
 - (b) Replacement of flashings to roof and other façade flashings;
 - (c) Refurbishment and realignment of main façade timber doors;
 - (d) Repainting of the timber façade.
8. Costs for conservation, including code compliance and maintenance works are outlined in the table below:

Particulars	Costs
Summary of contractors specified works: Removal of dry rot timbers and replace with like timbers where possible; replace lead flashings; refurbish and realign front entrance doors; repair lower portions of façade with replacement and repair of timbers as required; full repaint of timber façade.	\$18,461
Total of conservation and restoration related work	\$18,461

10 Cont'd

HERITAGE INCENTIVE GRANTS POLICY.

9. The Operational Guidelines for the Policy provide for a grant of up to 40% of the total heritage related costs for a 'Protected' Category II' heritage building.

Proposed heritage grant (40%)	\$ 7,384
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FINANCIAL IMPLICATIONS

10.

	2011/12
Annual Budget	\$763,684
Commitment from previous year to the Canterbury Earthquake Heritage Building Trust Fund (50% of total fund)	\$381,842
Commitment from previous year (St Paul's Presbyterian Church)	\$141,920
Total Grant funds committed year to date	\$523,762
Balance of 11/12 funds	\$239,922
Fund approval 3 Church Street	\$7,384
Total Available Funds 2011/12	\$232,538

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

11. Yes. The Heritage Incentive Grant budget is an annual fund provided for in the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

12. Limited Conservation Covenants are required under the Heritage Conservation Policy for properties receiving Heritage Incentive Grants of \$5,000 to \$49,999. A Full Covenant is required for grants of \$50,000 or more.

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

13. Yes. Covenants are a more comprehensive form of protection of the buildings because they are registered against the property title, ensuring that the Council's investment is protected. Given the nature of the work, it is recommended that a 10 year Limited Conservation Covenant be required as a minimum for the uplifting of this grant.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. The Heritage Incentive Grants Scheme is aligned to the Community Outcome '*An attractive and well-designed City*' (LTCCP 2009-19, page 50). 'Community Outcome 9. Development' provides for, among other things, ensuring "*our lifestyles and heritage are enhanced by our urban environment*" (page 54). One of the success measure is that "*Our heritage is protected for future generations*" (page 54). "*Progress will be measured using these headline indicators ... number of heritage buildings, sites and objects.*" (page 54). Heritage Incentive Grants contribute towards the number of protected heritage buildings, sites and objects, which is the measure under the outcome.
15. Within the 'Activities and Services' section of the LTCCP, is 'City planning and development' which aims to help improve Christchurch's urban environment, among other things. One of the activities included in 'City planning and development' is 'Heritage protection'. "*A city's heritage helps to sustain a sense of community identity, provides links to the past, and helps to attract visitors. The Council is committed to protecting the heritage of our city and works with developers, landowners and other stakeholders to conserve heritage buildings, areas and other items*" (page 187).

10 Cont'd

16. 'Heritage Protection', requires the Council to *"Research and promote the heritage of Christchurch and Banks Peninsula. Work with developers, landowners and other stakeholders to conserve heritage areas, buildings, and other items. Promote development that is sensitive to the character and heritage of the city and existing communities."* (page 192). The Council provides information, advice and funding for city heritage and heritage conservation, and will be expected to continue to do so, as part of its objective to retain heritage items.

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

17. Yes.

ALIGNMENT WITH STRATEGIES

18. Alignment of the requirement for Heritage Incentive Grants and Conservation Covenants stems from the Heritage Conservation Policy which in turn is relevant to:

Greater Christchurch Urban Development Strategy (UDS)

Heritage development projects provide opportunities for increased commercial and residential activity in the City while at the same time enhancing the heritage townscape. The UDS considers heritage as an integral part of Christchurch and an aspect of growth management provided for is through the protection, maintenance and enhancement of heritage.

Banks Peninsula District Plan

Heritage protection is consistent with the Cultural Heritage provisions of the Banks Peninsula District Plan. These are detailed in chapter 14, Cultural Heritage, Objective 1, and Policies 1A and 1B, p.74.

New Zealand Urban Design Protocol

Heritage projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The Limited Covenants will contribute towards the implementation of the New Zealand Urban Design Protocol of March 2005 of which the Council is a signatory body.

Heritage Conservation Policy

The Heritage Incentive Grants are provided for under section 8 of the Heritage Conservation Policy. As noted above under the LTCCP heading, the Heritage Conservation Policy aligns with the Community Outcome "An attractive and well-designed City" through the indicator "Number of heritage buildings, sites and objects".

The Heritage Grants Policy is aligned with the ICOMOS New Zealand Charter 1993 for the Conservation of Places of Cultural Heritage Value, which the Council has adopted. The concept of places incorporates landscape, buildings, archaeological sites, sacred places, gardens and other objects. ICOMOS considers that countries have a "general responsibility towards humanity" to safeguard their heritage for present and future generations.

Do the recommendations align with the Council's strategies?

19. Yes.

CONSULTATION FULFILMENT

20. There is no requirement for community consultation for Heritage Incentive Grants or Covenants.

10 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) A Heritage Incentive Grant of up to **\$7,384** for conservation and maintenance work for the protected heritage building 'The Old Shipping Office' at 3 Church Street, Akaroa subject to compliance with the agreed scope of works and certification of the works upon completion.
- (b) That payment of this grant is subject to the applicants entering a Limited Conservation Covenant for a minimum period of 10 years, with the signed covenant having the Council seal affixed prior to registration against the property title.

11. HERITAGE COVENANT CONSENT – WARNER’S HOTEL, 50 CATHEDRAL SQUARE, CHRISTCHURCH

General Manager responsible:	General Manager, Strategy and Planning Group, DDI 941-8281
Officer responsible:	Programme Manager, District Planning
Author:	Brendan Smyth, Heritage, Architecture and Urban Design

PURPOSE OF REPORT

1. To obtain the Council’s approval to release the covenant following demolition of the building at 50 Cathedral Square (Warners Hotel) by order of the Canterbury Earthquake Recovery Authority (“CERA”).
2. This report also seeks that the General Manager Strategy Planning Group be granted the delegated authority to release heritage covenants generally where the relevant building has been demolished by order of the Canterbury Earthquake Recovery Authority under it’s statutory powers.

EXECUTIVE SUMMARY

3. Warner’s Hotel at 50 Cathedral Square is a Group 3 commercial building and was completed in its current form in 1902. The building forms a substantial part of the north-east corner of Cathedral Square. Although it has undergone a number of alterations it is attributed largely to the architect Joseph Maddison. The Luttrell Brothers Architects added a fourth floor in 1910 and a major extension was added to the north side of the building, at 52 Cathedral Square, as recently as 2007/2008. A boundary readjustment was done after this extension between 50 and 52 Cathedral Square which resulted in 52 containing the newer portions of the building. The original portion of the building is formed from masonry and has plastered facades facing the Square with horizontal architectural mouldings and decorated window surrounds. **Attachment 1** provides a Statement of Heritage Significance.
4. The building is registered Category II by the New Zealand Historic Places Trust Pouhere Taonga (NZHPT).
5. The Joint Projects and Property and Environment Committees approved a heritage grant for renovation and extension work in July 2000 .As part of this funding approval, the applicant signed a heritage covenant which was registered on the property title in 2002. The works for which the heritage grant funding was given in the early 2000’s included the restoration, repair and repainting of the façades of the building as well as significant internal modifications, structural upgrade and fire system upgrades. The most noticeable visual effects of the works were the removal of external fire escapes, plumbing and other redundant services from the facades facing the Square. The grant given by the Council for the work was \$750,000 spread equally over five years. In return for that heritage grant funding the owner agreed to register a heritage covenant against the title to the land in 2002.
6. The 4 September 2010, the 22 February 2011 and the 13 June 2011 earthquakes, and associated aftershocks, resulted in substantial damage being caused to the building. This damage was particularly evident on the south façade to Cathedral Square where large diagonal cracking formed in the masonry. As a result CERA has required the demolition of the older portion of the building (defined as 50 Cathedral Square) under section 38 of the Canterbury Earthquake Recovery Act 2011. The demolition work required by CERA involves the full demolition of the southern original portion of the building, but excludes the modern extension to the hotel completed in 2007/2008 situated at 52 Cathedral Square.
7. No resource consent for demolition is required for heritage buildings approved for demolition by CERA.
8. In addition to Warner’s Hotel, it is envisaged that there will be a number of other buildings throughout the city that have, or will be demolished, by order of CERA following the earthquakes that will be subject to registered heritage covenants in favour of the Council. The demolition of such buildings by order of CERA is not a matter within the Council’s control, and such demolitions will effectively render any heritage covenants registered against the titles to such buildings irrelevant.

11 Cont'd

9. The purpose of heritage covenants is to protect built heritage, however once it has been destroyed or demolished, then it is appropriate for any heritage covenant registered against the title to the relevant land to be removed.
10. In view of these circumstances, it is recommended that for reasons of administrative expediency that delegation should be given to General Manager Strategy & Planning to authorise the removal of heritage covenants from the titles of such properties where the building has been demolished by order of CERA under its statutory powers. This report therefore seeks the granting of delegated authority to the General Manager Strategy and Planning to agree the removal of heritage covenants from the titles of demolished heritage buildings without the need to report each application to the Council for approval which would otherwise be required.

FINANCIAL CONSIDERATIONS

11. There are no financial implications arising from a covenant consent.

LEGAL CONSIDERATIONS

12. In return for heritage grants the Council requires that grant recipients agree to the registration of a heritage covenant against the title to their land before the grant is made. In general terms the purpose of a heritage covenant is to provide a legal mechanism to ensure that the Council grant is only expended on the restoration of the building in question and to create a legal obligation on the part of the owner not to demolish that building for a fixed period (limited covenant) or in perpetuity (full covenant).
13. The Warner's Hotel building is subject to a heritage covenant registered in 2002. The terms of that covenant are slightly different from the current form of the Council's generic covenant. It provides that:
 - (a) any proposed demolition requires the prior written consent of the Council (in addition to any resource or building consents required under the Resource Management Act 1991 and the Building Act 2004); and
 - (b) if the building is destroyed or damaged from any cause whatsoever, and should the Council determine that it is not practical or desirable to repair, restore or reinstate the building, then the obligations of the parties under the covenant will cease and the covenant is to be removed from the title.
14. The latest generic version of the Council's heritage covenant firstly repeats the obligation on the owner not to demolish with the Council's consent. Secondly. It provides that should the Council determine that the building is completely destroyed or damaged, then the heritage covenant shall cease to have effect.
15. Whilst the power to manage and enforce the Council's powers under heritage covenants has been delegated to the Heritage and Arts Committee, the delegations to that Committee expressly exclude the power to approve a demolition.
16. Section 38 of the Canterbury Earthquake Recovery Act 2011 ("CER Act") empowers CERA to demolish buildings or to require the demolition of buildings. Demolitions under section 38 of the CER Act are empowered to occur irrespective of the rights of the owner or of any other person with a legal interest in the land (i.e. the Council under a heritage covenant). Under section 40 of the CER Act CERA is not required to pay any compensation if the building was classified as a dangerous building. CERA's demolition powers under the CER Act override the Council's powers under it's heritage covenants.

11 Cont'd

CONSULTATION FULFILMENT

17. Council staff have engaged in discussions with the Owner of the Warner's Hotel building and this report arises from those discussions. The Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out on the Local Government Act 2002. These include the requirement that the Council considers community views and preferences. The exceptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury earthquakes. In any event, the general delegated powers proposed to be granted to staff are administrative in nature only.

STAFF RECOMMENDATION

It is recommended, that the Council resolves as follows:

- (a) Noting that the Warner's Hotel building at 50 Cathedral Square, Christchurch was destroyed or damaged as a result of the 4 September 2010 earthquake, and its associated aftershocks, and has been demolished pursuant to section 38 of the Canterbury Earthquake Recovery Act 2011, the Council resolves that it is not practical or desirable to repair, restore or reinstate the same so that the heritage covenant registered against the title to that property shall cease. Council staff are therefore authorised to provide a release of that covenant to the property owner.
- (b) That where the title to any building is subject to a registered heritage covenant in favour of the Council, and that building is demolished by any person pursuant to or following the issue of a notice under section 38 of the Canterbury Earthquake Recovery Act 2011 (or any other statutory instrument authorising the compulsory demolition of buildings), that the General Manager Strategy and Planning be delegated authority on behalf of the Council to:
 - (i) determine whether the relevant circumstances (if any) described in the relevant heritage covenant have been satisfied to bring the covenant to an end; and:
 - (ii) to complete or authorise the completion of the necessary formal steps to remove the heritage covenant from the title to the building in question

12. CANTERBURY WATER MANAGEMENT STRATEGY: CHANGES TO REPRESENTATION ON COMMITTEES

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager - Healthy Environment
Author:	Peter Kingsbury, Principal Advisor - Natural Resources

PURPOSE OF REPORT

1. The purpose of this report is four-fold:
 - (a) To advise the Council of the appointment of Selwyn District Councillor Debra Hasson to the Canterbury Water Management Strategy Christchurch - West Melton Zone Committee and to seek approval of her appointment.
 - (b) To appoint a replacement for Councillor Chrissie Williams to the position of the Christchurch City Council representative on the Canterbury Water Management Strategy Regional Committee.
 - (c) To advise the Council of the resignation of Mr Martin Maguire from the Canterbury Water Management Strategy Christchurch - West Melton Zone Committee and to accept his resignation.
 - (d) To advise the Council of the appointment of Mr Craig Pauling (Te Runanga o Taumutu) to the Christchurch - West Melton Zone Committee, and to seek approval of his appointment.

EXECUTIVE SUMMARY

2. In August 2011 the Christchurch City Council (the Council), with Canterbury Regional Council (ECan) and Selwyn District Council (SDC) approved membership of the Christchurch - West Melton Joint Committee (C-WM Zone Committee). At this time SDC chose not to be represented on the Committee but asked to be kept informed of progress. On 16 September 2011, ECan advised the Council that SDC had decided to appoint a representative to the Committee, Councillor Debra Hasson. Approval of Councillor Hasson's appointment is required by the Council and ECan. The staff recommendation is that the Council approve this appointment.
3. Councillor Chrissie Williams was appointed as the Council representative on the Canterbury Water Management Strategy Regional Committee (CWMS Regional Committee) in July 2010. Due to Councillor Williams' recent resignation from Council, a replacement representative is required.
4. Mr Martin Maguire was appointed as a community member to the C-WM Zone Committee in August 2011. Due to personal circumstances he is no longer able to fulfil this role. The remaining number of community representatives meets the zone committee's Terms of Reference, hence a replacement is not being sought. Staff recommend that Council accept Mr Maguire's resignation.
5. ECan has advised the Council that Mr Craig Pauling had been appointed by Te Runanga o Taumutu to be their representative on the C-WM Zone Committee. Approval of Mr Pauling's appointment is required by the Council and ECan. The staff recommendation is that the Council approve this appointment.

FINANCIAL IMPLICATIONS

6. There are no changes to the financial implications for the Council in approving the appointment of Councillor Debra Hasson to the CWMS C-WM Zone Committee. Elected members of local bodies on zone committees are not eligible for remuneration.

12 Cont'd

7. There are no changes to the financial implications for the Council in the replacement of Councillor Chrissie Williams with another City Council councillor on the CWMS Regional Committee. Elected members of local bodies on the Regional Committee are not eligible for remuneration.
8. The Council and ECan pay equal share of the zone committee non-elected member honorariums and travel expenses. With one less community representative, the Council will make a small saving of about \$2,300 in 2011/12 and about \$1,300 in subsequent years.
9. There are no changes to the financial implications for the Council in approving the appointment of Mr Craig Pauling to the CWMS C-WM Zone Committee.

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

10. The cost of managing the appointment of members to the CWMS committees is included in existing budgets.

LEGAL CONSIDERATIONS

11. Legal matters on the appointment of councillors to the Regional Committee and zone committees were reported to Council in July 2010. There are no new legal issues arising from the SDC proposed appointment of Councillor Hasson, the appointment of a replacement for Councillor Williams, the resignation of Mr Maguire, or the proposed appointment of Mr Pauling as the replacement for Ms Smith from Te Runanga o Taumutu.

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

12. Yes. Refer above.

ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS

13. The CWMS committees support a wide range of environmental, governance, prosperity, health and recreation community outcomes.

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

14. Yes. The work of the regional and zone committees will support levels of service in the areas of water supply, "A reliable supply of water that is safe to drink" (2009-19 LTCCP, p.60.), waterways and drainage (p. 132), economic development (p. 144) and city development (p. 188).

ALIGNMENT WITH STRATEGIES

15. The operation of the C-WM Zone Committee and regional committee is consistent with and supports the Council's Surface Water, Water Supply, Biodiversity, Public Open Space and Climate Smart strategies.

Do the recommendations align with the Council's strategies?

16. Yes. As above.

CONSULTATION FULFILMENT

17. As for Council's previous appointments and approvals, a decision to replace a councillor on the Regional Committee and to approve a new member on a zone committee, fits with decisions made following public consultation on the CWMS. Therefore, no further community consultation is needed.

12 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approves the membership of Councillor Debra Hasson to the Canterbury Water Management Strategy Christchurch - West Melton Zone Committee.
- (b) Appoint a Councillor as the City Council's representative on the Canterbury Water Management Strategy Regional Committee.
- (c) Accepts Mr Martin Maguire's resignation from the Canterbury Water Management Strategy Christchurch - West Melton Zone Committee.
- (d) Approves the membership of Mr Craig Pauling to the Canterbury Water Management Strategy Christchurch - West Melton Zone Committee.

12 Cont'd

BACKGROUND

Christchurch - West Melton Zone Committee Representation

18. The C-WM Zone Committee was established in July 2010 under the auspices of the Local Government Act 2002 in accordance with the CWMS as a joint committee of ECan, the Council, and SDC. In addition to community and Runanga members, each council operating within the zone boundary can appoint one elected member to the zone committee. In July 2010 SDC advised ECan of their intention not to be represented on the C-WM Zone Committee largely because of the small area of West Melton that was included as part of the C-WM zone. SDC asked to be kept informed on progress with the establishment of the zone committee and its activities. SDC requested the right to be represented on the committee in the future should they wish to be.
19. The appointment of all zone committee members have to be approved by the constituent zone committee councils. In August 2011 membership of the committee, without representation from SDC, was approved by the Council.
20. On the 16 September 2011, ECan formally advised the Council that SDC had changed their position on representation on the C-WM Zone Committee and had appointed SDC Councillor Debra Hasson to the committee. The appointment of Councillor Hasson is consistent with the provisions of the CWMS Terms of Reference for zone committees. The inclusion of a SDC representative on the zone committee will help ensure the specific interests of SDC and any cross-boundary water management matters with the CCC are appropriately recognised and managed.
21. Mr Martin Maguire was appointed as one of seven community members to the C-WM Zone Committee. Due to personal circumstances he is no longer able to fulfil this role. The remaining number of community representatives is in line with that provided for in the Terms of Reference and at this time a replacement is not being sought.
22. In August 2011 Ms Terrianna Smith (Te Runanga o Taumutu) was appointed to the Christchurch - West Melton Zone Committee and her appointment approved by the Council. On the 5 October 2011 ECan advised the Council that Ms Smith would be replaced by Mr Craig Pauling.

Regional Committee Representation

23. The CWMS Regional Committee is a committee of ECan and comprises members from ECan, territorial authority appointments from north, mid and south Canterbury, the Council, Te Runanga o Ngai Tahu, Runanga appointments from north, mid and south Canterbury, the chairs or other member of each zone committee, representatives from key industrial, energy, recreation and regional development sectors. Proxies or alternates are not permitted.
24. The Council currently has three positions on the Regional Committee, one in its own right and the subject of this report (Councillor Chrissie Williams), and two zone committee representatives (Councillors Sally Buck and Claudia Reid). Due to Councillor Williams' recent resignation from the Council, effective 30 September 2011, a replacement representative is required for the Regional Committee.

13. VARIATION TO PARA RUBBER LAND OFFER TO EPIC CHRISTCHURCH LIMITED

General Manager responsible:	General Manager Strategy & Planning, DDI 941-8281
Officer responsible:	Programme Director Central City Plan – Strategy & Planning Group
Author:	Adam Naiman, Senior Economist, Central City Plan Unit, Strategy & Planning Group

PURPOSE OF REPORT

1. To seek a variation to the terms agreed by Council on 28 July 2011 (**Attachment 1**) for the use of the Council owned sites commonly known as the 'Para Rubber Site' by EPIC Christchurch Limited.

EXECUTIVE SUMMARY

2. On the 28 July 2011 the Council resolved to permit the use of the Para Rubber site by EPIC Christchurch Ltd. (hereafter EPIC) for a temporary technology park concept called Sanctuary for a period of 3 years. The exact wording of that resolution is appended to this document under 'background'. Council also resolved that EPIC be required to take possession of the site within 6 months subsequent to demonstrating that funding had been secured.
3. Since that report was presented to Council, EPIC has secured promises of equipment, free design and engineering advice, and has received expressions of interest from an even larger number of prospective tenants. Design of the final structure is nearing completion, and tenders regarding its potential construction were due in on the 4 October.
4. Most importantly, EPIC, the Council, and CDC have been involved in ongoing discussions with Central Government, BNZ, and other potential funders of the EPIC concept. To date, agreements in principle have been reached with MSI and NZTE to secure \$1.5 million in funding over the period of Sanctuary. BNZ have also offered a \$1 million loan facility, and have helped EPIC secure site insurance.
5. Recently NZTE and MSI have strongly implied that their support and funding is contingent upon Council extending EPIC's lease term. They have concerns that the Council has not sufficiently demonstrated its commitment to the project with the 3 year lease currently in place. In addition, ongoing discussions with the Christchurch Earthquake Appeal Trust are proceeding but only on the condition that the lease term is extended. The success of the Sanctuary concept has always been contingent on securing central government funding, thus these concerns need to be addressed.
6. The longer lease period will also allow for a greater payback time on the temporary structure, enabling lower rents by spreading the cost of the build and eventual deconstruction over time. The longer lease period will also make the proposition more attractive to potential tenants, and provide Council and EPIC a longer period to find and discuss any potential arrangement for their final site.
6. This project remains critical to recovery. It will bring over 200 FTEs to the central city, and it underpins an area of the City key to the long term recovery of the CBD. It is signalled as a project in the Draft Central City Plan, and it has been vocally supported by the public and business community, and has attracted positive attention from central government and political leaders.
8. Therefore, it is proposed that Council provide the Para Rubber site to EPIC Ltd. rent free for an additional 2-year term, for a period not to exceed a total of 5-years. The other terms of the agreement, as resolved by Council, would remain the identical.

FINANCIAL IMPLICATIONS

9. Providing the site rent-free for an additional 2 years has no cost. The forgone income could be up to \$40,000 per year, as that was the value of the previous rental income from a car parking lot lease. As many central city sites will be available for temporary parking until redevelopment occurs, the actual forgone revenue is likely to be lower.

13 Cont'd

LEGAL CONSIDERATIONS

10. None. It is proposed to grant a licence to occupy the Para Rubber site for 5 years in total with no rights of renewal.

ALIGNMENT WITH STRATEGIES

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

CONSULTATION FULFILMENT

12. This concept is broadly supported by the community, and the Central City Plan received dozens of comments specifically supportive of this venture.
13. The possibility of this extension has been discussed with CDC, CERA, IRL, NZTE, MSI, the Christchurch Earthquake Appeal Trust Fund (often referred to as the 'Prime Minister's Fund'), and members of the business sector; they are also supportive.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve a variation to the existing agreement with EPIC to permit the use of the Para Rubber site by EPIC on a rent-free basis for a period not to exceed 5 years.
 - a. Para Rubber in this instance refers to all Council owned land comprised in Identifiers 510696, 510697, 534837, 534838, 534839 and 22K/1339 having a total area of 3757m² or thereabouts.
- (b) Delegate to the General Manager Corporate Services the authority to enter into a licence to occupy the Para Site on the terms outlined in this report, and in compliance with the previous Council resolution on this matter from 28 July.

13 Cont'd

BACKGROUND

The previous Council resolution on this matter stated the following:

- (a) *Approve the use of the Para Rubber site by EPIC Christchurch Ltd on a rent-free basis for a period not to exceed 3 years.*
 - a. *Para Rubber in this instance refers to all Council owned land comprised in Identifiers 510696, 510697, 534837, 534838, 534839 and 22K/1339 having a total area of 3757m2 or thereabouts.*
- (b) *Delegate to the General Manager Corporate Services the authority to enter into a lease to occupy the Para Site on the terms outlined in this report.*
- (c) *Delegate authority to the Chief Executive of the Christchurch City Council to negotiate an Memorandum of Understanding with EPIC regarding working collaboratively to investigate the feasibility of developing the permanent Sigma project in the Central City for recommendation to Council.*
- (d) *That the Council receive updates 6 monthly (or more frequently if necessary) on progress towards achieving the Sigma project in the Central City.*
- (e) *That this option to lease be available for 6 months and only be entered into upon the Council being satisfied that all funding is in place to allow the development to proceed.*

14. TRIENNIAL AGREEMENT BETWEEN LOCAL AUTHORITIES IN THE CANTERBURY REGION

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

PURPOSE OF REPORT

1. The purpose of this report is to put before the Council for consideration the triennial agreement currently in force between local authorities in the Canterbury region (**Attachment 1**). Also attached is the Canterbury Mayoral Forum Charter of Purpose (**Attachment 2**).

EXECUTIVE SUMMARY

2. Section 15 of the Local Government Act 2002 requires all local authorities within a region to enter into an agreement containing protocols for communication and co-ordination among them during the period until the next triennial general election.
3. The agreement must be entered into no later than 1 March 2011.
4. The Local Authorities in the Canterbury region agreed to use the Canterbury Mayoral Forum for discussions on the terms of their triennial agreement.
5. At its meeting on 28 February 2008 the Christchurch City Council agreed to enter into the current triennial agreement. This was after the document was reviewed by the Canterbury Mayoral Forum.
6. After 1 March 2011, but before the next triennial general election, all parties to the agreement may meet and agree to amendments to the protocols. An agreement remains in force until replaced by another one.

FINANCIAL IMPLICATIONS

7. There are no financial implications for the participating councils. The triennial agreement contains protocols for communication and co-ordination among them.

LEGAL CONSIDERATIONS

8. Section 15 of the Local Government Act 2002 states as follows:
 - (1) *Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement containing protocols for communication and co-ordination among them during the period until the next triennial general election of members.*
 - (2) *Each agreement must include a statement of the process for consultation on proposals for new regional council activities.*
 - (3) *After the date specified in subsection (1), but before the next triennial general election of members, all local authorities within each region may meet and agree to amendments to the protocols.*
 - (4) *An agreement remains in force until replaced by another agreement.*

CONSULTATION FULFILMENT

9. There has been no indication so far that any of the parties to the triennial agreement wish to make amendments to it. However, if amendments are sought then a meeting will need to be arranged for these to be discussed and agreement reached.

14 Cont'd

STAFF RECOMMENDATION

1. It is recommended that the Council consider the terms of the current triennial agreement with the other local authorities in the Canterbury region and the contents of any resolution that Councillors wish to make.
2. If the Council is satisfied with the attached triennial agreement that it adopt it as the 2010–13 triennial agreement and advise the other local authorities accordingly.

BACKGROUND (THE ISSUES)

10. The first triennial agreement was entered into by local authorities within the Canterbury region in late 2003. The document reflected discussions held by the Canterbury Mayoral Forum and was based on advice provided by Local Government New Zealand. It was the view of the participating councils at the time that the agreement be a simple and straightforward document that did not aim to break new ground.
11. The local authorities that have entered into the triennial agreement are committed to keeping each other informed about matters which may have cross-boundary implications or which could potentially lead to disagreement between them. It also defines the process to be followed should the Canterbury Regional Council consider proposals for undertaking new activities. Local authorities are not prevented from entering into other agreements amongst themselves or outside their region to facilitate their responsibilities.
12. The current triennial agreement was reviewed by the Canterbury Mayoral Forum at a meeting in December 2007. The forum agreed that the terms of the document should remain unchanged.
13. In order to comply with the provisions of Section 15 of the Local Government Act 2002 the Council should decide to enter into the triennial agreement before 1 March 2011.

15. FREEDOM CAMPING ACT 2011 RESOLUTION

General Manager responsible:	General Manager, Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Manager
Author:	Judith Cheyne

PURPOSE OF REPORT

1. This report is to advise the Council that the Freedom Camping Act 2011 ("the Act") came into force on 30 August 2011. The Act includes a transitional section under which the Council can pass a resolution in relation to its Parks and Reserves Bylaw 2008 ("the P&R Bylaw").
2. If the Council makes a resolution under the transitional section that would allow warranted officers to issue infringement notices for a camping offence in any reserve, in accordance with the P&R Bylaw.
3. The report explains the relevant section of the Act, the P&R Bylaw clause, the Council's experiences with freedom camping in reserves, and proposes a resolution if the Council wants to apply the transitional provision in the Act.
4. This report does not consider whether the Council should make a new Freedom Camping Bylaw under the Act. That issue will be dealt with in a separate report to Council.

EXECUTIVE SUMMARY

5. The background section to this report explains what the Act covers in further detail. The relevant provision for the purposes of this report is section 48, which provides that Council can make a resolution so that the camping offences in the P&R Bylaw can be enforced by way of an infringement notice (instant fine). The requirement for the Council to make a resolution is so that any prohibited camping areas are clearly identified for the public.
6. The Greenspace team have advised that there have been very few issues with freedom camping in reserves areas, so there may not be any need for the Council to make a resolution in relation to the P&R Bylaw. Isolated problems around Hagley Park and coastal areas have been managed by verbally advising people to move to designated campgrounds around the city. This is an appropriate approach to enforcement of such offences and would also be the initial approach taken by enforcement officers even if an offence under the P&R Bylaw could be enforced by an infringement notice.
7. Where there have been issues with freedom camping it has more often been on roads and carparks. Those areas are generally not reserves so are not covered by the P&R Bylaw. These areas will be considered in the report that will come to Council in April 2012, after further monitoring of freedom camping has been carried and for discussion with Council about whether a Freedom Camping Bylaw is needed.
8. Council should also note that the Act creates an offence in relation to depositing waste generated while freedom camping in a local authority area other than into a waste receptacle. This offence applies to all local authority areas (roads, reserves, and other public places), even if there is no bylaw in effect under the Act. It is also an offence to fail or refuse to leave a local authority when asked to do so by an enforcement officer (the enforcement officer must first reasonably believe an offence is being or will be committed before asking the person to leave). Council officers can enforce these offences even if no resolution is made in relation to the P&R Bylaw.
9. If the Council does wish to make a resolution then the most practical way to identify which reserves are prohibited camping areas is to set out the areas in reserves that are available for camping, because there are only two areas on reserves where camping is allowed (other than two leased camping grounds, which cannot be subject to the resolution). Those areas are the Duvauchelle Holiday Park on the Duvauchelle Reserve and the Pigeon Bay camping ground at the Pigeon Bay Reserve. Both of these camping areas are managed by Reserve Management Committees. Camping is prohibited in all other reserves unless special permission is given.

15 Cont'd

FINANCIAL IMPLICATIONS

10. If a resolution is made allowing staff to issue infringement notices for a breach of the P&R Bylaw, this should not increase enforcement costs, and may reduce costs in the event that the breach was sufficiently serious that a prosecution would ordinarily have been contemplated (although to date there have been no prosecutions brought under the P&R Bylaw, as non-regulatory approaches have worked).
11. If the Council decides it should erect more signs to indicate prohibitions or restrictions then there will be a cost for that, but the Council is not required by the Act to erect any signs. It only has to give public notice of its resolution.

LEGAL CONSIDERATIONS

12. The legal considerations regarding the operation of the Act and the Bylaw clauses, and the ability to make a resolution are set out in the background section below.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Aligns with the Key Community Outcome of A City of People who Value and Protect the Natural Environment

ALIGNMENT WITH STRATEGIES

14. Litter Strategy: "Christchurch is New Zealand's cleanest city, with citizens who are responsible for their own litter and do not tolerate others littering."

CONSULTATION FULFILMENT

15. Staff in the Council's Greenspace team, Strategy & Planning Group and the Inspections and Enforcement Unit have been consulted in the preparation of this report. The **attached** information paper was prepared by the Strategy & Planning Group.
16. Consultation on the Bylaw and clauses 10 and 11 of the Bylaw occurred in 2008 using the special consultative procedure. A resolution made by the Council would provide an alternative option for the Council to enforce any breach of the Bylaw. It does not change what is already in the Bylaw. As noted above, Council staff also use a graduated response model to enforcement in any situation. A discussion with offenders and a warning is the first step.

15 Cont'd

STAFF RECOMMENDATION:

That the Council resolve:

- (a) To accept this report, noting that a further report on the monitoring of freedom camping both in reserves and on roads and other areas, and on whether a Freedom Camping Bylaw is needed, will be presented to Council by the end of April 2012;
- (b) If the Council wishes to make a resolution in respect of clauses 10 and 11(1)(b) of the Parks and Reserves Bylaw 2008, for the purposes of section 48 of the Freedom Camping Act 2011, that it make the resolutions in (c), (d) and (e).
- (c) To prohibit camping in all Council reserves except:
 - (i) in the following areas of the following reserves ("reserve camping areas"):
 - Duvauchelle Holiday park area in the Duvauchelle Reserve
 - Pigeon Bay camping ground in the Pigeon Bay Reserve
 - (ii) when permission has been given under clause 10(1)(b) of the Parks and Reserves Bylaw 2008.

"Reserve" is defined in the Christchurch City Council Parks and Reserves Bylaw 2008, as follows:

- "(a) means any land which is vested in or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden, or greenspace area, whether or not that land has been vested as a reserve under the Reserves Act 1977; but
 - (b) does not include any reserve, park, garden, or greenspace area or part of such a reserve, park, garden, or greenspace area which is subject to a lease that has been granted by the Council under the Local Government Act 2002 or the Reserves Act 1977."
- (d) That camping in any reserve camping area is allowed only if any fee set by the Council for camping in that reserve camping area has been paid.
 - (e) That public notice be given of resolutions (d) and (e), noting that they were made under section 48 of the Freedom Camping Act 2011 and will be in force until 29 August 2012.

15 Cont'd

BACKGROUND (THE ISSUES)

17. The Freedom Camping Bill had its first reading in Parliament on 9 June 2011, submissions on the Bill closed on 29 June 2011, and it came into force on 30 August 2011.
18. Council staff prepared a draft submission on the Bill, but as the Council Submissions Panel was unable to meet before the submission was due, the chair of the Panel directed that the submission be given to the Select Committee as a Council staff submission. Some of the submissions made were adopted and some were not.

What the Act covers

19. The Act covers freedom camping on both local authority areas¹⁰ and Department of Conservation land. Some provisions in the Bill are only relevant to the Department of Conservation. In brief, the Act, as relevant to the Council, provides that:
 - The primary method for achieving the Bill's purpose (which is primarily about addressing the negative effects of freedom camping) is to create an infringement regime in relation to freedom camping and related activities, with a nationally consistent infringement fee of \$200 (this fee can be adjusted by regulation);
 - The Act generally permits freedom camping unless it is restricted or prohibited through various means. It does not target back country campers, or motorists who need to pull over to the side of the road to rest;
 - The Act allows local authorities to make bylaws specifying the areas in which freedom camping is prohibited or restricted, and the conditions of any restriction. Local authorities may not absolutely prohibit freedom camping in all local authority areas.
 - Bylaws must be made using similar processes to those set out in the Local Government Act 2002, including using the special consultative procedure, and undertaking reviews. The Act also specifies that the Council must determine that the bylaw is necessary to protect the area and/or protect the health and safety of people who visit the area and/or to protect access to the area. Making a bylaw must be the most appropriate and proportionate way of addressing the perceived problem in the area, and must be consistent with the New Zealand Bill of Rights Act 1990.
 - It does not appear that local authorities have to erect signs in places where freedom camping is restricted or prohibited. By way of comparison, the Department of Conservation do not have to make bylaws in relation to their land but instead are required to erect signs. There are no similar provisions requiring that signs be erected in relation to local authority land. However, the Council is not prevented from erecting signs. Signs may be a useful compliance tool, particularly in high use areas, as they will more clearly inform the public of any restrictions or prohibitions in relation to camping.
 - As well as creating an offence of freedom camping in any area where freedom camping is not permitted, the Act also creates an offence in relation to depositing waste generated while freedom camping in a local authority area other than into a waste receptacle. This offence applies to all local authority areas, and even if there is no bylaw in effect under the Act. It is also an offence to fail or refuse to leave a local authority when asked to do so by an enforcement officer (the enforcement officer must first reasonably believe an offence is being or will be committed before asking the person to leave).

¹⁰ A local authority area is defined as land within the local authority's district that is controlled or managed by the local authority under any Act. This would include all roads under Council's control, parks and reserves, and other public places.

15 Cont'd

- The depositing waste offence provision is similar to littering provisions in the Litter Act 1979. A significant difference, however, is that as well as the ability to issue infringement notices to the person who appears to have committed the offence, where a vehicle is used in the commission of the offence, it can be attached to the vehicle or sent to the registered owner of the vehicle. Providing for infringement notices to be given to the owner of any vehicle involved in the offence means any enforcement necessary will be much easier than finding the person who deposited the waste/litter. However, the Council will have to show that the waste was generated while freedom camping.
 - There are provisions in the Act relating to rental vehicles. These mean the Council would still be paid any infringement fees in a situation where a vehicle involved in the commission of an offence has been rented. There are also provisions relating to seizing and impounding vehicles involved in the commission of an offence that are similar to those the Council can exercise under the Local Government Act 2002.
20. The key provision of the Act for the purposes of this report is the transitional provision that means a breach of many current local authority camping-related bylaws become infringement offences. The transitional provisions authorise councils to issue infringement notices for a period of 1 year, beginning on the day the Act commences (therefore the expiry date is 29 August 2012). If a Council wants to continue using the infringement offence regime after that date it would have to amend that bylaw in accordance with the requirements of the Act or make a new bylaw under the Act to cover the same areas and/or any new areas.

The Council's recent involvement with freedom camping issues

21. The Council has previous experience with freedom camping related issues. In its Public Places and Signs Bylaws of 1992 and 2003 there was a provision that prohibited residing on the road without consent from the Council¹¹. A similar provision was consulted on in the bylaw review in 2008 and the Council ultimately resolved not to continue with any such prohibition in the Public Places Bylaw 2008. It considered that any problems that might arise could be dealt with through the special use areas provision in the Bylaw. A resolution was made under the special use area clause in early 2010 to make the area around Cranmer Square a no camping zone.
22. The attached information paper outlines the history of freedom camping issues in Christchurch and the steps taken to address them, including the development of the Freedom Camping Management Plan. The Plan provided for a Stage One/Social Marketing approach to freedom camping for the 2010/2011 summer season, which included the monitoring of a number of sites to get an indication of the level of activity. Monitoring was to continue until April 2011, after which a report was to be presented to Council. However monitoring ceased in February 2011 as a result of the 22 February earthquake.
23. It is proposed that monitoring should begin again for the 2011/2012 summer season (ie from December 2011 to April 2012) in the same areas as the previous year, in accordance with the Freedom Camping Management Plan. Staff will report the results of the further monitoring to Council in May 2012. The report will include a discussion about whether a new Freedom Camping Bylaw under the Act is needed.

The transitional provision in the Act and the P&R Bylaw

24. As noted, the Act includes a transitional provision so that breaches of current camping-related bylaws that local authorities already have in place will be infringement offences for one year from 30 August 2011. The Council's P&R Bylaw is listed in Schedule 4 of the Act, which means the Council must make a resolution so that any prohibited camping areas are clearly identified, before it can issue infringement notices for freedom camping breaches in its reserves. That is what would be required if a new bylaw was made under the Act.

¹¹ "No person shall camp or reside temporarily on any road, whether in a vehicle or otherwise, without the consent of the Council and except in accordance with any conditions imposed by that consent."

15 Cont'd

25. The relevant requirement is set out in section 48(3) of the Act:

“48 Infringement offences for camping-related local authority bylaw provisions specified in Schedule 4

(1) A breach of a bylaw provision specified in Schedule 4 is an infringement offence.

(2) The infringement fee for an offence referred to in subsection(1) is \$200.

(3) However, subsection (1) applies only if the local authority responsible for making the bylaw containing the provision, -

(a) by resolution, -

(i) describes the area or areas where camping is prohibited under the bylaw provision; or

(ii) specifies the conditions or restrictions on camping that apply, if the bylaw provision contemplates conditions or restrictions applying; and

(b) gives public notice of the matters in paragraph (a).”

26. Clauses 10 and 11(1)(b) of the P&R Bylaw are referred to in Schedule 4 of the Act. These clauses provide:

"10. CAMPING

(1) No person may camp in a reserve unless:

- (a) it is in an area specifically set aside by the Council for camping, and the person has paid any camping fees set by the Council from time to time; or
- (b) that person has obtained the prior written permission of an Authorised Officer to do so.

11. TENTS, BOOTHS ETC

(1) No person may put up or erect any stall, booth, tent, (excluding any casual shade tent) or structure of any kind in a reserve unless that person has:

- (a) obtained the prior written permission of an Authorised Officer to do so; and
- (b) paid any applicable fees set by the Council from time to time.

(2) To avoid any doubt, if a person complies with clause 10, that person is not required to comply with this clause.”

27. The restrictions in the above clauses relate to activities in a reserve. The P&R Bylaw includes a wide definition for "reserve":

"(a) means any land which is vested in or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden, or greenspace area, whether or not that land has been vested as a reserve under the Reserves Act 1977; but

(b) does not include any reserve, park, garden, or greenspace area or part of such a reserve, park, garden, or greenspace area which is subject to a lease that has been granted by the Council under the Local Government Act 2002 or the Reserves Act 1977."

28. Camping grounds on reserves that are leased to other parties are therefore not subject to the P&R Bylaw and will not be covered by a resolution, if one is made by the Council. There are two such reserves: the Spencer Park campground and South Brighton Park campground.

15 Cont'd

Freedom camping in reserves - the Council's recent experiences

29. In the Council's experience, since the P&R Bylaw was passed, there have been very few problems encountered with campers on parks and reserves (in non-campground areas). Isolated problems around Hagley park and coastal areas have been managed by verbally advising people to move to designated campgrounds around the city.

Enforcement of offences

30. Council officers will need to be warranted to issue infringement notices under the Act for the offences that are provided in the Act irrespective of whether there is a bylaw (depositing human waste or other waste on local authority land), and if the Council makes a resolution in relation to the P&R Bylaw (or if, in future, it enacts a Freedom Camping Bylaw).
31. The model applied by the Council's enforcement officers in relation to offences is the Graduate Response Model (GRM), which is used by the Police particularly in the area of liquor enforcement. The GRM recognises that compliance with legislation can be achieved through dialog as well as enforcement action when breaches occur.
32. In the context of the enforcement of the Act the desired outcome can be achieved by taking a stepped approach, and often a first warning is enough without taking any direct action. Applying a GRM approach would mean that the issuing of an infringement notice would be a last resort not the first. Repeated breaches, where infringement notices have also been issued may then result in a prosecution rather than a further infringement notice.
33. The GRM approach was successfully applied in the enforcement of the special use "no camping" area around Cranmer Square. The GRM approach would also be applied in relation to any breach of the P&R Bylaw, even if a resolution is made to allow infringement notices to be issued.

16. 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 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. (**Attached** – list of permitted activities). 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.

16 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 full time equivalent 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 full time equivalent's 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 percent 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.

16 Cont'd

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.

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

It is recommended that the Council:

1. 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 full time equivalent 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.

27. 10. 2011

17. REVIEW OF THE CHRISTCHURCH CITY COUNCIL POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS

General Manager responsible:	General Manager, Regulation and Democracy Services, DDI 941-8462
Officer responsible:	General Manager, Regulation and Democracy Services
Author:	Peter Mitchell

PURPOSE OF REPORT

1. The purpose of this report is to recommend to Council, for approval, a revised City Council Policy on the Appointment and Remuneration of Directors to Council Organisations.

EXECUTIVE SUMMARY

2. The current City Council Policy on the Appointment and Remuneration of Directors was adopted by the Council in September 2007.
3. At its meeting on 16 December 2010, and after consideration of a report on the appointment of the Mayor and three Councillors as Directors of Christchurch City Holdings Ltd (CCHL), the Council resolved that the 2007 Policy be reviewed by the Council.
4. The review of this Policy was the subject of a Council workshop on 23 August 2011.
5. A number of changes are recommended to the revised Policy (**Attachment A**) and these are referred to in the report below and are also underlined in the attached policy.

FINANCIAL IMPLICATIONS

6. There are no increased financial implications from the adoption of the recommendations.

LEGAL CONSIDERATIONS

7. This Policy meets the requirement of the Local Government Act 2002 that requires the Council to adopt a Directors Appointment and Remuneration Policy.

STAFF RECOMMENDATION

It is recommended that the Council adopt the attached draft Christchurch City Council Policy on the Appointment and Remuneration of Directors to commence on 1 November 2011.

17 Cont'd

BACKGROUND (THE ISSUES)

STATUTORY PROVISIONS

8. The Local Government Act 2002 requires the Council to adopt a policy regarding the appointment of directors to Council organisations.
9. The Act defines Council organisations as being any organisation where the Council has the right to have a vote in the organisation's affairs, or has the right to appoint one or more Directors, Trustees or Managers of that organisation however they may be called.
10. This definition of Council organisations includes many community groups where the Council appoints a Councillor, Community Board member or officer as a member of the governance body of that organisation.
11. The phrase 'Council Organisation' also includes Council controlled organisations where the Council has the majority voting rights, or has the ability to appoint the majority of the Directors, Trustees or Managers.
12. 'Council controlled organisations' also include the 'Council controlled trading organisations' which carry out trading activities for a profit.
13. All of these various types of 'Council organisations' are listed in Appendix A to the draft policy attached to this report. The policy states any new 'Council organisations' would also be subject to the terms of the attached draft policy.
14. Section 57 of the Local Government Act sets out the requirement for the Council to adopt the policy and it provides:

Appointment of Directors

- (1) *A local authority must adopt a policy that sets out an objective and transparent process for:*
 - (a) *the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation.*
 - (b) *the appointment of directors to a council organisation.*
 - (c) *the remuneration of directors of a council organisation.*
- (2) *A local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority the skills, knowledge, or experience to:*
 - (a) *guide the organisation, given the nature and scope of its activities.*
 - (b) *contribute to the achievement of the objectives of the organisation.*

15. It will be noted that the Council is required to adopt the policy. There is no requirement in the Local Government Act for the Council to adopt this policy through the special consultative procedure or any other legal procedure. So the policy can be adopted by a majority resolution of the Council.

DRAFT APPOINTMENT POLICY 2011

16. Attached is the revised draft Policy. CCHL have seen the attached Policy and agrees with it.
17. The new provisions in the 2011 Policy reflecting those changes above are underlined.
18. Whilst CCHL is the shareholder for most of the Councils trading organisations, the Council itself continues as shareholder to Tuam Ltd, VBase Ltd and Civic Building Ltd.

27. 10. 2011

17 Cont'd

19. The attached draft 2011 Policy makes it clear that the appointments process set out in that Policy applies equally to those companies which are owned directly by the Council. The Policy also provides that CCHL will make recommendations to the Council for the appointment of new Directors for those directly owned Council companies, in the same way that CCHL makes recommendations for Director appointments in respect of companies owned by CCHL itself.

TRANSWASTE CANTERBURY LTD

20. The 2011 policy does not apply directly to Transwaste Canterbury Ltd (which is a Council controlled organisation). This is because the appointment process of Council Directors to Transwaste Canterbury Ltd is carried out through the Canterbury Regional Landfill Joint Committee acting under delegated authority from this Council and the other Councils that are members of that joint committee. Membership of the joint committee is made up from representatives of the Ashburton District Council, Hurunui District Council, Selwyn District Council, Waimakariri District Council and this Council.
21. The five Councils comprising the Landfill Joint Committee have the right to appoint four directors to the Transwaste Board. The five Councils are bound by section 57 of the Local Government Act regarding these appointments. The Joint Committee's policy is based upon this Council's policy.

18. **CIVIC AWARDS: EARTHQUAKE AWARDS 2011**

General Manager responsible:	General Manager Public Affairs, DDI 941-8982
Officer responsible:	Marketing Manager
Author:	Milinda Peris, Civic and International Relations Co-ordinator

PURPOSE OF REPORT

1. To seek the Council's approval to alter the 2011 Civic Awards to specifically recognise the Canterbury earthquake.

EXECUTIVE SUMMARY

2. The annual Christchurch Civic Awards recognise substantial service, usually of a voluntary nature that benefits the city of Christchurch. Due to the Canterbury earthquakes during the last year, there are likely to be many more worthy recipients of this award, and it is recommended that this year's Civic Awards be changed to recognise this and allow for more awards to be given out.

BACKGROUND

3. The current process, administered by the Civic and International Relations team, uses the qualifying categories of youth activities, social welfare, educational services, religious affairs, community affairs and any other voluntary service which benefits the city.
4. Around 30-40 nominations are received each year and around half are recommended for an award by a sub-committee of Council to full Council for approval. Nominations are received between July and September, nominees fill out a form which has to be signed by three nominators and the awards are presented by the Mayor at a Civic Reception at the end of the year. Recipients receive a medallion and a certificate.
5. It is recommended that the 2011 Civic Awards be devoted to the recognition of "earthquake heroes", honouring as many citizens as possible who supported their communities and the city as a whole following the September 2010 and February 2011 earthquakes.
6. It is recommended that these individuals be honoured at a ceremony at the time of the national memorial service recognising the one-year anniversary of the earthquake, in February 2012.
7. Nominations would be sought in early November, with nominations to close by Monday 19 December and nominees to be referred to the Civic Awards sub-committee in late January, then recommendations to the Council early February.
8. Individuals, associations, organisations and businesses will be eligible and there will be no age limits prescribed. Nominees will only need one nominator and will be able to fill in a simple form online or available at Council Service Centres. There will however be the requirement that the services or acts presented for civic commendation had been performed in direct relation to the earthquakes of September 2010 and February 2011.
9. Each nomination will be checked and efforts will be made to honour as many of those nominated as possible. Nominations will include a description of the acts or service rendered, beneficiaries and a profile of the individual. The Awards will be presented by the Mayor on the first anniversary of the February earthquake. A special medallion will be designed.
10. Communications and marketing would encourage nominations from the general public. Nominations would be received by the Council's Civic Awards Sub-Committee, with recommendations to be made to Council. These awards are not intended to be a competitive process but to capture the maximum number of worthy recipients as possible, given the huge range of contributions to communities and the city following the earthquakes.

18 Cont'd

FINANCIAL IMPLICATIONS

11. The current budget for the Civic Awards is \$6,000. It's difficult to say how many nominations we will receive but we are budgeting for 500. The Earthquake Awards should be presented at the time of the February 2012 memorial service which marks the one-year anniversary of the 2011 earthquake. While planning for the 2012 memorial service is at a very early stage, it may be difficult to incorporate these awards fully within the memorial service, given both the need to keep the service at a manageable length and the numbers of potential recipients of the Earthquake Awards. A separate ceremony would be needed to present the medals, with the possibility of all the recipients being invited together on stage during the memorial event. The production of a customised medallion will cost approximately \$20 per medallion and it is anticipated that at least 500 will be required. It is proposed that the Council's communications plan on the Earthquake Awards be deployed over a six week period, starting in November 2011, to invite nominations from the public.

2011 CIVIC AWARDS: INDICATIVE BUDGET FOR EARTHQUAKE HEROES		
ITEM	NOTES	TOTAL
Awards Medallions	Minimum of 500 medals required	\$10,000
Advertising	Print media – 6 weeks	\$6,700
Ceremony	Photographer, technical requirements	\$7,100
TOTAL		\$23,800

Certificates, in place of medallions, could be provided at a cost of \$450 for 500 certificates.

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

12. No. \$17,800 is unbudgeted.

LEGAL CONSIDERATIONS

13. Would be required if amendments or revisions to policy are recommended by Civic Awards sub-committee.

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

14. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Civic and International Relations Activity Management Plan. 5.0.4. – Manage special events in support of the office of The Mayor.

Do the recommendations align with the Council's strategies?

16. Civic and International Relations Policy.

CONSULTATION FULFILMENT

17. No public consultation.

18 Cont'd

STAFF RECOMMENDATION

It is recommended that :

- (a) the 2011 Civic Awards be dedicated to recognising acts of kindness, service and heroism following the earthquakes of 4 September 2010 and 22 February 2011, and be known this year as 'the Christchurch Earthquake Awards'. Nominations for these awards will be sourced from the public, for the consideration of the Council's Civic Awards Sub-committee. Recipients will receive a specially-commissioned medallion, to be presented during an event to mark the first anniversary of the 22 February earthquake.
- (b) Council note that staff will review the normal Christchurch Civic Awards process and bring a paper back to council before next year's awards, with recommended changes aimed at increasing the prestige of the award, attracting more applicants and capturing those who have made a significant contribution to the city.

19. FUNDING MECHANISM FOR MAJOR ENVIRONMENTAL GROUPS AND PROJECTS

General Manager responsible:	General Manager, Community Services, DDI 941-8607
Officer responsible:	Community Support Unit Manager
Author:	Lincoln Papali'i, Strategic Initiatives Manager

PURPOSE OF REPORT

1. To provide information to Council to consider the appropriate future funding mechanism for major environmental projects and groups currently funded through the Metropolitan Strengthening Communities Fund.

BACKGROUND

2. On 21 June 2010 the Council requested 'that staff be directed to prepare a report to assess the need for a dedicated environmental fund for Council consideration during the 2011/12 Annual Plan process'.
3. On 5 July 2010 the Metropolitan Funding Committee requested 'staff to consider options for the future funding of major environmentally-based projects, including whether these projects could be considered as line items'.
4. There are five major environmental groups that the Council have regularly funded on a contestable basis through the Metropolitan Strengthening Communities Fund. Grants to these groups through the Metropolitan Strengthening Communities Fund has generally been on an annual grant basis. These groups are noted in Table 1.

Table 1

	2011/12	2010/11	2009/10	2008/09
Group	Grant Amount	Grant Amount	Grant Amount	Grant Amount
Banks Peninsula Conservation Trust	\$50,000	\$50,000	\$50,000	\$50,000
Port Hills Trust Board	\$15,000	\$15,000	\$0	\$25,000
Summit Road Society	\$20,000	\$20,000	\$21,000	\$20,000
Orton Bradley Park	\$50,000	\$50,000	\$65,000	\$65,000
Otamahuna / Quail Island Ecological Restoration Trust	\$ 8,000	\$ 8,000	\$10,000	\$13,500
Totals	\$143,000	\$143,000	\$146,000	\$173,500

5. The Council supports environmental projects and groups across the City and Banks Peninsula where those initiatives add value to the environment of the area and where they align with the Council's regulatory, strategic and policy directions.
6. There is Council support for environmental initiatives under different arrangements. Many are on Council-owned land (such as voluntary and support groups working in Regional parks, Waterways and Reserves such as Travis Wetland) with funding for these initiatives being built into the Regional Parks operating budget.
7. The Avon-Heathcote Estuary Ihutai Trust is funded through a line item in the City Environment Group budget, under an Memorandum of Understanding signed in 2003 between the Council, the Trust and Environment Canterbury. The current budget is \$11,000 per annum.

19 Cont'd

8. Riccarton Bush is also funded through a line item, with the Council being required under legislation to fund the project. \$477,000 was provided for in 2010/11.
9. From time to time, small one-off environmental projects have been funded through Community Board funding schemes as well as the Metropolitan Small Grants Fund.

OPTIONS - DISCUSSION

10. Concerns have been raised by Councillors, staff and the environmental groups themselves about the effect that the current funding arrangements have upon the ability of the groups to meet their full potential to help the Council achieve its expressed environment and conservation outcomes for the benefit of the of the residents, visitors and the environment features of the City and Peninsula.
11. Discussion with the five groups listed above in Table 1 noted an underlying wish by the groups for enhanced confidence that the Council supports their work and their largely voluntary endeavours as an integral part of achieving Council goals in environmental management and sustainability within the Christchurch City area.
12. Other salient points noted were longer term funding, rather than one-year funding, giving more financial security as each of the five groups noted that they were all involved in on-going, long term projects, which require a level of commitment from their membership and their supporters that extends well beyond the annual funding made available from the contestable grants programme. Also noted was the issue of the environmental groups experiencing challenges in seeking to align the scope of their applications within the criteria of the Strengthening Communities Fund as opposed to more explicit environmental objectives found in the Biodiversity Strategy 2008-2035 and the Public Open Space Strategy 2010-2040.
13. Staff have considered a number of options regarding future funding of the five groups noted in Table 1. The options include:
 - Maintaining the status quo;
 - Amending the Strengthening Communities Fund to include criteria specifically aligned to the work and outcomes of the Council's desired environmental outcomes and the work of the major environmental groups;
 - Establish a dedicated Environmental Grant Fund for major environmental groups; and
 - Funding major environmental projects directly through an operational budget as a line item with an agreed Memorandum of Understanding (MoU) developed for each funded organisation.

PREFERRED OPTION

14. The preferred option is to establish Memorandum's of Understanding with the key environmental groups and to fund these groups on a more assured basis through a line item within the City Environment Group.
15. It is noted that the preferred option will:
 - Provide an acknowledgment that the Council places value on the work of the environmental groups;
 - Provide direct alignment of environmental groups' work with the LTP via Group Activity Management Plans and Levels of Service and will enable the Council to direct funding towards specific environmental outcomes;

19 Cont'd

- Provide financial security for environmental groups for at least three years between LTP reviews, encouraging leverage opportunities for groups from other funding bodies and enabling longer-term achievement and focus by funded groups;
- Act as an incentive to encourage environmental groups to work together to optimise the use of available funds.
- Require the development of a Memorandum of Understanding with each funded organisation for the duration of the agreed grant funding term. It is expected that the Memorandum of Understanding will be developed by appropriate staff within the City Environment Group and Strategy and Planning.

FINANCIAL IMPLICATIONS

16. No financial implications if the Council agrees that the source of funding for the recommended \$143,000 to be incorporated into the City Environment Group budgets for the 2012/13 year will be a direct transfer from the 2012/13 Metropolitan Strengthening Communities Fund budget.

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

17. The 2012/13 budgets will align as the funding recommended to be incorporated into the City Environment Group budgets will be a direct transfer from the 2012/13 Metropolitan Strengthening Communities Fund budget, with the Council considering the out-years from 2013/14 – 2018/19 during the 2012/13 Annual Plan.

LEGAL CONSIDERATIONS

18. None.

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

19. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. Yes, Community Support; Parks, Open Spaces and Waterways.

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

21. Yes, Community Grants, Regional Parks.

ALIGNMENT WITH STRATEGIES

22. Strengthening Communities Strategy; Biodiversity Strategy 2008-2035.

Do the recommendations align with the Council's strategies?

23. Yes, Strengthening Communities Strategy; Biodiversity Strategy 2008-2035.

CONSULTATION FULFILMENT

24. Not applicable.

19 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Agree to establish Banks Peninsula Conservation Trust, the Port Hills Trust Board, the Summit Road Society, Orton Bradley Park and Otamahua / Quail Island Ecological Restoration Trust as line items in the Regional Parks Budget, within the City Environment Group. subject to the development of individual Memorandum of Understanding being developed for each group and subject to three yearly review under the Long Term Plan (LTP) process.
- (b) Agree that an individual Memorandum of Understanding be developed by City Environment and Strategy and Planning staff for each of the five environmental groups noted in this report to support the inclusion of the budget line item for major environmental groups in the City Environment 2012/13 LTP budget submission.
- (c) Agree that the source of funding for the \$143,000 for the 2012/13 year be a direct transfer from the 2012/13 Metropolitan Strengthening Community Fund budget, with the out-years from 2013/14 onwards being considered by the Council as part of the 2012/13 Annual Plan.

20. INFRASTRUCTURE REBUILD MONTHLY REPORT

General Manager responsible:	General Manager Capital Programme
Author:	General Manager Capital Programme

PURPOSE OF REPORT

1. To provide Council with a monthly update on the infrastructure rebuild.

EXECUTIVE SUMMARY

2. At its April meeting, Council gave approval for an Alliance to be formed to deliver the reinstatement of the City's damaged infrastructure. It was also agreed that the Chief Executive would report regularly to the Council on progress with regard to the reinstatement work.
3. The report (Attachment A) is the 4th of what will be a regular monthly report that is provided to both Council and the Canterbury Earthquake Recovery Authority (CERA). Ultimately it will be a report against the Infrastructure Rebuild Plan and agreed Annual Work Programme which is currently being developed.

STAFF RECOMMENDATION

It is recommended that the Council receives the Infrastructure Rebuild Progress Report for October 2011.

21. CANTERBURY HORTICULTURAL HALL LEASE RENEWAL

General Manager responsible:	General Manager, City Environment, DDI 941-8608
Officer responsible:	Greenspace Operations Manager, Transport and Greenspace
Author:	Lewis Burn, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to obtain the approval of the Council to a variation and renewal of the lease to the Canterbury Horticultural Society of its hall site on South Hagley Park.

EXECUTIVE SUMMARY

2. The Canterbury Horticultural Society hold a ground lease of the Horticultural Hall on South Hagley Park, comprising approximately 1353.87 square metres, the first term of this lease having expired 30 September 2009. The lease provides for renewal of two further terms of 21 years each. The lessee gave notice within the timeframe required on 31 March 2009 to exercise the first right of renewal for a further term of 21 years from 1 October 2009.
3. A technical legal issue has arisen as a consequence of the enactment of the Resource Management Act in 1991 after the commencement of this lease. A detailed explanation of that issue is contained within the Legal Considerations section of this report. Extensive staff discussions have taken place over the last two years with the Society to explore options for dealing with the issue to enable their lease to be renewed.
4. It has been agreed with the Society that, subject to Council approval, the lease be renewed for 21 years with a variation to amend the second and last right of renewal for a reduced term of 14 years only so that the lease will finally expire on 30 September 2044.
5. In addition to the renewal clause, it has been agreed with the Society that the clauses relating to the Lessee's improvements should be deleted and replaced with a new clause to bring clarity as to how the tenant's improvements will be dealt with on expiry or earlier termination of the lease. The Society has agreed with the proposed amendments to these clauses which are consistent with the provisions of the current generic lease of occupations on parks and reserves.
6. Other options to address this issue were explored with the Society including a surrender and the grant of a new lease and obtaining a subdivision consent with mutual agreement being reached on the renewal / variation recommended.

FINANCIAL IMPLICATIONS

7. Administration and internal legal costs will be incurred in relation to the preparation of the required Deed of Variation and renewal of lease. However, there are no financial implications of any significance for Council.

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

8. Not applicable.

LEGAL CONSIDERATIONS

9. The lease to the Canterbury Horticultural Society was granted under Section 54 (1) (b) of the Reserves Act 1977 on 31 January 1991. Under the lease the tenant was granted a term of 21 years commencing on 1 October 1988 and expiring on 30 September 2009 together with two 21 year rights of renewal of the term. The leased premises form part of a legal allotment and are not separately defined on a survey plan.
10. Subsequent to the grant of the Lease the Resource Management Act 1991 ("RMA") was enacted and came into force on 1 October 1991. Section 218 of the RMA initially provided that the grant of a lease of part of a legal allotment for a term (including renewals) longer than 20 years was deemed to be a "subdivision" and would therefore require a subdivision consent under the RMA. This 20 year period has subsequently been extended to 35 years.

21 Cont'd

11. Section 218 of the RMA had no effect on the initial 21 year term of the lease as the lease was granted before the RMA was enacted, and the RMA does not have retrospective effect. However, as a lease renewal in law effectively constitutes a fresh lease grant, and that grant is subject to a further right of renewal in favour of the tenant taking the potential term to 42 years, s218 of the RMA does apply. The effect of the RMA is that in order to grant the right of renewal a subdivision consent would be required.
12. Council staff have engaged with the Canterbury Horticultural Society Board over the issue and the Board have indicated that they do not wish to engage in a subdivision consent application process to facilitate the renewal of their lease. It has been agreed, subject to formal Council approval, that the way forward is to limit the extent of the renewed term and the final right of renewal to a period of 35 years so that a subdivision consent is not required.
13. Canterbury Horticultural Society is entitled as of right to renew the Lease term for 21 years from 1 October 2009. However, to achieve the agreed arrangements to limit the term of the first renewal and the final renewal to 35 years from the original 42 years it will be necessary for the parties to enter into a formal Deed of Variation of Lease. Staff have no delegated authority to agree to vary the Lease as proposed.
14. Hagley Park is a metropolitan asset and in those circumstances this is a matter that falls outside the delegated authority of the Hagley Ferrymead Community Board and therefore requires a Council decision.

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

15. Yes, as above.

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. Council staff have actively engaged with the Board of the Canterbury Horticultural Society over this issue and the proposed lease variation has been agreed to by that Board.

21 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Agrees to vary the terms of the Deed of Lease dated 31 January 1991 between the Council as landlord and the Canterbury Horticultural Society as tenant of their premises in Hagley Park to reduce the term of the tenant's final right of renewal from 21 to 14 years expiring on 30 September 2044;
- (b) Agrees to vary the clauses of the lease that relate to ownership / disposal and or removal of the Lessee's improvements on expiry or earlier termination of the lease to be consistent with the Council's standard conditions for leases of Park and Reserves;
- (c) Authorise the Corporate Support Manager in liaison with the Legal Services Unit to conclude the wording and form of the Deed of Variation and Renewal of lease and to enter into the same on behalf of the Council.

22. OPTIONS FOR SEWER REBUILD IN CHRISTCHURCH

General Manager responsible:	Jane Parfitt, General Manager City Environment, DDI 941-8608
Officer responsible:	Manager City Water & Waste
Author:	Mike Bourke, Senior Technician

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval to use appropriate alternative technologies in the rebuild of sewerage infrastructure following the earthquakes. The systems likely to be used include:
 - (a) Pressurised sewer systems (involves a tank on private property)
 - (b) Vacuum sewer systems
 - (c) Enhanced gravity sewer systems
2. All the above systems are proven wastewater collection technology that is in use and supported in New Zealand and around the world.

EXECUTIVE SUMMARY

3. The rebuild of the sewerage infrastructure following the earthquakes provides the impetus and opportunity to consider alternative technologies that will provide cost effective solutions in the rebuild and at the same time build additional resilience into the network in difficult ground conditions in the event of future earthquakes. These alternate technologies are also considerably quicker to install and commission than conventional deep gravity systems.
4. The three key technologies that could be used in the rebuild are vacuum sewer, pressure sewer and enhanced gravity systems. Use of these systems will be instead of the conventional deep gravity sewers that are usually provided in Christchurch City. The most appropriate system will be adopted in any given area, in light of the ground conditions in that area.
5. It is envisaged that these alternatives will only be deployed where the gravity catchment is severely damaged and the cost and time to reinstate the gravity system make it an undesirable solution. Alternate solutions are likely to be applied on a sub-catchment basis rather than an isolated street basis.

FINANCIAL IMPLICATIONS

6. The key financial implication is that the rebuild option chosen will be the least cost option taking into account whole of life costs, resilience to further earthquakes by ensuring “flexibility” and “fixability” in the event of failure due to earth movement, and to ensure minimum disruption to services.
7. These options will be used in addition to smaller resilience measures that are being put in place on manholes and connections to pump stations.
8. There will also be some small additional administrative cost to the Council in any situation where part of the chosen system must be installed on private property. Consent of the owners needs to be obtained. If consent is not given then there are additional steps required of the Council, including giving public notice and dealing with any objections.

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

9. These alternative solutions will be funded as part of the rebuild of the damaged sewerage system. Funding will come from a variety of sources such as insurance (LAPP cover), central government and rates. The cost estimates for these alternate systems have been integrated into the overall sewerage system rebuild estimate.

22 Cont'd

LEGAL CONSIDERATIONS

10. The primary legal consideration relates to the pressurised sewer system option as that involves a tank being located on private property. Section 181 of the Local Government Act 2002 (LGA02) gives Council the mandate to construct works on or under private land that are necessary for sewage. This power cannot be exercised unless the Council has the prior written consent of the owner of the land, or the Council has complied with the process in Schedule 12 of the LGA02, which applies in cases where the Council cannot get a landowner's consent.
11. Schedule 12 requires the Council to take a number of steps, including lodging for public inspection a description of the works and a plan, notifying owners and providing them 1 month in which to lodge any objection, holding a meeting with anyone who objects and if the plan is proceeded with (as proposed or with amendments), any aggrieved person then has the right to appeal to a District Court within 14 days. Pending determination by the Court the Council cannot proceed with the works.
12. Initially Council staff will use the powers available under section 181 to gain entry to private land. However, if large numbers of the pressurised sewer system are to be installed it may be necessary to look at a more streamlined approach to dealing with property owners.
13. Access to private land for the purpose of carrying out works required to assist with earthquake recovery is an issue that will arise more frequently. As well as the pressurised sewer system referred to in this report, land remediation and the repair and replacement of retaining walls are some of the works affecting private property that will be required.
14. It may be that an Order in Council or some other regulatory intervention will be needed to enable community participation in the process without impeding a focussed, timely and expedited recovery (one of the purposes of the Canterbury Earthquake Recovery Act 2011). If the Council adopts the recommendations contained in this report it is intended that steps be taken by staff to investigate the possibility of such intervention being made.

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

15. Council is not required to register an easement on the property if it uses section 181, as that section also gives the Council the right to enter the land, on reasonable notice to the owner to "*inspect, alter, renew, repair, or clean*" any work constructed under section 181, or under the corresponding provision of a former Act.
16. Section 181(6) states that the rest of the section applies subject to the payment of any compensation for injurious affect *to the land* as a result of the works. This would require the Council to carry out work to remediate the landowner's garden/land after installation or maintenance work, and may possibly require additional landscaping works or other payments.
17. The pressure sewer system requires a power supply to operate. The Council is proposing that the land owners will pay the minimal cost of any electricity charges involved in operating the system. The need to pay for the power is not an injurious affect to the land so would not have to be paid by the Council under section 181(6). The advantage to the owner if this system is used is that the owner does not have to meet the cost of the conventional gravity lateral (about \$2,000). The Council will meet the cost of maintaining the equipment and pipes on the property.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Aligns with 2009-19 LTCCP for the provision of Wastewater Collection.

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

19. Yes. Activity 11.0 Wastewater Collection – KPI's 11.0.1, 11.0.3 and 11.0.4

22 Cont'd

ALIGNMENT WITH STRATEGIES

20. Yes. Wastewater Strategy still under development but aligns with Wastewater Asset Management Plan.

Do the recommendations align with the Council's strategies?

21. Yes.

CONSULTATION FULFILMENT

22. It is proposed that where sewer sub-catchments are identified by the Alliance as suitable candidates for these alternate technology solutions, information evenings would be held with residents in the affected catchments to explain how the systems will be different to their current gravity system and whether the Council will need to install council assets on private property (pressurised sewer systems that utilise tanks).
23. Where Council needs to install Council assets on private property a process for gaining the property owners consent will be required. This process will be developed by council staff and implemented by the Alliance.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Agree to the use of alternative sewer rebuild technologies that include vacuum sewer, pressure sewer, and enhanced gravity systems.
- (b) Delegate power to the General Manager City Environment Group to approve the use of an alternative technology in any given area if the alternative technology provides cost or time benefits and service resilience advantages over conventional gravity systems.
- (c) Request that staff, with assistance from the Alliance, develop the necessary communication and information tools and procedures to ensure residents living in areas where these new systems are installed are familiar with the new technologies and all necessary consents are gained from property owners where Council needs to install new Council assets on private property.
- (d) Authorise staff to investigate the possibility that an Order in Council or other regulatory intervention can be made to enable community participation in the process without impeding a focussed, timely and expedited recovery.

22 Cont'd

BACKGROUND (THE ISSUES)

24. The flat topography of most of Christchurch dictates that gravity sewers are laid at minimum grades to achieve sufficient flow rates and that there is a trade off between increasing depth at which sewers are laid and the frequency of pumping stations required in the network. Most of the Christchurch reticulation resembles a saw tooth pattern of flow by gravity to a pumping station where the flow is then lifted up and flows by gravity again to the next pumping site. The flow can be pumped up to seven times before reaching the treatment plant. In many situations the flow may be pumped all the way to the next pumping station. There are 100 sewer pumping stations in the city, currently 5 of which are terminal stations that pump direct to the treatment plant.
25. Due to the high cost and complexity of laying deep sewers the maximum depth that sewers are normally laid at in Christchurch has been in the range of 4 to 5 meters deep. The high cost is driven largely by high water table and the lack of strength of the soils to maintain a near vertical face during excavation to lay the sewer pipes. Construction of sewers in these conditions necessitates trench support, usually in the form of driven steel sheet piling, and dewatering of the ground using multiple small wells and vacuum pumps. Once gravity sewers have reached this depth the cost dictates that pumping from that point is required.
26. Following the earthquakes, replacement of the damaged deep sewers will be expensive, slow, disruptive and difficult. (Land has settled, effectively raising groundwater levels, and soils have been disturbed making them less able to stand on their own as a cut vertical face.) Therefore other options for providing the service need to be considered and this consideration will also include, where possible, increasing the resilience of the service to future earthquakes. Increased resilience to future disasters will include more flexible piping materials laid at shallower depths. Typically the worst damage has been sustained by brittle earthenware pipes laid in the older parts of the city.
27. It is likely that increased resilience will also see a greater number of smaller pumping stations that will effectively spread the risk of future failures. These measures will result in piping systems that will be much less likely to be damaged, and if damaged, much easier to repair as they will be shallower, ensuring less loss of service and quicker service recovery if service is lost. A significant advantage of these systems will be a marked reduction in ground water infiltration into these pipes, fewer pipe joint failures and therefore fewer sewer repairs and consequent road surface disruption.
28. Repair and replacement of shallower sewers is a simpler process than replacement of deep sewers as mobile trench support can be employed (movable shield) and ground water is easier to control in a shallower trench (up to 2.5 m deep).

THE OBJECTIVES

29. The objective is to provide the most economic long term rebuild solution that enhances the resilience of the network wherever it is economical to do so. This has to be balanced against the value of the gravity sewer assets in the ground in any sub-catchment that are still useable (i.e. avoiding massive write-offs of useful assets).

THE OPTIONS

30. The Council held a technical workshop in April 2010 with experts from the operations, construction and design fields which looked at a wide variety of alternate solutions including composting toilets and other on site treatment options. Alternative solutions were evaluated against a weighted suite of 10 criteria. The top six criteria were Level of Service/Reliability, Cost, Resilience, System Integration, Constructability and Operability/Maintainability.
31. From this workshop three key solutions were identified as possible alternatives to straight "like for like" reinstatement of the gravity systems. The alternates chosen were vacuum sewers, pressure sewers and enhanced gravity systems.

22 Cont'd

Vacuum Sewers

32. Vacuum sewer systems best suit a catchment that is of roughly equal dimensions in each direction where the main vacuum pump station can be located near the centre of the area. The vacuum pumping station is a significant structure both above and below ground and provides the "suck" on the network of pipes that radiate out from the station.
33. The pipes are laid on a defined grade but to a shallow depth (< 1.2 m) and the pipe line steps in a "saw-tooth" fashion like a long series of "lift" stations where the vacuum "suck" provides the lift at every 300 mm step in the saw-tooth before the flow then travels by gravity assisted by the drag of the air flow created by the vacuum to be lifted again at the next saw tooth. The main feature of the vacuum system apart from the pumping station is the vacuum valve in a buried roadside tank (similar to a standard manhole) that receives the gravity flow from 4 to 6 houses through the regular 100 mm diameter laterals. This vacuum valve opens in response to sewage level in the tank reaching the preset open level, with the vacuum then sucking the contents out until the level drops to the set point shut off level. The vacuum valve then closes. No electrical components are required to operate the vacuum valve. Early versions of the vacuum valve did have some reliability and blockage issues but the modern versions are much more reliable. Staff have recently visited several vacuum systems on the east coast of Australia along with Waimakariri District Council staff and came back with the clear view that this system would be a viable alternative option for the Christchurch rebuild in certain situations determined by catchment size, layout and topography. The vacuum sewer technology is the same as that used on every dairy farm in New Zealand - just bigger.
34. Customers would see the same level of service as with a conventional system. While the vacuum pumping station, station tanks, equipment and structures will be more expensive than a conventional deep gravity pumping system of similar capacity the clear advantage of the vacuum system is that the fully welded pipes are laid to much shallower depths, at much lower cost than conventional sewers. Maintenance costs are expected to be slightly higher due to more complex vacuum and pumping equipment and the additional maintenance of a large number of vacuum valves. Added advantages are that ground water infiltration is very minimal with the only possible input from the private gravity laterals to the buried roadside tanks that house the vacuum valve. It is this infiltration of water into the Council's conventional gravity sewer system that is the cause of the heavy rainfall event overflows of raw sewage into the city's rivers.
35. Wastewater conveyed by this method is well aerated and therefore produces minimal odour when compared to conventional sewer systems, and diurnal flow variations are somewhat smoothed (smaller variations between peak flow and average flow) by the small amount of storage in the roadside tank. Laying the vacuum pipes needs to be done with reasonable precision as the gradient of the pipe is important to the performance of the system. Skilled contractors are needed for this work as for deep gravity systems.

Pressure Sewers

36. Pressure sewer systems are suited to very flat low lying land in any shaped catchments. Pressure sewer systems in New Zealand are more common in beach side resort or rural situations and can be simply extended and have additional properties added into the system. Council has been considering these systems as part of both the Wainui and Charteris Bay sewer reticulation projects. These systems consist of a small pump and pump chamber on each property, located in an agreed position with the property owner and preferably close to the dwelling to minimise the length of the gravity lateral and potential groundwater leakage into that lateral. The pump operates in response to level in the chamber and discharges through a very shallow (< 0.5m) small bore pipe (40 mm) to a shallow slightly larger common pressure main (65 mm diameter) in the street berm.

22 Cont'd

37. The pressure pipes do not have to be laid at any particular depth or grade. The pressure main in the street increases in size in proportion to the number of properties connected to it. For example 200 properties might be served by a 100 mm diameter pipe. The pipe material is High Density Polyethylene (HDPE), the same material (but different colour) to water pipes in the street. These systems are relatively cheap and quick to install, very resilient to ground movement, simple to repair, and the best system available for eliminating ground water and storm water entry into the sewer system. The pressure sewer system also reduces downstream peak flows due to the available storage on site, which also acts as a buffer in the event of power failure. Areas served by a pressure sewer system do not need manholes so all centre of the street sewer manholes would be eliminated, until the pressure sewer reaches an operating gravity system.
38. The pumps provided for the chamber on the property are small devices either mounted near the top or at the bottom of the tank depending on the system supplier. The types of pump vary depending on supplier and single dwelling systems are less than 1 kilowatt power requirement, and run for approximately 10 minutes per day.
39. It is common for the Network operator (CCC in this case) to own and maintain the pump, piping and chamber on each property. It is also common for the power supply for the pumping system to be taken off the property supply and the power costs to be met by the property owner (estimated to be approximately \$20 per year). The ideal location on the property for the pumping chamber is close to the house so lateral length and power supply run is minimised however location would be by agreement with the individual property owner. This arrangement means that the property owner has to meet the additional cost of the power but on the other hand the Council meets the cost of maintaining the equipment and pipes on the property, and the property owner does not have to meet the cost of the conventional gravity lateral of about \$2,000.
40. It is proposed that if pressure sewers are approved as an option in the rebuild that these arrangements then apply. It should be noted that individual pressure sewers are common on the hills of Christchurch where houses are below the level of the road and the nearest sewer main is above the house in the roadway.
41. Pressure sewer systems can be set up with full SCADA systems that control and monitor the system in the same way as conventional sewer pumping stations, or they can be equipped with less sophisticated monitoring systems such as automatic download of alarms and information by using the cellular networks, or they can be set up with a flashing light to warn the property owner of an alarm condition. In the first instance it is proposed that the basic alarm warning light be used, to keep costs to a reasonable level. More sophisticated systems can be retrofitted at a later date.

Enhanced Gravity Sewers

42. The concept of enhanced gravity sewers is simply to reduce the depth of the replacement sewers laid in the damaged areas to less than 2.5 m depth, and provide a greater number of smaller pumping stations at closer intervals than previously. These systems also significantly reduce the number of direct household pipes to the main sewer pipe connections on the deeper and larger mains which are the source of many repairs needed normally, this has been a major source of damage and loss of service in the recent earthquake events.
43. This system results in the same service for the customer. The cheaper capital cost to install is off set by some additional operating and maintenance costs of the additional pumping stations. The clear advantage is the resilience of shallower sewers that are easier to replace in future events. These sewers are generally laid at a steeper grade and therefore less susceptible to service failure (eg blockage) in a future event. In most installations these enhanced gravity sewers can be designed to overflow at a high level into the next gravity sewer without the need for the usual standby pumping arrangements. This will simplify the pumping control system and reduce the number of pumps required. These additional pump stations will have quite a small footprint, and it is anticipated could be sited within a narrowed portion of the roadway, and they would be underground. The control cabinet would need to be sited above ground (similar in nature to small pump stations on the Banks Peninsula).

22 Cont'd

44. In many situations of this type of installation the main gravity pipe can be converted to a trunk main with no lateral connections (that is only having connections at the manholes). Therefore the trunk main is much less susceptible to service failure and subsequent silt inundation in future aftershocks. Similarly, no lateral connections mean no sand and silt ingress from broken laterals into the main. The laterals are connected to the shallower "enhanced gravity" sewers where repair is much simpler, cheaper and quicker.

THE PREFERRED OPTION

45. In the options outlined above there is no single preferred option as each is capable of providing a cost effective, more resilient alternative to conventional deep gravity sewers in certain circumstances. In some situations renewal of the existing deep gravity sewer may provide the best long term solution and if that is the case would be used in that situation. An example of this might be where the deep gravity system only needs replacing in a single manhole length (100 m) out of 2 kilometres of fully serviceable gravity main. In this case it would clearly be more cost effective to replace just the one manhole length
46. The economics of retaining existing gravity assets is dependent on a large number of factors including sewer depth, type of pipe, ground water levels, susceptibility to liquefaction etc. A technical and financial analysis will be done on a case by case basis prior to deriving the best option for individual areas.

ASSESSMENT OF OPTIONS

47. As the existing pumping stations and pressure mains are restored to full service (target end August 2011) the network can then be pumped down and better assessment of full damage to the gravity pipes ascertained. This will then provide the full information against which the various options for renewal, where necessary, can be assessed. Each catchment and sub-catchment area will be assessed and the renewal options compared on the basis of cost and future resilience. It is proposed that this assessment include comparative assessment of the "like for like" deep gravity with the options of vacuum systems, pressure sewers and enhanced gravity.

23. ALL DAY PARKING FEE SCHEME FOR SELECTED PARKING METERS

General Manager responsible:	General Manager, City Environment, DDI 941-8608
Officer responsible:	Unit Manager Transport and Greenspace
Author:	Paul Burden, Road Corridor Operations Manager

PURPOSE OF REPORT

1. The purpose of this report is to gain Council approval to:
 - (a) Remove the maximum time limits on selected parking meters across the CBD;
 - (b) Charge a flat fee for parking all day within the selected parking meters;
 - (c) Delegate authority to set the all day fee to the General Manager Corporate Services and the General Manager City Environment;
 - (d) Delegate authority to set the area where the all day fee applies to the General Manager City Environment.

EXECUTIVE SUMMARY

2. Following the 22 February earthquake, enforcement of parking meters and time limited parking restrictions ceased due to higher priorities associated with the national state of emergency. Over time, some businesses in the CBD started to raise concerns claiming lack of turnover of parking spaces was having a detrimental effect on the viability of their businesses. Also, any loss of revenue associated with the suspension of parking meter fees had not been accounted for in the annual plan. For these reasons enforcement of parking restrictions and parking meter payment recommenced on 4 July 2011.
3. The parking landscape has changed significantly since 22 February as follows:
 - (a) The total number of Council owned/operated off-street parking spaces has reduced by around 2,800 spaces (3,199 to 405);
 - (b) Of the 2,420 metered on-street spaces, only about 880 (36 per cent) are currently accessible to the general public. This is a loss of 1,540 spaces. The balance are located within the red zone or within other cordoned areas associated with unsafe buildings;
 - (c) The total loss of pay for use parking (casual and reserved) has decreased from approximately 5,620 to 1,285 spaces;
 - (d) Nine parking buildings are currently inaccessible. The only off-street parking facilities available are the Hospital car parking building, the pay and display metered parking area within the hospital and the Rolleston Avenue car park.
4. **Attachment 1** illustrates the location of the currently available off-street parking facilities and accessible on-street parking metered areas.
5. The City has lost the ability to use over 3,400 pay for use casual parking spaces since 22 February 2011 (1,873 off-street and 1,540 on-street). Not only has this had a significant effect on revenue, but it has also had an impact on the ratio of short to long term parking provision. Off-street parking facilities provide an opportunity for both long term and short term parking whereas on-street provides short term easily accessible parking by being time limited from 30 minutes up to two hours maximum depending on location. Prior to the February earthquake the ratio of on-street to off-street casual paid parking spaces was around 50/50. Currently the ratio is around 70 per cent on-street and 30 per cent off street. Most of the 30 per cent off-street is being used by persons associated with the hospital so there is a significant reduction in the number of spaces available for all day parking associated with commuters working in offices and businesses within the CBD.

23 Cont'd

6. Added to this imbalance, the demand for short term parking in some parts of the CBD is much lower than previously. This is evident in the revenue statistics from certain parking meters and observations reveal very low occupancy throughout the day in some metered parking areas. Conversely there is a strong demand for long term parking; less than prior to February but still significant. The private sector has been very active in this market and a number of off-street at-grade facilities have been emerging in recent months. Nonetheless there remains a significant imbalance to the equation with a very scarce supply of parking spaces for commuters or those wanting to park for longer than two hours.
7. An opportunity exists to help address the imbalance. This involves lifting the time limitations within on-street metered parking spaces experiencing low utilisation. This would effectively add to the long term parking supply. A competitive and attractive "all day fee" would apply to ensure high occupancy.
8. Investigations reveal that there are currently up to 300 on-street metered spaces that are experiencing low utilisation. For the spaces to be identifiable and enforceable as long term parking spaces they need to be grouped together rather than spread intermittently. Also it is important that there is a good balance between time limited and unrestricted parking within the street block. For this reason the all day fee would be applicable only on one side of the street within the selected area. The net result of this criteria is that an initial 244 spaces are currently deemed suitable for the application of the all day fee. This will result in the supply of unrestricted parking spaces being increased from 407 to 651. **Attachment 2** shows the proposed area where the initial 244 metered spaces are located.
9. This scheme will help support the recovery of the central city through the provision of more accessible and convenient parking for commuters. While the scheme would initially apply to the areas identified in **Attachment 2**, the area of application will require adjustment throughout the rebuild process as new buildings are built and businesses start to re-establish. After the red zone cordon is lifted it is anticipated that the scheme will extend into parts of this area once a pattern of meter utilisation can be established. The tenure of the scheme is difficult to predict, however it is envisaged that it would remain in place until substantial off-street facilities are available.
10. A comprehensive review of standard 'non-metered' parking restrictions throughout the CBD is underway. This review will identify which restrictions are still valid and the rationalisation of these restrictions may also present opportunities for increasing long stay parking.
11. Upon receipt of the all day fee the parking meter will issue a ticket that expires at the end of the period of operation of the parking meter. The ticket must be displayed on the dash board of the parked vehicle such is the current operation of pay and display tickets. Changes to the current time limit signage at either end of the meter bay will be required as will changes to the signage on individual meters.
12. For the scheme to be successful it needs to be competitively priced. In the Council's favour, the scheme merely has to generate at least the same revenue as the affected meters are currently producing. The average per space revenue from these 244 spaces is currently around \$47 per month. It follows that the day rate could be as low as approximately \$2.20 per day¹². Private providers are currently offering a day rate in off-street car parks of typically between \$6 to \$12 per day (however \$3 per day is evident at one central site at least). If Council support the proposal, the intention would be to launch the scheme at an initial \$4 per day which will be attractive and likely to lead to good utilisation.
13. No changes are proposed to the existing price schedule for those persons choosing not to pay the all day rate. A motorist may still pay for time as normal however once the fee reaches the equivalent of the all day fee the motorist will be permitted to park for the day at no additional cost.

¹² \$2.20/day and 22 operating days/month = \$48.40

23 Cont'd

14. No changes are proposed to the current parking fees within the Council owned/operated parking facilities.
15. For the scheme to be effective it needs to be sufficiently agile in pricing and in area of application. For this reason staff seek the delegated authority to set and adjust the day rate in accordance with demand and market conditions. The Council has previously delegated their authority in this regard for new off-street at grade parking facilities from \$0-\$25 per day (June 2011) and the same delegation is sought for the on-street all day fee scheme. Delegation is also sought with respect to area of application of the scheme. This will allow a swift response to either increase or decrease the extent of the scheme as businesses re-establish and cordons are reduced.

FINANCIAL IMPLICATIONS

16. The average per space revenue from these 244 spaces is currently around \$47 per month generating a monthly income of some \$11,500. If the day rate was introduced at \$4 it is anticipated that an additional \$6,751² of revenue per month could be achieved lifting the average per space per month revenue of these space to around \$75. There will be operational costs associated with minor changes to signage however this will be covered through existing operational budgets. It follows that the proposal is cost effective.

² 244 spaces at 85 per cent occupancy and 22 operating days/month minus \$11,500

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

17. As above.

LEGAL CONSIDERATIONS

18. Currently all on street parking meters have been formally resolved as pay and display with an associated period of operation and a maximum time limit. Pricing is irrelevant to these resolutions; however the fees for on-street metered parking are set as part of the LTP process. The proposed all day fee for selected meters would be a change from that decision but this is not a legal consideration. The legal obligations incurred by this proposal merely amount to rescinding the maximum parking time limit within the selected parking metered areas.
19. The installation of any signs and/or markings associated with traffic control devices must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

20. As above. The actual sign wording requires a legal opinion which is currently under action.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

21. Aligns with the Streets and Transport Activity Management Plan – Parking 10.3 Metered On-Street Parking Revenue Performance, Usage and Customer Satisfaction

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

22. As above.

ALIGNMENT WITH STRATEGIES

23. There are no current strategies relevant to this proposal, however it is aligned with the general thrust to support the re-establishment of business activity in the central city.

Do the recommendations align with the Council's Strategies?

24. As above.

23 Cont'd

CONSULTATION FULFILMENT

25. No consultation has been carried out with affected property owners or business operators adjacent the 244 spaces. Rather it is proposed to launch this scheme and adjust its area of application in response to feedback. A modest publicity campaign will precede any physical changes. The chamber of commerce raised concerns associated with the current imbalance and are looking to Council to address the matter, so from this perspective they are supportive. The proposal is supported by the Team Leader Parking Enforcement.

STAFF RECOMMENDATIONS

That the Council:

- (a) Supports the introduction of an all day parking fee to selected on street parking areas currently operating as pay and display parking meters;
- (b) Delegates to the General Manager City Environment the authority to revoke and/or re-impose the maximum parking time limits on parking meters affected by (a) above;
- (c) Delegates to the General Manager City Environment and the General Manager Corporate Services the setting of fees for all day parking in metered spaces in the areas affected. These fees to be set from \$0-\$25 per day.

Should the Council decide not to delegate their authority to set the fee and area of application of the all day rate scheme then the staff recommendations are as follows:

- (d) That the Council sets the fee for the all day rate scheme described in the body of this report to \$4;
- (e) That the following parking resolutions pertaining to the application of on-street parking spaces controlled through the use of Pay and Display meters be revoked:
 - (i) P60, Monday – Sunday 9am – 6pm
 - a. The west side of Cambridge Terrace commencing at a point 35.6m north of the Hereford Street intersection and extending 58m in a northerly direction
 - b. The east side of Cambridge Terrace commencing at a point 20.1m south of the Gloucester Street intersection and extending 49.7m in a southerly direction
 - (ii) P60, Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm
 - a. The north side of Armagh Street commencing at a point 98.2m west of the Durham Street intersection and extending 38.6m in a westerly direction
 - (iii) P60, Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday 9am – 1pm
 - a. The east side of Colombo Street commencing at a point 29.9m north of the Peterborough Street intersection and extending 64.3m in a northerly direction
 - (iv) P60, Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday & Sunday 9am – 5pm
 - a. The south side of Kilmore Street commencing at a point 81.9m west of the Durham Street intersection and extending 91.6m in a westerly direction
 - b. The north side of Peterborough Street commencing at a point 20.7m east of the Victoria Street intersection and extending 23.6m in an easterly direction

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- c. The south side of Peterborough Street commencing at a point 56.4m west of the Victoria Street intersection and extending 40.4m in a westerly direction
 - d. The south side of Peterborough Street commencing at a point 18.3m west of the Colombo Street intersection and extending 23.9m in a westerly direction
 - e. The west side of Victoria Street commencing at a point 124.3m north of the Salisbury Street intersection and extending 121.4m in a northerly direction
 - f. The east side of Victoria Street commencing at a point 69.9m south of the Bealey Avenue intersection and extending 97.3m in a southerly direction
 - g. The west side of Victoria Street commencing at a point 60.9m north of the Salisbury Street intersection and extending 37.1m in a northerly direction
- (v) P120, Monday – Friday 9am – 5pm
- a. The west side of Montreal Street commencing at a point 59.6m north of the Salisbury Street intersection and extending 35.9m in a northerly direction
 - b. The east side of Montreal Street commencing at a point 9.0m north of the Peterborough Street intersection and extending 35.5m in a northerly direction
 - c. The north side of Salisbury Street commencing at a point 42.1m east of the Montreal Street intersection and extending 20.1m in an easterly direction
 - d. The south side of Salisbury Street commencing at a point 32.8m east of the Montreal Street intersection and extending 38.7m in an easterly direction
 - e. The north side of Tuam Street commencing at a point 6.7m east of the Montreal Street intersection and extending 91.9m in an easterly direction
 - f. The north side of Tuam Street commencing at a point 114.9m east of the Montreal Street intersection and extending 38.5m in an easterly direction
 - g. The south side of Tuam Street commencing at a point 5.7m west of the Montreal Street intersection and extending 138.0m in a westerly direction
- (vi) P120, Monday – Sunday 9am – 6pm
- a. The north side of Gloucester Street commencing at a point 48.2m east of the Montreal Street intersection and extending 69.1m in an easterly direction
 - b. The north side of Gloucester Street commencing at a point 126.2m east of the Montreal Street intersection and extending 51.8m in an easterly direction
 - c. The north side of Gloucester Street from a point 27.9m east of the Montreal Street intersection and extending 11m in an easterly direction
 - d. The west side of Montreal Street commencing at a point 5.6m north of the Gloucester Street intersection and extending 41.6m in a northerly direction
 - e. The east side of Rolleston Avenue commencing at a point 21.4m south of the Armagh Street intersection and extending 53.4m in a southerly direction
- (vii) P120, Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday 9am – 1pm
- a. The east side of Durham Street South commencing at a point 36.6m south of the Lichfield Street intersection and extending 30.4m in a southerly direction

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- (viii) P120, Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday & Sunday 9am – 6pm
 - a. The east side of Cambridge Terrace commencing at a point 111.1m south of the Rolleston Avenue intersection and extending 38.8m in a southerly direction
 - b. The north side of Cambridge Terrace commencing at a point 20.3m east of the Montreal Street intersection and extending 24.8m in an easterly direction
 - c. The west side of Cambridge Terrace commencing at a point 131.8m north of the Montreal Street intersection and extending 38.6m in a northerly direction
 - d. The north side of Chester Street West commencing at a point 12.4m west of the Durham Street intersection and extending 43.9m in a westerly direction
 - e. The east side of Manchester Street commencing at a point 10.4m north of the Eaton Place intersection and extending 60.6m in a northerly direction
 - f. The east side of Manchester Street commencing at a point 5.7m north of the Allen Street intersection and extending 30.8m in a northerly direction
 - g. The east side of Manchester Street commencing at a point 15.4m north of the Southwark Street intersection and extending 12.8m in a northerly direction
 - h. The east side of Manchester Street commencing at a point 34.5m north of the Southwark Street intersection and extending 38.3m in a northerly direction
 - i. The east side of Montreal Street commencing at a point 28.7m south of the Cashel Street intersection and extending 72.4m in a southerly direction
 - j. The west side of Montreal Street commencing at a point 7m north of the Oxford Terrace intersection and extending 49.1m in a northerly direction
 - k. The west side of Montreal Street commencing at a point 7.8m north of the Cashel Street intersection and extending 53.6m in a northerly direction
 - l. The west side of Montreal Street commencing at a point 38.3m north of the Worcester Street intersection and extending 41.3m in a northerly direction
 - m. The north side of Oxford Terrace commencing at a point 35.7m east of the Montreal Street intersection and extending 80.9m in an easterly direction
- (f) That the following parking areas be controlled through the use of Pay and Display meters during the defined periods without an associated maximum parking time limit
 - (i) Monday – Sunday 9am – 6pm
 - a. on the west side of Cambridge Terrace commencing at a point 35.6m north from its intersection with Hereford Street and extending in a northerly direction for a distance of 58m
 - b. on the east side of Cambridge Terrace commencing at a point 20.1m south from its intersection with Gloucester Street and extending in a southerly direction for a distance of 49.7m
 - (ii) Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm
 - a. on the north side of Armagh Street commencing at a point 98.2m west from its intersection with Durham Street and extending in a westerly direction for a distance of 38.6m

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- (iii) Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday 9am – 1pm
 - a. on the east side of Colombo Street commencing at a point 29.9m north from its intersection with Peterborough Street and extending in a northerly direction for a distance of 64.3m
- (iv) Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday & Sunday 9am – 5pm
 - a. on the south side of Kilmore Street commencing at a point 81.9m west from its intersection with Durham Street and extending in a westerly direction for a distance of 91.6m
 - b. on the north side of Peterborough Street commencing at a point 20.7m east from its intersection with Victoria Street and extending in an easterly direction for a distance of 23.6m
 - c. on the south side of Peterborough Street commencing at a point 56.4m west from its intersection with Victoria Street and extending in a westerly direction for a distance of 40.4m
 - d. on the south side of Peterborough Street commencing at a point 18.3m west from its intersection with Colombo Street and extending in a westerly direction for a distance of 23.9m
 - e. on the west side of Victoria Street commencing at a point 124.3m north from its intersection with Salisbury Street and extending in a northerly direction for a distance of 121.4m
 - f. on the east side of Victoria Street commencing at a point 69.9m south from its intersection with Bealey Avenue and extending in a southerly direction for a distance of 97.3m
 - g. on the west side of Victoria Street commencing at a point 60.9m north from its intersection with Salisbury Street and extending in a northerly direction for a distance of 37.1m
- (v) Monday – Friday 9am – 5pm
 - a. on the west side of Montreal Street commencing at a point 59.6m north from its intersection with Salisbury Street and extending in a northerly direction for a distance of 35.9m
 - b. on the east side of Montreal Street commencing at a point 9.0m north from its intersection with Peterborough Street and extending in a northerly direction for a distance of 35.5m
 - c. on the north side of Salisbury Street commencing at a point 42.1m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 20.1m
 - d. on the south side of Salisbury Street commencing at a point 32.8m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 38.7m
 - e. on the north side of Tuam Street commencing at a point 6.7m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 91.9m
 - f. on the north side of Tuam Street commencing at a point 114.9m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 38.5m

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- g. on the south side of Tuam Street commencing at a point 5.7m west from its intersection with Montreal Street and extending in a westerly direction for a distance of 138.0m
- (vi) Monday – Sunday 9am – 6pm
- a. on the north side of Gloucester Street commencing at a point 48.2m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 69.1m
 - b. on the north side of Gloucester Street commencing at a point 126.2m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 51.8m
 - c. on the north side of Gloucester Street commencing at a point 27.9m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 11m
 - d. on the west side of Montreal Street commencing at a point 5.6m north from its intersection with Gloucester Street and extending in a northerly direction for a distance of 41.6m
 - e. on the east side of Rolleston Avenue commencing at a point 21.4m south from its intersection with Armagh Street and extending in a southerly direction for a distance of 53.4m
- (vii) Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday 9am – 1pm
- a. on the east side of Durham Street South commencing at a point 36.6m south from its intersection with Lichfield Street and extending in a southerly direction for a distance of 30.4m
- (viii) Monday – Thursday 9am – 5pm, Friday 9am – 8.30pm, Saturday & Sunday 9am – 6pm
- a. on the east side of Cambridge Terrace commencing at a point 111.1m south from its intersection with Rolleston Avenue and extending in a southerly direction for a distance of 38.8m
 - b. on the north side of Cambridge Terrace commencing at a point 20.3m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 24.8m
 - c. on the west side of Cambridge Terrace commencing at a point 131.8m north from its intersection with Montreal Street and extending in a northerly direction for a distance of 38.6m
 - d. on the north side of Chester Street West commencing at a point 12.4m west from its intersection with Durham Street and extending in a westerly direction for a distance of 43.9m
 - e. on the east side of Manchester Street commencing at a point 10.4m north from its intersection with Eaton Place and extending in a northerly direction for a distance of 60.6m
 - f. on the east side of Manchester Street commencing at a point 5.7m north from its intersection with Allen Street and extending in a northerly direction for a distance of 30.8m
 - g. on the east side of Manchester Street commencing at a point 15.4m north from its intersection with Southwark Street and extending in a northerly direction for a distance of 12.8m

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- h. on the east side of Manchester Street commencing at a point 34.5m north from its intersection with Southwark Street and extending in a northerly direction for a distance of 38.3m
- i. on the east side of Montreal Street commencing at a point 28.7m south from its intersection with Cashel Street and extending in a southerly direction for a distance of 72.4m
- j. on the west side of Montreal Street commencing at a point 7m north from its intersection with Oxford Terrace and extending in a northerly direction for a distance of 49.1m
- k. on the west side of Montreal Street commencing at a point 7.8m north from its intersection with Cashel Street and extending in a northerly direction for a distance of 53.6m
- l. on the west side of Montreal Street commencing at a point 38.3m north from its intersection with Worcester Street and extending in a northerly direction for a distance of 41.3m
- m. on the north side of Oxford Terrace commencing at a point 35.7m east from its intersection with Montreal Street and extending in an easterly direction for a distance of 80.9m.

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BACKGROUND**Off-Street Parking**

26. Prior to the 22 February earthquake, the Council operated 11 off-street parking facilities. These facilities contained some 2,229 parking spaces available for casual use by the general public and 950 reserved spaces as shown in the table 1 below.

Casual Parking	Pre Feb 22	Post Feb 22	loss
Lichfield - General Revenue	520	0	-520
Tuam - General Revenue	106	0	-106
Manchester - General Revenue	128	0	-128
Oxford - General Revenue	328	0	-328
Rolleston - General Revenue	51	48	-3
Art Gallery - General Revenue	113	0	-113
Kilmore - General Revenue	120	0	-120
Hospital - General Revenue	328	328	0
Farmers - General Revenue	350	0	-350
Centennial - General Revenue	39	0	-39
Crossing - General Revenue	166	0	-166
Sub Total	2,249	376	-1,873
Reserved Parking			
Lichfield - Reserved Parking	343	0	-343
Tuam - Reserved Parking	25	0	-25
Manchester - Reserved Parking	207	0	-207
Oxford - Reserved Parking	104	0	-104
Rolleston - Reserved Parking	29	29	0
Art Gallery - Reserved Parking	80	0	-80
Kilmore - Reserved Parking	72	0	-72
Farmers - Reserved Parking	90	0	-90
Sub Total	950	29	-921
Total	3,199	405	-2,794

Table 1 Parking Facility Status

27. Post 22 February all facilities were unavailable to the general public. The Art Gallery parking facility was used for authorised vehicles only and the balance were either damaged or located within the red zone. Recently, following repairs, the Hospital facility has opened. The Art Gallery facility has since closed while the neighbouring Gallery Apartments is deconstructed.
28. With only some 405 spaces currently available, the loss of off-street car parks within Council parking facilities equates to around 2,794 spaces. Monthly Revenue from off-street parking has dropped by around 92 per cent compared to the 2009/10 financial year as shown in Table 2 below. Last year has not been used as a comparison due to the effects of the September earthquake.

Off-Street Performance			
Year	Ave. Net Monthly Revenue Off-Street	Number of Casual Spaces	Ave. Revenue per Space per Month
2009/10	440,000	2,249	195.6
2011/12	35,400	376	94.1
Change %	-92.0%	1873	-51.9%

Table 2 Off-Street Casual Parking

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On-Street Parking

29. Prior to 22 February there were approximately 2,420 on-street metered parking spaces. Post 22 February this has reduced to about 880 spaces. This represents a reduction of about 64 per cent. Average monthly revenue from on-street parking meters is down from \$373,000 to \$81,000 and the average revenue per space per month is down from \$154 to \$92 approximately. Details are shown in Table 3 below:

On-Street Performance			
Year	<u>Ave. Net Monthly Revenue On-Street</u>	<u>Number of Metered Spaces</u>	<u>Ave. Revenue per Metered Space per Month</u>
2009/10	373,000	2,420	154.1
2011/12	81,000	880	92.0
Change %	-78.3%	1540	-40.3%

Table 3 On-Street Parking

Off-Street/On-Street Ratio

30. The Off-Street/On-Street ratio prior to 22 February was about 50/50. Currently it is around 70 per cent on-street to 30 per cent off-street. The on-street spaces can only be used for a maximum of one to two hours whereas the off-street spaces can be used all day if needed. Overall there are far fewer spaces available in total, and in a relative sense, for people requiring a car park for greater than one to two hours. Added to this the demand for short term parking is lower now than previously so many of the metered spaces are lying idle. Details are shown in Table 4 below:

Off Street/On-Street Casual Supply			
Year	<u>Off-Street</u>	<u>On-Street</u>	<u>%</u>
2010/11	2,282	2,420	48.5%
2011/12	407	880	31.6%

Table 4 Off-Street/On-Street Ratio

Increasing the Supply of All Day Parking Spaces

31. By allowing selected poorly utilised metered spaces to be used for long stay parking (all day) it is possible to address the imbalance and at the same time increase meter utilisation and revenue. Table 5 shows a possible scenario for an initial 244 poorly utilised meters. The forecast revenue is based on 85 per cent occupancy over 264 operating days/year.

On-Street Performance (selected All Day Fee meters)			
Year	<u>Ave. Net Monthly Revenue On-Street</u>	<u>Number of Metered Spaces</u>	<u>Ave. Revenue per Metered Space per Month</u>
Existing	11,500	244	47.1
Forecast	18,251	244	74.8
Change	6751	0	28

Table 5 All Day Fee Forecast Performance

CONCLUSION

32. The City has lost a vast amount of parking spaces since 22 February. While demand for parking has dropped, the supply has dropped disproportionately across short and long term spaces. This has resulted in very few parking opportunities for those wanting to stay longer than one to two hours. Lifting the maximum time limits on some currently under-utilised parking meters will provide greater opportunities for long stay/all day parking and is cost effective.

24. REQUIRED WEIGHT RESTRICTIONS ON EARTHQUAKE DAMAGED ROAD BRIDGES

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Road Corridor Operations Manager, Transport and Greenspace
Author:	David McNaughton, Asset Engineer (Planning)

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to impose legally enforceable weight and speed restrictions on certain Council road bridges that have been damaged post the 2010/11 earthquake events.

EXECUTIVE SUMMARY

2. Staff commissioned a consultant engineering company specialist in bridge design works to determine by structural computations the specific listing over all wards of the Council's earthquake damaged road bridges that require heavy vehicle weight and/or speed restrictions imposed in order that further damages through vehicle usage and that bridge elements stress levels are sustainable. The listing derived details as follows:

LISTING OF COUNCIL EARTHQUAKE DAMAGED ROAD BRIDGES REQUIRING WEIGHT/SPEED RESTRICTIONS					
Bridge No.	Bridge Name	Name of Road	WEIGHT		SPEED
			Gross Weight (Max Sum of Axle Weights)	Max Weight on any one Axle	Max Speed Limited (km/h)
R101	Bridge St	Bridge St	3500 kg	-	30
R102	Pages Rd	Pages Rd	-	-	30
R104	Avondale Rd	Avondale Rd	-	-	30
R106	Gayhurst Rd	Gayhurst Rd	3500 kg	-	30
R107	Swanns Rd	Swanns Rd	-	-	30
R114	Colombo St (Avon River)	Colombo St	-	-	30
R115*	Armagh St	Armagh St	-	-	30
R118	Hereford St	Hereford St	-	-	30
R124	Helmores Lane	Helmores Lane	Bridge closed to vehicle traffic		
R132	Kahu Rd East	Kahu Rd East	-	-	30
R137	Poynder Ave	Poynder Ave	-	2000 kg	30
R211	Bowenvale Ave	Bowenvale Ave	16000 kg	8200 kg	10
R702	Moorhouse Ave overbridge	Moorhouse Ave	-	-	30
R833	Scruttons Rd No. 2	Scruttons Rd	4500 kg	2250 kg	30
R835	Van Asch St	Van Asch St	3500 kg	-	30

- * Bridge No. R115 Armagh St traffic lanes reduced from existing two to one (other bridges listed above have no reductions to existing traffic lanes)

FINANCIAL IMPLICATIONS

3. The cost of effecting the weight and speed restrictions herein inclusive of Engineering and Legal fees, newspaper advertisement costs, the manufacturing and installation of signage at each bridge site is approximately \$25,000. There is no budget allocation within normal Council operating budgets for this work as it is a result of damage caused to the structures by the February earthquake. It is anticipated that funding will be sourced via insurance proceeds. If the costs can not be claimed via insurance proceeds existing Transport and Greenspace operating budgets will be used.

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

4. The works herein are earthquake resultant. Accordingly, no LTCCP budget allocations have been set. It is anticipated that funding will be sourced via insurance proceeds.

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LEGAL CONSIDERATIONS

5. Regulation 11(3) of the New Zealand Government Heavy Motor Vehicles Regulations 1974 empowers the Christchurch City Council to impose weight and speed restrictions on Council road bridges.
6. Regulation 11(13) of the New Zealand Government Heavy Motor Vehicles Regulations 1974 states that any weights or speeds limit fixed on a bridge by the road controlling authority shall remain in place (unless revoked or amended sooner) for no longer than is required and for a maximum period of 12 months.
7. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.
8. On adoption by the Council to impose the weight and speed restrictions herein on road bridges the steps to be followed thereafter are to:
 - (a) Per the Council's lawyers, inform Central Government via the New Zealand Transport Agency (NZTA) the details per a legal gazetting process;
 - (b) Newspaper advertise, in the Christchurch Press, to publicly notify details on two separate dates spaced not less than one week apart;
 - (c) On completion of (a) and (b), erect signage at each bridge site specifying details.

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

9. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Not applicable (earthquake works).

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

11. Not applicable (earthquake works).

ALIGNMENT WITH STRATEGIES

12. Not applicable (earthquake works).

Do the recommendations align with the Council's strategies?

13. Not applicable (earthquake works).

CONSULTATION FULFILMENT

14. No consultation has been undertaken.

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STAFF RECOMMENDATION

It is recommended that the Council:

- (a) adopts the weight and speed restrictions to the road bridges as outlined below:

LISTING OF COUNCIL EARTHQUAKE DAMAGED ROAD BRIDGES REQUIRING WEIGHT/SPEED RESTRICTIONS					
Bridge No.	Bridge Name	Name of Road	WEIGHT		SPEED
			Gross Weight (Max Sum of Axle Weights)	Max Weight on any one Axle	Max Speed Limited (km/h)
R101	Bridge St	Bridge St	3500 kg	-	30
R102	Pages Rd	Pages Rd	-	-	30
R104	Avondale Rd	Avondale Rd	-	-	30
R106	Gayhurst Rd	Gayhurst Rd	3500 kg	-	30
R107	Swanns Rd	Swanns Rd	-	-	30
R114	Colombo St (Avon River)	Colombo St	-	-	30
R115*	Armagh St	Armagh St	-	-	30
R118	Hereford St	Hereford St	-	-	30
R124	Helmores Lane	Helmores Lane	Bridge closed to vehicle traffic		
R132	Kahu Rd East	Kahu Rd East	-	-	30
R137	Poynder Ave	Poynder Ave	-	2000 kg	30
R211	Bowenvale Ave	Bowenvale Ave	16000 kg	8200 kg	10
R702	Moorhouse Ave overbridge	Moorhouse Ave	-	-	30
R833	Scruttons Rd No. 2	Scruttons Rd	4500 kg	2250 kg	30
R835	Van Asch St	Van Asch St	3500 kg	-	30

25. GARDINERS ROAD, MILNS ROAD, MAIN NORTH ROAD, CRANFORD STREET AND BRIDGE STREET PROPOSED AMENDED SPEED LIMITS

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Road Corridor Operations Manager, Transport and Greenspace
Author:	Paul Forbes, Assistant Traffic Engineer

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval of the proposed amended speed limits on Gardiners Road as shown in **Attachment 1**, to correct a clerical error from the previous Speed Limit Reviews in regards to the speed limits on Milns Road (**Attachment 2**) and Bridge Street (**Attachment 4**), to formally resolve the speed limits on sections of Cranford Street (**Attachment 3**) and Main North Road and to include all of these changes in the Christchurch City Speed Limit Register.

EXECUTIVE SUMMARY

2. Milns Road was part of the last Speed Limit Review (adopted by Council 23 September 2010), however due to a clerical error the Council did not formally resolve to revoke the existing 70 kilometre per hour speed limit when it resolved to reduce the speed limit on Milns Road to 50 kilometres per hour and, as a result, the speed limit of 50 kilometres per hour could be contested in court. No consultation was carried out as part of this review in regards to Milns Road as no physical change is proposed.
3. Until 31 December 2003 Cranford Street and Main North Road (between Cranford Street and Northcote Road / Queen Elizabeth II Drive) formed part of State Highway 74. An officer from the New Zealand Transport Agency recently contacted Council staff highlighting that the speed limits on these sections of these roads may no longer be enforceable. The legal instrument used when installing these speed limits is no longer valid and the Council therefore needs to formally resolve the speed limits on these sections of road if the posted speed limits are to be enforceable. No consultation was carried out in regards to these roads as no physical changes are proposed.
4. Staff have discovered that the existing resolution that is recorded in the Register of Speed Limits setting the change point for the speed limit on Bridge Street from 50 kilometres per hour to 70 kilometres per hour may not be enforceable because it references Kibblewhite Street, a road that no longer intersects with Bridge Street. When the section of Kibblewhite Street was closed the resolutions should have been corrected. No consultation was carried out in regards to Bridge Street as no physical change is proposed.
5. At a joint meeting of the Shirley/Papanui and Fendalton/Waimairi Community Boards held 15 December 2010, the Boards resolved to approve the intersection improvements on Gardiners Road which included the proposed new speed limit threshold.
6. When setting new speed limits the Council must comply with the requirements set out in Schedule 1 of the 'Land Transport Rule (54001), Setting Of Speed Limits 2003' (The Rule). Council staff engaged the services of independent consultants, KF Consultium, to assess the proposed new speed limit on Gardiners Road according to criteria in 'The Rule'. As no physical change is proposed on Milns Road, Main North Road, Cranford Street and Bridge Street, no independent assessment was carried out.
7. Before a speed limit is set or changed, Section 7.1(2) of 'The Rule' requires that consultation is carried out with the following persons that may be affected by the proposed speed limit:
 - (a) Road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and
 - (b) A territorial authority that is affected by the existing or proposed speed limit; and
 - (c) Any local community that the road controlling authority considers to be affected by the proposed speed limit; and
 - (d) The Commissioner (Police); and

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- (e) The Chief Executive Officer of the New Zealand Automobile Association Incorporated; and
 - (f) The Chief Executive Officer of the New Zealand Road Transport Forum; and
 - (g) Any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit: and
 - (h) The New Zealand Transport Agency (NZTA).
8. Once the provisions of 'The Rule' have been complied with in relation to determining the appropriate speed and undertaking the necessary consultation, the Council may set that speed limit by passing a resolution under clause 5 of the Christchurch City Speed Limits Bylaw (2010). The new speed limits will then be recorded in the Council's Speed Limits Register.
9. Residents and property owners of properties on Gardiners Road from Sawyers Arms Road to Claridges Road were sent a consultation document outlining the proposed changes on Gardiners Road. Other stakeholders consulted on the proposed speed limit changes included NZTA, New Zealand Road Transport Forum (NZRTF) and the New Zealand Automobile Association (AA). Twelve responses were received. Eleven generally support the proposal. One respondent did not support the proposal but suggested that the speed limit for the entire length of Gardiners Road be reduced to 50 kilometres per hour.

FINANCIAL IMPLICATIONS

10. The estimated cost of the new signs, road markings and the relocation of existing speed limit signs for Gardiners Road is \$40,000. The estimated cost for Milns Road, Main North Road, Cranford Street and Bridges Street is \$nil.

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

11. The cost for this proposal is covered by the Sawyers Arms/Gardiners Road Intersection Safety Improvement Project budget.

LEGAL CONSIDERATIONS

12. This process is being carried out in accordance with the requirements set out in the Local Government Act 2002, the Land Transport Rule (54001), Setting of Speed Limits 2003, and the Christchurch City Council Speed Limits Bylaw 2010.

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

13. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

15. As above.

ALIGNMENT WITH STRATEGIES

16. Aligns with the Council's strategies including the Road Safety Strategy.

Do the recommendations align with the Council's Strategies?

17. As above.

25 Cont'd

CONSULTATION FULFILMENT

18. Consultation was carried out in accordance with "The Rule" (refer to paragraphs 5 & 7) and a summary of responses for the proposed speed limit change on Gardiners Road is provided in Paragraph 9. As stated in Paragraphs 2, 3 and 4, no consultation was carried out on the proposed changes on Milns Road, Main North Road, Cranford Street and Bridge Street as no physical changes are proposed.

STAFF RECOMMENDATION

It is recommended that the Council resolve:

- (a) That it is satisfied that the consultation undertaken by the Council in respect to the proposals to set new speed limits on the roads specified below meets the requirements of Section 7.1 (2) of The Land Transport Rule (54001): Setting of Speed Limits Rule 2003;
- (b) That pursuant to clause 5 (1) of Christchurch City Setting of Speed Limits 2010, speed limits be set as listed below:
 - (i) That any existing speed limits superseded by the recommendations in this report be revoked;
 - (ii) That the speed limit on Milns Road, from a point measured 50 metres north of Sparks Road, to a point measured 300 metres south-east of Halswell Road, be set at 50 kilometres per hour;
 - (iii) That the speed limit on Main South Road, from Northcote Road to Cranford Road, be set at 60 kilometres per hour;
 - (iv) That the speed limit on Cranford Street, from Main North Road to a point measured 300 metres north of McFaddons Road, be set at 60 kilometres per hour;
 - (v) That the speed limit on Gardiners Road, from a point measured 160 metres north-east Sawyers Arms Road to a point measured 50 metres south of Wilkinsons Road, be set at 80 kilometres per hour;
 - (vi) That the speed limit on Bridge Street, from Bexley Road to a point measured 350 metres west of Cromer Place, be set at 70 kilometres per hour;
- (c) That the speed limits in (b) (i) – (iv) come into force on 28 October 2011;
- (d) That the speed limit in (b) (v) comes into force on completion of Stage 1 of the Sawyers Arms/Gardiners Road Intersection Improvement Project.

26. APPOINTMENT OF REPLACEMENT MEMBER OF VARIOUS COMMITTEES AND ORGANISATIONS

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

PURPOSE OF REPORT

1. The purpose of this report is to seek the appointment of Councillors on various committees and organisations to fill the vacancy created by the recent resignation of Councillor Chrissie Williams. The report also seeks additional appointments to the Councils Submissions Panel.

EXECUTIVE SUMMARY

2. On 30 September 2011 the Chief Executive received the resignation of Councillor Chrissie Williams. Councillor Williams was appointed to the following committees and organisations:

Council Committees and Subcommittees

Housing and Community Facilities Committee
 Regulatory and Planning Committee
 Transport Committee (Chair)
 Water and Wastewater Committee
 Audit and Risk Management Subcommittee
 2012 – 2022 Long Term Plan Committee (all Councillors)

Joint Committees

Canterbury Water Management Strategy Regional Water Management Committee
 Joint Christchurch City Council/Canterbury District Health board Committee
 Central Plains Joint Committee
 Greater Christchurch Urban Development Strategy Implementation Committee
 Regional Transport Committee (ECAN)
 Public Transport Advisory Group (ECAN)

Ad Hoc Subcommittees and working Parties of Council

Christchurch Civic Awards Subcommittee
 Central Plains Resource Consent and Appeals Working Party

Subordinate Decision-Making Body

Submissions Panel

Outside Organisations

Avon Heathcote Estuary Ihutai Trust

Councillor Williams had been appointed by the Canterbury Development Corporation Trust as a director of the Canterbury Development Corporation

3. The Council needs to consider which of the bodies in paragraph 2 it will appoint a councillor to now and which will be filled once the outcome of the election to fill the vacancy is determined in February 2012. The Council is being asked to replace Councillor Williams on the Canterbury Water Management Strategy Regional Committee via another report on this Council agenda.
4. In addition, when the Council appointed the members of the Submissions Panel in December 2010, it only made three appointments to it (Wells – Chairperson, Carter and Williams). The panel has a quorum of two, so currently if either Councillor Carter or Councillor Wells could not attend the meeting could not take place. However, the terms of reference note that the panel will consist of at least four councillors. The Council may decide to appoint another member to the Submissions Panel in addition to the vacancy left by Councillor Williams.

FINANCIAL IMPLICATIONS

5. The cost of the appointment of members to Committees is included in existing budgets.

26 Cont'd

LEGAL CONSIDERATIONS

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

6. Clause 30(1) of the 7th Schedule of the Local Government Act 2002 authorises the Council to appoint committees, subcommittees, and joint committees with other local authorities or public bodies.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Consider which appointments it wishes to make replacing Councillor Williams on various Committees and Organisations listed in paragraph 2 of this report following her recent resignation.
- (b) Appoint an additional Councillor to the Submissions Panel.

27. APPOINTMENT OF A MEMBER OF THE CANTERBURY MUSEUM TRUST BOARD

General Manager responsible:	General Manager, Regulation and Democracy Services , DDI 941-8462
Officer responsible:	Peter Mitchell
Author:	Peter Mitchell

PURPOSE OF REPORT

1. The purpose of this report is to seek the appointment, by the Council, of a member to the Canterbury Museum Trust Board.

EXECUTIVE SUMMARY

2. The Canterbury Museum Trust board Act 1993 provides that the Council has the right to appoint four members to the Canterbury Museum Trust Board, which is a statutory body established under the 1993 Act. The Board has a total of 11 members.
3. At its meeting on 7 December 2010 the Council appointed the Mayor and Councillors Chen and Reid as members. I understand the Council did not make the fourth appointment at the time as it wished to give consideration to appointing a non-councillor as one of those four appointments to the board.
4. Consideration of the fourth appointments was to be made by the Council in early 2011. This did not happen as a result of the earthquake on 22 February 2011.
5. The Museum Trust Board has now requested that the Council advise it of the fourth appointment.
6. In terms of the Council's Policy on Appointment and Remuneration of Directors to Council Organisations as the Museum Trust Board is a Council Controlled Organisation as the territorial authority members have more than 50 per cent control of the Board with their appointments.
7. With regard to appointments by this Council to Council Controlled Organisations the Council's Policy provides:

68. The Council will determine the required skills, knowledge and experience for each appointment to these Council Controlled Organisations and make its appointments accordingly.

69. In general, the attributes required for directors of CCTOs will be applicable, but the weightings given to each attribute may vary according to the nature of the appointment

8. Regarding the attributes referred to in paragraph 69 the Policy also provides:

47. In general terms, the following qualities are sought in directors of CCTOs:

- (a) Intellectual ability.*
- (b) Commercial experience.*
- (c) Understanding of governance issues.*
- (d) Sound judgement.*
- (e) High standard of personal integrity.*
- (f) Commitment to the principles of good corporate citizenship.*
- (g) Understanding of the wider interests of the publicly-accountable shareholder.*

48. As a general principle, the Council would seek to appoint a person who, while meeting all of the above criteria, has particular strengths in terms of attribute g).

9. The Chair of the Museum Trust Board and the Director of the Museum recommend to the Council that Mr. Gill Cox be appointed by the Council as its fourth representative on the Board.

27. 10. 2011

27 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council make its fourth appointment to the Canterbury Museum Trust Board.

28. ANNUAL REPORT 2011

General Manager responsible:	General Manager, Corporate Services, DDI 941-8528
Officer responsible:	Corporate Finance Manager
Author:	Diane Brandish

PURPOSE OF REPORT

1. The purpose of this report is to present the 2011 Annual Report containing the audited financial statements of Christchurch City Council for the year ended 30 June 2011 for adoption by the Council. The Audit and Risk Management Subcommittee considered the 2011 Draft Annual Report and discussed the audit opinion with Audit New Zealand at its meeting on 14 October and resolved unanimously to recommend the report to Council for adoption.
2. Under section 98 of the Local Government Act 2002, a local authority must prepare and adopt in respect of each financial year, an annual report. Each annual report must be completed and adopted by resolution, and within one month after the adoption of its annual report, the local authority must make publicly available;
 - (a) its annual report; and
 - (b) a summary of the information contained in its annual report.

EXECUTIVE SUMMARY

3. Separately circulated (as **Appendix 1**) is a copy of the Annual Report for the year ended 30 June 2011.
4. The key point to note in this Annual Report is that it does not comply with generally accepted accounting practice (GAAP). Section 111 of the Local Government Act 2002 requires Council to comply with GAAP. This is not possible for the 2011 financial year because of difficulties around the measurement and treatment of earthquake-damaged assets, and the valuation of assets.
5. The series of earthquakes following that on 4 September 2010 have caused significant damage to the Council's assets. Because of the nature of those assets, many of which are underground and difficult to inspect, and the sheer scale of the damage, Council does not yet have an assessment of the value of that damage that is precise enough to satisfy the requirements of GAAP.
6. The best information currently available estimates damage to Council's horizontal infrastructure of \$2.2 billion and \$0.2 billion of damage to non-infrastructure buildings. In addition there are expected to be \$0.2 billion of costs to maintain services temporarily until permanent repairs can be completed. However, this estimate is still being refined and the final cost of horizontal infrastructure repair is expected to range somewhere between \$1.8 billion and \$3.0 billion. The total carrying value of the Council's property, plant and equipment is \$5.4 billion. In addition, any land remediation costs have not yet been estimated.
7. Accounting standards require that when an asset has been destroyed it should be removed, or written off, from the financial statements. Similarly, where there is an indication that the value of an asset as recorded in the financial statements is greater than its actual value, the value of that asset must be reduced (this is known as impairment).
 - (i) some of its infrastructural and building assets have been damaged beyond repair, and NZ International Accounting Standard 16 *Property Plant and Equipment* (NZIAS 16) requires Council to write-off those assets. This write-off would be expensed in the Statement of Comprehensive Income and impact the surplus or deficit for the year.
 - (ii) much of its infrastructural and building assets have been impaired, and NZ International Accounting Standard 36 *Accounting for Impairment* (NZIAS 36) requires Council to recognise an impairment loss on those assets. An impairment is recognised in other comprehensive income against revaluation reserves for that class of asset. Only any excess of impairment above the revaluation reserve is expensed.

28 Cont'd

8. Based on the information available to date, it is generally not possible to determine whether individual assets are damaged beyond repair and should be written off or can be repaired and therefore should be impaired. In most cases final decisions about write-off versus impairment of individual assets cannot be made until detailed engineering reports are available and a repair/replace decision has been agreed with the Council's insurers and/or Government agencies and resolved on by Council.
9. Council staff consider that any attempt to recognise impairment in the financial statements may provide readers with the erroneous impression that it is possible to assess impairment with some level of accuracy. We have therefore not complied with the requirements of GAAP and with the exception of buildings, have not recognised any earthquake related impairment or disposal in these financial statements.
10. Council revalues the following items of property, plant and equipment to fair value:
 - Land (other than land under roads)
 - Buildings
 - Infrastructure assets
 - Heritage assets
 - Works of art
11. Fair value for a public benefit entity like the Council is depreciated replacement cost. Under GAAP the Council needs to be able to demonstrate that the carrying value of its assets is recorded at fair value at balance date. However, the unit rates being proposed for replacement or repair of assets are significantly higher than the unit rates included in the current valuations.
12. In addition to the higher unit rates there is an expectation that costs will increase further due to allowances for items such as increased wage costs likely to result from a shortage of labour and other cost escalations. These are expected, but cannot be accurately quantified yet until contracts are let and work gets underway.
13. While the exact level of cost increase cannot be determined, there is sufficient evidence to suggest that the unit rates (e.g. per metre of road) underpinning the valuation of assets included in the financial statements are no longer appropriate. Given the size of the differences in rates, the difference between the carrying values and the fair value (even ignoring the impact of impairment and disposals not recognised) could be substantial. In these circumstances to comply with GAAP the Council would need to revalue its assets. However, it cannot because of uncertainties around the damage or the appropriate unit rates to use.
14. In addition the Council was unable to revalue land and buildings. This is due to the uncertain extent of damage and because the firm commissioned to complete the Council's land valuation, Knight Frank Christchurch, advised that in the wake of the earthquakes there was insufficient market activity to provide reliable market valuations.
15. In summary, the Council has not been able to determine the fair value of the remaining undamaged assets and cannot assert compliance with GAAP for this.
16. Because of the above, the values reflected in the financial statements for all balances impacted by impairment or revaluation reflect pre-Earthquake values and do not take into account damage estimates. This includes depreciation, property plant and equipment, revaluations, loss on disposal, surplus/ deficit, asset revaluation reserves and retained earnings. Notwithstanding this, the Annual Report contains a comprehensive note explaining the impact of the earthquakes on the financial statements. Consequently, except for the Council's and group's cash flow statement, Audit New Zealand have been unable to form an opinion on this Annual Report and have issued a disclaimer of opinion.
17. The financial tables within the Group of Activity Statements have received a qualified opinion as they are derived from the data within the financial statements.

28 Cont'd

18. The disclaimer of opinion from Audit New Zealand reflects the fact that because of the scale of the earthquake, it is impossible to comply with GAAP. However, the audit opinion specifically identifies the cash flow statement for the Council and group as complying.
19. The Canterbury Earthquake (Local Government Act 2002) Order 2011, modified the normal requirements of schedule 10 of the local Government Act 2002 to exclude the obligation to report on non- financial KPIs. However, where information was available we preferred to make that information public, at least in part, as a recognition of the high degree of commitment of staff to maintain damaged or otherwise compromised services, either in their Council role or as a Civil Defence volunteer.
20. The results are not complete, and due to damage to some of the underlying measurement system in some cases are not robust enough to withstand the full audit process. In agreement with Audit New Zealand they have been moved to the non-audited section of the Annual Report.
21. A reconciliation is attached of the profit of \$21.9 million reported to Council as part of the June Performance report to the accounting surplus of \$44.1 million shown in the Annual Report.
22. The Council would like to recognise the support received both from staff and from Audit New Zealand in preparing this report under difficult conditions.

FINANCIAL IMPLICATIONS

23. There are no financial implications.

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

24. Not applicable.

LEGAL CONSIDERATIONS

25. Section 111 of the Local Government Act 2002 requires Council to comply with generally accepted accounting practice (GAAP), and section 99 of the Act requires the Annual Report to be audited. As noted above, because of uncertainty around the exact nature and quantum of earthquake damage to infrastructural assets the Council is unable to comply with GAAP requirements.
26. Because the Council has not been able to comply with GAAP Audit New Zealand will issue a disclaimer of opinion on Council's 2011 Annual Report.
27. While a qualified audit opinion must be reported by the Auditor General to Parliament, and Council must advise its bankers and credit rating agencies, there are no direct consequences of the qualification.

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

28. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

29. Not applicable.

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

30. Not applicable.

28 Cont'd

ALIGNMENT WITH STRATEGIES

31. Not applicable.

Do the recommendations align with the Council's strategies?

32. Not applicable.

CONSULTATION FULFILMENT

33. Not applicable.

STAFF AND COMMITTEE RECOMMENDATION

It is recommended that the Council:

- (a) Resolve to adopt the 2011 Annual Report as presented.
- (b) Authorise the General Manager Corporate Services to make changes as required for publishing the Annual Report.
- (c) Authorise the General Manager Corporate Services to produce and publish the Annual Report and the Summary Annual Report within the statutory timeframes.

27. 10. 2011

29. NOTICES OF MOTION

Nil.

27. 10. 2011

30. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

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

THURSDAY 27 OCTOBER 2011

9.30AM

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

CHRISTCHURCH CITY COUNCIL

Thursday 27 October 2011 at 9.30am
in the Boardroom, Beckenham Service Centre, 66 Colombo Street

Council: The Mayor, Bob Parker (Chairperson).
Councillors Helen Broughton, Sally Buck, Ngaire Button, Tim Carter, Jimmy Chen, Barry Corbett,
Jamie Gough, Yani Johanson, Aaron Keown, Glenn Livingstone, Claudia Reid and Sue Wells.

ITEM NO	DESCRIPTION	PAGE NO
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25. CONT'D	GARDINERS ROAD, MILNS ROAD, MAIN NORTH ROAD, CRANFORD STREET AND BRIDGE STREET PROPOSED AMENDED SPEED LIMITS	42
37.	REPORT BY THE CHAIRPERSON OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 19 OCTOBER 2011	44

35. CHRISTCHURCH CITY COUNCIL COMMENT ON DRAFT RECOVERY STRATEGY

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Strong Communities
Author:	Angela Cassidy

PURPOSE OF REPORT

1. This report seeks Council endorsement of draft comments prepared on the Canterbury Earthquake Recovery Authority's (CERA) draft Recovery Strategy. Proposed comments are set out in **Attachment 1**.

EXECUTIVE SUMMARY*Draft Recovery Strategy*

2. CERA released its draft Recovery Strategy on 10 September 2011. The Recovery Strategy is required by the Canterbury Earthquake Recovery Act 2011, and will provide overarching direction for the reconstruction, rebuilding and long-term recovery of greater Christchurch. The draft strategy aims to:
 - Provide direction and clarity to public and private agencies who have a role in recovery activities;
 - Instil confidence in the greater Christchurch community (particularly the business community) that recovery is well planned and progress is being made; and
 - Maximise opportunities for the restoration, renewal, revitalisation and enhancement of greater Christchurch.
3. The draft strategy sets a vision for the recovery of greater Christchurch and supporting goals, identifies priorities and sets an agenda for recovery activities across the economic, social, built and natural environments, including five Recovery Plans. The proposed approach is to undertake recovery at a steady pace with set timelines and milestones and to use, and review, existing strategic directions (including the Greater Christchurch Urban Development Strategy) as the foundation for recovery. The draft strategy also includes principles to guide recovery decisions, with a particular emphasis on collaboration and engagement, discusses the financial impact and funding, and sets out arrangements for monitoring, reporting and review of the strategy.
4. CERA has invited public comment on the draft Recovery Strategy by 30 October 2011.

Proposed Council comment

5. Proposed Council comment on the draft Recovery Strategy is set out in **Attachment 1**. The proposed comment is structured as follows:
 - Key issues for the Council.
 - High-level comments on the key components on the draft strategy.
 - More detailed and editorial comments on specific aspects of the draft strategy.
6. The key issues identified in the proposed Council comment are:
 - Obtaining greater clarity around governance arrangements for recovery and the roles and responsibilities of the different agencies involved.
 - Ensuring that the Recovery Plans and programmes are prepared with the involvement of the Council and do not cut across the Council's obligations to prepare its Long Term Plan and make funding decisions in consultation with the community.
 - Ensuring that a coherent approach is taken to district planning and that decisions are made at the appropriate level of government.
 - Putting in place mechanisms for coordination and collaboration in the development and implementation of Recovery Plans and programmes.
 - Resolving issues relating to insurance so that recovery efforts can proceed without undue delay.

35 Cont'd

Next steps

7. CERA has indicated that it would like to discuss the Council's comments with the Council in early November as part of the process of revising and finalising the Recovery Strategy. CERA anticipates that the strategy will be finalised early in the new year.

FINANCIAL IMPLICATIONS

8. There are no direct financial implications associated with the recommendation of this report. However, the proposed comment on the draft Recovery Strategy notes the need for the Council to be involved in the development of Recovery Plan and programmes, which will have resource implications.

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

9. The costs of Council involvement in the preparation of Recovery Plans and programmes will be the subject of separate reporting to the Council.

LEGAL CONSIDERATIONS

10. There are no direct legal implications associated with the recommendation of this report. However, the Recovery Strategy itself, once adopted, will be a statutory document. The Recovery Strategy must be read as being part of, and prevailing over, various council documents, including annual plans, the Long Term Plan and the City and District Plans. Recovery Plans, once prepared and adopted, will also have this effect.

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

11. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Council involvement in the preparation of the Recovery Strategy, Recovery Plans and programmes contributes to the City and Community Long Term Policy and Planning Activity.

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

13. See above.

ALIGNMENT WITH STRATEGIES

14. The recommendation of this report is not inconsistent with existing Council strategies. These strategies may need to be reassessed in light of the Recovery Strategy, once adopted.

Do the recommendations align with the Council's strategies?

15. See above.

CONSULTATION FULFILMENT

16. Consultation is not required on this matter. The proposed comment on the draft Recovery Strategy reflects input from across the organisation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) endorse the proposed Council comment on the draft Recovery Strategy set out in **Attachment 1**.

36. 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.

36 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**.

36 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.

36 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.*

36 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**.

27. 10. 2011

**37. REPORT BY THE CHAIRPERSON OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:
MEETING OF 19 OCTOBER 2011**

Attached.