

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 26 JULY 2012**

**9.30AM**

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

## CHRISTCHURCH CITY COUNCIL

**Thursday 26 July 2012 at 9.30am**  
**in the Council Chamber, Civic Offices, 53 Hereford Street**

**Council:** The Mayor, Bob Parker (Chairperson).  
Councillors Peter Beck, 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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**COUNCIL 26. 7. 2012**

- 1. APOLOGIES**
  
- 2. CONFIRMATION OF MINUTES:  
COUNCIL MEETINGS OF 28 JUNE 2012 AND 12 JULY 2012**

Attached.

**3. DEPUTATIONS BY APPOINTMENT**

Lindsay O'Donnell and Ken Jones regarding item 9.

**4. PRESENTATION OF PETITIONS**

5. LOCAL GOVERNMENT ACT 2002 AMENDMENT BILL - CHRISTCHURCH CITY COUNCIL SUBMISSION

<b>General Manager responsible:</b>	General Manager, Regulation and Democracy Services, DDI 941-8462
<b>Officers responsible:</b>	Unit Manager, Legal Services
<b>Authors:</b>	Judith Cheyne and Ian Thomson, Legal Services Unit

**PURPOSE OF REPORT**

1. To summarise the proposed amendments to the Local Government Act 2002 proposed in the Local Government Act 2002 Amendment Bill (**the Bill**), and provide further information as requested at the workshop held with Councillors and Community Board Chairs on 6 July 2012. (The elected members attending the workshop were all Councillors except Councillors Livingstone and Carter (Mayor Parker left early) and Community Board Members Mike Mora, Linda Stewart, Helene Mautner, Islay McLeod, Val Carter and Pauline Cotter.)
2. To present a draft Council submission (**attached**) for approval. There were a divergent range of views expressed at the workshop. The attached submission has been based on what staff present at the workshop believed was the consensus of elected member's feedback at the workshop.
3. To have Council nominate one or more Councillors to present the Council's submissions to the Local Government and Environment Select Committee (if desired).

**EXECUTIVE SUMMARY**

4. In March 2012, Government released a discussion document entitled Better Local Government. The document foreshadowed 8 principle reforms for the local government sector:
  - refocusing the purpose of local government;
  - introducing fiscal responsibility requirements;
  - strengthening council governance provisions;
  - streamlining council reorganisation procedures;
  - establishing an efficiency taskforce;
  - developing a framework for central/local government regulatory roles;
  - investigating the efficiency of local government infrastructure provision; and
  - reviewing the use of development contributions.
5. The first four reforms are addressed in the Local Government Act 2002 Amendment Bill, which was introduced on 30 May 2012, and has been referred to the Local Government and Environment Select Committee. The government has said it wants the Bill passed and enacted no later than November 2012. The submissions due date is 26 July 2012.

*Summary of the proposals in the Bill*

*New Purpose statement*

6. The Bill proposes a new purpose statement for local government. In place of the current reference to promoting the social, economic, environmental and cultural well-being of communities, the Bill proposes changing this second limb of the purpose to be "to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses".
7. The phrases "most cost-effective", "local public services" and "good quality" are considered by many commentators on the Bill as providing the areas for most future debate, and, potentially litigation (judicial review challenges to Council decisions). There are no definitions for "most cost-effective" and "local public services" or for "local infrastructure". The Bill includes a definition for "good quality", which applies to each of local infrastructure, local public services, and regulatory functions. "Good quality" means efficient, effective, and appropriate to present and anticipate future circumstances.
8. There are also numerous consequential changes to the various sections in the Act that refer to the four well-beings.

5 Cont'd

*Introduction of fiscal responsibility requirements*

9. A new regulation-making power has been added to section 259 of the Act. It allows for regulations that will prescribe "parameters or benchmarks for assessing whether a local authority is prudently managing its revenues, expenses, assets, liabilities, investments, and general financial dealings".
10. The Bill makes it clear that the regulations can express those parameters and benchmarks in a range of ways, and that different parameters and benchmarks can be set for different classes of local authority. Two examples of possible benchmarks and parameters that are given in the Bill are:
  - a local authority's debt in a financial year must not exceed a fixed sum per resident; and
  - a local authority's expenditure in a financial year must not increase by more than the ratio of population growth multiplied by the rate of increase of the Consumers Price Index (CPI).
11. The second example, making reference to CPI may be difficult for local authorities', and their costs, especially land and infrastructure costs, continue to increase more quickly than many costs measured through the CPI. The Local Government Cost Index, developed by LGNZ, is considered by SOLGM and LGNZ (and other commentators on the Bill) to be a more relevant measure for local authorities.
12. However, the general public would understand and relate to CPI more easily. Population growth is also not necessarily the best measure of increased demand for local authorities' services, as many costs are not dependent on population growth (eg meeting drinking water standards and other new standards and requirements imposed by central government, or where there may be negative population growth but new infrastructure is still required).
13. The Minister can only recommend regulations after consulting with LGNZ, so local government could try and ensure appropriate benchmarks are set in this way, but there is no requirement for the Minister to have LGNZ approval.

*Strengthen Council governance provisions – employment policy, mayoral powers and assistance and intervention*

14. Clause 24 of the Bill introduces an optional power for a local authority to adopt policies on employee staffing levels and the overall remuneration policy of employees. Local authorities will have to publish information on employee numbers and remuneration in annual reports.
15. Salaries are to be disclosed in bands, with the first band being \$0 - \$60,000, and the remaining bands being in \$20,000 lots starting from \$60,000 - \$80,000. Bands can be merged where there are less than five employees in the band, so as to protect individuals' privacy.
16. The Bill also includes a new provision allowing the Remuneration Authority to approve rules created by a local authority for reimbursing members' expenses.
17. Additional mayoral powers are proposed in clause 16 of the Bill. The powers include appointing the Deputy Mayor and Committee Chairpersons, as well as establishing committees. The Mayor is also able to lead the development of plans, policies and budgets. These changes are similar to the increased powers given to Auckland's Mayor but unlike that legislation there is no statutory entitlement to a budget to support the Mayor's enhanced role.
18. The Bill inserts a new part into the Act, bringing together intervention powers previously spread out in Part 10 and Schedule 15. The Bill now provides for the Minister to appoint Crown reviewers, observers, and managers, in addition to the existing power to appoint commissioners, and call elections.

5 Cont'd

19. The Bill provides a new trigger for the Minister to intervene: a "significant problem". Both "significant" and "problem" are defined in the Bill, with "problem" meaning "a matter or circumstance relating to the management or governance of the local authority that detracts from, or is likely to detract from, its ability to give effect to the purpose of local government within its district or region". A "problem" will also include the consequences of a state of emergency, and a failure to meet the financial parameters and benchmarks set through regulations.
20. The new powers give the Minister a very wide discretion to intervene. There is no link between the extent of the problem and the level of intervention that the Minister can decide to use nor are there any criteria for determining if an intervention should cease.

*Streamlining council reorganisation procedures*

21. Schedule 3 of the Act, setting out the provisions that apply to reorganisation proposals, is to be entirely replaced. There is a new Ministerial power to direct the Local Government Commission on the priority and timing of reorganisation proposals. Through a Gazette notice, the Minister can specify the timeframes within which the Commission must deal with matters, and which reorganisation applications are to be given higher priority.
22. The new Schedule 3 proposes to alter the threshold for seeking a reorganisation proposal, essentially making it easier. Any person or organisation may make an application not just one or more affected local authorities. The Commission simply has to be satisfied that an application has "significant community support" for it to proceed. At this stage the phrase means "support from a large proportion of the community, or of the leaders of the community".
23. Before developing a final reorganisation proposal, the Commission again needs to satisfy itself that there is "significant community support". In this context, there needs to be "substantial support from a large proportion of the community or the leaders of the community". The definition means a proposal could proceed if it has sufficient support from leaders of the community, even if a large proportion of the people in the community are not in support.
24. The Bill also provides that a poll of electors will be held only if it is demanded through a petition signed by at least 10 per cent of electors in the affected area.

*Further information sought at the workshop*

25. At the workshop on 6 July the above proposals were explained, and discussed by the Councillors and community board chairs present. The workshop provided staff with a selection of views that were taken into account in preparing the draft submission. Several requests for further information were also made during the workshop.
26. The requests sought information regarding the draft Bill:
  - what applications for community grants funding have been received for things that are considered to be central government activities
  - a comparison of intervention provisions in the Bill with interventions in other sectors
  - whether the BPDC reorganisation would be able to happen under the Bill provisions as proposed.

*Funding applications*

27. A total of 144 funding applications to Council's Metropolitan Strengthening Communities Fund for 2012/13 were recommended for Council approval at the 13 July 2012 meeting. Applications are declined/not accepted for projects that are considered to be the primary responsibility of central government or other funding bodies (among other reasons). For 2012/13, 25 applications were declined for such reasons, most of which were in the health, education, and arts areas.

5 Cont'd

*Comparison with other intervention powers*

28. Attached as **Appendix 2** is a comparison of the intervention powers proposed in the Bill and those currently in use in the compulsory schooling and tertiary education sectors. In general terms the framework of progressively intrusive interventions proposed in the Bill is similar to that used in schools since 2001.
29. When the powers of intervention set out in the Bill are contrasted to those in schools and tertiary institutions the greatest differences relate to the requirements in the Education Act 1989 for interventions to:
  - be the minimum reasonable to deal with the risk without intervening more than necessary
  - be reviewed at least every twelve months
  - cease once no longer required.

*Would BPDC reorganisation be possible?*

30. Amalgamation of the Banks Peninsula District and the Christchurch City Council district in 2005/6 is an interesting example of reorganisation under the previous and current legislation. In 1999, under the Local Government Act 1974, a group of Banks Peninsula District electors initiated a review of their District by the Local Government Commission. As a result of the review, and submissions on a draft scheme, the commission decided to issue a re-organisation scheme in which Banks Peninsula District and Christchurch City would form a new Christchurch City.
31. Separate polls of electors in the Banks Peninsula District and Christchurch City were held, requiring over 50 per cent of the votes cast in each poll to be in favour of the scheme, for it to proceed.
32. Whilst the scheme was supported by over 50 per cent of the votes cast in the Banks Peninsula District a majority of voters in Christchurch City voted against it. The proposal therefore failed.
33. Under the Local Government Act 1974 a poll was mandatory. The Amendment Bill requires a poll to be taken only if it is demanded by 10 per cent or more of electors in the affected area. However, in the case of Banks Peninsula District and Christchurch City the result would have been the same. The large number of electors in the city would have outvoted the Banks Peninsula electors and the proposal would still have failed, if the Amendment Bill provisions had been in force back in 1999.
34. The matter came back to the commission in 2003 under the Local Government Act 2002. This time the proposal involved the abolition of the Banks Peninsula District and its inclusion in the Christchurch City District. It was able to proceed because the proposal was supported by at least 10 per cent (14.8 per cent in fact) of the electors of the District proposed to be abolished, in this case Banks Peninsula.
35. A re-organisation scheme was approved by the Commission. Schedule 3 of the Local Government Act 2002 required a poll to be held in each District that was directly affected by the scheme. Because it provided for the abolition of the Banks Peninsula District only that District was deemed to be affected. More than 50 per cent of the electors voted in favour of the scheme. Apart from being involved in the consultation and submissions process Christchurch City residents had no say in whether or not the re-organisation scheme was implemented.
36. If a re-organisation scheme of this nature had proceeded under the provisions of the Amendment Bill it would not have been put in place. Electors in Christchurch City could have petitioned for a poll to be taken (10 per cent or more of electors in the affected area). If less than 50 per cent of votes cast were in favour of the proposal then it would have failed.



**5 Cont'd**

37. Under the Amendment Bill any person or organisation may initiate a re-organisation proposal. The criteria to be considered by the Commission in determining whether or not to proceed with the proposal now includes the level of community support as well as whether or not it would promote good local government.
38. However if a poll was to be held, the fact that it is to be held over the areas affected means that there is the opportunity for a larger district to frustrate the wishes of a smaller one.

**FINANCIAL IMPLICATIONS**

39. There are financial implications for the Council if the amendments to the Local Government Act 2002 as proposed in the Bill are approved by Central Government. The financial implications are discussed in this report and the draft submission. They primarily concern the risk of increased litigation due to the change in the purpose statement, the cost of any intervention by the Minister (given that these could be made more easily under the Bill) and the need to make changes to the Council's financial systems if the fiscal responsibility changes proceed.

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

40. Not applicable.

**LEGAL CONSIDERATIONS**

41. Relevant legal considerations in relation to changes in the Bill are discussed in this report and the draft submission.

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

42. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

43. Not applicable.

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

44. Not applicable.

**ALIGNMENT WITH STRATEGIES**

45. Not applicable.

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

46. Not applicable.

**CONSULTATION FULFILMENT**

47. There has been internal consultation across a number of units within the Council and a workshop held with Councillors and Community Board chairs. The Council is aware of community views on related issues as a result of recent Annual Plan consultation, and members of the public are able to make their own submissions on the Bill.

**5 Cont'd**

**RECOMMENDATIONS**

That the Council resolve to:

- (a) Adopt the draft submission.
- (b) If the Council wishes to be heard in support of its submission, nominate a Councillor(s) to present the Council's submissions to the Local Government and Environment Select Committee.

**COUNCIL 26. 7. 2012**

**6. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 4 JULY 2012**

Attached.

7. PLAN CHANGE 58 WRIGHTS ROAD – FINAL APPROVAL

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	David Punselie

**PURPOSE OF REPORT**

1. This report seeks Council approval to make operative the changes to the City Plan introduced by its decision on Plan Change 58 (**Attachment 1**).

**EXECUTIVE SUMMARY**

2. Private Plan Change 58 was initiated by Addington Raceway Limited (ARL). It rezones approximately 2.1 hectares of land at Wrights Road Addington from Open Space 3B (Private Recreation Facilities) to Business 4 (Suburban Industrial). The site is part of the Addington Raceway complex and is bounded by Wrights Road, the raceway track and grounds, and a private road leading to the CBS Canterbury Arena. ARL has determined that this land is surplus to raceway requirements and would be better utilised for business development.
3. A Council Hearings Panel comprising Commissioner Bob Nixon and Councillors Broughton and Buck conducted a hearing on 19 March 2012. The Panel noted the plan change had been promoted in consultation with Council staff and there was a large degree of consensus between staff and the applicant. It was satisfied that the changes proposed were not inconsistent with the objectives and policies of the plan and would better achieve the purposes of the Resource Management Act.
4. The Panel's recommendation that the Council adopt the plan change with some modification was accepted on 26 April 2012. The plan change as amended by the Council decision is attached to this report. No party having given notice of appeal the Council can now take the necessary steps to make operative the changes introduced by Plan Change 58.

**FINANCIAL IMPLICATIONS**

5. There are no direct financial implications.

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

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

**LEGAL CONSIDERATIONS**

7. The recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by its decision on Plan Change 58. 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. This plan change has reached the stage where it can be made operative.

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

8. Yes. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. 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?**

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

**7 Cont'd**

**ALIGNMENT WITH STRATEGIES**

11. Plan Change 58 is of little strategic significance.

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

12. Yes.

**CONSULTATION FULFILMENT**

13. 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 its decision on Plan Change 58 Wrights Road.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 58 become operative.

## COUNCIL 26. 7. 2012

### 8. SELWYN STREET SHOPS MASTER PLAN – ADDINGTON

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Plan
<b>Author:</b>	John Scallan - Planner, Suburban Centres Programme

#### PURPOSE OF REPORT

1. The purpose of the report is to seek the adoption of the Suburban Centre Master Plan for Selwyn Street Shops (Addington).

#### EXECUTIVE SUMMARY

2. In June 2011 the Council approved the Suburban Centres Programme to address the extensive damage caused to commercial centres outside the central city by the Canterbury earthquakes. Due to the scale of damage in the Selwyn Street Shops, this centre was identified for a master plan to assist in the centre's rebuild and recovery.
3. In order to promote community participation in the development of the plans, a variety of engagement and consultation exercises took place for the centre throughout 2011 and 2012. These included stakeholder and community workshops and public meetings. The Council approved a draft master plan in December 2011, and this was published for formal public consultation, which took place from December 2011 until February 2012. Analysis of the submissions received was reported to the Spreydon / Heathcote Community Board and then to the Council on 17 May 2012, at which time it was resolved not to hear submissions but to endorse the Community Board resolution to hold an additional workshop with those members of the public who had made a submission to the draft Master Plan. This workshop took place on 22 May 2012 and was attended by eleven of the people who made a submission on the draft Master Plan. The workshop was a forum for respondents to discuss any aspect of their submission, with the emphasis being on those areas of the draft Master Plan that attracted the majority of the comments received (that is to say, transport and the Selwyn Street Reserve). A number of actions arose from that workshop which have been used to inform the amendments to the draft Plan.
4. Staff have now made the amendments to the draft Master Plan in accordance with the direction agreed by Council. A schedule of the changes are set out in **Attachment 1**. In order to finalise the Master Plan, and to enable implementation of the identified actions to progress, it is now presented to Council for adoption. A complete version of the Master Plan is set out in **Attachment 2**. This document will require further design work (layout, formatting and typographical adjustments) to meet the Council's standards for publication. This will be done once the content has been approved.

#### FINANCIAL IMPLICATIONS

5. Preparation of the Master Plan within the Strategy and Planning Group's budget was confirmed through the 2011/12 Annual Plan process. Funding for implementation of the Plan will be considered through the 2012/13 Annual Plan process and Long Term Plan review.

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

6. Yes, funding for preparation of the master plans has been provided within the Strategy and Planning Group's 2011/12 budget.

#### LEGAL CONSIDERATIONS

7. 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.

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

8. Yes, as above.

8 Cont'd

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. Yes, completion of the master plan is provided for within Activity Management Plan 1.0 *City and Community Long-Term Policy and Planning* updated as at 1 July 2011.

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

9. Yes, these master plan assist in delivery of the LTP level of service: "The recovery of suburban centres is supported by urban design and planning initiatives."

**ALIGNMENT WITH STRATEGIES**

10. The Master Plan is consistent with relevant strategies, including the Urban Development Strategy, and the Recovery Strategy for Greater Christchurch that was approved by the Minister for Canterbury Earthquake Recovery on 31 May 2012. The Recovery Strategy's goals and priorities include reference to suburban centres. The Canterbury Earthquake Recovery Act requires that certain plans and documents should not be inconsistent with a Recovery Strategy. Whilst the Act does not specifically refer to suburban centre master plans, the Selwyn Street Shops Master Plan is consistent with the Recovery Strategy. Staff have met with officials from the Canterbury Earthquake Recovery Authority (CERA) and will continue to do so to ensure that the work on the Plan is informed by and consistent with the Recovery Strategy.

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

11. Yes.

**CONSULTATION FULFILMENT**

12. The Selwyn Street Shops Master Plan has been subject to significant levels of public consultation and community engagement. There have been four main phases: Project Foundation, involving stakeholder and community workshops (August 2011); Draft Master Plan, formal submissions (December 2011 to February 2012, including public drop-in days); reports to Community Board and Council on findings from the submission process (May 2012); and a further workshop attended by the members of the community who made submissions to the plan, the Community Board members and Council staff (May 2012). The Community Boards have been briefed on the final version of the Plan.

**STAFF RECOMMENDATION**

It is recommended that the Council adopt the Selwyn Street Shops Master Plan

## COUNCIL 26. 7. 2012

### 9. RECOMMENDATION ON REQUEST BY AMHERST PROPERTIES LIMITED TO THE EARTHQUAKE RECOVERY MINISTER TO USE SECTION 27 OF THE CANTERBURY EARTHQUAKE RECOVERY ACT TO AMEND THE CITY PLAN TO ENABLE OFFICE DEVELOPMENT AT THE CORNER OF RICcarton ROAD AND DEANS AVENUE

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	Scott Blair – Senior Planner

#### PURPOSE OF REPORT

1. The purpose of this report is to:
  - (i) provide the background of a request to the Christchurch City Council by Amherst Property Limited (APL) to support/ask the Minister of Earthquake Recovery to use Section 27 of the Canterbury Earthquake Recovery Act 2011 (**CER Act**) to amend the City Plan to enable an office development at the corner of Riccarton Road and Deans Avenue; and
  - (ii) recommend to the Council a policy position on the request to report to Amherst Properties Limited.

#### EXECUTIVE SUMMARY

2. APL applied for a resource consent in July 2011 for a non complying activity to establish an office development at the corner of Riccarton Road and Deans Avenue, opposite the western side of Hagley Park. The consent application was declined in a decision by a commissioner appointed by the Council. APL have subsequently made a request to the Council to support a request to the Minister of Earthquake Recovery to use Section 27 of the CER Act to introduce a number of site specific (spot zone) amendments to the City Plan rules that would explicitly permit the development as proposed.
3. The current zoning of the site under the City Plan is Living 5 Travellers Accommodation. The zone provides primarily for hotels and motels, but if the land is not used for that activity, the land can be used for residential development at Living 3 (medium/high) density. The site is currently vacant. It was occupied for a number of decades by a furniture business. The buildings on the site were damaged or destroyed in the earthquakes and are presently being demolished.
4. A number of important policy questions for the Council arise from the request:
  - (a) Is there a recovery need for the proposed change to the City Plan to enable the construction of the office block?’
  - (b) Is the current City Plan deficient? Would the proposed amendments to the City Plan enable a better resource management outcome on the site?
  - (c) Is the need to have office on this site more important to the region’s recovery than its permitted City Plan uses of travellers accommodation and/or higher density residential development?
  - (d) Is there some feature of this site (e.g. its location) that is so different from the other potential vacant sites in the City that it would not lead to further approaches to the Minister to use Section 27 of the Act?
  - (e) Is the recovery need so urgent that in this instance the Council should overlook the obvious inconsistencies with the structure and intended outcome of the City Plan, and/or mean that the applicant shouldn’t rely on the normal process under the Resource Management Act, including a further resource consent, or a private plan change request?
  - (f) Would approval of the request by the Minister set a dangerous precedent that could undermine the integrity of the City Plan?



9 Cont'd

5. After due consideration of the issues raised in questions a – f the advice to the Council is:
- that the current City Plan's aims for the site are sound; and
  - that there are no unusual or pressing recovery issues that the change to the plan could address; and
  - that given the circumstances of the site the Council would set a dangerous precedent for itself if it felt justified in inviting the Minister to use his Section 27 power to "amend" the City Plan in this instance and,
  - there are other avenues that the APL could pursue to get consent to develop the site.

While ultimately the choice of the use of Section 27 powers under the CER Act 2011 to direct a change to the plan is one for the Minister to make, the Council needs to be mindful of any position it adopts about requesting, supporting or encouraging the Minister in the use of such power. In that regard the Council must itself consider the recovery needs (as expressed in the Policy questions above), and the signal that it sends to other landowners, developers and individuals about how it views and interprets how and where changes should be made directly to the City Plan in the light of the earthquake.

**FINANCIAL IMPLICATIONS**

6. There are no immediate financial implications. APL could potentially seek a judicial review of the Council's decision but this is an unlikely scenario given that the Minister has the ultimate authority under the legislation to act.

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

7. Yes.

**LEGAL CONSIDERATIONS**

Canterbury Earthquake Recovery Act 2011

8. Sections 3, 10 and 27 of the CER Act are the most relevant to the issues addressed in this report.
9. Consideration has been given to the legal framework for advising the Minister. The Council's Counsel Simpson Grierson have provided input to, and review of, this report and its legal considerations and recommendations.
10. The relevant parts of Section 27 of the CER Act reads:
- 27 Suspension of plan, etc*
- (1) *The Minister may, by public notice, suspend, amend, or revoke the whole or any part of the following, so far as they relate to any area within greater Christchurch:*
- (a) an RMA document;*  
*(...)*
- (7) *No compensation is payable under this Act in respect of any action taken under this section.*
11. Section 10 of the CER Act provides that any powers that the Minister exercises must be in accordance with the purposes of the CER Act which are contained in Section 3 as follows:

**3 Purposes**

*The purposes of this Act are—*

- (a) *to provide appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes;*
- (b) *to enable community participation in the planning of the recovery of affected communities without impeding a focused, timely, and expedited recovery;*
- (c) *to provide for the Minister and CERA to ensure that recovery;*
- (d) *to enable a focused, timely, and expedited recovery;*

9 Cont'd

- (e) *to enable information to be gathered about any land, structure, or infrastructure affected by the Canterbury earthquakes:*
  - (f) *to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property:*
  - (g) *to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities:*
  - (h) *to provide adequate statutory power for the purposes stated in paragraphs (a) to (g):*
  - (i) *to repeal and replace the Canterbury Earthquake Response and Recovery Act 2010.*
12. While ultimately the Minister would need to satisfy himself that the exercise of section 27 powers was in accordance with the purposes of the CER Act, the Council should also turn its mind to this issue if it is being asked for its view on the appropriateness of the exercise of such powers in this instance. ).
13. If the Minister were to use Section 27 in this instance it would need to be to give effect to one or more of the purposes set out in section 3. Possible purposes that might be relevant in this instance are in sections 3(a), (d), (f) and (g). It is considered that the key questions are whether the City Plan is deficient such that it requires amendment, and whether the proposed office development is necessary for the purposes of the recovery of the greater Christchurch community e.g. to meet an immediate shortfall of office space or whether another potential use of the land might better fulfil the recovery purpose of CER Act. This is discussed below.

Potential Judicial Review

14. Related to paragraph [10] above, the Council should be aware that, in reaching a conclusion about the appropriateness of the exercise of section 27 powers in this instance and supporting the use of such powers, the Council's decision could potentially be subject to judicial review in the High Court. While the primary risk is for the Minister in exercising a decision making power under the CER Act, the Council could also be subject to review if it supported or requested the exercise of the section 27 power.

**ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS**

15. It aligns with LTP direction for Strategy and Planning to provide advice on the City Plan.

**ALIGNMENT WITH STRATEGIES**

16. The staff recommendation aligns with the Council's Draft Central City Recovery Plan as presented to the Minister in December 2011. This is still under consideration by the Minister.

**CONSULTATION FULFILMENT**

17. No consultation is required for this report.

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### 9 Cont'd

#### STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Advise Amherst Properties Limited that the Christchurch City Council's position is that it will not consider asking the Minister for Earthquake Recovery to use Section 27 of the CER Act to amend the Christchurch City Plan to enable an office development at 4 Riccarton Road and 159 Deans Avenue, or support the use of Section 27 of the CER Act to amend the District Plan in this instance.
- (b) Notes
  - (i) that APL is entitled in law to request a Privately Initiated Plan Change in respect of the site,
  - (ii) that APL is entitled to submit a revised Resource Consent for the site and proposed development,
  - (iii) that the Minister is able to direct to council to amend its District Plan, irrespective of the Council's position on such action.

#### BACKGROUND

18. On 21 July 2011 APL applied for land use consent to construct an office complex on the now vacant land at 4 Riccarton Road and 159 Deans Avenue. The eventual decision on the land use consent application describes the proposed development as:
  - *A multi level, commercial development consisting of offices and retail uses however primarily used for office space, with flexibility to enable all of part the building to be used for medical specialists.*
  - *The total floor area of the building is in the order of 5700m<sup>2</sup> GFA (gross floor area)....*
  - *A café (150m<sup>2</sup> Public Floor Area) at the western end of the building at the ground floor adjacent the Darvel Street frontage. The café will operate between the hours of 0700 and 2300 Monday to Friday and 0800 to 2300 Saturday and Sunday....*
19. APL sought the input from the Council's urban design panel which gave a favourable statement about the design aspects of the development following changes to the design made by the applicant.
20. The land use consent application was publicly notified and the applicant requested the submissions were heard by an independent Hearings Commissioner, who had delegated authority to determine the application. The commissioner declined the application in a decision released on 8 December 2011. The application was for a non complying activity. The 'tests', only one of which must be met, under section 104D of the Resource Management Act before a non complying activity can be considered for approval are:
  - (a) *the adverse effects of the activity on the environment ... will be minor; or*
  - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
    - (i) *the relevant plan ...*
21. The commissioner determined that (a) the adverse effects on the environment of the proposed activity were more than minor; and (b) it did not meet the relevant important objectives and policies of the City Plan.

APL appealed the decision to the Environment Court but subsequently withdrew the appeal. Further information about the site and the resource consent application are set out in **Attachment 4**.

9 Cont'd

**Policy Questions arising from the request**

22. During the course of the development process the applicant had discussions with CERA regarding the possible use of the Minister's powers to approve the development and amend the City Plan accordingly. It is staff's understanding that the Minister was favourably disposed to the development, and to the use of his powers, but wished to understand the Council's position. Accordingly APL has requested the Council to consider its support for the rezoning and development as proposed, and in particular the Council's willingness or comfort with the Minister utilising his powers under Sec 27 of the CER Act 2011.
23. As noted above the development has already been tested against the current City Plan, and been declined. The question for Council then moves beyond the "interpretation of the City Plan" to the policy question of the "adequacy of the City Plan", and/or the Recovery significance of the development that would allow the development to occur "irrespective of the City Plan". In this sense the resource consent, is of historical interest, but a different question is being considered today. In doing so Council also needs to set aside questions on issues about the quality of the development. The development as proposed is attractive, certainly more so than the semi industrial look previously associated with the site. It has been favourably reviewed by the Urban Design Panel, and the applicant has sought to minimise the interface with neighbours and to present a good outcome to the street. However, as was tested by the consent process, the primary issue is not the quality of the building or its design, but its "fit" against the plan. So to in this consideration council will need to focus on the merits of the policy matters in front of it, not the merits of the structure per se.
24. Accordingly the two primary questions identified above can be broken down into six explicit questions which the Council must examine.
  - (a) Is there a recovery need for the proposed change to the City Plan to enable the construction of the office block?
  - (b) Is the current City Plan deficient? Would the proposed amendments to the City Plan enable a better resource management outcome on the site?
  - (c) Is the need to have office on this site more important to the region's recovery than its permitted City Plan uses of travellers accommodation and/or higher density residential development?
  - (d) Is there some feature of this site (e.g. its location) that is so different from the other potential vacant sites in the City that it would not lead to further approaches to the Minister to use Section 27 of the Act?
  - (e) Is the recovery need so urgent that in this instance the Council should overlook the obvious inconsistencies with the structure and intended outcome of the City Plan?
  - (f) Would approval of the request by the Minister set a dangerous precedent that could undermine the integrity of the City Plan?

Intended City Plan outcomes

25. The commissioner's decision analyses the plan change in the context of the existing objectives and policies of the City Plan. It does not purport to, and neither could it, analyse whether the objectives and policies and actual zoning are the best outcome for the site – the zoning is operative and therefore it is said to be in accordance with Part II of the RMA. The commissioner could only determine whether:

*the application is for an activity that will not be contrary to the objectives and policies of—*  
*(i) the relevant plan ...*

9 Cont'd

26. APL is of the opinion that the current uses of land (residential and travellers accommodation) adjacent to Hagley Park detract from the amenity of the Park. No evidence has been provided as to why this is the case [and nor is this an issue or concern identified in the City Plan]. APL is also reliant upon the fact that a furniture retail activity had been on the site for a number of years up until the point that the building in which the activity was located was destroyed by the earthquake. The essence of this argument is that the land has not been either residential nor travellers accommodation to date, and therefore, because the intended purpose has not been realised, the City Plan and the intentions of the zone are not appropriate for the site. It is considered that the present request is not the appropriate forum for this issue to be considered, particularly on a site-specific basis. In any event, the analysis below does not support the view that the intended City Plan outcome for the land is deficient in the context of recovery from the earthquakes.
27. The overall urban form outcome sought by the City Plan (consolidation) would suggest that, when the zoning of this land is strategically reviewed as part of the eventual review of the whole City Plan it would retain the same or very similar zoning to its current zoning, even in the context of post earthquake Christchurch. Specifically the area was zoned for travellers accommodation and/or higher density residential development because:
  - (i) It is mostly in residential and travellers accommodation use;
  - (ii) It is located next to the high amenity open space of Hagley Park lending easy access to compensatory open space for passive and active recreation; and
  - (iii) It provides living space for CBD and Riccarton workers relatively close to both areas contributing to a reduction in travel demand.
28. The surrounding area has historically contained medium density residential activity. It has taken on some travellers accommodation (hence its zoning for travellers accommodation), and the City Plan intends as an alternative use for the site a transition back to medium density residential development. See the zone descriptions in **Attachment 1**.
29. The current zoning structure has been through a Section 32 Resource Management Act 1991 assessment process (albeit up to 15 years ago), is reflective of the current urban form of the area and is a logical resource management outcome. In this regard the current City Plan is not deficient.
30. For this reason, it is not accepted that an office development on this site is a better resource management outcome that would justify the use of section 27 powers.

Precedent

31. There is little to distinguish the subject site from other vacant residential sites in the area (e.g. along Carlton Mill Road).
32. A matter that is weighed in the statutory assessment of non complying activity resource consents (like the recently declined APL resource consent application) is whether there is something so unusual about the site, that would distinguish it from all other sites, so that grant of the consent (even though it does not meet the objectives and policies of the plan) would not undermine confidence in the consistent administration or integrity of the plan. The commissioner addressed this aspect in his assessment of the resource consent application when he concluded:

Precedent

76. *At first sight the application site is unusual or even unique, suggesting that consent would not create any kind of precedent. On reflection however, I am not convinced that the features of the site that make it unusual, particularly the past use, the somewhat derelict condition of the site and the location opposite a strip of commercial development, are sufficiently unusual to prevent a precedent effect. Certainly consent would undermine public confidence in the City Plan for anyone appreciating that it is a Living zone. I see this as a factor weighing against consent.*

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9 Cont'd

33. While the analysis is in the context of an RMA assessment grant of this amendment to the City Plan, there are precedent issues that need to be addressed
34. There is a real risk that if the Council was to agree to support this request, it would inevitably face numerous other requests from other applicants or landowners to change the City Plan on the basis that allowing the development would in some way contribute towards recovery. To accept such an approach in this instance would create an adverse precedent particularly where the existing zoning has not been demonstrated to be inappropriate or deficient, and would encourage an ad hoc planning approach which could undermine the City Plan given that section 27 decisions to amend the City Plan would have enduring effect beyond the expiry of the CER Act. It is also questionable whether such an approach, if it was to emerge, would be consistent with the recovery purposes of the CER Act particularly where there are other statutory tools that are available for individuals to use to test the adequacy of the plan in the current circumstances.
35. APL have indicated a desire to contribute to the recovery of the Central Business District. The Council should encourage APL to look for investment opportunities within the CBD itself – the imminent release of the Central City Recovery Plan by the Central City Development Unit of the Canterbury Earthquake Recovery Authority may provide opportunities
36. It is considered likely that if the Minister uses his powers under Section 27 in this instance it will lead to further members of the public making similar requests.

Council Policy: Order in Council – Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011-03-16 (OIC)

37. Following the earthquakes the issue of short term “re-supply” of office accommodation was recognised. An Order in Council was passed which provides for temporary office accommodation. The following is taken from the Council’s policy on administering the order:

*The aim of the Order is in essence to secure as speedily as possible, temporary accommodation for residents and business who have been displaced from their usual place of residence or business and depots and storage yards associated with earthquake recovery. The standards that have been developed pursuant to each public notice seek to promote the aim of the Order while at the same time:*

*Reducing effects on the surrounding environment, both immediate and long term; Maintaining, as close as reasonable under the circumstances, alignment with current plans and policy statements.*

38. Importantly one of the general requirements of the policy is:

*ensure the activity does not permanently establish in its temporary environment unless it complies with the District Plan.*

39. A mechanism has therefore been provided that enables provision for office accommodation. While it is not a licence to establish temporarily wherever one wishes it does provide for alternative temporary space, with the expectation that temporarily established activities will eventually return to land zoned for the purpose.
40. The Council is providing opportunity for development of office accommodation to meet the demands of displaced business, and through the OIC and its policy, and will continue to do so as appropriate.
41. **Attachments 2 and 3** show detail of the consents for temporary accommodation. Of the more than 450 that have been granted only one has been declined. On the face of these statistics it would appear that the policy is flexible enough to meet temporary demand.

9 Cont'd

42. The Council should therefore be cautious about agreeing to a request for a permanent change to the City Plan to permit an individual development, particularly where there is limited evidence which demonstrates a shortage of office space. There is sufficient capacity in the existing Business 3 and Business 4 zones outside of the CBD for office development, as evidenced by development at Addington and William Pickering Drive.
43. Taking into account the temporary accommodation consenting mechanism, it is difficult to justify the enablement of office activity on this site as an urgent recovery matter.

Potential non office recovery related uses on the site.

44. There is a need for replacement residential accommodation to meet demand from displaced residents from CERA's red zone. It is noted, that around 7500 residential units have been 'red zoned'. More importantly the land could also be used for temporary housing for the expected influx of rebuild workforce – it is ideally located for this purpose. The land is appropriately zoned for such development now.
45. The land could also be used for travellers accommodation providing short term accommodation for rebuild related professionals visiting the City. Use for travellers accommodation could also contribute to the recovering tourist industry in Canterbury – being adjacent to Hagley Park it is ideally located for this.

Technical issues with drafting

46. The proposed changes are not well drafted, are open to multiple interpretations, and do not fit with the City Plan's structure. If the Council wishes to support the applicant's request, the drafting should be reviewed to ensure that only the applicant's office proposal is enabled (keeping in place the existing ability in the existing Plan provisions for the site to be used for travellers accommodation or residential accommodation). Council officers can provide input into redrafted provisions.

Potential Missed Reinvestment Opportunity and Encouragement of the 'Market'

47. APL representatives note that they are committed to the restoration of the Central City/CBD. Such commitment and interest in the recovery of the Central City is welcome and should be encouraged by the Council. Encouragement of development elsewhere by the Council may also assist in attracting other potential investors to invest in Christchurch. However, this proposal, while it would represent a substantial investment for this site, should be weighed against the strategic issues identified earlier. The benefits that might accrue from supporting section 27 amendments to the City Plan for this site are not considered to be sufficient reason to encourage this particular development, particularly given the likely adverse consequences.

Other Options Available to Amherst Properties Limited.

48.
  - (i) APL could approach the Minister to use Section 27 of the Act without the support of the Council. Presumably it is still open to the Minister to act if he thinks there is a recovery need for the development – irrespective of the Council's views.
  - (ii) APL could pursue a Private Plan Change to the City Plan, pursuant to the first schedule of the Resource Management Act 1991, to provide a zoning and objectives and policies commensurate with the development. Assuming the application passed the first schedule public notification decision making process with out rejection (the Council could reject, accept, adopt or modify the proposal for public notification) it could then be assessed in the normal RMA decision making process.
  - (iii) APL could modify their proposal and reapply to the Council for resource consent.

9 Cont'd

Summary answers to the preceding questions arising from the request

- (a) Is there a recovery need for the proposed change to the plan to enable the construction of the office block?
49. There is no clear "recovery" need for the office block as defined by the CER Act.
- (b) Is the current City Plan deficient? Would the proposed amendments to the City Plan enable a better resource management outcome on the site?
50. The City Plan is not deficient and an office block on the site would clearly conflict with the objectives and policies of the City Plan.
- (c) Is the need to have office on this site more important to the region's recovery than its permitted City Plan uses of travellers accommodation and/or higher density residential development?
51. The answer to this question is most likely no, and there is no compelling evidence provided by APL which would support a clear finding in the affirmative. While there is demand for commercial space there is equally a shortage of accommodation space and residential space. Both the latter activities are provided for, and intended for this zone. There does not seem to be any compelling argument that would make commercial/office use a preferred outcome, in a manner that would warrant the use of the Ministerial power to achieve this.
- (d) Is there some feature of this site (e.g. its location) that is so different from the other potential vacant sites in the City that it would not lead to further approaches to the Minister to use Section 27 of the Act?

The site is on a high profile corner, with a historic use. The zoning intends a different use which is equally compatible with the land. There is no unique feature that would necessitate the use of the site by an office.

- (e) Is the recovery need so urgent that in this instance the Council should overlook the obvious inconsistencies with the structure and intended outcome of the City Plan?
- While there is a wider recovery issue for commercial activity, there are also recovery issues for traveller accommodation on residential development. There have been a number of temporary measures put in place to support commercial demand, and the imminent opening of the Central City provides an enhanced opportunity for development to occur in there. It is not considered that the situation for this type of use is such that the provisions of the plan need to be over-ridden or redirect.
- (f) Would approval of the request by the Minister set a dangerous precedent that could undermine the integrity of the City Plan?
52. Given that in staff opinion there is no compelling case for the risk, it would be unwise for Council to seek to have the Minister use his Section 27 power to override the City Plan in this instance. Irrespective of Council's position the Minister will himself have to consider the merit of this if requested. The inherent risk, as previously discussed, is in the potential line of more, less or equally deserving sites that might also seek to have unique outcomes created for them, despite the established processes in place to test such options.
53. Overall there has been insufficient evidence which demonstrates that the use of the land for this purpose and the exercise of section 27 powers is either necessary or clearly in accordance with the recovery purposes of section 3 of the CER



**9 Cont'd**

**THE OPTIONS**

Option 1

54. Advise Amherst Properties Limited that the Council will ask the Minister to use Section 27 of the CER Act 2011 to enable office development on the subject site.

Option 2

55. Advise Amherst Properties Limited that the Council will not ask the Minister to use Section 27 of the CER Act to enable office development on the subject site. As set out in this report, there is no recovery need and this option would have precedent effects that may lead to other permanently established out of zone office activity that does not contribute to overall recovery. However the Council can offer to work with the APL to identify sites for investment that will meet the strategic aims of all parties.

**THE PREFERRED OPTION**

56. The preferred option is Option 2

COUNCIL 26. 7. 2012

10. INFRASTRUCTURE REBUILD MONTHLY REPORT

<b>General Manager responsible:</b>	General Manager Capital Programme, DDI 941-8235
<b>Officer responsible:</b>	Infrastructure Rebuild Client Manager
<b>Author:</b>	Will Doughty – Infrastructure Rebuild Leader

**PURPOSE OF REPORT**

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

**EXECUTIVE SUMMARY**

2. At its April 2011 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 10<sup>th</sup> of what will be a regular monthly report that is provided to both Council and the Canterbury Earthquake Recovery Authority (CERA).

**STAFF RECOMMENDATION**

It is recommended that the Council receives the Infrastructure Rebuild Monthly Report for July 2012.

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### 11. 69 ARMAGH STREET – PROPOSED OFF STREET COUNCIL OPERATED PARKING FACILITY

<b>General Manager responsible:</b>	General Manager, City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
<b>Author:</b>	Stephen Hughes, Traffic Engineer – Community and Kevin Warwood, Parking Business Manager

#### PURPOSE OF REPORT

1. The purpose of this report is seek Council approval for the establishment and operation of an off-street Council operated parking facility at 69 Armagh Street.

#### EXECUTIVE SUMMARY

2. As a result of the removal of an earthquake damaged building, the parcel of land identified as Lot 1 DP 413237 at 69 Armagh Street has been made available to the Council for use as car parking (refer **Attachment 1**).
3. Many car parking facilities in the Central City were damaged or are inside the Red Zone and unavailable for parking. These include the Town Hall, Farmers, and Rydges Car Parks with a total of 957 car parking spaces being currently unusable. The property at 69 Armagh Street is the first opportunity to replace some of those car parking spaces.
4. The property totals 1022 square metres and is relatively close to above mentioned car parking buildings. It is also in that part of the Central City where the Council has retained the authority to resolve 'road' matters. (Refer **Attachment 2 and Attachment 3**). Off road public car parks are a 'road' matter.
5. As this property has been made available to the Council on a three year lease with option for two year extension the Corporate Support Unit Manager has the delegated authority to approve it. There is a three month 'development out' clause available to both parties. There is space on the property for the parking of 34 'normal' sized cars.
6. Organisations in the area have contacted the Council enquiring about public and private parking facilities. They include the District Court who have been seeking both public and long term (monthly) reserved parking for staff and the public. This property can provide parking for both groups.
7. The demand for casual and reserved parking will change as streets, areas and parking facilities are opened up. Therefore it is important that staff are able to change the ratio of casual to reserved parking to meet the evolving demand. It is proposed that the casual car parking apply on a 24 hour, seven day a week basis, with long term reserved parking spaces applying from 6am to 8pm Monday to Friday. This will minimise the impact that long term (monthly) parkers have on the car parks operations by limiting their claim on a space to weekday hours only.
8. At a Council meeting on 10 June 2011, it was resolved that the General Manager City Environment and the General Manager Corporate Services be given the delegation to set fees for off-street Council owned or operated "at ground" parking areas at between \$0 to \$25 per day or part thereof. The parking fees that will apply in this location will be set in accordance with that delegation.
9. For the Council to take up this opportunity and to legally enforce parking restrictions in this car park, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 (refer **Attachment 4**) requires that the Council resolve:
  - (a) 69 Armagh Street as a restricted parking area being a Council operated public car park.
  - (b) Parking restrictions for disabled parking.
  - (c) The types of parking control, i.e. parking meters and monthly charging.

11 Cont'd

**FINANCIAL IMPLICATIONS**

10. It is estimated that it will cost \$10,000 over three years to set up and maintain the surfacing, signage, markings and other parking infrastructure required to make this car park operational.
11. It is calculated that the above costs will be recouped within six months at 58 per cent occupancy.

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

12. As above.

**LEGAL CONSIDERATIONS**

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

13. Clause 5(1) of the Christchurch City Council Traffic and Parking Bylaw 2008 provides for the Council by resolution to set aside any road or part of any road, *or any other area controlled by the Council*, as a restricted parking area. Clause 5(2) then provides that the Council may include by resolution any condition that it determines. These conditions include restrictions and the method of parking control in car parks.
14. Once resolved as a restricted parking area, Council parking enforcement officers will be able to enforce parking restrictions in the usual manner by way of issuing infringement notices.
15. As this lease is for less than five years and less than \$50,000 per annum, the Corporate Support Unit Manager has the delegated authority to approve it. (See page 53 Register of Delegations.)

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

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

17. The above proposal can be used to provide safe, accessible parking to support the economic revitalisation of the city by encouraging people into the Central City and allow access to their places of employment in accordance with the Council's Parking Activity Management Plan.

**ALIGNMENT WITH STRATEGIES**

18. The recommendations align with the Council Strategies including the current Parking Strategy.

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

19. As above.

**CONSULTATION FULFILMENT**

20. There has been no public consultation on this proposal.

11 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council resolve the following:

- (a) That, in accordance with clause 5(1) of the Christchurch City Council Traffic and Parking Bylaw 2008, Lot 1 DP 413237 at 69 Armagh Street be approved as a restricted parking area and be a Council operated car parking facility.
- (b) That, in accordance with clause 5(2) of the Christchurch City Council Traffic and Parking Bylaw 2008;
  - (i) Two parking spaces restricted for the use of disabled motorists be installed at the car parking facility; and
  - (ii) The remaining parking spaces be divided between casual and long term (monthly) parking with the ratio of each to be determined and adjusted by the Parking Business Manager according to demand;
  - (iii) This is a Pay and Display area.

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**12. REPORT OF A MEETING OF THE METROPOLITAN FUNDING COMMITTEE:  
MEETING OF 13 JULY 2012**

Attached.

## COUNCIL 26. 7. 2012

### 13. HERITAGE REINSTATEMENT PROGRAMME – JUBILEE CLOCK TOWER

<b>General Manager responsible:</b>	General Manager Corporate Services, DDI 941-8528
<b>Officer responsible:</b>	Property Asset Manager
<b>Author:</b>	Matthew Noyes – Heritage Reinstatement Programme Manager

#### PURPOSE OF REPORT

1. To seek approval to move forward with the post-earthquake permanent repair for Victoria Clock Tower (Jubilee Clock), corner Montreal and Victoria Streets.



2. The recommended strategy is to repair the clock tower to 67 per cent New Building Standards (NBS), and for the clock to be fully restored.

#### EXECUTIVE SUMMARY

3. Victoria Clock Tower is of considerable national and regional significance making an important contribution to the identity, sense of place and history of the Canterbury region. It is listed as a Group Two heritage item in the Christchurch City Plan and is registered as Category I Historic Place by the New Zealand Historic Places Trust.
4. Victoria Clock Tower is ranked as the number 4 priority<sup>1</sup> (out of 55 buildings) for the Heritage Reinstatement Programme.
5. The tower suffered damage in the February earthquake.
6. Damage is generally limited to the dislocation of stones within the arches and buttress columns at the base of the tower. Some individual stones are significantly dislodged and held loosely in place pending the repair and seismic strengthening project commencing. Other non-structural damage includes the bending over of the finial spike.
7. Total insurance on the asset is \$1,016,117; the loss adjuster has offered support for the majority of the repair cost at \$704,194.95 with an additional \$36,890 for contested costs not yet agreed.
8. The contested works relate to an artesian spring, which needs to be redirected to ensure water damage does not occur to the clock tower foundations. The engineering advice is to carry out this work as soon as practical and AON advise this will be without prejudice to claim the cost of the works at a later date. Staff recommend that the work is commenced as soon as possible and that the remaining contested costs are claimed from insurers.
9. The 67 per cent NBS target supports the Council's 'Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2010'.

<sup>1</sup> Based on the draft prioritisation framework for the Heritage Reinstatement Programme – dated 23/05/12

13 Cont'd

**GEOTECH SUMMARY & ENGINEERING ASSESSMENT**

10. The Qualitative Assessment calculated the clock tower strength at less than 33 per cent NBS.
11. A geotechnical assessment was carried out in July 2011. The majority of damage is described as being a result of earthquake shaking. The report mentions that underlying liquefaction was identified at an adjacent site and also points out the artesian water issue. The overall recommendation was that no further geotechnical work was required, unless new foundations for the structure were proposed.

**INSURANCE AND STRENGTHENING COSTS**

12. Total earthquake repairs and strengthening to the above ground structure is at a cost of \$704,194.95 and is supported by the loss adjuster.
13. The artesian well head repairs are costed at \$36,890 and not yet accepted by the loss adjuster as an insured cost despite it being earthquake related; and is presented here as contested works.
14. The artesian well head below the tower has incurred earthquake damage and requires civil engineering repairs and redirection of water to the storm system. The repairs are required as there is risk that the clock tower foundations will further deteriorate. The engineering advice is to carry out this work as soon as practicable.
15. Tim Stephenson (Loss Adjuster for Civic Insurance) has provided the following statement:

*The Loss Adjusting Team confirms its support of this specification and scope of works. The budget estimate of \$704,194.95 is supported, although it is noted that this is an estimate only and actual costs will vary. The project manager will control costs and advise of actual costs as they crystallise.*

*It should be noted that while the LAT indicates support for a specification that allows strengthening of the structure to 67 per cent NBS, this is on the advice of the project manager that there is negligible difference between this and strengthening to 34 per cent. Should the specification, scope of works and/ or budget vary from that presented, the LAT reserve its position in this regard and would review any such variation.*

*Furthermore, and for clarity only, it should be noted that the budget allows for Stage 1 of the remediation of the artesian water supply. The budget does not allow for Stage 2 (artesian well repair), and this is not supported herein; insurers have corresponded separately on this matter.*

16. AON have advised that undertaking contested works would be without prejudice to claim the amount at a later date (depending on policy response). However, this cost will need to be council funded in the interim.

**BETTERMENT**

17. Additional resilience strategies were considered and discounted for engineering reasons (e.g. the tower has the wrong height to width ratio for effective base isolation); other than conventional strengthening. To bring the strength of the clock tower up to 100 per cent NBS by conventional strengthening would have significant impact to the heritage fabric, would not provide life critical protection (tower is unoccupied) and be a council cost with low perceived value so is not recommended.
18. Several options have been proposed for the future display of the time on the Victoria Clock Tower:
  - (a) Fix the clock completely: This will ensure the clock maintains its original purpose as a dedicated memorial to Queen Victoria's Jubilee and of telling the time for the citizens of Christchurch and remain



## COUNCIL 26. 7. 2012

### 13 Cont'd

- (b) Four faces remain at 12.51pm: The clock will not be fulfilling its purpose and there will be complaints that the time is not correct. Overseas/out of town visitors may not comprehend this. There would be an additional cost of \$1,000 for this specialist work.
- (c) One face remains at 12.51pm: The clock will not be fulfilling its purpose and there will be complaints that the time is not correct. Overseas/out of town visitors may not comprehend this. There would be an additional cost of \$500 for this specialist work.
19. The recommendation is for Option 1 "Fix the clock completely" due to the reliance people place on the clock to provide them with the time. As a memorial to Queen Victoria's Jubilee it may not be perceived as appropriate to mix memorial subjects. A proposal for a permanent National Memorial is being developed with much public support, the cumulative effect of numerous small memorials around the CBD could be perceived to diffuse the memorial message and reduce the sanctity of the memorial. To make an alteration in the meaning and purpose of this 1897 memorial clock tower that would have a significant effect on the social historical and intangible heritage values of this heritage item.
20. A clock condition assessment and other urgent non-earthquake related works have been assessed at \$13,000. This would make use of the scaffold and access systems available and so provide a similar future cost saving.

### FINANCIAL IMPLICATIONS

21. A summary of the financial options is included below:

#### Option 1: TO REPAIR TO 67% NBS

Repair Elements:	Insurer to Pay:	Council to Pay:
Repairs to NBS 67%	\$704,195.95	\$0
Artesian Water Repair	\$36,890.00*	\$0
Clock Maintenance	\$0	\$13,000.00
<b>TOTAL:</b>	<b>\$741,085.95</b>	<b>\$13,000.00</b>

#### Option 2: TO REPAIR TO 100% NBS

Repair Elements:	Insurer to Pay:	Council to Pay:
Repairs to NBS 67%	\$704,195.95	\$0
Repairs to NBS 100%	\$0	\$58,240.00
Artesian Water Repair	\$36,890.00*	\$0
Clock Maintenance	\$0	\$13,000.00
<b>TOTAL:</b>	<b>\$741,085.95</b>	<b>\$71,240.00</b>

\* This element is not yet agreed to by insurers and would be funded by Council in anticipation of obtaining this agreement.

22. The recommended option is for 67 per cent NBS with a total cost of \$741,085.95 including \$36,890 of works not yet agreed to by the insurer. This does not include freezing the clock faces.
23. The maintenance of the clock is a routine item that will be funded by the Council's maintenance budget.

### BENEFIT OF REPAIR

24. This is a highly utilised and well liked timepiece which is used by the public on a daily basis.
25. Allows the continuation and appreciation of our heritage significance for future generations.
26. Provides physical evidence of our rich history in particular the link with the prominent architect Mountfort and other prominent heritage buildings, such as the Canterbury Provincial Buildings.

13 Cont'd

**RISK OF DOING NOTHING**

27. Further heritage is lost.
28. The asset will deteriorate and the cost of future repair will increase.
29. Public outcry – this asset is closely monitored by a number of external stakeholders who are concerned with its current condition and have been seeking assurances on its repair.

**HERITAGE SUMMARY**

30. The Victoria Clock Tower is of architectural significance for its unique design by Mountfort and the later base designed by Strouts and Ballantyne.
31. It is of cultural significance for its association with Canterbury Provincial Government (1853-76), and as a Jubilee memorial to Queen Victoria. 'Diamond Jubilee 1837-1897' is inscribed in a stone tablet on the east side of the stone base.
32. The upper part of the clock tower was constructed by Midland Counties Iron Works in Coventry or Skidmore and Sons in Coventry, England and sent out to New Zealand in 1860 in 142 packages. The base employs Mount Somers, Port Chalmers and Timaru stone, and a high level of stonemasonry skill for the period (1890s) is evident in the work.
33. The clock tower and setting are of archaeological significance because they have potential to provide archaeological evidence relating to past building construction methods and materials, and other human activity.

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

34. No. The purpose of this report is to gain approval for permanent repair / reinstatement works on heritage buildings as per Council policy.

**LEGAL CONSIDERATIONS**

35. Not applicable.

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

36. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

37. No. The purpose of this report is to gain approval for permanent repair / reinstatement works on heritage buildings as per Council policy.

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

38. As above.

**ALIGNMENT WITH STRATEGIES**

39. Yes the purpose of this report supports the facilities rebuild strategy and assists with the rebuild of Christchurch.
40. The repair of the Victoria Clock Tower is aligned with the LTCCP Community Outcome "An Attractive and Well-designed City". In particular protecting our heritage for future generations.

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

41. Yes, refer above.

**13 Cont'd**

**CONSULTATION FULFILMENT**

42. Not applicable. Communication and consultation will be a project workstream.

**STAFF RECOMMENDATION**

It is recommended that Council:

- (a) Approve the reinstatement / repairs for Victoria Clock Tower with a total budget of \$741,086.
- (b) Approve the option for repairing the Clock Tower to a 67 per cent New Building Standards.
- (c) Approve the option to reinstate the clock to full working condition.

**14. NOTICES OF MOTION**

**15. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.

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

**THURSDAY 26 JULY 2012**

**9.30AM**

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

**CHRISTCHURCH CITY COUNCIL**

**Thursday 26 July 2012 at 9.30am  
in the Council Chamber, Civic Offices, 53 Hereford Street**

**Council:** The Mayor, Bob Parker (Chairperson).  
Councillors Peter Beck, 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.

<b>ITEM NO</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
19.	REPORT OF THE HEARINGS PANEL ON THE ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT BYLAW 2012	

## COUNCIL 26. 7. 2012

### 19. REPORT OF THE HEARINGS PANEL ON THE ALCOHOL RESTRICTIONS IN PUBLIC PLACES AMENDMENT BYLAW 2012

Author:	Hearings Panel on the Alcohol Restrictions in Public Places Amendment Bylaw 2012
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#### PURPOSE OF REPORT

1. This is a report of the panel who heard the submissions on the proposed Alcohol Restrictions in Public Places Amendment Bylaw 2012 (amendment bylaw). It summarises the consultation process and the submissions received and contains the panel's recommendations with regard to the amendment bylaw. The panel recommends several alterations to the publicly notified form of the amendment bylaw and a tracked changes version of the amendment bylaw is (**Attachment 1**) to this report. A 'clean' version of the amendment bylaw as recommended by the panel is (**Attachment 2**) to this report.

#### 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 purpose of the amendment bylaw is to create new permanent alcohol ban areas for Merivale and Papanui.
3. The Christchurch City Council (the Council) introduced temporary alcohol bans for Merivale and Papanui from 8 September 2011 and on 26 April 2012 resolved to notify on 4 May 2012, an amendment bylaw creating permanent alcohol ban areas for Merivale and Papanui. As publicly notified, the amendment bylaw provides for permanent bans for the same areas of Merivale and Papanui and for the same times/days as the temporary bans i.e. Wednesday, Thursday, Friday and Saturday nights from 6pm to 6am.
4. 38 people made submissions on the proposed amendment bylaw with the vast majority of submitters (37 of 38) in favour of permanent alcohol ban areas. A number of submitters seek changes to the notified proposal; five ask (or indicate support) for the ban(s) to apply seven nights a week, one submitter prefers '24/7' and three submitters request extensions to the areas covered by the bans.
5. The hearing panel met on 6 July 2012 to hear submitters and consider the submissions on the proposed bylaw. Following it's deliberations the panel recommends two minor changes and one significant alteration to the publicly notified version of the amendment bylaw. The panel recommendation (supported by a majority of panel members) is for an amendment bylaw (**Attachment 2**) providing permanent alcohol bans for Merivale and Papanui which apply on seven nights of the week, from 6pm to 6am.

#### DEVELOPMENT OF PROPOSED AMENDMENT BYLAW

7. Following the February 22 2011 earthquakes the Police approached the Council seeking the introduction of new permanent alcohol bans for Merivale and for an area of Papanui not covered by the permanent ban for Northland Mall and its surrounds. On 8 September 2011 the Council introduced temporary alcohol bans areas for Merivale and Papanui. The bans were brought in to deal with increased levels of alcohol related disorder and nuisance which followed the migration of the entertainment venues to these suburbs after the February 2011 earthquakes. The temporary bans were put in place for Wednesday, Thursday, Friday and Saturday nights from 6pm to 6am.
8. In December 2011 and January 2012 Council staff carried out a review of the temporary bans including preliminary consultation with the community. The findings from the review suggested that the temporary bans were having a positive effect, enjoyed community support and that permanent ban areas could be appropriate tools to address ongoing problems. Staff provided preliminary advice on the introduction of permanent alcohol bans for Merivale and Papanui to Council on 23 February. On 26 April July 2012, the Council resolved to commence the special consultative procedure to make permanent alcohol bans in these areas.

19 Cont'd

9. The Council publicly notified an amendment bylaw on 4 May 2012. The publicly notified amendment bylaw has the same provisions as the temporary bans; it prohibits the possession of opened bottles and containers of alcohol and the drinking of alcohol on Wednesday, Thursday, Friday and Saturday nights from 6 pm to 6 am in public places within the Merivale and Papanui areas (specified on the maps attached to the bylaw).
10. 38 people lodged submissions which are summarised below. The hearing panel met on 6 July 2012 and decided by a majority to recommend permanent alcohol ban areas for Merivale and Papanui with two minor amendments and one substantive change to the notified proposal. The minor amendments recommended by the panel are to move the heading "Schedule 1" to immediately above the tables setting out the areas and the addition of a phrase which clarifies that the cycle/walkway is within the Papanui alcohol ban area. The substantive change recommended by the majority of the hearing panel, is for the permanent alcohol bans for Merivale and Papanui to apply on seven (rather than four) nights of the week. A tracked changes version of the amendment bylaw incorporating the hearing panel recommendations is (**Attachment 1**) to this report.

**THE SUBMISSIONS**

11. Public consultation on the proposed bylaw took place from 4 May 2012 to 6 June 2012 using the special consultative procedure. Consultation documents were sent directly to a range of groups, organisations and individuals, public notices were placed in The Press and The Star and media advisories provided for local community newspapers. The consultation documents were available at Council Service Centres, Council Libraries and on the Council's website.

*Those opposed to the proposed bans*

12. One submitter (Submission 3) opposes the permanent alcohol bans. His reasons including, that the permanent bans are not needed, are heavy handed and infringe unnecessarily on personal liberty.

*Those supportive of the proposed bans*

13. The vast majority, 37 of 38 submissions, express support for the proposal to make permanent alcohol bans. The most frequently given reasons for support include: the migration of the central city bar district to the suburbs exacerbated the alcohol related problems of the area(s); concerns about disturbances, littering and/or vandalism; and that the temporary alcohol ban(s) have improved the situation.
14. Nine of the supporting submissions want amendments to the publicly notified proposal, as follows:
  - Papanui ban should apply seven days a week. (Submissions 5,7,16,19)
  - prefer Papanui ban to apply 24 hours a day, seven days a week. (Submission 14)
  - Merivale ban should apply seven days a week. (Submissions 5,8,19)
  - extend Papanui ban area north to Cranford Street. (Submission 25)
  - extend Merivale ban area to Papanui Road (Submission 17); include Elmwood Park. (Submission 38).
15. In summary, most submitters appear to consider that the temporary bans are effective in reducing problem behaviours and support the notified proposal for permanent bans to maintain the safety and security of the areas. A minority of submitters request /would prefer permanent bans which are more comprehensive than the current temporary bans.
16. A resident of 396 Papanui Road (Submission 14), had originally asked to be heard but was not able to attend the hearing on 6 July. Their submission states "I would prefer the proposed alcohol ban be in place 24 hours a day every day of the week".



## COUNCIL 26. 7. 2012

### 19 Cont'd

17. Only one submitter attended the hearing; Malcolm Frost, chair of the body corporate for a commercial building (containing an art studio, internet café and professional offices) at 16 Loftus Street, Papanui. Mr Frost thanked the Council for putting in place the (temporary) alcohol ban and elaborated on his submission (Submission 29) in support of a permanent ban. Mr Frost was asked by panel members whether he had noticed evidence of alcohol related disturbances on those nights when the ban did not apply. He responded that he had not and suggested that as there was a police station nearby, the Wednesday- Saturday ban may have affected behaviour on other nights as "a generic effect".

#### DELIBERATIONS

18. The Hearings Panel, Councillors Sue Wells (Chair), Peter Beck, Sally Buck, Barry Corbett and Aaron Keown considered the strong support from submitters for permanent alcohol bans. Panel members agreed that there is a demonstrated need for permanent alcohol bans, that the ban areas are appropriate and that two minor changes (described in paragraph 10 above) should be made to the proposed bylaw as suggested by staff. The panel then discussed those submissions asking for the bans to apply on all nights of the week. Panel members noted that some bans e.g. Riccarton-Illam, apply "24 /7" and considered that bans which applied for all nights of the week would be easier to understand/enforce and that a Wednesday-Sunday ban provides inadequate coverage for Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day where these days fall on Sunday, Monday or Tuesday.
19. The Chairperson sought advice from Legal Services Unit staff as to whether it would be appropriate for the panel to recommend to the Council that it adopt an amendment bylaw with an extension from the nights specified to seven nights a week. Staff responded that although some submitters had requested such an extension, such a bylaw may be vulnerable to legal challenge. While it was open to the Council to make amendments in response to submissions received, the Council had not consulted on a proposal which included seven nights within the ban, and there appeared to be a lack of evidence that the problems, which the bylaw was intended to address, extended to Sunday, Monday and Tuesday nights.
20. Councillor Wells foreshadowed an amendment, an addition to the staff recommendation, that the alcohol bans for Merivale and Papanui apply on Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day (in addition to Wednesday-Saturday nights). Councillor Keown then moved, seconded by Councillor Buck, a recommendation that the permanent alcohol bans for Merivale and Papanui apply on seven nights a week. This motion was carried 4-1. Councillor Wells then put forward a motion, carried unanimously, recommending that the Council undertake an additional piece of work to impose temporary liquor bans on Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day in each of those areas which have liquor bans not currently covering those days and times.

#### LEGAL CONSIDERATIONS

21. It is noted that the proposed substantive changes to the bylaw have been requested by some submitters and that the hearing panel have taken these submissions into account in forming its recommendations. A bylaw hearing panel has no decision-making powers but in accordance with its delegation, considers written and oral submissions and makes recommendations to the Council. 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 are to be given "due consideration in decision-making".<sup>1</sup>
22. Staff recommend two minor corrections /clarifications to the proposed amendment bylaw:
  - (a) Minor correction - move the phrase "Schedule 1" to immediately above the two tables detailing the Merivale Alcohol Ban Area and the Papanui Alcohol Ban Area.
  - (b) Clarification- change the table describing the Papanui Alcohol Ban Area (in Schedule 1 of the Bylaw) by inserting the words "the cycle-walkway and" immediately after the words "inclusive of all, or the relevant parts of,".

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<sup>1</sup> 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".

## COUNCIL 26. 7. 2012

### 19 Cont'd

23. 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 9 September 2012.

#### HEARING PANEL RECOMMENDATIONS

25. The Hearings Panel decided on the motion of Councillor Keown, seconded by Councillor Buck, to recommend that the Council:
1. (a) Resolve to adopt the Christchurch City Council Alcohol Restrictions in Public Places Amendment Bylaw 2012 with the changes noted below to come into effect on 9 September 2012.
  - (b) Amend the table describing the Papanui Alcohol Ban Area (in Schedule 1 of the Bylaw) by inserting the words "the cycle-walkway and" immediately after the words "inclusive of all, or the relevant parts of,".
  - (c) Move the phrase "Schedule 1" to immediately above the two tables detailing the Merivale Alcohol Ban Area and the Papanui Alcohol Ban Area.
  - (d) Make the following change to the table describing the times, days or dates during which alcohol restrictions apply in Schedule 1 of the Bylaw by replacing the words "Wednesday, Thursday, Friday and Saturday nights" with the words "seven nights a week" where they occur in both the Papanui and Merivale Alcohol Ban Areas.
  - (e) Give public notice as soon as practicable, that the Christchurch City Council Alcohol in Public Places Amendment Bylaw 2012 has been made by the Council, that it comes into effect on [9 September 2012] and that copies of the bylaw may be inspected and obtained at the Council's offices or on its website, without payment.

Councillor Wells requested that her vote against the motion be recorded.

26. The Hearings Panel **decided** on the motion of Councillor Wells, seconded by Councillor Beck, to recommend that the Council :
2. Resolve to undertake an additional piece of work to impose temporary liquor bans on Christmas Eve, New Year's Eve, New Year's Day, Cup Day and St Patrick's Day in each of those areas which have liquor bans not currently covering those days and times.