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Submission on CCC LTCCP

1. My name is Lianne Dalziel, MP for Christchurch East, P.O. Box 18898, Christchurch Phone 382-0288.
2. I would like to be heard in person on this submission – although the dates for the hearings may mean I will need to send a representative.
3. Although I am making this submission as a resident of the city, I am also an elected representative of the residents of Christchurch East. I therefore make this submission in a representative capacity when addressing issues that impact directly on the electorate. I have dealt with these first.

Christchurch East Electorate Issues

Aranui Learning Centre

The last time I submitted to the Council I concluded by requesting that the Council move the Aranui Learning Centre proposal in the Capital Works Programme above the line. This has now occurred and I wish to endorse the decision and request that Council ensures that it remains above the line. It is worth recalling that the first goal and objective of the Strong Communities outcome is to increase life-long learning by:

- Providing resources and information through libraries and websites;
- Providing learning facilities, programmes and activities;
- Advocating for high quality education and training
- Encouraging people of all ages to take advantage of learning opportunities

The socio-economic status of Aranui, although improved over recent years, means that education remains an important factor in helping all members of families achieve their full potential. The Aranui Community Trust Incorporated Society (ACTIS) has engaged a fulltime person to implement the Community's strategic plan, which as you will be aware involves education as a major priority. This will ensure that the council's investment in the Aranui Learning Centre will be fully realised.

Development Contributions Policy:

In my last submission I made a statement about the Development Contributions Policy, which I am restating here, not so much as a submission on the specific proposal, but rather to reinforce the benefits of the partnership that the council entered into with central government and with ACTIS in renewing Aranui. I said then that I fully support the principle that "growth should fund growth", however I thought there was too much of a focus on the tangibles in terms of roads, water and sewerage infrastructure. Representing as I do, both Aranui and New Brighton, I can see the intangible benefits of a community accepted as a partner to the process. Aranui should become the gold standard of community engagement where major developments are occurring.

It is true that the developer in this case was the government (Housing NZ), however I believe private sector developers could work along similar lines. The community of New Brighton does not always express itself with a single voice, but what I have always heard emerging from the disparate views is a single-minded desire to advance the development of New Brighton while preserving the essence of the character of this seaside village. Which leads me to ask where is the New Brighton Revitalisation Project in this LTCCP; and what are the council's expectations for its future?

Early learning centres

I am not happy with the proposal to outsource the operation of the QEII Preschool and Pioneer Learning Centres and to sell the Tuam Street Early Learning Centre as a going concern and would ask Council to reverse this decision or at least defer it while further consideration is given to the issues.

As the local MP, it concerns me that I first learn of the proposal affecting a centre in my electorate when the LTCCP draft is released. I have previously written to the Mayor about my concerns about the mechanisms for funding early child centres located on Council land, so it should not be of any surprise to the Council that I would have an interest in this matter. In fact I still haven't been advised whether the matter of market rents for these centres is being progressed by the Council. I wish to state my complete opposition to a proposal which sees market rents charged for Council property and then an application having to be made for a grant. These centres are under enough pressure without having to make a further application which may or may not be approved. It is difficult enough for these organisations to make plans as it is, but being potentially subject to changing funding priorities adds a further layer of burden that is quite unnecessary. If the Council needs to show the financial contribution of the market value of the rent as a grant, then so be it, but please make it a paper transaction that does not require the Centres to make an application.

According to the material provided with the Draft LTCCP, the QEII centre was originally designed to provide flexible or casual access for users of QEII, but, according to changes in Ministry of Education standards the centre is no longer possible to offer casual access. What standards have changed? When did they change? Has any attempt been made to raise this with the Ministry of Education? The point that I wish to make is that instead of making a decision to contract out or sell a service due to such matters, an approach to the local MP could enable a consideration to be given to resolving the issue without having to take what is a drastic step.

Given that the first option, which maintains the status quo, has no effect on rates, I recommend that the Council choose that option and investigate the contracting out option further after representations have been made to the Ministry of Education and, if necessary, the government.

I am disappointed that the LTCCP considers it a negative that Christchurch is the only local authority that provides childcare facilities.

Maybe that fact indicates what a child friendly city previous councils have chosen to be. It is not appropriate to state that the costs of running these facilities are increasing with the increasing standards of the Ministry of Education, but that the Ministry has not increased funding to assist with the cost of compliance. Given there is no impact on rates, this looks like a political statement to justify the decision that has been made.

Christchurch Agency for Energy

I wish to endorse the proposal to establish this agency to carry out the initiatives outlined in the Council's Sustainable Energy Strategy. I mention this under Christchurch East electorate initiatives as the funding of \$3m over four years will come as revenue from the sale of carbon credits earned through the Burwood Landfill Gas project. This is an excellent project and reflects a true commitment to sustainability. With respect to the operation of the Agency as a new entity I would recommend that it is mandated to work closely with NGOs such as Community Energy Action so that the most can be made of collaborative efforts in this important field of work.

Transport

Roading Projects – I wish to endorse the following projects as priorities:

- Extension of the Northern Arterial Roadway: Project # 75 (To provide a new road from QE11 Drive to Cranford Street to support Northern Access)
- Expansion of Hills Road: Project # 79 (To provide upgrade of existing roading & upgrade intersections to support Northern Access)
- Pages and Breezes Rd Upgrade: Project # 201 (To upgrade the intersection along Pages Road to address capacity and safety issues.)
- Marshland and Prestons Intersection: Project # 77 (To improve intersection safety and capacity.)

Public Transport –:-

I wish to support the New Brighton Priority Bus Route being developed from New Brighton to the City via Pages Road: Project # 195. There appear to be good numbers utilising bus services and their efficient operation encourages further use.

I also believe that New Brighton should be the location for the Development of ~~one of the New Suburban Bus Interchanges: Project # 178~~ (The provision of new suburban interchanges to support Metro Strategy). One of the ongoing issues I have had raised with me as an MP has been busdrivers being forced to relieve themselves by their buses in the sand dunes along Marine Parade. This is not acceptable. South New Brighton and New Brighton at the ends of routes and this is where they catch up their time. We are all aware at the distress that has been caused to at least one Oram Ave resident with buses running their engines constantly outside her place. This appears to have died down as an issue, but it always has the potential to occur again if practices change. There also needs to be a place where drivers can go to freshen up.

I worry that without a purpose built facility the drivers themselves are at risk due to the need to secure their money should they leave the bus.

Recreation and Leisure

I strongly support the **Upgrade for QEII parking and Traffic Management:** project # 168. QEII is now having 2,000,000 visitors through the Facility and the current internal roading is quite inadequate. I have visited QEII Park a number of times over the past year for different events, and on most occasions I have been dropped off, knowing how difficult parking will be.

The Plan identifies that there will be a need for a road to carry the traffic through QEII Park out on to Bower Ave, and that the main road entrance at Travis Road needs a traffic control plan such as a roundabout or traffic lights. I agree, however I also believe the un-funded project of Travis/Blue Gum roundabout: project # 304, (intersection upgrade) should be implemented at the same time. It makes sense to address all the entry/exit issues at the same time, as the failure to realign that intersection will become an even greater source of frustration for Blue Gum residents than it is at present.

Although now just outside my electorate – the new boundary is Shuttle Drive - I also support the **Upgrade of Cowles Stadium:** Project # 171 Cowles Stadium is a much used community and metropolitan facility that needs a refurbishment to maintain appropriate levels of service over the next 20 years. The project will refurbish, changing areas, car park and other infrastructure and install moveable seating for 1600 people.

General Submissions

Policy on Determining 'Significance'

The summary of this policy states:

Policy on determining significance – changes are proposed to the Council's policy on determining significance which would remove financial thresholds and adopt the view that in making significant decisions the Council considers "...current and future community wellbeing, the views of those affected, and the Council's capacity to perform its role."

In order to understand the significance of the changes proposed I compared the current policy with the proposed policy, bearing in mind the requirements of s90 of the Local Government Act 2002, which I have recorded here for ease of reference:

90 Policy on significance

- (1) Every local authority must adopt a policy setting out—
 - (a) that local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets, or other matters; and
 - (b) any thresholds, criteria, or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, decisions, or other matters are significant.

- (2) *The policy adopted under subsection (1) must list the assets considered by the local authority to be strategic assets.*
- (3) *A policy adopted under subsection (1) may be amended from time to time.*
- (4) *A local authority must use the special consultative procedure both in relation to—*
 - (a) *the adoption of a policy under subsection (1); and*
 - (b) *the amendment, under subsection (3), of a policy adopted under subsection*

The existing policy states:

Significant decisions

A significant decision is one that has a high degree of significance either in terms of its impact on the wellbeing of Christchurch and/or persons likely to be affected by or with an interest in that decision and/or the costs to or capacity of the Christchurch City Council to provide for the wellbeing of the city.

Council policy is that in making significant decisions, the decision-maker should consider information on the reasons for the decision, the options and their relative costs and benefits, and the views of those that are affected by or with an interest in the decision that are commensurate with the significance of that decision. It is the responsibility of the maker of the substantive decision (usually the full Council, a committee or a community board) to satisfy itself that the requirements of this policy are complied with.

Criteria that will be considered in determining the significance of the decision will include:

- *The extent to which the decision flows logically and consequentially from a significant decision already made or from a decision in the LTCCP (as amended) or the Annual Plan. If it does, then its significance depends principally on the variations between the identified options, because the decision to do something has already been taken.*
- *The magnitude of the decision in terms of its net cost to the Council. Most major spending decisions should be made in the context of the LTCCP or Annual Plan, so decisions involving unidentified and unbudgeted expenditure should receive at least as much scrutiny as they would have received if they had been included in the LTCCP or Annual Plan. For guidance, budget decisions involving more than \$5 million in capital expenditure or more than \$1 million in operating costs will usually be regarded as significant.*
- *The extent to which the options identified (including the 'do nothing' option where appropriate) have radically different effects in terms of, amongst other things: their costs, their benefits, the extent to which they impact on members of the community and which members they impact upon. The greater the variation, the greater the degree of significance.*
- *The extent to which the matter under consideration is controversial within the community.*
- *The reversibility test. The more difficult it is to reverse a decision, in general, the greater its significance. A decision which leads to a final outcome has greater significance than one where the outcome can be largely reversed in a different form.*
- *Precautionary principle. Where the significance of a matter being considered, or a decision being made is unclear, then the council will err on the side of treating the issue as of more, rather than less, significance.*
- *Practicality. The Act provides for the Council to take into account the circumstances under which a decision is taken and what opportunity there is to consider a range of*

options or the views and preferences of other people. In circumstances in which failure to make a decision urgently would result in loss of opportunities which are assessed as able to contribute to achieving the communities outcomes, then the Council will tailor its decision processes to allow as much evaluation and consultation as is practicable while achieving the timeline required.

(This is followed by an avoidance of doubt provision regarding administrative decisions made by officers under delegated authority that flow from Council policy).

The new proposal is significantly different:-

The significance of any issue, proposal, decision, or any other matter that concerns or is before Council, its Committees, or Community Boards, will be determined on a case by case basis in terms of its likely impact on, and likely consequences for:

- a. the current and future social, economic, environmental or cultural wellbeing of Christchurch;*
- b. any persons who are likely to be particularly affected by, or interested in the issue, proposal, decision or matter;*
- c. the capacity of the Council to perform its role, and the financial and other costs of doing so.*

Thresholds, criteria and procedures

Where a proposal requires a decision by the full Council the Council will treat as significant any proposal or decision that does not flow consequentially from a decision in an LTCCP, (as amended) an Annual Plan or any process involving a public hearing. In effect this means that Council will consider undertaking a special consultative procedure on decisions to:

- change a level of service specified in the LTCCP or Annual Plan (this does not include services that are internal to Council)*
- undertake a project, programme, or activity that is not specified in the LTCCP or Annual Plan*
- not undertake a project, programme, or activity that is specified in the LTCCP or Annual Plan*

However, Council will not consult, or will tailor its consultation to the circumstances, for decisions which in the council's judgement are:

- urgent: - where failure to make a decision urgently would result in loss of opportunities which contribute to achieving Council's strategic directions.*
- commercially sensitive - - In circumstances where public consultation on an issue would compromise commercial sensitivity and could potentially result in substantially increased costs to Council or the loss of opportunities which contribute to achieving Council's strategic directions*

In these circumstances Council will tailor its decision processes to allow as much evaluation and consultation as is practicable while either achieving the timeline required or maintaining an appropriate level of commercial sensitivity.

This essentially means that if the Council is considering a matter that is not covered by the LTCCP or subject to a public hearing and deems that...

- the matter is urgent or*
- the matter is commercially sensitive...*

...there is no requirement to consult under the significance policy. This doesn't matter how expensive the proposal or how controversial the decision might be or how corrupt the favouring of an undisclosed conflict of interest might appear to be.

The plan states the Council is committed to conducting its business in an open, transparent and democratically accountable way. This change in policy in no way reflects that worthy ambition.

Let me refer to an example. The Council decision to purchase the site for the present Bus Exchange was subject to consultation, which involved the Council establishing a consultative group of community representatives – from users of the bus services through to developers and retailers. They discussed objectives and established criteria against which a bus exchange proposal might be measured. Prior to the specific proposal of the current site being put to the group they were suddenly required to sign a confidentiality agreement – one member refused to sign and left the group. Only one proposal was put to the consultative group and they were placed under considerable pressure because of the narrow timeframe for securing the deal and the commercially sensitive nature of the project. Insufficient time was allowed for the group to scrutinise the project and questions about future projections for usage were not satisfactorily addressed. The problem is that the owner of the building that was being made available for the project was himself a former councillor, which is not a problem per se, but means a high degree of scrutiny is required. The difficulty is compounded by the fact that the proposal came from him, not from the Council and it was the only one proposed to the group.

The Connexionz' Website describes what occurred thus:

“Property investor Philip Carter, who owns a heritage property close to the central city public transport hub, proposed the concept of a bus exchange that would include retail, educational, and car parking uses.”

In my submission, transparency is even more vital when there is the potential for conflicts of interest. There are those who believe that this deal was 'stitched up' before it even went to the consultative group. That of course couldn't be the case, because it would be unethical and no doubt a breach of the Council's statutory obligations – but perception is extremely important in these matters. This is even more so when it is known that the projections cannot have been accurate, because the city is having to pay all over again for another Bus Exchange because the present site is grossly inadequate. If a deal such as this cannot be dealt with transparently, then it might not be that it is not a deal that can be contemplated. It is not fair to the Council; it is not fair to the former councillor and it is not fair to the ratepayer.

Under the proposed Significance Policy this Council wouldn't even have to set up a consultative group to make this same decision. This is very dangerous territory and I believe it is vital that the Council retain the existing policy and consult separately on making considered adjustments to it where those are reasonable.

In the same way it could also be asked how the “threshold setting policy” coincides with the Council’s commitment to conducting its business in an open, transparent and democratically accountable way. It does not coincide and is inherently open to abuse of process.

To include such a major change in the context of the LTCCP consultation does not do justice to the ‘significance’ of the proposal. It deserves separate consideration as part of a special consultative procedure as envisaged by the Act.

Capital Charitable Trusts

I note that the council is awaiting a binding ruling from the IRD to confirm that the use of a charitable trust for the purpose of funding qualifying council expenditure is within the terms of the legislation. I submit that the Council should consult on the actual proposal after the ruling has been given.

Conclusion

I want to repeat a concern I raised last time about the impenetrability of the Council decision-making process. As I said then, I have no difficulty at the micro level – I often e-mail ratepayer complaints to the Community Board chair or to a councillor, and they are always followed up. The Burwood-Pegasus Ward is very well-served. It’s the macro level that poses problems.

I used the example of the Cabinet, which simply could not operate without Cabinet Committees. I reiterate my view that it would be worthwhile considering the establishment of one or two standing committees. I think there is an unrealistic belief that because the number of councillors was halved and because some of the former standing committees were as large as the whole Council is now, that somehow the committees are not needed.

With respect this is confusing form with function. The committee allows for the consideration of reports, discussion with officials and the formulation of recommendations, ahead of the meeting that makes the final decision. This separation of up to a week creates a healthy opportunity for reflection. It also provides an opportunity for the public to interact with the Council in a way that adds value to the decision-making process. Wellington City Council has adopted the model of a single standing committee of the whole council and it seems to work well in practice.

Much of the Council discussions now seem to occur at workshops or Seminars, which are not open to the public, both in terms of observation or input. This exacerbates the concerns about whether the Council is achieving its commitment to “conducting its business in an open, transparent and democratically accountable way”.