

**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 9.30AM ON THURSDAY 22 MARCH 2012**

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

1. APOLOGIES

Nil.

3. DEPUTATIONS BY APPOINTMENT

- 3.1 Celia King addressed the Council regarding item 11 of the agenda Main Road - 3 Laning.
- 3.2 Duval O'Neill and Melinda Slemint addressed the Council on behalf of the Mt Pleasant Residents Association/Mt Pleasant Architects Group regarding item 11 Main Road - 3 Laning.
- 3.3 Barry Cook and Linda Rutland from the Christchurch Coastal Pathways Group addressed the Council on item 11 also.
- 3.4 Mike Mora, Member of the Riccarton Wigram Community Board, addressed the Council regarding items 6 and 7 of the agenda - Noble Investment Village Subdivision.
- 3.5 Colin Stokes addressed the Council regarding items 6 and 7 of the agenda - Noble Investment Village/Subdivision.
- 3.6 Greg Smith addressed the Council on items 6 and 7 also.
- 3.7 Rik Tindall addressed the Council on behalf of Occupy Christchurch regarding item 20 "Occupy Christchurch" Campers in South Hagley Park.

2. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 23.2.2012 AND 8.3.2012

It was **resolved** on the motion of Councillor Chen, seconded by Councillor Button, that the open minutes of the Council meetings held on Thursday 23 February 2012 and Thursday 8 March 2012 be confirmed.

4. PRESENTATION OF PETITIONS

Nil.

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20. "OCCUPY CHRISTCHURCH" CAMPERS IN SOUTH HAGLEY PARK

This item was taken at this stage of the meeting.

It was **resolved** on the motion of Councillor Keown, seconded by Councillor Button, that the Council:

- (a) Enforce the Christchurch City Council Parks and Reserves Bylaw 2008 in relation to campers in South Hagley Park and in any other reserve or park under the administration or control of the Council.
- (b) Endorse officers acting under section 164 of the Local Government Act 2002 to seize and impound property in Hagley Park, or in any other reserve, that is involved in the commission of the offence of breach of the Christchurch City Council Parks and Reserves Bylaw 2008.
- (c) Note that Council staff will work collaboratively with the police.

The Mayor asked that the following words be recorded in the minutes.

"The Mayor asked staff to contact the appropriate social agencies to see if some accommodation can be found in the city for those of Occupy Christchurch who are unable to find or afford accommodation at this time."

5. ELECTION OF ONE MEMBER OF THE SPREYDON HEATHCOTE COMMUNITY BOARD

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Button:

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

**6. & 7. REPORT OF A MEETING OF THE RICcarton/WIGRAM COMMUNITY BOARD :
MEETING OF 14 FEBRUARY 2012**

NOBLE VILLAGE SUBDIVISION

Mike Mora, Chairperson, joined the table for discussion of this item.

It was **resolved** on the motion of Councillor Broughton, seconded by Councillor Chen, that the Council receive this report for information and note that consideration of the Riccarton/Wigram Community Board request for judicial review will be considered under item 24 of the public excluded section of the agenda.

**11. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:
MEETING OF 14 DECEMBER 2011**

This item was taken at this stage of the meeting.

1. MAIN ROAD - 3 LANING

It was **resolved** on the motion of Councillor Carter, seconded by Councillor Johanson, that the report lie on the table to allow for further information to be provided to the Council.

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**8. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 29 FEBRUARY 2012**

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Beck, that the report be received.

**9. REPORT OF THE REGULATORY AND PLANNING COMMITTEE :
MEETING OF 13 MARCH 2012**

1. DIRECT REFERRAL OF APPLICATIONS TO THE ENVIRONMENT COURT

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Reid, that the Council:

- (a) Adopt the criteria in Attachment 3 of the agenda for use by Officers, the Hearings Panel, and Commissioners in respect to making decisions on requests for applications to be directly referred to the Environment Court.
- (b) Direct Officers to implement processes to ensure that relevant Councillors, Community Board Members, and the Regulatory and Planning Committee are advised of the outcome of requests for direct referral.
- (c) Direct Officers to implement processes to ensure that submitters or potential submitters are advised of the outcome of requests for direct referral, and the implications for their involvement in the process.
- (d) Amend the delegations register by deleting delegations (yn), (yp), and (ys) relating to the Hearings Panel's powers relating to direct referral of applications to the Environment Court and instead delegate to the Regulatory and Planning Committee. The specific delegation to be included is as follows:

Delegations

- (i) To determine whether a notified resource consent application or an application to change or cancel a condition of a resource consent that has been notified, should be directly referred to the Environment Court at the request of an applicant, under section 87E of the Resource Management Act 1991.
- (ii) To decide whether a notice of requirement for a heritage order should be directly referred to the Environment Court at the request of a requiring authority or a heritage protection authority under sections 198C of the Resource Management Act 1991.
- (e) Amend the delegations register by adding the following delegation under Resource Management Manager and Planning Administration Manager:
 - (i) To approve the content of a consent authority report on an application that has been directly referred to the Environment Court under sections 87F and 198D of the Resource Management Act 1991.

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Reid, that the report as a whole be adopted.

10. ARC INNOVATION LIMITED – DEED OF NOVATION

It was **resolved** on the motion of Councillor Johanson, seconded by Councillor Keown, that the Corporate Support Unit Manager be delegated authority to enter into a Deed of Novation with Arc Innovations Limited and Meridian Energy Limited, subject to Arc Innovations warranting that its financial position is no worse than when it entered into the original Protocol Agreement with the Council in 2007 and that it covers the Council's cost associated with this.

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**12. CHAIRPERSONS REPORT OF A MEETING OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:
MEETING OF 14 MARCH 2012**

1. CATERPILLAR TOURS OPERATING WITHIN CHRISTCHURCH BOTANIC GARDENS – PART 1

It was **resolved** on the motion of Councillor Carter, seconded by Councillor Johanson, that the Council:

- (a) Grant Caterpillar Tours Limited a surrender of the Licence Agreement as a result of the extraordinary circumstances.
- (b) In respect of the licence to Caterpillar Tours Limited, that the Unit Manager Corporate Support be granted delegated authority to conclude any negotiated settlement with Caterpillar Tours Limited and/or the guarantors as she shall consider appropriate, and if necessary commence and pursue such enforcement action available to the Council as Landlord under the licence against Caterpillar Tours Limited and/or the guarantors as she shall consider appropriate in all of the circumstances for recovery of all rent arrears and compliance with the licence terms and conditions.
- (c) Delegate the Corporate Support Manager the power to negotiate the Licence (at no cost to the Council) to a new operator, on behalf of the Council, on such terms and conditions as they shall consider appropriate.

13. NORTH HAGLEY PARK – CONTINUATION OF A REDUCED-SIZE CHRISTCHURCH EVENTS VILLAGE

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Gough, that:

- (a) The Council approve pursuant to section 5(c) of the Canterbury Earthquake (Reserves Legislation) Order No. 2 2012 that a 'reduced-size' Christchurch Events Village with two Geo-Domes, be sited in the Events Triangle area of North Hagley Park, through to 31 October 2012.
- (b) The appropriate sections of the warrant of occupation be altered accordingly.
- (c) Appropriate recognition be extended to Event Base and Pacific Domes to thank them for gifting the two Geo-Domes to Christchurch City to be used through the transitional phase for events and performances, while the central city reopens.

14. PROPOSED AMENDMENTS TO URBAN DEVELOPMENT STRATEGY IMPLEMENTATION COMMITTEE REPRESENTATION

It was **resolved** on the motion of Councillor Reid, seconded by Councillor Wells, that the Council ratifies changes to the Greater Christchurch Urban Development Strategy Implementation Committee, in particular:

- (i) The addition of the Chief Executive of Canterbury Earthquake Recovery Authority in an observer status.
- (ii) The addition of a further representative from Te Rūnunga o Ngāi Tahu.
- (iii) Changes to Te Rūnunga o Ngāi Tahu representatives, replacing Mike Sang with Mark Solomon and Wally Stone.

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15. PLAN CHANGE 59 ST MARTINS NEW WORLD – FINAL APPROVAL

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Corbett, that the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the decision of the Council on Plan Change 59 St Martins New World.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 59 become operative.

**16. REPORT OF THE HERITAGE AND ARTS COMMITTEE:
MEETING OF 7 MARCH 2012**

1. REQUEST FOR AMENDMENT TO CONSERVATION COVENANTS FOR HERITAGE INCENTIVE GRANTS

Councillor Broughton moved,

- (a) *That the Council agree that the Heritage and Arts Committee retains the current form of conservation covenant consent and does not attempt to seek repayment of all or portions of grants in the event of the building being demolished other than in the event of a breach as outlined in the current covenant form.*
- (b) *That the Heritage and Arts committee seek an urgent meeting with the Canterbury Earthquake Recovery Authority to discuss heritage matters.*

The motion was seconded by Councillor Buck and the clauses were put to the meeting separately.

Clause (a) when put to the meeting was declared **carried** on electronic vote No. 1 by 12 votes to 2, the voting being as follows:

For (12): Councillors Beck, Broughton, Buck, Button, Chen, Corbett, Gough, Keown, Livingstone, Reid, Wells and the Mayor.

Against (2): Councillors Carter and Johanson.

Clause (b) when put to the meeting was declared **carried** unanimously on electronic vote No. 2 by 14 votes to none.

It was **resolved** on the motion of Councillor Broughton, seconded by Councillor Buck, that the report as a whole be adopted subject to amending a word in a decision by the committee in item 5 of the report.

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17. BROTHELS LOCATION AND SIGNAGE ADVERTISEMENT COMMERCIAL SEXUAL SERVICES BYLAW

Councillor Wells moved that:

1. *Staff develop a proposed Bylaw, Statement of Proposal and Summary of Information, that:*
 - (a) *Requires all brothels, other than small owner-operated brothels, to be located within specific areas based on particular zones identified in the City Plan and Proposed Banks Peninsula District Plan and Draft Central City Plan, namely the;*
 - (i) *Specific areas within the Commercial Business Zones of the City Plan (attachment 4 of the agenda);*
 - (ii) *The Lyttelton Town Centre Zone in the Proposed Banks Peninsula District Plan (attachment 5 of the agenda);*
 - (iii) *Central City Core, Central City Fringe and two areas within the Mixed Use Zones to the south west and south east of the central city area in the Draft Central City Plan (attachment 7 of the agenda);*

With the exception of those areas marked as "buildings and areas adjacent to important open spaces" on Planning Map 39F of the City Plan.
 - (b) *Provides an exemption from the location provision for known existing brothels, that are not small owner-operated brothels, by listing them in a schedule.*
 - (c) *Include in the Statement of Proposal discussion of the other options that were canvassed and set aside.*
2. *Consideration of recommendations 1(b) and (c) and recommendation 2 as noted in page 175 of the agenda pending further legal advice*

The motion was seconded by Councillor Broughton and when put to the meeting was declared **carried**.

18. VBASE LIMITED – SUPPLEMENTARY REPORT

Councillor Button moved that the Council:

- (a) *Defers the requirement that Vbase Limited repays an advance of \$4.5 million to the Council to 20 April 2030 or earlier upon sale of the asset in respect of which the advance was made.*
- (b) *Authorises the Chairperson of the Audit and Risk Management Subcommittee to provide a letter of comfort to the Board of Vbase Limited.*
- (c) *Revokes the Constitution of Vbase Limited current at the date of this resolution and adopts a new Constitution amended as set out in the staff report considered by the Council at this meeting.*

The motion was seconded by Councillor Reid and when put to the meeting was declared **carried** on electronic vote No. 3 by 12 votes to 2, the voting being as follows:

For (12): Councillors Beck, Broughton, Buck, Button, Chen, Corbett, Gough, Keown, Reid, Wells and the Mayor.

Against (2): Councillors Johanson and Livingstone.

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19. CEO PERFORMANCE REVIEW AND REMUNERATION SUBCOMMITTEE 7 MARCH 2012 - MINUTES

It was **resolved** on the motion of the Mayor, seconded by Councillor Corbett, that the report be received as amended.

21. NOTICES OF MOTION

Nil.

22. RESOLUTION TO EXCLUDE THE PUBLIC

At 12.23pm it was **resolved** on the motion of Councillor Button, seconded by the Mayor, that the resolution to exclude the public set out on page 283 of the agenda be adopted subject to allowing the Chairperson of the Riccarton/Wigram Community Board for the consideration of item 24 as an observer and to allow James Winchester from Simpson Grierson to remain in the room for the consideration of item 24 because of his specialist knowledge.

Councillor Keown asked that his vote against the motion be recorded.

At 2pm it was **resolved** on the motion of the Mayor, seconded by Councillor Button, that the public be readmitted.

23. CONCLUSION

The meeting concluded at 2pm.

CONFIRMED THIS 26TH DAY OF APRIL 2012

MAYOR