

**DRAFT BYLAWS REVIEW HEARINGS PANEL
24.09.2014**

**A meeting of the Draft Bylaws Review Hearings Panel
was held in the No. 1 Committee Room
on 24 September 2014 at 12.00pm**

PRESENT: Councillor David East (Chair)
Councillor Glenn Livingstone
Community Board member David Cartwright

1. APOLOGIES

Nil

2. DELIBERATIONS CONTINUED

It was **decided** on the motion of Councillor East, seconded by Mr Cartwright, that the Hearings Panel recommend that the Council:

- 2.1 Approve the Proposed Christchurch City Council Parks and Reserves Bylaw 2014, subject to the following:
- 2.1.1 Include in Clause 4 under the interpretation of "Aircraft", reference to unmanned aerial vehicles (i.e. Drone).
 - 2.1.2 Include at the end of clause 8, an additional explanatory note as follows:
 - 2.1.3 The restrictions in clause 8.3 are intended to protect wildlife and other environmental values associated with the Estuary.
 - 2.1.4 Amend Clause 9.1 (a) add the word "ordinarily".
 - 2.1.5 Amend Clause 9.3 to read as follows:
Any place in a reserve that has been set aside for the parking of vehicles may be a restricted parking area under the Christchurch City Council Traffic and Parking Bylaw 2008.
 - 2.1.6 Amend the explanatory note to Clause 14.1 to remove the words "by small groups of people".
 - 2.1.7 Add in a new Clause 15 as follows, and renumber the remainder of the Bylaw to reflect the addition of a new Clause.
Clause 15 Hagley Park
A plan of Hagley Park is contained in Schedule 1.
15.1 To avoid any doubt, nothing in this Bylaw limits the application of the Christchurch City Council (Reserves) Empowering Act 1971.
 - 2.1.8 Amend the Bylaw to refer to the Christchurch Botanic Gardens.
 - 2.1.9 Remove Clause 18.1(c).
 - 2.1.10 Remove Clause 6.1(e).
 - 2.1.11 Amend the wording of 6.2(c) to read as follows:
Dig a hole in any grassed area or garden, or scatter or bury any thing.
 - 2.1.12 That the Bylaw comes into force on 1 December 2014.

Councillor Livingstone requested his vote against 2.1.10 and 2.1.11 be recorded.

It was **decided** on the motion of Councillor East, seconded by Councillor Livingstone, that the Hearings Panel recommend that the Council:

- 2.2 Approve the Proposed Christchurch City Council Water Supply, Wastewater and Stormwater Bylaw 2014, subject to the following:
- 2.2.1 Remove the definition of "Bank" from Clause 3 Interpretation.

2.2.2 Remove the words “and rural residential properties” from the definition of Commercial Water Supply in Clause 3 Interpretation.

2.2.3 Include a new definition for “redevelopment” in Clause 3 Interpretation as follows:

Redevelopment (‘re-developed site’) means the alteration of a site or a change in activities on a site where this alteration or change materially affects the quality and/or quantity of the stormwater discharge from the site. Re-development includes, but is not limited to work on a site that:

- Increases the area of impervious surfaces;
- Involves earthworks;
- Involves dewatering of the site;
- Alters the stormwater system;
- Changes the land-use e.g. from residential to industrial;
- Increases the intensity of an existing use of the site.

2.2.4 Include a new Clause 15(3) as follows:

15(3) For the purposes of clause 15(1), the construction of new premises means:

- (a) The construction of a residential or commercial building on an undeveloped site;
- (b) The construction of a replacement residential or commercial building that increases the footprint area of the pre-existing building on the site;

BUT does not mean:

- (a) The construction of a replacement residential or commercial building that covers the same footprint area or less of the pre-existing building on the site.
- (b) Repairs or alterations to any building;
- (c) The construction of a garage or outbuilding;
- (d) The construction of a temporary building that has an intended life of less than 5 years.

The following note is explanatory and is not part of the bylaw: If any person believes that compliance with the requirement in clause 15 would needlessly and injuriously affect them or their business without a corresponding public benefit they can apply to the Council for a dispensation from compliance with this requirement under clause 13 of the General Bylaw 2008.

2.2.5 The inclusion of an explanatory note under Clause 27(2) as follows:

In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to any facet of a public stormwater system, Council will follow the procedure set out in section 468 of the Local Government Act 1974.

2.2.6 The inclusion of an explanatory note under Clause 28 as follows:

The following note is explanatory and is not part of the Bylaw: Objectives policies and standards relevant to this part of the bylaw can be found in the Council’s Surface Water Strategy, Waterways and Wetlands Natural Asset Management Strategy, Infrastructure Design Standards and in the comprehensive consents that the Council holds for the discharge of stormwater from its system.

2.2.7 Amend Clause 30(1) to read as follows:

Without the approval of the Council, no person other than a Council Officer may discharge stormwater into the public stormwater system or make a connection to, alter, or otherwise interfere with any facet of any public stormwater system or secondary flow path or discharge stormwater which exceeds any minimum stormwater standard provided for under clause 35 of this bylaw.

2.2.8 Include a new Clause 30(4) as follows:

For the avoidance of doubt, Council’s approval under this bylaw is not required for work carried out in terms of an approved building consent or for the discharge of stormwater in terms of a resource consent granted by Environment Canterbury.

2.2.9 Amend Clause 31(2) to read as follows:

For sites being re-developed, Council may require retrofit stormwater mitigation and/or implementation of specific site management plans or practices to treat or retain stormwater runoff from all or some part of existing impervious areas.

2.2.10 Insert a new Clause 35 as follows and amend subsequent clause numbering:

35. MINIMUM STORMWATER STANDARDS

(1) The Council may by resolution specify minimum standards for stormwater discharges into the public stormwater system.

(2) The Council may by resolution subsequently amend or revoke any resolution made under 35(1).

(3) Before making any resolution under this clause the Council will consider the views and preferences of persons affected by the decision.

***The following note is explanatory and is not part of the Bylaw:** The Council may obtain views and preferences by carrying out a targeted consultation applying the principles in section 82 of the Local Government Act 2002. All resolutions made under this clause will be recorded in a register which will be made available on the Council's website.*

2.3 After considering staff advice and a legal opinion from Anderson Lloyd regarding the relationship between Reserve Management Plans and Bylaws, the Hearings Panel decided not to include within the Proposed Christchurch City Council Traffic and Parking Amendment Bylaw 2014 sub-sections within Sections 14A and 14B as outlined in the minutes of its meeting of 18 September 2014.

2.4 It was **decided** on the motion of Mr Cartwright, seconded by Councillor Livingstone, that the Hearings Panel delegate to the Chair, Councillor East, the authority to sign off the five Bylaw reports on behalf of the Hearings Panel and that staff be given delegated authority to make minor amendments as required e.g. spelling and grammar. Any comments from Mr Cartwright and Councillor Livingstone should be provided to Councillor East for consideration prior to final sign off.

The meeting concluded at 1.55pm.