

Christchurch City Council MINUTES

Date: Thursday 1 June 2017
Time: 10am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present

Chairperson	Deputy Mayor Andrew Turner
Members	Councillor Vicki Buck
	Councillor Jimmy Chen
	Councillor Phil Clearwater
	Councillor Pauline Cotter
	Councillor Mike Davidson
	Councillor David East
	Councillor Anne Galloway
	Councillor Jamie Gough
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Glenn Livingstone
	Councillor Raf Manji
	Councillor Tim Scandrett
	Councillor Deon Swiggs
	Councillor Sara Templeton

1 June 2017

Principal Advisor
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The agenda was dealt with in the following order.

1. Apologies

Council Resolved CNCL/2017/00169

That the apology from Mayor Dalziel and the apology for lateness from Councillor Scandrett be accepted.

Deputy Mayor/Councillor Clearwater

Carried

2. Declarations of Interest

There were no declarations of interest recorded.

3. Public Participation

3.1 Public Forum

3.1.1 Barrington United Bowling Club

Dave Thompson and Roger Norton presented the Barrington United Bowling Club submission on the Council's Draft Annual Plan 2017-18.

Councillor Scandrett joined the meeting at 10.05am.

3.1.2 Historic Places Trust Canterbury

Mark Gerrard presented the Historic Places Trust Canterbury submission on the Council's Draft Annual Plan 2017-18.

3.1.3 Packaging Forum

Lyn Mayers from the Packaging Forum made a presentation to the Council.

Council Resolved CNCL/2017/00170

That the Council:

1. Refer the matters raised in the presentation to the appropriate Committee and request an update to that Committee in due course on work underway by staff in response to the 6 April 2017 resolution of the Council in relation to the single use plastic bags item.
2. Thank the Packaging Forum for the presentation.

Deputy Mayor/Councillor Cotter

Carried

4. Presentation of Petitions

There was no presentation of petitions.

6. Audit and Risk Management Committee Minutes - 12 May 2017

Council Resolved CNCL/2017/00171

That the Council receives the Minutes from the Audit and Risk Management Committee meeting held 12 May 2017.

AND

That the Council receives the Minutes from the Infrastructure, Transport and Environment Committee meeting held 10 May 2017.

AND

That the Council receives the Minutes from the Regulatory Performance Committee meeting held 10 May 2017.

Deputy Mayor/Councillor Chen

Carried

7. Infrastructure, Transport and Environment Committee Minutes - 10 May 2017

Council Decision

Refer item 6.

11. Regulatory Performance Committee Minutes - 10 May 2017

Council Decision

Refer item 6.

Report from Audit and Risk Management Committee - 12 May 2017

5. Audit New Zealand - Audit Engagement and Arrangement Letters 2017

Council Resolved CNCL/2017/00172

That the Council:

1. Approve the content of the draft audit engagement letter received from Audit New Zealand.
2. Approve the content of the draft audit arrangements letter received from Audit New Zealand with amended wording with respect to the audit fee that is yet to be advised.
3. Recommend that the Mayor sign the final audit engagement letter and the amended Audit Arrangements letter once received from Audit New Zealand.
4. Note that the final audit fee proposal will be received subsequently.

Councillor Manji/Deputy Mayor

Carried

Report from Regulatory Performance Committee - 10 May 2017

10. Review of the Marine and River Facilities Bylaw 2008, and proposed new Marine, River and Lake Facilities Bylaw 2017 (for consultation)

Council Resolved CNCL/2017/00173

That the Council:

1. Notes that:
 - a. this report concerns the review of the Christchurch City Council Marine and River Facilities Bylaw 2008 (the current bylaw)
 - b. the review of the current bylaw has resulted in the development of a replacement bylaw, the Christchurch City Council Marine, River and Lake Facilities Bylaw 2017 (the proposed replacement bylaw)
 - c. in order to complete the review, revocation and replacement process, legislation requires the Council to consider and determine certain things, and to consult on the proposed replacement bylaw.
2. Receives the attached section 155 analysis report.
3. Resolves to replace the current bylaw with the proposed replacement bylaw as a result of the review and section 155 analysis, in accordance with section 160 of the Local Government Act 2002 (subject to changes as a result of the consultation process).
4. Resolves that the proposed replacement bylaw meets the requirements of section 155 of the Local Government Act 2002, in that:
 - a. a bylaw is the most appropriate way of addressing the perceived problems; and
 - b. the proposed bylaw (subject to the outcome of the consultation process) is the most appropriate form of bylaw; and
 - c. the proposed bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990 but is not inconsistent with that Act.

5. Adopts the proposed replacement bylaw set out in Attachment B for public consultation subject to the following changes being made to the proposed replacement by law:
Clause 3(2) being amended as follows:
 - (c) Council sea walls
 - (d) Council boardwalks and viewing platforms, unless they are alongside or partially in a river or lakeClause 4(2) and the definition of jetty being amended as follows:
JETTY means a structure similar to, but smaller than, a wharf. This will usually be a platform built on piles in a river or lake, or in the sea, that provides access to the water.
6. Notes that a consultation process for the replacement of the current bylaw with the proposed replacement bylaw will be undertaken in a manner that gives effect to the requirements of section 82 of the Local Government Act 2002.
7. Notes that public consultation on the proposed replacement bylaw is planned for the period 3 July 2017 to 6 August 2017, with public hearings planned for late August 2017.
8. Notes the attached indicative consultation information, which is subject to change.
9. Recommends that a hearings panel be appointed to hear submissions on the proposed replacement bylaw, to deliberate on those submissions, and to report back to the Council on the final form of the Bylaw.

Councillor East/Councillor Gough

Carried

Report from Infrastructure, Transport and Environment Committee - 10 May 2017

8. Randall Street - Street Renewal Project

Council Resolved CNCL/2017/00174

That the Council:

1. Approve that the Randall Street – Street Renewal (Chrystal Street to North Parade) be included in the 2016/17 Street Renewals Programme, as a high priority due to the land drainage recovery programme project programmed for the street.
2. Approve that Randall Street – Street Renewal be funded as part of the 2016/17 Medway Street - Street Renewal project to be carried forward to 2017/18.

Councillor Cotter/Councillor Davidson

Carried

Report from Infrastructure, Transport and Environment Committee - 10 May 2017

9. Sumner Lyttelton Corridor Acquisition of Residential Redzone Properties

Council Resolved CNCL/2017/00175

That the Council:

1. Accept the request from the Crown a transfer of the properties identified in attachment 1 subject to:
 - a. The vendor disclosing to the purchaser any known rock fall or other risk factors that exist on the properties; and
 - b. There is a nominal consideration of \$1.
2. Approves that the General Manager Corporate Services be granted delegated authority to negotiate and enter into an agreement for sale and purchase of the properties (if required) and related documentation on such terms and conditions as she considers appropriate and which are consistent with the above resolutions.
3. Notes that while limited immediate maintenance costs can be met within existing allocations, specific provisions for the ongoing management, development and maintenance of these sites will need to be referred to future planning processes.
4. Notes that clause 5.8 of the report has been resolved to the satisfaction of all parties.

Councillor Templeton/Councillor Cotter

Carried

Note: Councillor Johanson supported the resolution as it applies to 26 Nayland Street only.

Report from Strategic Capability Committee - 11 May 2017

12. Christchurch Economic Development Strategy

Council Resolved CNCL/2017/00176

That the Council:

1. Refer the Christchurch Economic Development Strategy to a Councillor workshop.

Deputy Mayor/Councillor Chen

Carried

14. Resolution to Exclude the Public

Council Resolved CNCL/2017/00177

That at 11.40am the resolution to exclude the public set out on pages 298 to 299 of the agenda be adopted.

AND

To consider the following public excluded attachments to item 13: Development Christchurch Limited – Proposed Property Transfers

- Attachment B: Market Value of Properties.

For the following Sections of the Local Government Official Information and Meetings Act 1987: s48(1)(a): s7(2)(b)(ii), s7(2)(h), s7(2)(i)

Reason: DCL will be looking to conduct a series of future commercial negotiations in respect of these properties for sale and / or redevelopment.

Review Date: 18/05/2017

Review Event: Upon completion of any transactions related to the properties by DCL.

- Attachment D: CCHL Report

Under the following Sections of the Local Government Official Information and Meetings Act 1987: s48(1)(a): s7(2)(b)(ii), s7(2)(h)

Reason: This attachment contains commercial information from the Board of CCHL

Review Date: 30/06/2018

Review Event: On completion of transfers to DCL

AND

That Rob Hall of Development Christchurch Limited and Paul Munro of Christchurch City Holdings Limited remain after the public have been excluded for the public excluded attachments for Item 13 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

Deputy Mayor/Councillor Davidson

Carried

The Council further resolved that Joel Liskey, Steve Clarke and Camia Young of Development Christchurch Limited and Leah Scales of Christchurch City Holdings Limited remain after the public have been excluded for the public excluded attachments for Item 13 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

Councillor Scandrett/Councillor Templeton

Carried

The meeting adjourned at 11.40am and reconvened at 11.50am in public excluded session.

The public were re-admitted to the meeting at 12.36pm.

The meeting adjourned from 12.36pm and reconvened at 2pm with Councillor Manji in the Chair.

3.2 Deputations by Appointment

3.2.2 Stephen Howard and Murray Horton presented a deputation on the Keep Our Assets Canterbury submission on the proposed property transfers to be considered in item 13: Development Christchurch Limited – Proposed Property Transfers.

3.2.3 Mark Gibson presented a deputation on the New Brighton Union Church submission on the proposed property transfers to be considered in item 13: Development Christchurch Limited – Proposed Property Transfers.

3.2.6 Karol London and David Sheppard presented a deputation on the Peterborough Village Inc submission on the proposed property transfers to be considered in item 13. Development Christchurch Limited - Proposed Property Transfers.

The Council received a written statement from John Cook in support of his submission on item 13: Development Christchurch Limited – Proposed Property Transfers.

Scheduled deputations 3.2.1, 3.2.4 and 3.2.5 did not attend.

The meeting adjourned at 3.02pm and reconvened at 3.24pm.

13. Development Christchurch Limited - Proposed Property Transfers

The Council considered the public excluded attachments to this report in the public excluded section of the meeting.

Councillor Davidson moved by way of amendment 1 that:

1. That the net revenue on the Milton Street site remain with the Council for the duration of the City Care lease.

The amendment was seconded by Councillor Templeton and on being put to the meeting was declared carried.

Councillors East, Galloway, Gough, Keown and Swiggs requested their votes against the motion be recorded.

Councillor Clearwater moved by way of amendment 2 that:

2. Request Development Christchurch Limited, working with Council staff and other relevant stakeholders, to consider including the social housing sites on Barnett Avenue and the relocation of the park on Milton Street (the small park at the corner of Milton and Johnston Streets – not Sydenham Park) in the design of the future housing development on the Milton Street property, with the aim of improving social housing outcomes on the sites and enhancing community and social benefits for the neighbourhood and wider community. (Noting that should there be benefits, then the decision on whether or not the social housing sites and park should be included will be referred back to Council to make).

The amendment was seconded by Councillor Galloway and on being put to the meeting was declared carried.

Councillor Buck moved by way of amendment 3 that:

3. That the Council in regard to the Peterborough Street site In order to achieve positive social, community, environmental and design outcomes is clear in its transfer:
 - a. That the development agreement stipulate that the height of the buildings not exceed what is permitted in the District Plan for the site.
 - b. That the development provide high amenity value, good scale and permeability.

The amendment was seconded by Councillor Cotter and on being put to the meeting was declared lost.

Councillors Buck and Cotter requested their votes in support of the motion be recorded.

Council Resolved CNCL/2017/00178

That the Council:

1. Having received a request from Development Christchurch Limited to transfer to it the following properties:
 - a. 82 and 84 Peterborough Street/ 95 Kilmore Street (Peterborough Quarter); and

- b. Milton Street (excluding those areas required for existing Council operational uses, i.e. the existing greenspace, water infrastructure & social housing uses), and
 - c. 25-31, 33-39 and 53-61 Beresford Street, 11 Mafeking Street and 17 Union Street; (“Properties”)
2. And that request constitutes an unsolicited proposal that would provide the following unique benefits:
 - a. to the community by enabling and supporting Development Christchurch Limited to meet the purposes and objectives as set out in its Statement of Intent; and
 - b. to Development Christchurch Limited by supporting that company’s Land Development Strategy;
3. And having considered the public submissions received and heard by the Council;
4. And noting the information from Christchurch City Holdings Limited;
5. Resolves to transfer the Properties to Development Christchurch Limited;
6. Delegates the authority to determine the price for the transfer to the Chief Executive Officer (or her delegate). In exercising this authority the Chief Executive Officer (or her delegate) must take into consideration the current market value of the properties and any adjustments required to appropriately allocate the risk associated with remediating them;
7. Authorises the Head of Facilities, Property and Planning (or his delegate), working with Development Christchurch Limited, to undertake the following tasks relating to the Milton Street property:
 - a. Apply for a resource consent to subdivide those areas required for existing operational uses (and to retained by the Council) from the balance of the property to be transferred to Development Christchurch Limited;
 - b. Registering easements over the property to protect the Council and Orion infrastructure; and
 - c. Negotiate a lease being between the Council and City Care Limited on terms and conditions acceptable that may subsequently be assigned to Development Christchurch Limited;
8. Directs officers to work with Development Christchurch Limited to find ways of ensuring that the impact of the transfer does not result in an increase in rates and allows Development Christchurch Limited to fulfil the expectations set by Council);
9. Delegates to the Head of Facilities, Property and Planning (or his delegate) authority to negotiate and enter into such legal documentation with Development Christchurch Limited and to do such other things relating to the land transfers as generally set out in this report and otherwise as he shall consider appropriate and expedient to give effect to this resolution (including, but not limited to, the giving of any landowner consents or approvals required as part of the Milton Street subdivision process, the negotiating of the lease with City Care Limited of Milton Street and registering the caveats required by Schedule 9 of the Local Government Act 2002);
10. Agrees to acquire shares in Christchurch City Holdings Limited equivalent to the sale price of the properties once the other conditions in resolutions 1 to 9 are met; and
11. Delegates to the General Manager Finance and Commercial authority to enter into such documentation as is necessary to acquire the shares in Christchurch City Holdings Limited and to do such other things relating to the issue of shares as she shall consider appropriate and expedient to give effect to this resolution.

12. That the Council resolve that the net revenue on the Milton Street site remain with the Council for the duration of the City Care lease.
13. That the Council request Development Christchurch Limited, working with Council staff and other relevant stakeholders, to consider including the social housing sites on Barnett Avenue and the relocation of the park on Milton Street (the small park at the corner of Milton and Johnston Streets – not Sydenham Park) in the design of the future housing development on the Milton Street property, with the aim of improving social housing outcomes on the sites and enhancing community and social benefits for the neighbourhood and wider community. (Noting that should there be benefits, then the decision on whether or not the social housing sites and park should be included will be referred back to Council to make).

Councillor East/Councillor Scandrett

Carried

Councillors Buck, Gough and Turner left the table for the vote on resolutions 10 and 11.

Councillor Johanson requested his vote against the resolutions be recorded.

Meeting concluded at 4.58pm.

CONFIRMED THIS 22ND DAY OF JUNE 2017

**MAYOR LIANNE DALZIEL
CHAIRPERSON**