Christchurch City Council
AGENDA

Notice of Meeting:
An ordinary meeting of the Christchurch City Council will be held on:

Date: Thursday 12 July 2018
Time: 9.30am
Venue: Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

Membership
Chairperson
Deputy Chairperson
Members
Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
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

6 July 2018
Principal Advisor
Dr Karleen Edwards
Chief Executive
Tel: 941 8554

Jo Daly
Council Secretary
941 8581
jo.daly@ccc.govt.nz
www.ccc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. If you require further information relating to any reports, please contact the person named on the report.

Watch Council meetings live on the web:
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1. **Apologies**  
   At the close of the agenda no apologies had been received.

2. **Declarations of Interest**  
   Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

3. **Public Participation**
   3.1 **Public Forum**  
      A period of up to 30 minutes is available for people to speak for up to five minutes on any issue that is not the subject of a separate hearings process.
   
   3.2 **Deputations by Appointment**  
      Deputations may be heard on a matter or matters covered by a report on this agenda and approved by the Chairperson.

      There were no deputations by appointment at the time the agenda was prepared

4. **Presentation of Petitions**  
   There were no Presentation of Petitions at the time the agenda was prepared.
5. Council Minutes - 28 June 2018

Reference: 18/673808
Presenter(s): Jo Daly, Council Secretary

1. Purpose of Report
   For the Council to confirm the minutes from the Council meeting held 28 June 2018.

2. Recommendation to Council
   That the Council confirm the Minutes from the Council meeting held 28 June 2018.

Attachments

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Signatories

| Author       | Jo Daly - Council Secretary  |    |
Christchurch City Council
MINUTES

Date: Thursday 28 June 2018
Time: 9.36am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

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

Members

28 June 2018

Principal Advisor
Dr Karleen Edwards
Chief Executive
Tel: 941 8554

Jo Daly
Council Secretary
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Watch Council meetings live on the web:
The agenda was dealt with in the following order.

1. Apologies

   Council Resolved CNCL/2018/00120

   That the apologies from the Mayor and Councillor Clearwater and Councillor Livingstone for absence, Councillor Gough for lateness and Councillor Templeton for temporary absence be accepted.

   Deputy Mayor/Councillor Davidson

   Carried

2. Declarations of Interest

   There were no declarations of interest recorded.

3. Public Participation

   3.1 Public Forum

   There were no public forum presentations.

   3.2 Deputations by Appointment

   There were no deputations by appointment.

4. Presentation of Petitions

   There was no presentation of petitions.

5. Council Minutes - 24 May 2018

   Council Resolved CNCL/2018/00121

   That the Council confirm the Minutes from the Council meeting held 24 May 2018.

   AND

   That the Council confirm the Minutes from the Council meeting held 7 June 2018.

   AND

   That the Council confirm the Minutes from the Council meeting held 14 June 2018.

   AND

   That the Council receives the Minutes from the Social, Community Development and Housing Committee meeting held 6 June 2018.

   AND

   That the Council receives the Minutes from the Finance and Performance Committee meeting held 6 June 2018.

   AND
That the Council receives the Minutes from the Audit and Risk Management Committee meeting held 30 May 2018.

AND

That the Council receives the Minutes from the Health, Safety and Wellbeing Committee meeting held 31 May 2018.

AND

That the Council receives the Minutes from the Infrastructure, Transport and Environment Committee meeting held 13 June 2018.

AND

That the Council receives the Minutes from the Innovation and Sustainable Development Committee meeting held 1 June 2018.

Deputy Mayor/Councillor Keown  
Carried

6. Council Minutes - 7 June 2018
Council Decision
Refer to item 5.

7. Council Minutes - 14 June 2018
Council Decision
Refer to item 5.

9. Regulatory Performance Committee Minutes - 13 June 2018
The minutes of this meeting will be received by the Council following confirmation by the Committee.

12. Social, Community Development and Housing Committee Minutes - 6 June 2018
Council Decision
Refer to item 5.

16. Finance and Performance Committee Minutes - 6 June 2018
Council Decision
Refer to item 5.
20. Audit and Risk Management Committee Minutes - 30 May 2018
Council Decision
Refer to item 5.

21. Health, Safety and Wellbeing Committee Minutes - 31 May 2018
Council Decision
Refer to item 5.

23. Infrastructure, Transport and Environment Committee Minutes - 13 June 2018
Council Decision
Refer to item 5.

24. Innovation and Sustainable Development Committee Minutes - 1 June 2018
Council Decision
Refer to item 5.

**Report from Finance and Performance Committee - 6 June 2018**

14. Regenerate Christchurch - Performance Report for the Quarter 1 January to 31 March 2018
Ivan Lafeta, Chief Executive and Jason Rivett, General Manager Corporate Services of Regenerate Christchurch joined the table for consideration of this item.

**Council Resolved CNCL/2018/00122**

That the Council:

1. Receives the Quarter 3, January to March 2018 performance reporting for Regenerate Christchurch.  
 **Carried**

Deputy Mayor/Councillor Keown

Councillor Gough joined the meeting at 9.45am during consideration of item 15.
15. Development Christchurch Ltd - Performance Report May 2018

Rob Hall and Joel Lieshke of Development Christchurch Limited joined the table for consideration of this item.

Council Resolved CNCL/2018/00123

That the Finance and Performance Committee recommends that Council:

2. Note the potential for collaboration and combined procurement options for Thompson Park improvements.

Deputy Mayor/Councillor Swiggs  Carried

13. Corporate Finance Report for the period ending 31 March 2018

Council Resolved CNCL/2018/00124

That the Council:

1. Receives the information in the report
2. Notes that the Council remains within limit on three major prudential ratios and remains outside the limits on one major prudential ratio.
3. Notes that the Council will return to within the limit for Interest Rate Re-Pricing over time expected to be within 24 months.
4. Ratifies the approach taken to return to within the limit for Interest Rate Re-pricing as discussed in Section 5.3 of the report.

Deputy Mayor/Councillor Swiggs  Carried
8. Alcohol Ban in Riccarton Racecourse on New Zealand Cup Day 2018 Event

Council Resolved CNCL/2018/00125

That the Council:

1. Notes that the Alcohol Restrictions in Public Places Bylaw 2009 enables the making of Temporary Alcohol Ban Areas.

2. Resolves it is satisfied that:
   a. There is evidence that the area to which the Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) applies has experienced a high level of crime or disorder and that this can be shown to have been caused or made worse by alcohol consumption in the area; and
   b. The Bylaw, as applied by the resolution:
      • is appropriate and proportionate in the light of the evidence; and
      • can be justified as a reasonable limitation on people's rights and freedoms.

3. Resolves that Clause 5 of the Bylaw specifies a number of matters the Council must consider before it imposes a Temporary Alcohol Ban Area – that the resolution must describe the specific area of the Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.

4. Resolves to put in place a Temporary Alcohol Ban Area from 7am to 12 midnight on 17 November 2018 (New Zealand Cup Day event) in immediate areas surrounding Riccarton Park, namely: both sides of the streets of Yaldhurst Road to Middlepark Road; Epsom Road to Racecourse Road; Buchanans Road to Masham Road to Yaldhurst Road (see Attachment A - map)

5. Notes that a Public Notice be placed in the newspaper and signage be provided in key public places covered by the alcohol ban.

Councillor East/Councillor Chen  

Carried
10. Voluntary Smokefree Outdoor Dining in Council-licenced Footpath Areas

Council Resolved CNCL/2018/00126

That the Council:

1. Agrees to extend Smokefree Public Places Policy to include Council-owned footpaths used for outdoor dining noting it is voluntary in nature.
2. Requests Property Consultancy Leasing staff to promote Council Smokefree Public Places Policy and inform the changes to new, renewing, and current footpath licences.
3. Requests Licensing staff to promote information about becoming smokefree for dining to all licensed business (food and alcohol) outdoor premises.
4. Notes that the Cancer Society through the Fresh Air Project can provide free Fresh Air stickers, Fresh Air table top signs, and guidance to licensed businesses wanting to become smokefree.
5. Notes that Community and Public Health and Health Promotion Agency can provide free smokefree stickers and green metal smokefree signs for licenced business with outdoor dining wanting to be smokefree.

Councillor Scandrett/Councillor Buck [Carried]

Councillors Gough and Keown requested their votes against resolutions 1, 2 and 3 be recorded.

Report from Social, Community Development and Housing Committee - 6 June 2018

11. Approval of Extension of Time for a Central City Landmark Heritage Grant for McLean’s Mansion 387 Manchester Street

Council Resolved CNCL/2018/00127

That the Council:

1. Approve an extension of time of eighteen months for the uptake of the Central City Landmark Heritage grant previously approved for McLean’s Mansion, 387 Manchester Street, Christchurch. The new completion date for the project would be 8 December 2019.

Councillor Keown/Councillor Swiggs [Carried]

Councillor Davidson requested his vote against the resolution be recorded.
Report from Audit and Risk Management Committee - 30 May 2018

17. Audit New Zealand Audit Plan Letter
   Council Resolved CNCL/2018/00128
   That the Council while receiving the Audit Plan for Christchurch City Council and Consolidated Group from Audit New Zealand:
   1. Note that property, plant and equipment will again be a focus for the audit team in 2018;
   2. Note that internal controls to prevent fraud and the compliance with continuous disclosure requirements will also be reviewed in-depth as part of the 2018 audit; and
   3. Note the timetable for deliverables to ensure the audit proceeds smoothly.
   4. Note that critical judgements, estimates and assumptions are made during the preparation of the Annual Report in accordance with accounting and audit standing for public benefit entities and these are disclosed in the Annual Report;
   5. Note that the Committee will be further updated on these issues and any other issues that arise at its 31 August 2018 meeting prior to the audit clearance scheduled for 19 September 2018.
   Deputy Mayor/Councillor Manji  Carried

Report from Audit and Risk Management Committee - 30 May 2018

   Council Resolved CNCL/2018/00129
   That the Council:
   1. Notes that Audit New Zealand issued an unmodified opinion on Christchurch City Council’s Consultation Document on 8 March 2018.
   Deputy Mayor/Councillor Cotter  Carried

Report from Audit and Risk Management Committee - 30 May 2018

19. Audit New Zealand Interim Management Report
   Council Resolved CNCL/2018/00130
   That the Council:
   Deputy Mayor/Councillor East  Carried
22. Construction Site Hoardings - Temporary Use of Legal Road Fee Waiver
Council Resolved CNCL/2018/00131

That the recommended change to the Construction Site Hoardings - Temporary Use of Legal Road Fee Waiver Incentive to reduce the areas available for the fee waiver to focus on the central city be removed.

Councillor Johanson/Deputy Mayor
Council Resolved CNCL/2018/00132

That the Council:

1. Continue the Construction Site Hoardings – Temporary Use of Legal Road Fee Waiver Incentive for a further two years.

2. Delegate to the Head of Urban Design, Regeneration and Heritage and/or Team Leader Road Amenity and Asset Protection to approve operational amendments to the Creative Hoardings Incentive toolkit to ensure the Incentive delivers the outcomes sought.

Councillor Cotter/Councillor Davidson

25. Resolution to Exclude the Public
Council Resolved CNCL/2018/00133

That Paul Munro, Chief Executive of Christchurch City Holdings Ltd remain after the public have been excluded for Item 46. Christchurch City Holdings Ltd - Appointment of Director to the Board of Enable Services Ltd of the public excluded agenda as he has knowledge that is relevant to that item and will assist the Council.

AND

That Brent King and Catherine Tait of Marsh remain after the public have been excluded for Item 45. 2018/19 Insurance Renewal of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND

That Rob Hall, Steve Clarke and Joel Lieschke of Development Christchurch Limited remain after the public have been excluded for Item 29. Development Christchurch Ltd - Performance Report, May 2018 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND

That Joanna Norris, Chief Executive Officer and Robyn Andrews, Corporate Services Manager of ChristchurchNZ Ltd remain after the public have been excluded for Item 30. Vbase Ltd and ChristchurchNZ Ltd – Quarterly Reports for the Period 1 January - 31 March 2018 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND
That at 10.40am the resolution to exclude the public set out on pages 202 to 207 of the agenda be adopted.

Deputy Mayor/Councillor Buck  
Carried

Councillors Davidson, Keown, Johanson, Swiggs and Templeton requested their votes against item 48. Performing Arts Precinct being considered in Public Excluded be recorded.

Councillors Davidson, Johanson and Keown requested their votes against item 47. Christchurch Agency for Energy – Draft Statement of Intent being considered in Public Excluded be recorded.

The public were re-admitted to the meeting at 4.37pm.

Meeting concluded at 4.37pm.

CONFIRMED THIS 12th DAY OF JULY 2018

MAYOR LIANNE DALZIEL
CHAIRPERSON
6. Council Minutes - 5 July 2018

Reference: 18/688375
Presenter(s): Christopher Turner-Bullock – Committee Advisor

1. Purpose of Report
   For the Council to confirm the minutes from the Council meeting held 5 July 2018.

2. Recommendation to Council
   That the Council confirm the Minutes from the Council meeting held 5 July 2018.

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Christchurch City Council
MINUTES

Date: Thursday 5 July 2018
Time: 9.36am
Venue: Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

Present
Chairperson
Deputy Chairperson
Members

Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
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

5 July 2018
Principal Advisor
Dr Karleen Edwards
Chief Executive
Tel: 941 8554

Christopher Turner-Bullock
Committee Advisor
941 8233
christopher.turner@ccc.govt.nz
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Watch Council meetings live on the web:
The meeting convened with Deputy Mayor Turner in the Chair.

The agenda was dealt with in the following order.

1. **Apologies**
   Council Resolved CNCL/2018/00134
   That the apology for lateness from the Mayor be accepted.
   Councillor Cotter/Councillor Livingstone Carried

2. **Declarations of Interest**
   There were no declarations of interest recorded.

3. **Public Participation**
   3.1 **Public Forum**
   3.2 **Deputations by Appointment**
   There were no deputations by appointment.

4. **Presentation of Petitions**
   There was no presentation of petitions.

25. **Resolution to Include Supplementary Reports**
   Council Resolved CNCL/2018/00135
   That the following report be received and considered at the Council meeting on Thursday, 5 July 2018:
   Open Items
   26. Mayor’s Monthly Report - June 2018
   Deputy Mayor/Councillor Clearwater Carried

Kim Money, Community Board Chairperson and Jo Wells, Community Governance Manager joined the table for item 5.

5. **Waitai/Coastal-Burwood Community Board Report to Council**
   Council Resolved CNCL/2018/00136
   That the Council:
   Councillor Livingstone/Councillor East Carried
Pam Richardson, Community Board Chairperson and Jo Wells, Community Governance Manager joined the table for item 6.

6. Te Pātaka o Rākaihautū / Banks Peninsula Community Board Report to Council

Council Resolved CNCL/2018/00137

That the Council:

Deputy Mayor/Councillor Swiggs

Melanie Coker, Community Board Deputy Chairperson and Faye Collins, Community Board Advisor joined the table for item 7.

Councillor’s East and Gough left the meeting at 10.12am and returned at 10.15am during item 7.

7. Waihoro/Spreydon-Cashmere Community Board Report to Council

Council Resolved CNCL/2018/00138

That the Council:

Councillor Clearwater/Councillor Scandrett

Ali Jones, Community Board Chairperson and Christine Lane, Community Governance Manager joined the table for item 8.

8. Papanui-Innes Community Board Report to Council

Council Resolved CNCL/2018/00139

That the Council:

Councillor Cotter/Councillor Davidson

Sam MacDonald, Community Board Chairperson and Aaron Campbell, Community Board Deputy Chairperson joined the table for item 9.

Councillor Cotter left the meeting at 10.27am and returned to the meeting at 10.36am during item 9.


Council Resolved CNCL/2018/00140

That the Council:

Councillor Gough/Councillor Keown

Carried
Mike Mora, Community Board Chairperson and Gary Watson, Community Governance Manager joined the table for item 10.

Councillor Johanson left the meeting at 10.38am and returned to the meeting at 10.40am during item 10. Councillor Keown left the meeting at 10.38am and returned to the meeting at 10.41am during item 10.

10. Halswell-Hornby-Riccarton Community Board Report to Council
   Council Resolved CNCL/2018/00141

   That the Council:

   Councillor Chen/Councillor Buck

   Sally Buck, Community Board Chairperson and Shupayi Mpinga, Community Governance Manager joined the table for item 11.

   Councillor Gough left the meeting 10.50am and returned to the meeting at 10.53am during item 11. Councillor Templeton left the meeting at 10.58am during item 11.

   Carried

11. Waikura/Linwood-Central-Heathcote Community Board Report to Council
   Council Resolved CNCL/2018/00142

   That the Council:

   Councillor Johanson/Councillor Swiggs

   The meeting adjourned at 11.05am and reconvened at 11.21am. Councillor Templeton returned at this time and Councillor’s Gough and Manji were not present at this time.

   Councillor Manji returned to the meeting at 11.24am during item 11. Councillor Gough returned to the meeting at 11.25am during item 11.
Report from Coastal-Burwood Community Board - 5 June 2018

12. Property Review Process (C-B)
Council Resolved CNCL/2018/00143

That the Council:

1. Approves the retention of the following properties for a future strategic purpose.
   Burwood:
   a. 95 Lakewood Reserves 44 Lakewood Drive
   b. Ben Rarere Sections 19 Ben Rarere Avenue
   c. Ben Rarere Sections 21 Ben Rarere Avenue

2. Declares the following properties surplus for disposal.
   Burwood:
   a. Burwood Ward Land Less than 300 m2 35A Yarmouth Street

3. Grants delegated authority to the Property Consultancy Manager to:
   a. Commence the sale process for the properties set out in resolution 2 above in accordance with Council’s normal practices and policies. Including unilateral dealings where a tender is not practical.
   b. Conclude the sale of the these properties on the best terms considered available, as supported by valuation advice and in consideration of other factors including marketing and market dynamics, including if the minimum price is not achievable by tender then the property may be sold by private treaty.
   c. To do all things and make decisions at his sole discretion that are necessary to give effect to this resolution.

4. Approves that the property at Lake Terrace Road Reserve 242F Lake Terrace Road not be declared surplus for disposal until it has been considered for social housing.

Councillor Johanson/Councillor Clearwater  Carried

Councillor’s East, Galloway, Gough, Keown and Manji requested that their votes against resolution 4 be recorded.
13. Property Review Process (S-C)
Council Resolved CNCL/2018/00144

That the Council:

1. Declares the following properties surplus for disposal.
   Cashmere
   a. Vacant Land 79 Albert Terrace
   b. Whaka Reserve No1 15 Vista Place

2. Grants delegated authority to the Property Consultancy Manager to:
   a. Commence the disposal process for the properties set out in 1 above in accordance with Council’s normal practices and policies, including unilateral dealings where a tender is not practical and that in the first instance the property at 79 Albert Terrace is offered to the Port Hills Trust.
   b. Conclude the disposal of 79 Albert Terrace and Whaka Reserve No1 15 Vista Place on the best terms considered available, as supported by valuation advice and in consideration of other factors including marketing and market dynamics, including if the minimum price is not achievable by tender then the property may be sold by private treaty.
   c. To do all things and make decisions at his sole discretion that are necessary to give effect to this resolution.

3. Supports retention of the following property subject to the conditions below:
   a. Former Hoon Hay Childrens’ Library 90 Hoon Hay Road.

4. Notes retention of the property set out in 3. above is conditional upon staff and the Community Board engaging in a process that identifies an alternative public use that:
   a. Can be rationalised,
   b. Satisfies a clearly identified need,
   c. Is supported by a sound and robust business case,
   d. Supports Council strategies,
   e. Has established funding in the Council’s Annual and Long Term Plans,
   f. Has an identified sponsor i.e. end asset owner (titular internal owner) / sponsor who supports retention for the alternative public use and holds an appropriate budget provision within the Long Term Plan.

5. Delegates to the Spreydon-Cashmere Community Board authority to make a decision to retain the former Hoon Hay Childrens’ Library 90 Hoon Hay Road for an alternative use so long as all of the criteria set out in 4. above are addressed to the Board’s satisfaction.

Councillor Scandrett/Councillor Clearwater

Carried
Councillor Keown declared an interest in item 14 and took no part in discussion or consideration of this item.

Report from Fendalton-Waimairi-Harewood Community Board - 5 June 2018

14. Property Review Process (F-W-H)
   Council Resolved CNCL/2018/00145

   That the Council:
   1. Declare the following properties surplus and suitable for disposal:
      Harewood
      a. Gravel Pit (22 Waimakariri Road) 22 Waimakariri Road.
      b. Harewood Ward Land Less than 300 m2 47F Sapphire Street.
      c. Stopped Road (1F Jessons Road) 1F Jessons Road.
      Waimari
      d. Fendalton/Waimairi Ward Land Less than 300 Square Metres 23A Crickelewood Place.
   2. Grant delegated authority to the Property Consultancy Manager to:
      a. Commence the sale process for the properties set out in resolution 1 above in accordance with Council’s normal practices and policies, including unilateral dealings where a tender is not practical.
      b. Conclude the sale of these properties on the best terms possible.

   Councillor Manji/Councillor Gough Carried

Report from Linwood-Central-Heathcote Community Board - 20 June 2018

15. Property Review Process (L-C-H)
   Council Resolved CNCL/2018/00146

   That the Council:
   1. Approves retention of the following properties for a future strategic purpose.
      Central
      a. Para Site 78, 86-90, 94A, 106 Manchester Street, 224 Tuam Street, and 239 St Asaph Street
      Linwood
      b. Stopped Road 36 Broad Street.
      Heathcote
      c. 9 The Brae
   2. Declares the following properties surplus for disposal.
      Central
      a. Land adjacent to the Christchurch Art Gallery 62 Gloucester Street
      Heathcote
      b. Erewhon Reserve 11 Erewhon Terrace
Linwood
  c. Vacant Land 173F Dyers Road

3. Grants delegated authority to the Property Consultancy Manager to:
   a. Commence the sale process for the properties set out in resolution 2 above in accordance with Council’s normal practices and policies. Including unilateral dealings where a tender is not practical.
   b. Conclude the sale of the these properties on the best terms considered available, as supported by valuation advice and in consideration of other factors including marketing and market dynamics, including if the minimum price is not achievable by tender then the property may be sold by private treaty.
   c. To do all things and make decisions at his sole discretion that are necessary to give effect to this resolution.

4. Supports retention of the following properties subject to the conditions below:
   Central
   a. Carlyle Reserve 1 Carlyle Street
   
   Heathcote
   a. Roading Opawa Expressway 185 Opawa Road
   b. Roading Opawa Expressway 163 Opawa Road
   c. Roading Opawa Expressway 167 Opawa Road
   d. Roading Opawa Expressway 165 Opawa Road
   e. Roading Opawa Expressway 360R Port Hills Road
   f. Roading Opawa Expressway 153 Clarendon Terrace
   g. Roading Opawa Expressway 100 Garlands Road
   h. Roading Opawa Expressway 2 Kennedy Place
   i. Garlands Reserve 124 Garlands Road
   j. Heathcote Library 8 Martindales Road
   k. Creche Land Sydenham Pre-School 113 Huxley Street

5. Notes retention of the properties set out in resolution 4. above is conditional upon staff and the Community Board engaging in a process that identifies an alternative public use that:
   a. Can be rationalised,
   b. Satisfies a clearly identified need,
   c. Is supported by a sound and robust business case,
   d. Supports Council strategies,
   e. Has established funding in the Council’s annual and long term plans,
   f. Has an identified sponsor i.e. end asset owner (titular internal owner) / sponsor who supports retention for the alternative public use and holds an appropriate budget provision within the Long Term Plan.

6. The Community Board is delegated authority to make a retention decision for an alternative use so long as all of the conditions set out in resolution 5. above are satisfied to its satisfaction.
7. Notes that Milton Street Depot, 2 Barnett Avenue, was originally included in this process, but was subsequently removed due to a 1 June 2017 Council resolution approving transfer to Development Christchurch Limited for regeneration purposes.

Councillor Davidson/Councillor Gough

Councillor Swiggs requested that his vote against resolution 1a be recorded.

Deputy Mayor Turner and Councillor’s Cotter, Galloway and Johanson requested that their votes against resolution 2a be recorded.

Report from Papanui-Innes Community Board - 20 June 2018

16. Proposed 50km/h Speed Zone - Cranford Street & Main North Road (P-I)

Council Resolved CNCL/2018/00147

That the Council:

1. Approve that pursuant to Part 4 of the Christchurch City Council Traffic and Parking Bylaw 2017, speed limits be revoked and set as listed below in clauses 1 a to 1 d and include the resulting changes in the Christchurch City Register of Speed Limits and Speed Limit Maps:

   a. Revoke the 60 kilometres per hour speed limit applied to Main North Road from Queen Elizabeth II Drive southerly, generally along Main North Road to Cranford Street.

   b. Approve that the speed limit of: Main North Road from Queen Elizabeth II Drive southerly, generally along Main North Road to Cranford Street be set to 50 kilometres per hour.

   c. Revoke the 60 kilometres per hour speed limit applied to Cranford Street from Main North Road southerly, generally to a point 300 metres north of McFaddens Road.

   d. Approve that the speed limit of: Cranford Street from Main North Road southerly, generally to a point 300 metres north of McFaddens Road be set to 50 kilometres per hour.

2. Approve that the speed limit changes listed above in clauses 1a to 1d come into force following the date of Council approval and any installation and removal of signs shown on Attachment A (approximately August 2018).

Councillor Cotter/Councillor Gough
17. Richmond Hill, Sumner - Proposed 40km/h Speed Zone (L-C-H)
Council Resolved CNCL/2018/00148

That the Council:

1. Approve that pursuant to Part 4 of the Christchurch City Council Traffic and Parking Bylaw 2017, speed limits be revoked and set as listed below in clauses 1.a to 1.b and include the resulting changes in the Christchurch City Register of Speed Limits & Speed Limit Maps:
   a. Revoke the 50 kilometres per hour speed limit of Richmond Hill Road, Sanscrit Place, Teviotdale Way, Sowerby Place, Ridgeway Place and Oxenhope Road.
   b. Approve that the speed limit of: Richmond Hill Road, Sanscrit Place, Teviotdale Way, Sowerby Place, Ridgeway Place and Oxenhope Road be set to 40 kilometres per hour.

2. Approve that the speed limit changes listed above in clauses 1a and 1b come into force following date of council approval and installation of the revised speed limit signs. (approximately June 2018).

3. Request that staff investigate the pedestrian safety concerns on Richmond Hill Road outlined in the submissions and report to the board with potential solutions by the end of 2018.

Councillor Templeton/Councillor Davidson

Councillor East left the meeting at 1.04pm during item 18.

18. Fendalton-Waimairi-Harewood Proposed Speed Limit Changes
Council Resolved CNCL/2018/00149

That the Council:

1. Approve that pursuant to Part 4 of the Christchurch City Council Traffic and Parking Bylaw 2017, speed limits be revoked and set as listed below in resolutions 3. to 12., including the resulting changes in the Christchurch City Council Register of Speed Limits and Speed Limit Maps.

2. Approve that any previous resolutions pertaining to traffic controls or setting permanent non-variable speed limits and made pursuant to any bylaw or other legislation, the land Transport Act 1978 and any of its revisions to the extent that they are in conflict with the speed limits described in this report, are revoked.

Harewood Area 1

3. Approve that the speed limit on Harewood Road west of Johns Road be set to 50 kilometres per hour commencing at its intersection with Johns Road and Russley Road and extending in a westerly direction to its intersection with the Christchurch International Airport Limited ‘Orchard Road’.

4. Approve that the speed limit of Waimakariri Road and Whitchurch Place be set at 60 kilometres per hour.
5. Approve that the speed limit of Harewood Road east of Johns Road be set to 50 kilometres per hour, with a review to be completed within six months, commencing at its intersection with Johns Road and Russley Road and extending in an easterly direction to its intersection with Woolridge Road.

6. Approve that the speed limit of Sawyers Arms Road east of Johns Road be set to 60 kilometres per hour commencing at its intersection with Johns Road and extending in a south easterly direction to a point 300 metres north west of its intersection with Crofton Road.

7. Approve that the speed limit of Watsons Road be set to 60 kilometres per hour commencing at its intersection with Harewood Road and extending in a north easterly direction to a point 200 metres northeast of Harewood Road.

Harewood Area 2

8. Approve that the speed limit of Styx Mill Road be set to 60 kilometres per hour commencing at its intersection with Gardiners Road and extending in an easterly direction to a point 400 metres west of its intersection with Main North Road.

9. Approve that the speed limit of Gardiners Road be set to 60 kilometres per hour commencing at a point 160 metres north of its intersection with Sawyers Arms Road and extending in a northerly direction to a point 100 metres south of its intersection with Wilkinsons Road.

10. Approve that the speed limit of Highsted Road and Claridges Road be set at 50 kilometres per hour.

Hussey Road

11. Approve that the speed limit of Hussey Road be set at 50 kilometres per hour.

Yaldhurst Area

12. Approve that Guys Road from School Road to Ryans Road be set at 60 kilometres per hour.

13. Approve that Ryans Road between Guys Road and Coringa Road be set at 60 kilometres per hour.

14. Approve that Coringa Road be set at 60 kilometres per hour.

15. Approve that Guys Road north of Ryans Road be set at 80 kilometres per hour.

16. Approve that Ryans Road between Coringa Road and Pound Road be set at 80 kilometres per hour.

17. Approve that Savills Road be set at 80 kilometres per hour.

18. Approve that Conservators Road be set at 80 kilometres per hour.

19. Approve that the speed limit changes listed in resolutions 3. to 18. above, come into force following the date of Council approval and installation of the appropriate speed signage, in approximately July 2018.

Councillor Keown/Councillor Gough

Carried

Note that resolution 5 was amended later in the meeting by resolution of the Council to add the words in bold text above.
Councillor East returned to the meeting at 1.11pm during item 19.

Report from Halswell-Hornby-Riccarton Community Board - 19 June 2018

Council Resolved CNCL/2018/00150

That the Council:

1. Approves that pursuant to Part 4 of the Christchurch City Council Traffic and Parking Bylaw 2017, speed limits be revoked and set as listed below in clauses 2 and 3 and includes the resulting changes in the Christchurch City Register of Speed Limits and Speed Limit Maps.

2. Revokes the 70 kilometres per hour speed limit on Buchanans Road commencing at a point measured 900 metres south east of Pound Road and extending in a south easterly direction to a point measured 200 metres north west of Gilberthorpes Road.

3. Approves that the speed limit on Buchanans Road be set at 50 kilometres per hour commencing at a point measured 900 metres south east of Pound Road and extending in an south easterly direction to a point measured 200 metres north west of Gilberthorpes Road.

4. Approves that the speed limit changes listed above in clauses 2. and 3. come into force once the new speed limit signs have been installed, approximately 20 working days following Council approval.

Councillor Chen/Councillor Buck

Carried

Report from Linwood-Central-Heathcote Community Board - 20 June 2018

20. Road Stopping Application - Jubilee Street (L-C-H)
Council Resolved CNCL/2018/00151

That Council:

Substantive Issue

1. Supports the retention of the link strip and landscape area (noting that as a consequence this does not provide the opportunity for future disposal);

Historic Issue

2. Noting that permission for access had been given as an exception to deal with extenuating transport safety, delegates to the Manager Property Consultancy the task of giving formal effect to the formed access-way from 85 and 87 Rutherford Street over the link strip through an appropriate mechanism.

Councillor Templeton/Councillor Swiggs

Carried

Councillor’s East and Johanson requested that their votes against resolution 1 be recorded.
21. Chief Executive's Report - June 2018

Council Resolved CNCL/2018/00152

That the Council:

1. Receive the report.

Deputy Mayor/Councillor Scandrett Carried

The meeting adjourned at 1.30pm and reconvened at 3.09pm at which time the Mayor assumed the Chair. Councillors Clearwater and Livingstone were not present.

Councillor Clearwater returned to the meeting at 3.22pm during consideration of the alteration of resolution at the same meeting.

Councillor Livingstone returned to the meeting at 3.25pm during consideration of the alteration of resolution at the same meeting.

Alteration of Resolution at the Same Meeting

Staff provided additional advice to the Council regarding item 18 - Fendalton-Waimairi-Harewood Proposed Speed Limit Changes – and requested the Council reconsider resolution 5 of that item to amend the speed limit of the road to agree with the initial staff recommendation of 60 kilometres per hour.

That the Council, under Standing Order 19.5, amend resolution 5 of item 18. Fendalton-Waimairi-Harewood Proposed Speed Limit Changes passed earlier in the meeting to read as follows:

5. Approve that the speed limit of Harewood Road east of Johns Road be set to 60 kilometres per hour, with a review to be completed within six months, commencing at its intersection with Johns Road and Russley Road and extending in an easterly direction to its intersection with Woolridge Road.

Councillor Swiggs/Councillor East Lost

The Mayor abstained from the vote on this item.

Council Resolved CNCL/2018/00153

That the Council, under Standing Order 19.5, amend resolution 5 of item 18. Fendalton-Waimairi-Harewood Proposed Speed Limit Changes passed earlier in the meeting to read as follows:

5. Approve that the speed limit of Harewood Road east of Johns Road be set to 50 kilometres per hour, with a review to be completed within six months, commencing at its intersection with Johns Road and Russley Road and extending in an easterly direction to its intersection with Woolridge Road.

Councillor Keown/Councillor Gough Carried

The Mayor abstained from the vote on this item.
26. Mayor's Monthly Report - June 2018
   Council Resolved CNCL/2018/00154

   That the Council:
   1. Receive the information in this report.
   2. Appoint a Recess Committee comprising of the Mayor or Councillor Buck and a minimum of any three Councillors (quorum Mayor or Councillor Buck and three councillors) to be authorised to make any urgent decisions of the Council required during the recess period between 17 July and 31 July (both days inclusive).
   3. Note that notice of any meeting of the Recess Committee be publicised and forwarded to all Councillors.
   4. Note that any decisions made will be reported to the Council for record purposes.

   Deputy Mayor/Councillor Chen
   Carried

22. Strategy and Policy Forward Work Programme
   Council Resolved CNCL/2018/00155

   That the Council:
   1. Refer the report to a workshop of the Council.

   Deputy Mayor/Councillor Templeton
   Carried

23. Resolution to Exclude the Public
   Council Resolved CNCL/2018/00156

   That at 3.40pm the resolution to exclude the public set out on pages 281 to 282 of the agenda be adopted.

   Mayor/Deputy Mayor
   Carried

   The public were re-admitted to the meeting at 5.26pm at which time the meeting concluded.

   CONFIRMED THIS 12TH DAY OF JULY 2018.

   MAYOR LIANNE DALZIEL
   CHAIRPERSON
7. Proposed Amendment to the Freedom Camping Bylaw 2015 (Akaroa)

Reference: 18/651433

Presenter(s): Teena Crocker, Senior Policy Analyst
              Judith Cheyne, Associate General Counsel

1. Note

This report will be considered by the Regulatory Performance Committee on Wednesday 11 July. The Committee’s recommendation to the Council will be circulated prior to the Council meeting on 12 July 2018.

The staff report and attachments are detailed below:

- Staff Report
- Attachment A: Statement of Proposal – Proposed amendment to the Freedom Camping Bylaw Akaroa (June 2018)
- Attachment B: Freedom camping survey summary one-pager

2. Staff Recommendations

That the Regulatory Performance Committee recommend to the Council that it:

1. Resolve that it is satisfied that the proposed amendment to the Christchurch City Council Freedom Camping Bylaw 2015 is the most appropriate and proportionate way of addressing the perceived problems, and therefore meets the requirements of section 11 of the Freedom Camping Act 2011;

2. Note that the Freedom Camping Act requires the use of the Special Consultative Procedure to amend a freedom camping bylaw;

3. Approve and adopt the attached Statement of Proposal (Attachment A), which includes the proposed amendments, for public consultation;

4. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw;

5. Note that the hearings panel will report back to the Council so that any amendments can be in place in time for the start of the summer freedom camping season for 2018-19.

3. Recommendation to Council

The recommendation to the Council from the Regulatory Performance Committee will be confirmed following the Committee’s meeting on Wednesday 11 July 2018.
## Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
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<tbody>
<tr>
<td>A</td>
<td>Staff Report on the Proposed Amendment to the Freedom Camping Bylaw 2015 (Akaroa), and Attachments</td>
<td>37</td>
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</tbody>
</table>
10. Proposed Amendment to the Freedom Camping Bylaw 2015
(Akaroa)

Reference: 18/512023

Presenter(s): Teena Crocker, Senior Policy Analyst
Judith Cheyne, Associate General Counsel

1. Purpose and Origin of Report

Purpose of Report

1.1 The purpose of this report is for the Regulatory Performance Committee to recommend to the Council that consultation be undertaken to amend the Freedom Camping Bylaw 2015 to address concerns in the Akaroa community.

Origin of Report

1.2 This report is in response to a request from the Banks Peninsula Community Board that staff investigate Akaroa freedom camping issues (BKCB/2018/00018).

2. Significance

2.1 The decisions in this report is of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.1.1 The level of significance was determined by the limited geographical area impacted by the decision, the decision being a proposal to consult on a change, and because the proposed change is at the request of the local community. Legislation requires any changes to a freedom camping bylaw to be undertaken using the Special Consultative Procedure.

3. Staff Recommendations

That the Regulatory Performance Committee recommend to the Council that it:

1. Resolve that it is satisfied that the proposed amendment to the Christchurch City Council Freedom Camping Bylaw 2015 is the most appropriate and proportionate way of addressing the perceived problems, and therefore meets the requirements of section 11 of the Freedom Camping Act 2011;

2. Note that the Freedom Camping Act requires the use of the Special Consultative Procedure to amend a freedom camping bylaw;

3. Approve and adopt the attached Statement of Proposal (Attachment A), which includes the proposed amendments, for public consultation;

4. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw; and

5. Note that the hearings panel will report back to the Council so that any amendments can be in place in time for the start of the summer freedom camping season for 2018-19.

4. Key Points

4.1 This report supports the Council’s Long Term Plan (2015 - 2025):

4.1.1 Activity: Strategic Planning and Policy
4.2 The following feasible options have been considered:

- Option 1 – Amend the bylaw to prohibit freedom camping in Akaroa township area (except for the self-contained freedom camping area on Rue Brittan), and undertake complementary non-regulatory measures to better manage freedom camping impacts in Akaroa (preferred option).

- Option 2 – Undertake non-regulatory measures to better manage freedom camping impacts in Akaroa.

4.3 Option 1 Summary – Advantages and Disadvantages (Preferred Option)

4.3.1 The advantages of this option include:

- An amendment will respond to the Akaroa community’s concerns. Evidence gathered through the recent online community survey indicates that negative impacts from freedom camping are widely experienced across the community in Akaroa.

- Impacts from the current level of regulation include adverse environmental and health and safety impacts. Prohibiting freedom camping in Akaroa township area (except for the self-contained freedom camping area on Rue Brittan) will contribute to reducing these impacts.

- A prohibition across Akaroa will enable simple and clear messaging about freedom camping.

- Opportunities for freedom camping in Akaroa will be catered for through the continuation and improvement of the area for certified self-contained freedom camping on Rue Brittan (by the boat compound, between the forks of Grehan Stream, near the entrance to Akaroa township).

- Non-regulatory measures will complement the bylaw change. These will include signage, improvements to online and app information, and parking changes.

- Feasible operational improvements relating to toilets, rubbish and recycling, and enforcement, are being explored alongside the bylaw amendment process.

4.3.2 The disadvantages of this option include:

- It could lead to displacement to other areas (which may cause new problems).

- It may impact on Akaroa’s tourism reputation as a friendly, welcoming town (however, not addressing the adverse environmental and health and safety impacts arising from freedom camping could also impact on Akaroa’s tourism reputation).

- Prohibition may not have the impact desired by the community, as not all issues involving camping vehicles are freedom camping bylaw issues e.g. day-time parking.

- Amending the bylaw will not address all the problems identified through the survey.

5. Context/Background

**Freedom Camping legislation and requirements**

5.1 The Freedom Camping Act 2011 (the Act) declared that freedom camping is allowed in all local authority areas across New Zealand, except where it is explicitly restricted or prohibited by a bylaw.
5.2 The Act does not allow councils to completely ban freedom camping, and only enables areas to be restricted or prohibited by a bylaw for three purposes. These are:

- to protect the area;
- to protect the health and safety of people who may visit the area; and
- to protect access to the area.

5.3 Section 11 of the Act requires that a council must be satisfied that a bylaw is the most appropriate and proportionate way of addressing the perceived problem, and it is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBoRA). This is similar to the section 155 requirements of the Local Government Act 2002 (LGA), which applies to bylaws made under the LGA. The section 11 analysis is set out in the Statement of Proposal (attachment).

5.4 The Act requires consultation on any proposed bylaw amendments to be undertaken in accordance with the Special Consultative Procedure.

Current coverage of the Council’s Freedom Camping Bylaw in the Akaroa area

5.5 The Freedom Camping Bylaw 2015 regulates freedom camping in the Akaroa area in the following ways:

- overnight freedom camping is prohibited
  - in the commercial part of Akaroa township.
  - along the main waterfront area in Akaroa (from Children’s Bay to Britomart Reserve near the Main Wharf (to Aylmer’s Stream / Beach Road and Bruce Terrace corner).
  - in and around Takapūneke Reserve (Beach Road and Onuku Road, where they border Takapūneke), past Green Point in Red House Bay.

- overnight freedom camping is allowed in self-contained vehicles for a maximum of two nights within a 30 day period:
  - along the waterfront/residential area from the corner of Beach Road and Bruce Terrace (Aylmer’s Stream) to near Green Point, including the Akaroa Lighthouse.
  - in residential areas.
  - in the self-contained freedom camping area by the boat compound on Rue Brittan.

- overnight freedom camping in non-self-contained vehicles is prohibited in public places throughout the district.

5.6 As well as this regulation in Akaroa township, the following nearby areas are also regulated by the bylaw:

- overnight freedom camping is completely banned in: Ōnawe Flat Road, Takamatua waterfront, Ōnuku, and across the harbour at French Farm and Wainui.

- overnight freedom camping is allowed in certified self-contained vehicles for a maximum of two nights within a 30 day period in: Takamatua residential zone, Robinson’s Bay and Duvauchelle.

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2 Sections 11(2)(b) and (c) of the Freedom Camping Act 2011
2 As set out in section 11(5) of the Freedom Camping Act and section 86 of the LGA
5.7 A ‘certified self-contained vehicle’\(^2\) generally means a vehicle with built-in on-board ablutionary and sanitary facilities. ‘Non-self-contained’ vehicles are those with little or no on-board or built-in sanitary and ablutionary facilities.

**Akaroa freedom camping survey (April / May 2018)**

5.8 Following repeated complaints from Akaroa residents to the Banks Peninsula Community Board about issues relating to freedom camping in Akaroa, the Board asked staff to investigate freedom camping issues in Akaroa through an online survey.

5.9 The survey was emailed to more than 200 Akaroa-related stakeholders on Monday 21 April and closed on Thursday 10 May. The purpose of the survey was to better understand the Akaroa community’s views on freedom camping, how widespread concerns were, and what solutions might be acceptable to the community.

5.10 The questions were structured so that evidence could be gathered to support a bylaw change, if needed, and so overnight freedom camping issues could be separated from parking and other issues not regulated by a freedom camping bylaw. The questions in the survey were designed to help understand the issues from a local perspective (rather than from a visitor perspective).

5.11 The survey contained a mixture of closed and open-ended questions, focusing on:

- general views on freedom camping;
- overnight freedom camping impacts over the recent summer season;
- day-time parking issues from campervans and motorhomes;
- views on potential solutions, including bylaw and non-regulatory changes.

**Survey results**

5.12 More than 280 people completed the survey. Most respondents indicated living in or near Akaroa (85% lived in the area, and 16% owned a holiday home in the area). A summary of the survey results is attached.

5.13 In terms of general views on freedom camping in Akaroa:

- 83 per cent said freedom camping comes with some negative impacts, while 67 percent thought it causes significant problems in Akaroa.
- 39 per cent said freedom campers should be welcomed in Akaroa, but 50 per cent disagreed.
- 41 per cent thought freedom campers bring a range of benefits to Akaroa (this increased to 49 per cent for those who own, manage or work in a business relying on tourism), while 43 per cent disagreed that freedom campers brought a range of benefits to Akaroa.
- 30 per cent thought freedom camping in self-contained vehicles should not be allowed anywhere in Akaroa.
- 82 per cent of those living in Akaroa said they came across freedom campers daily over the recent summer season.

5.14 In terms of views on regulation in the Freedom Camping Bylaw in Akaroa:

- 81 per cent thought the current ban on non-self-contained freedom camping was not working.

\(^2\) Certified self-contained means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.
63 per cent thought there should be more restrictions on overnight freedom camping in Akaroa than in the current bylaw (22 per cent were comfortable with the status quo).

77 per cent oppose freedom camping in self-contained vehicles in residential areas.

65 per cent oppose freedom camping in self-contained vehicles alongside the waterfront (from the Lighthouse to near Green Point).

65 per cent support the current freedom camping area for self-contained vehicles on Rue Brittan (47 per cent thought it could be expanded, but 44 per cent disagreed).

5.15 In terms of other changes that could improve matters, the survey returned the following:

48 per cent said they have experienced issues with daytime parking of motorhomes and campervans in Akaroa.

Several areas were mooted as suitable locations for encouraging day-time parking of motorhomes and campervans:

- 68 per cent said the area by the tennis courts on Rue Jolie was suitable.
- 66 per cent said the current freedom camping area on Rue Brittan was suitable.
- 43 per cent said near the boat ramp, while 46 per cent did not support this.

80 per cent thought the infrastructure in Akaroa limits the amount of freedom camping that can be accommodated.

75 per cent said the Council should provide more signage to encourage freedom campers to do the right thing.

Response to the survey and proposed bylaw and other changes

5.16 In response to the survey, the following changes to the bylaw are proposed in Akaroa:

- prohibiting freedom camping in all forms in the whole of Akaroa township area (except for the freedom camping area for self-contained vehicles on Rue Brittan), including:
  - extending the prohibited area along the whole of the waterfront.
  - extending the prohibited area to all residential areas in the township.
  - extending the prohibited area up several valley roads accessible only from Akaroa (Grehan Valley and Aylmer’s Valley), and the turn-around area at the top of Old Coach Road.

5.17 A change to a clause of the bylaw will limit overnight freedom camping by specifying that only one vehicle can park per marked parking space, to avoid overcrowding, as follows: add new subclause (c) to clause 7(1), and a new explanatory note. New wording underlined, to read:

**Clause 7. Freedom camping in certified self-contained vehicles**

(1) In any area marked orange on any map in the Schedule, freedom camping is allowed subject to the following restrictions:

(a) The freedom camping must only take place in a certified self-contained vehicle; and

(b) The maximum period of stay in any location within an orange area is 2 nights within a 30-day period; and

(c) If there are marked parking spaces in the area, only one vehicle may park overnight per marked parking space.

Explanatory note: Clause 7(1)(c) is to prevent overcrowding in freedom camping areas, including ‘double-bunking’ (where more than one vehicle occupies a parking space intended for one vehicle).
5.18 Other planned changes include:

- improving and adding new signs – both regulatory signs (e.g. ‘no camping’) and informational signs (to direct freedom campers to services and encourage campers to do the right thing).
- improving the freedom camping area for self-contained vehicles on Rue Brittan, including clearer marking of parking spaces (to go with the ‘one vehicle per marked parking space’ restriction).
- improving online information (both on the Council’s website, through the tourism industry and in freedom camping apps).

5.19 In addition, feasible operational improvements to public toilets, rubbish and recycling, and enforcement are being explored alongside the bylaw amendment process.

5.20 An application to the Tourism Infrastructure Fund (TIF) was submitted by the Council to the Ministry for Business, Innovation and Employment (MBIE) in May 2018, seeking funds to provide additional public toilets in Akaroa, to “cater to the increase in visitors to Banks Peninsula, in particular, cruise ship passengers at Akaroa and self-contained campervans, as well as locals and other domestic/international visitors”.

5.21 The purpose of the TIF is to provide financial support for local tourism-related infrastructure where tourism growth is placing pressure on existing infrastructure and the local community is unable to respond in a timely way without assistance. The recipients of funding from this round of TIF applications are expected to be announced by the Minister of Tourism in August 2018. If the Council is not successful in this round, a further opportunity to seek funding through the TIF is expected later in 2018.

6. Option 1 – Amend the bylaw to prohibit freedom camping in Akaroa township area (except for the self-contained freedom camping area on Rue Brittan), and undertake complementary non-regulatory measures to better manage freedom camping impacts in Akaroa (preferred option)

Option Description

6.1 Consult on amending the Freedom Camping Bylaw to prohibit freedom camping in the whole of Akaroa township area (except for the self-contained freedom camping area on Rue Brittan). This would extend the current prohibition from the commercial area and part of the waterfront, to the whole of the waterfront and the residential area (where self-contained vehicles can currently stay overnight for a maximum of two nights).

6.2 This would include retaining the freedom camping area for self-contained vehicles on Rue Brittan (and the current two night maximum stay within a 30 day period), and adding a requirement in the bylaw that any area where freedom camping is allowed only one vehicle can park overnight per marked parking space (to avoid overcrowding).

<table>
<thead>
<tr>
<th>Area in Akaroa</th>
<th>Current bylaw</th>
<th>Proposed change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom camping area on Rue Brittan</td>
<td>Self-contained only, two night maximum stay within a 30 day period</td>
<td>No change</td>
</tr>
<tr>
<td>Commercial area</td>
<td>Prohibited</td>
<td>No change</td>
</tr>
<tr>
<td>Waterfront (Children’s Bay to Aylmer’s Stream)</td>
<td>Prohibited</td>
<td>No change</td>
</tr>
<tr>
<td>Waterfront (Aylmer’s Stream to Green Point, including the Lighthouse)</td>
<td>Self-contained only, two night maximum stay within a 30 day period</td>
<td>Prohibited</td>
</tr>
</tbody>
</table>
Takapūneke (from Beach Road to Onuku Road) | Prohibited | No change
Residential areas | Self-contained only, two night maximum stay within a 30 day period | Prohibited
Upper parts of valley roads (Grehan and Aylmers) | Self-contained only, no duration restriction | Prohibited
Part of roads into/out of Akaroa – to the south, Lighthouse Road (to Flea Bay / the Heads), and to the north, Old Coach Road and Morgan’s Road | Mixture of self-contained (two night maximum stay with 30 days), and self-contained (no duration restriction) | Prohibited

6.3 Displacement is a concern. If all freedom camping is prohibited in Akaroa, this may push freedom campers to nearby areas and create new problems. This has been taken into account in the proposed prohibited area, and likely areas for displacement have been included around the margins of the township (as above).

6.4 The ‘one vehicle per marked parking space’ is intended to avoid overcrowding which can occur as opportunities for freedom camping are reduced. Note: there are no changes to the proposed level of regulation for nearby areas, which provide ample opportunities for freedom camping in certified self-contained vehicles.

6.5 Other planned non-regulatory changes include:
- improving online information (both on the Council’s website, through the tourism industry and in freedom camping apps).
- improving and adding new signage to direct freedom campers to services, to set out the rules in the bylaw, and to encourage freedom campers to do the right thing.
- improving the freedom camping area for self-contained vehicles on Rue Brittan, including clearer markings for parking spaces, and information.

6.6 In addition, feasible operational improvements to public toilets, rubbish and recycling, and enforcement are being explored alongside the bylaw amendment process.

Significance
6.7 The level of significance of this option is low, consistent with section 2 of this report.

6.8 The level of significance was determined by the limited geographical area impacted by the decision, the decision being a proposal to consult on a change, and because the proposed change is at the request of the local community.

6.9 The Freedom Camping Act requires consultation on any proposed bylaw changes to be undertaken in accordance with the Special Consultative Procedure (section 11(5) of the Freedom Camping Act 2011, and section 86 of the Local Government Act 2002).

6.10 This report recommends public consultation on the proposed changes, and a Statement of Proposal is attached.

Impact on Mana Whenua
6.11 Part of the waterfront area being considered is near the Takapūneke area in Akaroa, which has significant cultural, social, spiritual and heritage values to Ngāi Tahu and in particular to Ōnuku Rūnanga. The site was registered as wāhi tapu (place of outstanding historical or cultural heritage value) by Heritage New Zealand in 2002, and was classified as an Historic Reserve under

6.12 The Takapūneke area and roads alongside are currently prohibited to all forms of freedom camping. Under the proposed change the area would remain prohibited to all forms of freedom camping, and the nearby area towards Akaroa would be strengthened from a two day self-contained restriction, to a prohibited area.

Community Views and Preferences

6.13 The community in Akaroa is affected by this option as it proposes changes to the freedom camping rules in the township. Initial community views have been sought through the online survey completed in May 2018, on which the proposed changes are based. Initial community views were presented to the Banks Peninsula Community Board in early 2018, setting out concerns and asking for changes to the Freedom Camping Bylaw and general management of freedom camping impacts on the town.

Alignment with Council Plans and Policies

6.14 This option is consistent with Council’s Plans and Policies

Financial Implications

6.15 Cost of Implementation – Funding for the amendment and consultation process will come from existing Unit budgets.

6.16 Maintenance/Ongoing Costs – Planned non-regulatory changes will proceed alongside the proposed consultation process due to the tight timeframes involved in implementing these non-regulatory changes ahead of the upcoming summer tourism season. These will be funded through existing budgets. If the bylaw amendment is adopted by the Council after consultation and hearings, there will be some signage and other implementation costs that will come from existing budgets.

6.17 Other feasible improvements in public toilets, rubbish services and enforcement are currently being considered. Until these are explored further, costs will not be known.

Legal Implications

6.18 The Act requires that a council must be satisfied that a bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area, and it is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBoRA) (sections 11(2)(b) and (c) of the Act). This is similar to the section 155 requirements of the Local Government Act 2002, which applies to bylaws made under the LGA.

6.19 The proposed bylaw changes must follow the consultation processes set out in the Local Government Act, specifically in this case, by undertaking consultation in accordance with the Special Consultative Procedure in section 86 of the LGA.

6.20 This report has been reviewed and approved by the Legal Services Unit

Risks and Mitigations

6.21 There is a risk that if the bylaw is amended to prohibit freedom camping (except for the self-contained area on Rue Brittan) in Akaroa:

- further restrictions on freedom camping opportunities may create displacement, resulting in new problems arising in the surrounding areas.
- the freedom camping area on Rue Brittan may be over-subscribed if it is the only freedom camping opportunity in Akaroa.
- community expectations may be raised by an increase in regulation, but may not be met due to the range of related issues that cannot be addressed through a bylaw.
expanding the prohibited area will result in compliance and enforcement activities being required to cover over a greater area, further stretching limited resources.

6.21.2 Residual risk rating: The residual rating of the risks after the below treatment(s) are implemented will be medium.

6.21.3 Planned and current treatment(s) include:

- consulting with the community on the proposed changes.
- improved information to help freedom campers understand the restrictions, act responsibly and plan their visit to Akaroa – improved signage, improved online and app information.
- adding a new requirement to the bylaw so only one vehicle can park overnight in any marked parking space in a freedom camping area – to prevent over-crowding at the Rue Brittan self-contained freedom camping area.
- improving day-time parking issues by encouraging campervans to park in appropriate areas.
- concurrent exploration of feasible improvements to the provision of public toilets, rubbish and recycling collection, and compliance monitoring and enforcement.

Implementation

6.22 Implementation dependencies – The positive impact of any bylaw changes will depend on the combination of other changes that can assist in reducing the negative impacts of freedom camping in Akaroa, including non-regulatory changes, such as any feasible improvements to public toilets, rubbish and recycling collection, and compliance monitoring and enforcement.

6.23 Implementation timeframe – The proposed bylaw changes will be consulted on, and any changes would be adopted by the Council in time for the upcoming summer season.

Option Summary – Advantages and Disadvantages

6.24 The advantages of this option include:

- An amendment will respond to the Akaroa community’s concerns. Evidence gathered through the recent community survey on freedom camping in Akaroa indicates that negative impacts from freedom camping are widely experienced across the community in Akaroa.
- Impacts from the current level of regulation include adverse environmental and health and safety impacts. Prohibiting freedom camping in Akaroa will contribute to reducing these impacts.
- A prohibition across Akaroa will enable simple and clear information about freedom camping.
- Opportunities for freedom camping in Akaroa will be catered for through the continuation and improvement of the area for certified self-contained freedom camping on Rue Brittan (by the boat compound, between the forks of Grehan Stream, near the entrance to Akaroa).
- Non-regulatory measures will complement the bylaw change. These will include signage, improvements to online and app information, and parking changes.
- Feasible operational improvements relating to toilets, rubbish and recycling, and enforcement, are being explored alongside the bylaw amendment process.

6.25 The disadvantages of this option include:

- It could lead to displacement to other areas (which may cause new problems).
- It may impact on Akaroa’s tourism reputation as a friendly, welcoming town (however, not addressing the adverse environmental and health and safety impacts arising from freedom camping could also impact on Akaroa’s tourism reputation).
7. Option 2 – Undertake non-regulatory measures to better manager freedom camping impacts in Akaroa

Option Description
7.1 The Council could undertake non-regulatory measures to better manage and reduce issues. However, from the information gathered through the community survey, non-regulatory measures alone are unlikely to be acceptable to the community.

7.2 Non-regulatory changes include:
   - improving online information (both on the Council’s website, through the tourism industry and in freedom camping apps).
   - improving and adding new signage to direct freedom campers to services, to set out the rules in the bylaw, and to encourage freedom campers to do the right thing.
   - improving the freedom camping area for self-contained vehicles on Rue Brittan, including clearer markings for parking spaces, and information.
   - exploring changes to parking arrangements to provide more appropriate parks for large freedom camping vehicles for day-time use.

7.3 Feasible operational improvements to public toilets, rubbish and recycling, and enforcement are currently being explored to reduce the impacts over the coming summer tourism season. The costs of these changes are not yet known.

Significance
7.4 The level of significance of this option is low consistent with section 2 of this report.

7.5 This option would not involve consultation, as it would not involve amending the Freedom Camping Bylaw.

Impact on Mana Whenua
7.6 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences
7.7 The Akaroa community are affected by this option due to the feedback received through the recent Akaroa freedom camping survey about the widespread negative impacts from freedom camping on the township.

7.8 The survey results indicate that 81 per cent of respondents believe the current ban on non-self-contained freedom camping is not working. Additionally, 63 per cent of respondents were of the view that there should be more restrictions on overnight freedom camping than in the current bylaw. Further, 77 per cent of respondents oppose freedom camping in residential areas in Akaroa, and 65 per cent oppose freedom camping along the waterfront from the Lighthouse to near Green Point. Without a change to the bylaw, the residential and waterfront areas will continue to be used by freedom campers.

7.9 The Council’s Freedom Camping Bylaw currently prohibits non-self-contained freedom camping across the district (those with little or no on-board facilities). The community survey indicates that many respondents believe that problems commonly associated with freedom camping are
mostly caused by non-self-contained freedom campers. Rather than amending the bylaw, the Council could put more resources into providing information and enforcing the current ban on non-self-contained freedom campers, and undertaking non-regulatory measures to better manage and reduce issues.

7.10 However, from the information gathered through the community survey, non-regulatory measures alone are unlikely to be acceptable to the community. Despite the ban on non-self-contained vehicles, there are continued reports of people in non-self-contained vehicles in Akaroa (and, even if not freedom camping in the township, using public toilets for camping activities, e.g. undertaking ablutions, doing laundry and other activities ill-suited to public toilets (such as washing dishes/utensils)). Additionally, some visitors in self-contained vehicles are choosing not to use their on-board facilities, with reports of inappropriate toileting in public places.

Alignment with Council Plans and Policies
7.11 This option is consistent with Council’s Plans and Policies

Financial Implications
7.12 Cost of Implementation – Planned non-regulatory changes will proceed immediately due to the tight timeframes involved in implementing these before the upcoming summer tourism season.

7.13 Maintenance/Ongoing Costs – Other feasible improvements in public toilets, rubbish services and enforcement are currently being considered.

7.14 Funding source – Funding at this stage will come from existing Unit budgets. Any changes to public toilets, rubbish services and enforcement are not yet known.

Legal Implications
7.15 There is no legal context, issue or implication relevant to this decision.

Risks and Mitigations
7.16 There is a risk that not amending the bylaw (and only making non-regulatory changes) may result in:

- a sense of frustration in the Akaroa community, given the recent survey and views expressed.
- a continuation or increase in freedom camping issues in Akaroa.

Implementation
7.17 Implementation dependencies – Some non-regulatory changes are being undertaken alongside the proposed bylaw amendment process (whether or not it proceeds).

7.18 Implementation timeframe – Non-regulatory changes are proceeding, as resources allow, in the lead-up to the summer season.

Option Summary – Advantages and Disadvantages
7.19 The advantages of this option include:

- Addressing freedom camping issues requires a non-regulatory component, and if the bylaw is not amended, this work will continue, regardless.
- Reduces costs through not amending the bylaw and implementing any bylaw changes. Frequent changes to the bylaw are expensive both in terms of consultation processes, and in terms of implementing the changes (new public education campaign, new signs, etc).

7.20 The disadvantages of this option include:

- May not be acceptable to the community, given the recent survey results.
- May not significantly reduce freedom camping issues in Akaroa.
Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of
       their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing
       in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined
    in accordance with the Council’s significance and engagement policy.

Signatories

| Authors               | Teena Crocker - Senior Policy Analyst
|                      | Judith Cheyne - Associate General Counsel
| Approved By          | Emma Davis - Acting Head of Strategic Policy
|                      | Brendan Anstiss - General Manager Strategy and Transformation
Statement of Proposal:
Proposed amendment to the Freedom Camping Bylaw – Akaroa

This statement of proposal is prepared under section 11(5) of the Freedom Camping Act 2011, and sections 83 and 86 of the Local Government Act 2002. It contains:

- a summary of information
- background information
- a description of the problem
- legislative requirements, including reasons for the proposed bylaw amendments
- a draft of the proposed bylaw amendments.

1. Summary of information

Christchurch City Council is proposing changes to its Freedom Camping Bylaw in relation to Akaroa, and wants to hear what you think about these changes.

The proposed changes will prohibit all freedom camping in Akaroa township, except for one area where self-contained vehicles can continue to camp for up to two nights (on Rue Brittan).

Consultation on these proposed changes starts on [to be confirmed] and closes on [to be confirmed]. Submissions must be received by 5pm on [to be confirmed].

Have Your Say

You can make a submission by [Details to be confirmed]

2. Background and reasons for the proposed amendment

Freedom camping is a popular way to travel and see the country and tourism of this kind is on the increase throughout New Zealand. While freedom camping can bring benefits to communities such as increased business, it can also have negative effects such as pressure on local infrastructure.

Freedom camping is generally permitted in New Zealand, unless specifically restricted or prohibited by a bylaw. Bylaw restrictions can only be put in place if it is necessary to protect the area, to protect health and safety of people who visit the area, or to protect access to the area. This is set out in the Freedom Camping Act 2011.

For small communities the environmental and economic costs can be significant, especially as freedom camper numbers and impacts increase, and services and infrastructure struggle to cope. Akaroa is a small seaside town, and has become a popular destination for freedom campers.

Previous seasons and bylaw coverage

In 2015 the Council brought in a new bylaw to help manage the impact of freedom camping across the district. This included putting in place some restrictions in Akaroa and the surrounding area.

At the end of the 2015/16 summer season, concerns were raised about some locations where the number of freedom campers had far exceeded expectations, and had strained infrastructure and services. This led to the prohibition of all forms of freedom camping in Waiau and French Farm foreshore areas (across the harbour from Akaroa), in late 2016.

The experiences in these areas, and across the district as a whole, also led to the 2016 prohibition of freedom camping in non-self-contained vehicles (those with little or no on-board or built-in sanitary and ablutionary facilities) across the district. Since the 2016 amendment, the only form of freedom camps
camping that is allowed in Council managed areas in the district is freedom camping in certified self-contained vehicles.\textsuperscript{1}

The recent summer season in Akaroa (2017/18) saw further increases in the number of freedom campers, and calls from the community for further restrictions to help reduce the impacts from freedom campers.

Current bylaw restrictions

The Council’s Freedom Camping Bylaw is available at www.ccc.govt.nz/bylaws. In Akaroa, it prohibits freedom camping in the main commercial areas and part of the waterfront, and allows freedom camping in self-contained vehicles for up to two nights in any 30 day period in other areas (including residential areas). There is a freedom camping area for self-contained vehicles on Rue Brittan (near the entrance to Akaroa).

The surrounding areas on Banks Peninsula are a mixture of the three tiers of freedom camping regulation in the district – either allowed in self-contained vehicles with no duration restriction, allowed in self-contained vehicles with a two-night maximum in any 30-day period, or not allowed (prohibited)– providing ample opportunities for freedom camping in self-contained vehicles.

Proposed bylaw changes

The proposed amendment would prohibit freedom camping in the whole of Akaroa (except for one area). The freedom camping area on Rue Brittan would continue under this proposal, enabling a limited number of certified self-contained vehicles to camp for up to two nights within a 30 day period.

A new clause would be added to the bylaw to limit overnight parking to one vehicle per marked parking space (if there are marked parking spaces). This is intended to prevent overcrowding in the Rue Brittan freedom camping area, including ‘double-bunking’ (where more than one vehicle occupies a parking space intended for one vehicle).

3. Problem description

Available Census data for Akaroa shows the population as 624, and the Akaroa inner harbour population as 1,236 (scattered over more than 15 bays and small settlements). The same Census data shows 567 unoccupied houses in Akaroa (many of which are holiday homes), and 325 occupied houses.\textsuperscript{2}

As a small seaside town reliant on tourism, Akaroa receives an influx of visitors over the ‘summer’ season (October to April), largely from cruise ship passengers, holiday-makers, freedom campers, and day-trippers. These visitors all place demands on local infrastructure and services.

Residents in Akaroa have raised concerns about the number and impacts of freedom campers. A recent survey undertaken by the Council to understand the freedom camping impacts on the local community indicated widespread impacts, a high degree of dissatisfaction, and a need for change.

The cumulative impacts from freedom camping are causing friction in the small township, particularly when activities seem disrespectful or damaging to the environment (such as toiletting in public places), and when camping activities encroach onto public places (especially in residential areas).

\textsuperscript{1} Certified self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.

More than 280 mostly local people completed the survey. Key points include:

- 83 per cent thought freedom camping comes with some negative impacts, while 67 percent thought it causes significant problems in Akaroa.
- 80 per cent thought the infrastructure in Akaroa limits the amount of freedom camping that can be accommodated.
- 77 per cent oppose freedom camping in self-contained vehicles in residential areas.
- 65 per cent oppose freedom camping in self-contained vehicles alongside the waterfront (from the Lighthouse to near Green Point).
- 65 per cent support the current freedom camping area for self-contained vehicles on Rue Brittan.

The survey indicated that many residents (81 per cent) believe the current ban on non-self-contained freedom camping is not working, and 63 per cent think there should be more restrictions on freedom camping. Experiences are widespread, with 82 per cent of Akaroa locals saying they came across overnight freedom campers daily over the recent summer tourism season.

Concerns raised by local residents through the survey included:

- **Freedom camper numbers**: High numbers of freedom campers/Visitors in camping vehicles, and their cumulative impacts on the environment, infrastructure and the community.

- **Undertaking camping activities in public places, including ablutions and laundry**: Examples included hanging washing lines; draping laundry over picnic tables and fences; setting up tables and chairs in parking spaces; barbecuing out of vehicles or on the steps of buildings; washing dishes in drinking fountains; getting dressed/undressed in public places; unpacking and spreading out camping gear; and undertaking ablutions in public places/residential areas (including in and around waterways). Comments referred to the overwhelming, frequent and dominating nature of these activities, from high numbers of campers. Using public places to set up camp in residential areas or in view of homes is not considered acceptable to many locals.

- **Toileting**: Freedom campers undertaking their toileting in public places in and around Akaroa. Widespread reports from locals witnessing this behaviour, or coming across the evidence of this having taken place. This behaviour poses a health risk to the community and freedom campers, contaminates the environment, and is widely considered unacceptable. There have been reports of the inappropriate dumping of toilet waste (including from chemical toilets).

- **Freedom camping vehicles**: Freedom campers staying overnight in vehicles that are not certified self-contained; vehicles with self-contained certification not complying with the standard; those in self-contained vehicles choosing not to use their on-board facilities; overcrowding at the freedom camping area on Rue Brittan; and emerging areas where freedom campers are frequently staying overnight in increasing numbers.

- **Rubbish**: Increased litter; overflow of public rubbish bins; dumping ‘household’ rubbish in public rubbish bins; dumping unsorted recyclables; putting rubbish in people’s domestic wheelie bins.

- **Inappropriate use of public toilets**: Undertaking ablutions, doing laundry and other ‘domestic’ activities (such as washing dishes, utensils or food) in public toilet basins. This behaviour poses a health risk, causes damage to the facilities, and prevents access for others. Examples of comments include “Public toilets full of freedom campers washing bodies and clothes”; “If they were self-contained there should be nobody washing, cleaning teeth and doing dishes in the toilets—it should be able to be done in their campervan.” The lack of sufficient facilities for locals and visitors, and the degraded condition of the facilities were also raised.

- **Parking**: Freedom camping vehicles parking dangerously (protruding onto the road), blocking views or causing visibility issues for traffic, and monopolising parking spaces (also related to comments above about setting up camp). Concerns that the typically narrow and hilly streets around Akaroa present safety/visibility issues for larger vehicles such as motorhomes.

- Other issues included noise in residential areas, and fire risks from outdoor cooking.

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3 Of those who answered this question, 48% indicated they live in Akaroa, 37% in the wider Akaroa Peninsula area (75% live locally), and 16% indicated they own a holiday home in the area. Only 5% of respondents did not live (or pay rates) in the Akaroa area.
The survey responses have provided the Council with sufficient evidence of freedom camping problems in Akaroa to propose amending the bylaw, together with a range of complementary non-regulatory actions.

4. Legislative requirements, including reasons for the proposed bylaw amendments

The Freedom Camping Act 2011 enables councils to make bylaws prohibiting or restricting freedom camping in specific public places only if it is necessary to:

- protect the area
- protect the health and safety of people who may visit the area
- protect access to the area.

The Council has identified that the proposed bylaw amendment is necessary to help reduce, manage or prevent the following issues:

<table>
<thead>
<tr>
<th>Area in Akaroa</th>
<th>(i) protect the area (environment)</th>
<th>(ii) protect health and safety of people who may visit the area</th>
<th>(iii) protect access to the area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterfront extension (from Aylmer’s Stream to Green Point, including the Lighthouse area)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
- Reports of human waste (especially at the Lighthouse, Garden of Tane and along the walkways to the cemeteries). 
- Increased rubbish and littering in the area. 
- Includes part of the Akaroa Historic Area. | 
- Popular area for locals and visitors (especially family walks, dog walking and jogging), the waterfront has no footpath, a narrow carriageway, and narrow verge. 
- Limited safe vehicle parking due to topography. 
- Yellow lines on Beach Road and narrow road reserve make this stretch of waterfront unsafe/unsafe for freedom camping. Lack of setback for safe parking. 
- Reports of human waste and toilet paper being left behind (unsanitary, health risk). 
- Nearest public toilet is at Britomart Reserve by the Main Wharf. 
- Some large camping vehicles encroaching on the road. | 
- Perceived monopolisation of parking spaces for camping activities by freedom campers can compromise access to the area for other visitors and locals (especially car parks at the Lighthouse and bottom of Garden of Tane). 
- Can lead to friction with other user groups when there are competing demands. 
- Much of the section of waterfront/Beach Road has yellow lines on the waterfront side (no parking), and only narrow strips of road reserve directly in front of holiday homes and residential properties. 
- The land above Beach Road is a steep residential area and is unsuitable for campervan parking/freedom camping |

| All residential areas | 
- Reports of freedom campers undertaking toileting and ablutionary activities in public places (unsanitary, hygiene issues). 
- Contamination of waterways – reports of freedom campers undertaking ablutions and washing dishes in streams/creeks near homes. 
- Reports of freedom campers emptying waste into the storm water system/gutters. 
- Leaving/dumping rubbish and littering. 
- Includes part of the Akaroa Historic Area | 
- Some hilly and/or narrow streets unsuitable for larger vehicles (visibility, traffic safety). 
- Lack of setback for safe off-street parking in many areas. 
- Reports of freedom campers undertaking toileting and ablutionary activities in public places (unsanitary, health risk). 
- Leaving/dumping rubbish. 
- Freedom campers utilising rate payers’ wheelie bins to dispose of rubbish and human waste. 
- Reports of freedom campers emptying waste into the storm water system/gutters. 
- Late night noise from freedom campers disrupting the right to quiet enjoyment of property owners. | 
- Some hilly and/or narrow streets unsuitable for larger vehicles (visibility and traffic safety). 
- Boundary between the current prohibited (commercial area) and self-contained two-night stay (residential area) creates conflict (opposite the library/cinema e.g. competing demands for parking, noise, perceived monopolisation of parks for camping activities. Will attracts freedom campers.
- Large camping vehicles encroaching on the road (unsafe parking). 
- Large camping vehicles blocking access to views from residential properties. |
Is a bylaw the most appropriate and proportionate way to address the perceived problem?

The proposed bylaw restrictions are necessary to manage freedom camping issues in the Akaroa township. The current restrictions have proven to be insufficient, with reported issues associated with freedom camping increasing.

The Council considers that the proposed amendment is the most appropriate and proportionate way of addressing the problems associated with freedom camping in Akaroa, and is seeking community feedback on the proposed changes.

Opportunities for freedom campers in Akaroa will be catered for through the freedom camping area for self-contained vehicles on Rue Brittan. This will undergo improvements, including clearer marking of parking spaces, and signage. A limit on the number of vehicles will be managed through a new 'one vehicle per marked parking space' requirement in the bylaw.

There are no proposed changes to the regulation of the surrounding areas on Banks Peninsula.

There is ample opportunity for self-contained freedom campers to camp in appropriate locations across Banks Peninsula, and around Christchurch. Freedom campers in non-self-contained vehicles should utilise facilities at camping grounds and other appropriate providers.

Having one rule for Akaroa township – no freedom camping, except in self-contained vehicles the Rue Brittan freedom camping area – will simplify messaging about freedom camping rules, clarify expectations and increase compliance.

The proposed bylaw amendment will form part of a wider approach to managing freedom camping issues in the Akaroa area.

Non-regulatory changes to day-time parking, and improved signage and online information will also help to manage and reduce freedom camping-related issues.

Feasible improvements in the provision of public toilets, collection of rubbish and recycling, and compliance monitoring and enforcement, are being explored alongside this bylaw amendment process.

Is the bylaw in line with the Bill of Rights Act?

The Freedom Camping Act and the Local Government Act both require an analysis of whether a bylaw impacts on rights protected by the New Zealand Bill of Rights Act 1990 (NZBoRA). Everyone lawfully in New Zealand has the right to freedom of peaceful assembly (section 16), freedom of association (section 17), and freedom of movement (section 18).
The Freedom Camping Act provides a specific statutory framework for local authorities to manage freedom camping by only restricting these rights in areas where it is justified and necessary.

The Council considers that the proposed bylaw amendment is not inconsistent with NZBoRA, and does not unlawfully interfere with the rights of people to move and reside in Akaroa.

The amendment seeks to impose only justifiable and reasonable limitations in the interests of reducing the impacts on the natural environment, protecting public health and safety, and protecting access to the area.

5. Proposed changes to the Freedom Camping Bylaw 2015

The Council proposes to amend the Freedom Camping Bylaw in the following ways:

Addition to clause 7 of the bylaw

Add new subclause (c) to clause 7(1), and a new explanatory note. New wording underlined, to read:

Clause 7. Freedom camping in certified self-contained vehicles
(1) In any area marked orange on any map in the Schedule, freedom camping is allowed subject to the following restrictions:
(a) The freedom camping must only take place in a certified self-contained vehicle; and
(b) The maximum period of stay in any location within an orange area is 2 nights within a 30-day period; and
(c) If there are marked parking spaces in the area, only one vehicle may park overnight per marked parking space.

Explanatory note: Clause 7(1)(c) is to prevent overcrowding in freedom camping areas, including ‘double-bunking’ (where more than one vehicle occupies a parking space intended for one vehicle).

Deletions to the Freedom Camping Bylaw Schedule (including maps)

<table>
<thead>
<tr>
<th>Amendment action</th>
<th>Description in current bylaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delete red table entry: Map 10</td>
<td>&quot;Akaroa Main Business Area and Boat Ramp – All Council-owned and/or -managed land. Beach Road from Bruce Terrace to Rue Benoit; Rue Lavaud from Rue Benoit to Woodills Road; Woodills Road from Rue Lavaud to Rue Jolie north; Rue Jolie South from Bruce Terrace to Beach Road; Rue Jolie North from the waterfront to Rue Brittan; Rue Salgues from Rue Lavaud to Days Wharf; Bruce Terrace – from Beach Road to Rue Jolie South; Aubrey Street – all; Church Street – all; Rue Croix – all; Akaroa boat park area from Rue Brittan along the foreshore to Woodills Road up to Rue Lavaud and includes Children’s Bay foreshore. Note: Excluding the areas designated for self-contained vehicles.&quot;</td>
</tr>
<tr>
<td>Delete orange table entry: Maps 10 &amp; 11</td>
<td>&quot;Akaroa – residential zone – All Council-owned and/or -managed land comprising the urban area within the Akaroa residential and urban area, including the boat ramp, excluding the prohibited areas.&quot;</td>
</tr>
<tr>
<td>Delete map 10.3</td>
<td>Freedom camping restrictions: Jubilee Park Akaroa (This map shows the freedom camping area on Rue Brittan, surrounded by a mixture of prohibited and restricted areas)</td>
</tr>
<tr>
<td>Delete map 11.3</td>
<td>Freedom camping restrictions: Akaroa (This map shows the two prohibited areas in Akaroa (the commercial and partial waterfront area, and Takapīrēke) and the residential zone and remaining part of the waterfront area, where self-contained vehicles can currently stay for a maximum of 2 nights in any 30-day period)</td>
</tr>
</tbody>
</table>
**Additions to the Freedom Camping Bylaw Schedule (including maps)**

<table>
<thead>
<tr>
<th>Amendment action</th>
<th>Proposed amended title / description in the bylaw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add replacement red table entry titled: Map 10 red area</td>
<td>'Akaroa township - All Council-owned and/or managed land in Akaroa township is prohibited to freedom camping (other than the freedom camping area for self-contained vehicles on Rue Britann) – including: the whole of the waterfront (from Children’s Bay to Red House Bay (including the whole of Beach Road)); Takapuineke Reserve (from and including Beach Road to Onuku Road); the residential part of Lighthouse Road (to Flea Bay / Pahau Marine Reserve); Grehan Valley Road and Ayimers Valley Road (including the parking area for Misly Paeke Reservoir); Rue Baigurere; Old Coach Road up to and including the turnaround area by Long Bay Road / State Highway 75, and part of Morgan's Road (as shown on the map).’</td>
</tr>
<tr>
<td>Add replacement orange table entry titled: Maps 10 &amp; 11 orange area</td>
<td>'Akaroa freedom camping area for self-contained vehicles on Rue Britann - The Akaroa freedom camping area is located on Rue Britann, between the forks of Grehan Stream, and near the boat storage compound. Only one vehicle is allowed per marked parking space. Certified self-contained vehicles only.’</td>
</tr>
</tbody>
</table>
| Add replacement map – Map 10.3                         | Map 10.3 - Akaroa township prohibited area  
(Map to show the Akaroa prohibited area)                                                                                                                                                                                                  |
| Add replacement map – Map 11.3                         | Map 11.3 – Akaroa freedom camping area for self-contained vehicles  
(Map to show the designated area, surrounded by the Akaroa township prohibited area)                                                                                                                                                    |

**Maps**

Four maps follow:

1. Proposed new Akaroa prohibited area (wide view)
2. Proposed new Akaroa prohibited area (medium view)
3. Current Akaroa restricted and prohibited areas (medium view) - for comparison
4. Close-up showing Rue Britann freedom camping area.
Survey shines spotlight on freedom camping in Akaroa

Freedom camping - general
75% thought there was a problem with freedom camping in Akaroa.
83% said freedom camping comes with some negative impacts, while 67% thought it causes significant problems.
81% think the current ban on non-self-contained freedom camping isn't working.
82% of locals said they come across overnight freedom campers in Akaroa daily over summer.
63% think there should be more restrictions on overnight freedom camping in Akaroa than in the current bylaw.

Freedom camping in self-contained vehicles
77% oppose freedom camping in self-contained vehicles in residential areas.
65% oppose freedom camping in self-contained vehicles alongside the waterfront (from the Lighthouse to near Green Point).
65% support the current freedom camping area for self-contained vehicles on Rue Brittan.
30% thought freedom camping in self-contained vehicles shouldn't be allowed anywhere in Akaroa.

Freedom camping facilities
47% thought the freedom camping area for self-contained vehicles on Rue Brittan could be expanded, but 44% said it shouldn't.
48% think Akaroa should provide additional facilities for freedom campers, but 44% said no.
80% thought the infrastructure in Akaroa limits the amount of freedom camping that can be accommodated.
75% said the Council should provide more signage to encourage freedom campers to do the right thing.

Tourism and freedom camping
39% said freedom campers should be welcomed in Akaroa, but 50% disagreed.
41% thought freedom campers bring a range of benefits to Akaroa, while 43% say they don't.
49% of people who own, manage or work in a business relying on tourism think freedom campers bring a range of benefits to Akaroa.

Motorhome and campervan daytime parking
48% said they have experienced issues with daytime parking of motorhomes and campervans in Akaroa.
68% said by the tennis courts on Rue Jolie.
66% said in the current self-contained area on Rue Brittan.
43% said near the boat ramp / slip way, but 46% don't support this.

For updates and general information on freedom camping, visit ccc.govt.nz/freedomcampingbylaw

Your feedback will help us better understand the issues and work out next steps for your community.
We will keep the local community updated on progress.
8. Proposed Replacement of the Alcohol Restrictions in Public Places Bylaw 2018

Reference: 18/651765
Evangeline Emerenciana, Policy Analyst
Ruth Littlewood, Senior Policy Analyst
Viv Wilson, Associate General Counsel

1. Note

This report will be considered by the Regulatory Performance Committee on Wednesday 11 July. The Committee’s recommendation to the Council will be circulated prior to the Council meeting on 12 July 2018.

The staff report and attachments are detailed below:

- Staff Report
- Attachment A: Section 155 Report on the Proposed Replacement CCC Alcohol Restrictions Bylaw
- Attachment B: Statement of Proposal for the Proposed Replacement Alcohol Restrictions Bylaw

2. Staff Recommendations

That the Regulatory Performance Committee recommend to the Council that it:

1. Receive the attached section 155 report (refer to Attachment A) on the making of the proposed draft Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 (proposed draft bylaw) – refer to Attachment B.

2. Resolve, in accordance with section 155 of the Local Government Act 2002, that the proposed draft bylaw:
   a. is the most appropriate way of addressing the perceived problem; and
   b. is the most appropriate form of bylaw (subject to changes made as a result of the special consultative procedure); and
   c. gives rise to some implications under the New Zealand Bill of Rights Act 1990 but that the proposed draft bylaw is not inconsistent with that Act (subject to changes made as a result of the special consultative procedure);

3. Resolve, under section 147A(3) of the Local Government Act 2002 that the proposed draft bylaw (subject to any changes made as a result of the special consultative procedure) is of substantially the same effect to the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009, and that it is satisfied that:
   a. the proposed draft bylaw can be justified as a reasonable limitation on people’s rights and freedoms; and
   b. a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in Christchurch City if the proposed draft bylaw is not made; and
c. the proposed draft bylaw is appropriate and proportionate in the light of that likely crime or disorder.

4. Commence, in accordance with sections 83, 86, and 156 of the Local Government Act 2002, the Special Consultative Procedure in relation to the proposed draft bylaw;

5. Resolve that the attached Statement of Proposal (which includes the proposed draft bylaw) (Attachment B) be adopted for consultation;

6. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.

3. **Recommendation to Council**

The recommendation to the Council from the Regulatory Performance Committee will be confirmed following the Committee’s meeting on Wednesday 11 July 2018.

**Attachments**

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11. Proposed Replacement Alcohol Restrictions in Public Places Bylaw 2018

Reference: 18/512042
Evangelina Emerenciana, Policy Analyst
Presenter(s): Ruth Littlewood, Senior Policy Analyst
Viv Wilson, Associate General Counsel

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Regulatory Performance Committee to recommend that the Council approves to adopt for public consultation the proposed Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018.

Origin of Report
1.2 This report is staff generated but it responds to a legislative deadline. Section 11 of the Local Government (Alcohol Reform) Amendment Act 2012 provides that an alcohol control bylaw (which was in force on 18 December 2013) automatically expires on 18 December 2018 unless earlier revoked.
1.3 With the pending automatic revocation of the 2009 Bylaw, the Council needs to consider whether it wishes to make a new Alcohol Restrictions in Public Places Bylaw.

2. Significance

2.1 The decisions in this report are of medium significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.1.1 Staff recommend that the consultation process for the replacement bylaw follows the special consultative procedure under the Local Government Act 2002 (LGA 02), including public notification of the bylaw, written submissions and a public hearing.

3. Staff Recommendations

That the Regulatory Performance Committee recommend to the Council that it:

1. Receive the attached section 155 report (refer to Attachment A) on the making of the proposed draft Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 (proposed draft bylaw) – refer to Attachment B.

2. Resolve, in accordance with section 155 of the Local Government Act 2002, that the proposed draft bylaw:
   a. is the most appropriate way of addressing the perceived problem; and
   b. is the most appropriate form of bylaw (subject to changes made as a result of the special consultative procedure); and
   c. gives rise to some implications under the New Zealand Bill of Rights Act 1990 but that the proposed draft bylaw is not inconsistent with that Act (subject to changes made as a result of the special consultative procedure);

3. Resolve, under section 147A(3) of the Local Government Act 2002 that the proposed draft bylaw (subject to any changes made as a result of the special consultative procedure) is of substantially
the same effect to the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009, and that it is satisfied that:

a. the proposed draft bylaw can be justified as a reasonable limitation on people’s rights and freedoms; and

b. a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in Christchurch City if the proposed draft bylaw is not made; and

c. the proposed draft bylaw is appropriate and proportionate in the light of that likely crime or disorder.

4. Commence, in accordance with sections 83, 86, and 156 of the Local Government Act 2002, the Special Consultative Procedure in relation to the proposed draft bylaw;

5. Resolve that the attached Statement of Proposal (which includes the proposed draft bylaw) (Attachment B) be adopted for consultation;

6. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.

4. Key Points

4.1 This report supports the Council’s Long Term Plan (2015 - 2025):

4.1.1 Activity: Strategic Planning and Policy

- Level of Service: 17.0.19 Bylaws and regulatory policies are reviewed to meet statutory timeframes and changing needs

4.2 The following feasible options have been considered:

- Option 1 – Undertake consultation on the proposed changes to the Christchurch City Council Alcohol Restrictions in Public Places (Replacement) Bylaw 2018

4.3 The LGA 2002 requires that all ‘reasonably practicable options’ are assessed (section 77). In this case, only one option has been explored (making a replacement bylaw with improvements from the 2009 Bylaw). Because the law automatically provides for the revocation of the existing bylaw, the Council needs to decide whether or not it makes a new Bylaw (largely based on the 2009 Bylaw). Not making a replacement bylaw was not considered to be a reasonably practicable option because this would greatly reduce the tools that the Council has to manage alcohol related problems in the City.

4.4 In terms of assessing options for the drafting of a replacement Bylaw, each clause of the 2009 Bylaw together with all the Scheduled Permanent Alcohol Ban Areas have been examined to see whether they are up to date, readily understandable, and appropriate. New issues have been identified and assessed, and this, in essence, provides the analysis of options for each of the clauses of the Bylaw and the Scheduled Areas. This analysis is attached as the ‘section 155 report’. Section 155 of the LGA 02, which is specific to bylaws, requires an assessment of whether regulating the identified issues via bylaw is appropriate.

4.5 Summary of Advantages and Disadvantages

- The advantages of this option include:

- Addresses the automatic revocation of the Council’s 2009 Bylaw.

- Updates current provisions so the Bylaw is fit for purpose in the current context.
• Police are able to control the inappropriate consumption of alcohol in public places in 15 areas in an attempt to alleviate risks/issues caused by high levels of alcohol consumption.

• Provides opportunities for Christchurch residents to make submissions on the proposed new bylaw.

• Nuisance and general safety will be improved in areas where the alcohol ban areas will be applied across the Christchurch district.

• There are some cost implications of this option. However, these are not disadvantages considering the nature and objectives of the Alcohol Bylaw.


5. Context/Background

Current alcohol bylaw

5.1 The Christchurch City Council Alcohol Restrictions in Public Places Bylaw came into force in July 2009. Under the 2009 Bylaw, the Bylaw prohibits the consumption of alcohol and restricts the possession and carriage of alcohol in some public places within the Christchurch District (called Alcohol Ban Areas). In Alcohol Ban Areas, the consumption of alcohol is not generally allowed on public places (such as parks, footpaths, riverbanks, beaches or roads), but is allowed on private land (such as licensed premises or private residences). A breach of this bylaw is an infringement and the bylaw is enforced by the Police.

5.2 Since 2009, the Bylaw has been amended a number of times to provide for new Permanent Alcohol Ban Areas. (For example, Riccarton/Illam (and extension), Okains Bay, Merivale and Papanui (and extension), Addington (New Zealand Trotting Cup Day) etc.

5.3 The 2009 Bylaw also allows the Council to resolve Temporary Alcohol Ban Areas which can be used to cover events or trial areas to see whether a Permanent Alcohol Ban Area might be effective. Again the Council has used this power on a number of occasions for events and trials. There are two current Temporary Alcohol Ban Areas in place. These are for Linwood Village and Riccarton Racecourse on New Zealand Cup Day.

5.4 Section 11 of the Local Government (Alcohol Reform) Amendment Act 2012 means that the Council’s 2009 Bylaw will be automatically revoked on 18 December 2018. The Council therefore needs to determine whether it wishes to make a new bylaw to replace the expiring one.

Local Government Act 2002

5.5 Section 147 of the LGA 02 sets out the powers of the Council to make a bylaw for alcohol control purposes. It specifically provides that the Council may make a bylaw for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:

• the consumption of alcohol in public places;

• the bringing of alcohol into public places;

• the possession of alcohol in public places.

5.6 The Council is also authorised to make bylaws for its district for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.
5.7 The term ‘public places’ is defined in section 147 to mean a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but it does not include licensed premises.

5.8 Section 156 of the LGA 02 sets out how the Council must make a bylaw. When the Council is making or reviewing a bylaw it must first undertake a section 155 analysis. The first part of this analysis requires establishing what problems (actual and perceived) exist. The next part requires determining whether or not a bylaw is the most appropriate way of addressing the problems. In practice, this is established by undertaking a clause-by-clause analysis of the current bylaw, and then identifying and assessing potential new problems, or areas that might benefit from regulation via bylaw. The final part of the analysis is to determine whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBoRA).

5.9 As mentioned above, the 155 analysis is attached to this report. It analyses both the body of the bylaw text, and 15 alcohol ban areas that are proposed to be included in the Schedule of Permanent Alcohol Ban Areas. This concludes that a bylaw is still needed and a proposed replacement bylaw has been drafted (See Attachment B).

Criteria for making bylaw and making a resolution relating to a bylaw

5.10 In addition, under section 147A(3) of the LGA 02, before making a bylaw that is intended to replace an expiring bylaw and is to the same effect (or to substantially the same effect) as the expiring bylaw, the Council must be satisfied that:
   - the proposed replacement bylaw can be justified as a reasonable limitation on people’s rights and freedoms;
   - a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
   - the bylaw is appropriate and proportionate in light of that likely crime or disorder.

5.11 There are also similar considerations for a new bylaw (clauses) under section 147A. For example, except in the case of a bylaw that will apply temporarily for a large scale event, must also be satisfied that—
   - there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
   - the bylaw is appropriate and proportionate in the light of that crime or disorder.

Enforcement of the bylaw

5.12 The Police are empowered by the LGA 02 to enforce the provisions of a bylaw made for alcohol control purposes. This is different from other bylaws, where enforcement is undertaken by warranted Council officers. Section 169 of the LGA 02 gives the Police powers of arrest, search and seizure in relation to enforcing alcohol ban bylaws. Section 170 sets out the conditions applicable to the power of search in section 169.

5.13 Under the LGA 02, the Police can also issue instant fines of $250 through infringement notices for breaches of the bylaw.

Proposed replacement bylaw consultation process

5.14 Making a replacement bylaw is considered to be a matter of ‘medium’ significance for the Council. On this basis, it is recommended that the Council follow the Special Consultative Procedure in view of the range of interests of the community on alcohol matters. The proposed consultation includes: issuing public notices of the proposal including in the Press and on Council
Regulatory Performance Committee  
11 July 2018

Websites, sending email and hard copy letters to identified stakeholders and interested parties, receiving submissions, public hearings of the submissions, preparation of recommendations by the Hearings Panel, and finally consideration and decisions by the Council.

5.15 The timeframe for this bylaw consultation is scheduled for August 2018. The final form of this bylaw should be decided by the Council in November 2018 and brought into force by 18 December 2018.

Key points of the replacement bylaw

5.16 The replacement bylaw will reflect the approach of the current 2009 Bylaw which is to prohibit, or otherwise regulate or control, the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places in Christchurch district.

Purpose, effect and exemptions etc.

5.17 The purpose of the current bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting restrictions in some public places. Again, it is proposed to retain this purpose in the new bylaw.

5.18 It is also proposed to retain the same alcohol restrictions as are in the 2009 Bylaw. These are that in Alcohol Ban Areas, no person may:

- consume alcohol in a public place; or
- consume alcohol in a vehicle in a public place; or
- bring alcohol into a public place, whether in a vehicle or not; or
- possess alcohol in a public place, whether in a vehicle or not.

5.19 Similarly, no substantive changes are proposed to the current exemptions in the 2009 Bylaw which are that the alcohol restrictions do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including:

- any public place which is part of a licensed premises’ outdoor area, where permission to occupy that area has been granted by the Council; or
- the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the licensed premises; or
- any public place that is subject to a special licence, for the term of that licence; or
- any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies; or
- any event held in a public place at which alcohol is served under a section 38 endorsed licence under the Sale and Supply of Alcohol Act 2012.

Permanent Alcohol Ban Areas

5.20 The bylaw also proposes to retain ten current permanent alcohol ban areas without amendment; extend two permanent alcohol ban areas of Jellie Park and Riccarton-llam; make permanent the two temporary alcohol ban areas in Linwood Village and Riccarton-Racecourse; and extend the ban period of one permanent alcohol ban area from one-day on New Zealand Trotting Day to 24 hours a day, seven days a week in Addington.

5.21 In this respect, Schedule 1 of the Bylaw will set out the locations and times of Permanent Alcohol Ban Areas that apply under the new Bylaw. These 15 alcohol ban areas are as follows:

1. Central City (no change proposed)
2. South Colombo (no change proposed)
8. Hagley Park (no change proposed)
3. Riccarton/I lam (proposed to extend the current ban area)  
4. New Brighton, Marine Parade, and Environ (no change proposed)  
5. Jellie Park (proposed to extend the current ban area)  
6. Linwood Village (proposed to making this ban area permanent)  
7. Addington (proposed to extend the ban times)  
9. Sumner Esplanade (no change proposed) Merivale (no change proposed)  
10. Merivale (no change proposed)  
11. Papanui (no change proposed)  
12. Spencer Park (no change proposed)  
13. Akaroa (no change proposed)  
14. Okains Bay (no change proposed)  
15. Riccarton/Racecourse (proposed to making this ban area permanent)  

5.22 Further details about the Permanent Alcohol Ban Areas are set out below at paragraphs 5.27.1 to 5.28.15.

Large-Scale Event Alcohol Ban Areas  
5.23 It is also proposed to add a new provision (clause 6) and Schedule (Schedule 2) to deal with Large-Scale Event Alcohol Ban Areas. A Large-Scale Event Alcohol ban will only apply when the Chief Executive has nominated an event to be a large-scale event. Schedule 2 will set out the actual area of the Alcohol Ban and time during which the ban applies. If the Council wishes to add new areas, then these will need to be added by way of a Bylaw amendment. At present, the only proposed Large-Scale Event Alcohol Ban Areas are Hagley Park and Rawhiti Domain/Thomson Park, and alcohol restrictions will apply for 24 hours if an event to be held in either of these places has been nominated as a Large-Scale Event. Maps of Hagley Park and Rawhiti Domain/Thomson Park are set out in Schedule 2 of the Bylaw – see Schedule 2 of the Bylaw – Maps 1 and 2.  

5.24 With the addition of a new clause dealing specifically with large-scale events, the clause relating to Temporary Alcohol Ban Areas has been simplified. The proposed clause will still allow the Council to resolve Temporary Alcohol Ban Areas, however the considerations to be taken into account will now be specifically linked to section 147B of the LGA 02. This section requires that before making a resolution relating to a bylaw under section 147, the Council must be satisfied that—

- there is evidence that the area to which the bylaw applies (or will apply by virtue of the resolution) has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and

- the bylaw, as applied by the resolution,—
  (i) is appropriate and proportionate in the light of the evidence; and
  (ii) can be justified as a reasonable limitation on people’s rights and freedoms.

Powers of search and seizure  
5.25 With the proposed inclusion of a new Large-Scale Event Alcohol Ban Area provision in the Bylaw, it is also proposed to make changes to the clause dealing with the Police powers of search. Under section 169 of the Local Government Act 2002, the Police may, without warrant,—

- for the purpose of ascertaining whether alcohol is present, search—
  (i) a container (for example, a bag, case, package, or parcel) in the possession of a person who is in, or entering, a restricted place; or
  (ii) a vehicle that is in, or is entering, a restricted place:

5.26 Before exercising this power of search in relation to a container or a vehicle, the Police must—
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Inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and

provide the person with a reasonable opportunity to remove the container or the vehicle, as the case may be, from the public place.

5.27 However, section 170(2) and (3) allow the Council to give the Police powers of immediate search when this is authorised by a bylaw provision. The 2009 Bylaw provided that this clause would only apply in the case of Temporary Alcohol Ban Areas where the Council had resolved to trigger this provision. In the replacement bylaw it is proposed to provide that this provision may be triggered by the Chief Executive for a Large-Scale Event. If the provision is activated, the Council must then comply with section 170(3) of the LGA 02, in terms of signage and public notice requirements.

Further information about Permanent Alcohol Ban Areas

5.28 The brief description of the 15 Permanent Alcohol Ban Areas are:

5.28.1 Central City
- The ban applies at all times, 24 hours a day, seven days a week. The Central City Alcohol Ban covers the area as indicted in Schedule 1 of the Bylaw - Map 1.
- With no changes to the current Central City Alcohol Ban Area, Police support the area and time to which alcohol restrictions apply as appropriate.

5.28.2 South Colombo
- The ban applies at all times, 24 hours a day, seven days a week. The South Colombo Alcohol Ban covers the area as indicated in Schedule 1 of the Bylaw Map – 2.
- Without variation to the current South Colombo Alcohol Ban Area, Police support the area and time to which alcohol restrictions apply as appropriate.

5.28.3 Riccarton/Ilam
- The ban applies at all times, 24 hours a day, seven days a week. The Riccarton/Illam Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 3.
- The current ban area in Riccarton Ilim excludes the Ilam Primary School premises. A licensed business is located next to the school grounds. In 2015, Police and UC staff informed Council staff that the school area (being not part of the University) should also be included in the ban area. Staff agree that by making it part of the alcohol ban area, it will help to prevent any antisocial behaviours caused by alcohol drinking occurring in the school area. Ilam Primary School Board were consulted and are in favour of the school premises being included in the ban area. The Police are also in favour of extending the ban area, and support the current 24/7 application of the Ban area.
- Therefore, the proposal is to extend the Riccarton/Ilam Alcohol Ban Area to include Ilam Primary School area.

5.28.4 New Brighton Mall, Marine Parade and Environs
- The ban applies at all times, 24 hours a day, seven days a week. The New Brighton Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 4.
- Police recommend the inclusion of the Rawhiti Domain and Thomson Park to the current New Brighton Alcohol Ban Area to address the potential of alcohol-related offending associated with large scale events. They believe that events like public concerts attract a significant number of attendees where social issues due to
‘excessive drinking of alcohol’ could potentially occur and negatively affect amenity and good order in the area. CCC Licensing staff support the Police concerns about the remoteness of the Thomson Park and Rawhiti Domain areas and the risks of pre- and post-loading for events held in this area or at nearby facilities. In order to address these concerns, we propose including this area within the Large Scale Events Alcohol Ban Areas (Schedule 2).

- Police recommend the extension of the ban area to give them the ability to intervene, manage and control possession and drinking of alcohol occurring in public spaces during big events.
- The proposal is to retain the current ban area. Police strongly support the area and time to which alcohol restrictions apply as appropriate.

5.28.5 Jellie Park

- The ban applies at all times, 24 hours, 7 days a week. The Jellie Park Alcohol Ban Area covers the areas as indicated in Schedule 1 of the Bylaw Map – 5.
- Jellie Park is bounded by two roads, Greers (Northwest side of the Park) and Ilam (Southeast of the Park). The actual roads are excluded from the Jellie Park alcohol ban area. The extension of the Jellie Park ban area to cover both sides of Greers and Ilam Roads will make it consistent with other ban areas. Police support the proposed inclusion of Greers and Ilam Roads as part into the Jellie Park Alcohol Ban Area boundaries, as well the current 24/7 application of the Ban area.
- Therefore, the proposal is to extend the current Jellie Park Alcohol Ban Area to include Greers and Ilam Roads.

5.28.6 Linwood Village

- The ban applies at all times, 24 hours a day, seven days a week. The Linwood Village Alcohol Ban Area covers the areas as indicated in Schedule 1 of the Bylaw Map – 6.
- A temporary alcohol ban status was instigated on 20 December 2017 for six months. Having considered the review report on the impact of the alcohol ban in Linwood Village, the Council adopted another temporary ban in April 2018 which commenced on 20 June and will end in December 2018. The alcohol ban was supported by the Police and a number of homeless individuals who attended the Council meeting in 2017. Also, a majority (92 percent of 124 respondents) of the Linwood residents who responded to alcohol ban effectiveness survey in March 2018 strongly support the current Linwood Village Alcohol Ban Area becoming permanent being applied at all times each year.
- The proposal is to make the current Linwood Village Alcohol Ban Area permanent.
- Police support this proposal, including the area and time to which the alcohol restrictions apply as appropriate.

5.28.7 Addington

- Currently, the alcohol ban only applies from 9am to 10pm on New Zealand Trotting Cup Day, which is the second Tuesday of November each year. The Addington Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 7.
- Police note that alcohol-related offences at the annual November Cup Day event have reduced remarkably. However, they have concerns about the significant number of alcohol-related ‘Calls for Service’ which they receive annually in relation to the Addington area. Annually, these have been over 100 from 2012 to 2017.
• Police suggest that the Council consider making the Addington Ban apply 24 hours per day, seven days a week. This is because of the ongoing problems related to people drinking in the streets and preloading and side-loading before entering licensed premises and events. Police confirmed that the stakeholders who are involved in the Addington Accord expressed to support the ban. This will also assist with the Alcohol Accord for licensed businesses in the area. CCC Licensing staff have been working with the licensees in the Addington area on an Alcohol Accord to help address concerns when large events are held at facilities in the area such as Addington Raceway, Hornsby area, and AMI Stadium. The fact there are many events in Addington and on a weekly basis, we support the suggestion of the Police to have an alcohol ban at all times.

• The proposal, therefore, is to make the alcohol restrictions in Addington Ban Area apply at all times, 24 hours a day, seven days a week. Police strongly support the area and time to which alcohol restrictions will apply.

5.28.8 Hagley Park

• The ban applies from 10pm to 7am each night/following morning. The Hagley Park Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 8.

• The Police support the current area and time to which alcohol ban applies as appropriate.

5.28.9 Sumner Esplanade

• The ban applies from 7pm each Thursday night until midnight of each Sunday night, and from 7pm on 31 December to 7am on 1 January each year (New Year’s Eve). The Sumner Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 9.

• The Police support the current area and time to which alcohol ban applies as appropriate.

5.28.10 Merivale

• The ban applies from 6pm to 6am nightly. The Merivale Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 10.

• The Police support the current area and time to which alcohol ban applies as appropriate.

5.28.11 Papanui

• The ban applies from 6pm to 6am each night. The Papanui Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 11.

• The Police support the current area and time to which alcohol ban applies as appropriate.

5.28.12 Spencer Park

• The ban applies on New Year’s Eve from 8.30pm on 31 December to 6am on 1 January each year. The Spencer Park Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 12.

• The Police support the current area and time to which alcohol ban applies as appropriate.

5.28.13 Akaroa
The ban applies on New Year’s Eve from 5pm on 31 December to 7am on 1 January each year. The Akaroa Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 13.

The Police support the current area and time to which alcohol ban applies as appropriate.

5.28.14 Okains Bay

The ban applies on New Year’s Eve from 5pm on 31 December to 7am on 1 January each year. The Okains Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 14.

The Police support the current area and time to which alcohol ban applies as appropriate.

5.28.15 Riccarton/Racecourse

The alcohol ban applies from 7am to 12 midnight on Saturday Cup Day of the Cup Week of November each year. The Riccarton/Racecourse Alcohol Ban covers the areas as indicated in Schedule 1 of the Bylaw Map – 15.

A Temporary Alcohol Ban has been imposed in the immediate areas of Riccarton Park on Saturday Cup Day of November each year since 2015. The event itself has been plagued with issues relating to excessive consumption of alcohol which has negatively affected the amenity and good order to a significant degree. The problems associated with preloading typically manifest as violence, property damage, assaults, intimidation, and disorderly behaviour and littering within and around the event venue.

Police strongly recommend that the Riccarton Racecourse Alcohol Ban Area is made permanent. They consider that the Alcohol Bans on previous Cup Days have been effective and useful. The alcohol ban for Riccarton Park on Cup Day is an integral part of reducing alcohol related harm at Cup Day event.

Therefore the proposal is to make the Riccarton Racecourse Alcohol Ban Area permanent.

6. **Option 1 – Adopt for public consultation the proposed Christchurch City Council 2018 Alcohol Restrictions in Public Places Bylaw 2018**

**Option Description**

6.1 The Council adopts for public consultation the proposed Alcohol Restrictions in Public Places Bylaw that will replace the current Council Alcohol Restrictions in Public Places Bylaw 2009.

**Significance**

6.2 The level of significance of this option is medium to high consistent with section 2 of this report.

6.3 Engagement requirements for this level of significance are medium

**Impact on Mana Whenua**

6.4 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.
Community Views and Preferences

6.5 In preparing this report, staff have sought the views of the New Zealand Police and the Council’s Alcohol Licensing Team. Other particular stakeholders have been contacted such as Ilam Primary School, and Canterbury University.

6.6 Community views and preferences will be obtained through the consultation process on the proposed replacement bylaw. This report recommends that the Council will consult on the proposed replacement bylaw using the special consultative procedure (as opposed to a section 82 type consultation). The special consultative procedure is recommended because there is, or is likely to be, a significant impact on the public due to the proposed bylaw.

6.7 For this special consultative procedure it is proposed that there be a 33-day consultation period during August 2018/September 2018. This will be followed by hearings and deliberations in time for the 22 November 2018 Council meeting.

Alignment with Council Plans and Policies

6.8 This option aligns with Council’s Plans, Strategies, and Policies. Specific alignment identified is:

Community Outcomes

Communities are safe
- People are safe from crime
- Injuries and risks to public health are minimised

Christchurch Alcohol Action Plan

Safer Christchurch City Strategy
- Reducing and preventing the incidence and effects of crime

Financial Implications

6.9 Cost of Implementation – Public consultation and hearings on the proposed replacement bylaw are business as usual.

6.10 If the Council decides to adopt a new bylaw, there may be some associated promotional / public education costs, as well as some signage costs. More information on costs will be included when the bylaw is reported back to Council after consultation, when the final form of the proposed bylaw is known.

Legal Implications

6.11 The legal considerations relating to the making of a replacement bylaw have been identified in paragraphs 5.5 to 6.11 of this report.

6.12 In addition to these considerations, the law requires that any bylaw must be intra vires (within the statutory powers that authorise the bylaw), certain and reasonable. There is a considerable body of case law on ‘reasonableness’ in the bylaw context. The Courts have noted that in ascertaining the reasonableness of a bylaw, they will look to the surrounding facts, including the nature and condition of the locality in which it is to take effect, the problem it seeks to solve or proposes to remedy, and whether public or private rights are unnecessarily or unjustly affected.

6.13 The Legal Services Unit has considered both the section 155 analysis, as well as the proposed draft bylaw.

6.14 The Unit notes that in some limited cases there is little evidence of a high level of crime and disorder because Police statistics are not kept on these matters or there have been no calls for service. For example, the Alcohol Ban Areas for New Year’s Eve for Spencer Park, Okains Bay and Akaroa. However, there is a real concern that if these Alcohol Ban Areas are removed, there will be the potential for a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) to arise in these areas because they are New Year’s Eve destinations. On this basis, and given that the bylaw provision only applies...
for one night of the year, these Alcohol Ban Areas would seem to be appropriate and proportionate in light of that likely crime or disorder.

6.15 Generally speaking, it is the view of the Legal Services Unit that the proposed draft bylaw is within the authorising provisions of the LGA 02, and is certain and reasonable. It is also the view of the Legal Services Unit that the attached section 155 analysis report shows how the Council has considered its section 155 obligations for the purposes of considering the making of a new bylaw (together with assessing options under section 77 of the LGA 02 in relation to the various clauses).

6.16 In addition, the section 155 analysis prepared by staff lead to the conclusion that other options such as ‘do nothing’ or ‘retain the current bylaw without amendment’ were not reasonably practicable options. On this basis the Legal Services Unit consider that the Council has correctly identified one reasonably practicable option which is to make a new draft Bylaw.

6.17 The recommendations in this report reflect that the requirements in sections 147A and 155 have been met.

6.18 This report has been reviewed and approved by the Legal Services Unit.

Risks and Mitigations

6.19 Overall, the risks of adopting a proposed replacement bylaw for consultation are low. The consultation process will allow the public to have their say on the proposal.

6.20 However, there is a risk around the timetable for the adoption of the proposed draft bylaw. With the automatic revocation of the 2009 Bylaw under section 11 of the Local Government (Alcohol Reform) Amendment Act 2012, the Council will need to have the consultation complete and the new bylaw in place by 18 December 2018 if it does not want to risk a period without alcohol ban areas applying.

Implementation dependencies

6.21 The Act 2002 provides Police the power to enforce the alcohol ban, including the power to search containers and vehicles in public places for alcohol, seize and remove alcohol, and arrest any person found to be breaching the ban. Police are also able to issue infringement notices for breaching an alcohol bylaw. The Council will install appropriate signage and provide information for residents and locals about the conditions of the bans.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Section 155 Report on the Proposed Replacement CCC Alcohol Restrictions Bylaw</td>
</tr>
<tr>
<td>B</td>
<td>Statement of Proposal for the Proposed Replacement Alcohol Restrictions Bylaw</td>
</tr>
</tbody>
</table>

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.

**Signatories**

| Authors                          | Evangeline Emerenciana - Policy Analyst  
|                                 | Ruth Littlewood - Senior Policy Analyst  
|                                 | Vivienne Wilson - Associate General Counsel |
| Approved By                     | Emma Davis - Acting Head of Strategic Policy  
|                                 | Brendan Anstiss - General Manager Strategy and Transformation |
PROPOSED NEW CHRISTCHURCH CITY COUNCIL ALCOHOL RESTRICTIONS IN PUBLIC PLACES BYLAW 2018

Section 155 Report on the Proposed New Bylaw and Alcohol Ban Areas

Introduction
The current Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 prohibits, regulates and controls the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places.

Section 11 of the Local Government (Alcohol Reform) Amendment Act 2012 provides that an alcohol control bylaw (which was in force on 18 December 2013) automatically expires on 18 December 2018 unless earlier revoked. This Amendment Act was part of the package of reforms associated with the Sale and Supply of Alcohol Act 2012 changes.

Therefore, if the Council wishes to have a replacement alcohol control bylaw, it must go through the process of making a new bylaw under the Local Government Act 2002.

When the Council is reviewing a current bylaw or making a new bylaw, it must complete an analysis under section 155 of the Local Government Act 2002. The Council has reviewed the current Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 to determine whether a replacement bylaw should be made. For this purpose, a section 155 analysis has been completed by assessing the following matters:

A. General discussion about the current Bylaw and section 155 considerations being:
   1. What is the perceived problem?
   2. Whether the bylaw is the most appropriate way of addressing the problems?
   3. Whether the bylaw is the most appropriate form?
   4. Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990?
   5. Conclusion and recommendations

B. Specific analysis of current and proposed Permanent Alcohol Ban Areas
   1. What is the perceived problem
      - Define the problem
      - Define the Area
      - What is the evidence of alcohol-related harm for the area?
      - Summary

In addition, under section 147A of the Local Government Act 2002, before making a bylaw that is intended to replace an expiring bylaw and is to the same effect (or to substantially the same effect) as the expiring bylaw, a territorial authority must be satisfied that—

(a) the bylaw can be justified as a reasonable limitation on people’s rights and freedoms; and

(b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and

(c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.
A. General discussion about the current Bylaw and section 155 considerations

The current Bylaw’s purpose is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.

It achieves this by specifying a series of Permanent Alcohol Ban Areas where alcohol restrictions apply in public places in those Ban Areas at the specified days and times. This means that when a person is in a public place in an Alcohol Ban Area during the specified times and days, that person may not consume alcohol in that public place, consume alcohol in a vehicle in that public place, bring alcohol into a public place, whether in a vehicle or not, or possess alcohol in a public place, whether in a vehicle or not.

Currently, there are 13 Permanent Alcohol Ban Areas.

The Bylaw also allows the Council to resolve Temporary Alcohol Ban Areas which apply in the same way. However, these generally only apply to events or areas for a short period of time. The Council has used this power to trial Temporary Alcohol Ban Areas such as the Alcohol Ban Area that has applied in Linwood Village or the Alcohol Ban Area that has applied for New Zealand Cup Day at Riccarton Racecourse.

No Alcohol Bans apply to areas or activities that are covered by an alcohol licence issued under the Sale and Supply of Alcohol Act 2012. This includes any public place which is part of a licenced premises’ outdoor area, where permission to occupy that area has been granted by the Council.

1. What is the perceived problem

In determining the perceived problem, this part of section 155 analysis relating to the ban areas uses Police data Calls for Service (CFS) of alcohol-related offences generated from the Police CARD system and anecdotal information available. Police data of alcohol-related Calls for Service include offences and crimes like assaults, intoxication, disorder, intimidation, and traffic offences.

The alcohol ban was introduced to address problems associated with drinking alcohol in public places which negatively affected the amenity and good order in the 15 areas. Problems often reported by affected residents and police include vandalism, littering (e.g. broken bottles, empty cans), urinating in private properties (e.g. fences, gardens, or driveways), noise, intimidation, aggressive begging, fighting caused by intoxication or excessive consumption of alcohol. People are also seen pre-loading and side-loading when attending large scale public events.

The 15 ban areas (including current and new ban areas) are:

a) Central City (no change proposed)  
b) South Colombo (no change proposed)  
c) Riccarton/Ilam (with proposed changes)  
d) New Brighton Mall and surrounds (no change proposed)  
e) Jellie Park (with proposed changes)  
f) Linwood Village (new permanent)  
g) Addington (with proposed changes)  
h) Hagley Park (no change proposed)  
i) Sumner Esplanade (no change proposed)  
j) Merivale (no change proposed)  
k) Papamui (no change proposed)  
l) Spencer Park (no change proposed)  
m) Akaroa (no change proposed)  
n) Okains Bay (no change proposed)  
o) Riccarton/Racecourse (new permanent)

The Police strongly support the inclusion of the above 15 ban areas to the Schedule of Permanent Alcohol Ban Areas of the replacement Alcohol Bylaw. These ban areas include the current 13 Permanent Alcohol Ban Areas and two new Alcohol Ban Areas (Linwood Village and Riccarton Racecourse). They also sought amendments to the New Brighton Permanent Alcohol Ban Area to include Rawhiti Domain and Thomson Park, and that the Addington Permanent Alcohol Ban apply at all
times, 24 hours a day, seven days a week; currently the Addington Ban only applies on one day a year, on Cup Day. The Police consider alcohol bans to be useful and effective intervention tools, to prevent or mitigate the harms caused by excessive drinking of alcohol in public places, and to help the community to 'be Safe and Feel Safe'.

Analyses of perceived problems for each of these 15 ban areas (both current Permanent Ban Areas and two new Ban Areas) are detailed in Part B of this report: “Specific analysis of current and proposed Permanent Alcohol Ban Areas”.

2. Whether or not the bylaw is the most appropriate way of addressing the perceived problem or issue

The Council has also considered other tools for addressing alcohol-related harm. Other tools include:

- Increased compliance monitoring or enforcement under the Sale and Supply of Alcohol Act 2012 in relation to intoxication, under-age purchases or ‘bar-hopping’ with drinks;
- Using section 38(3) of the Summary Offences Act 1981 which allows Police to issue an infringement notice (instant fine) to those under the age of 18 who possess or consume alcohol in a public place;
- City Mission and Salvation Army working to address begging and homelessness issues
- Safer Christchurch
- Alcohol Accord
- Using Crime Prevention Through Environmental Design, e.g. crime cameras and lighting
- Christchurch Alcohol Action Plan

The Christchurch Alcohol Action Plan has been developed as harm reduction approach and agreed by Christchurch City Council, New Zealand Police, and Canterbury District Health Board (CDHB). The Plan outlines in response to community concern about alcohol-related harm. It provides a collective vision, strategies and actions aimed at achieving a sustained reduction in alcohol-related harm across Christchurch.

These tools can be used in conjunction with the alcohol bans to reduce alcohol-related harm.

While there is legislation available to Police to deal with disorder and some alcohol-related offending, a Bylaw of this nature provides an opportunity to remove potential offenders and /or victims from a location before incidents escalate. A bylaw of this nature is an effective crime prevention tool to control and manage the possession and consumption of alcohol in public places.

It is also appropriate to keep the Temporary Alcohol Ban Area clause in the bylaw. A new clause for Large-Scale Events Alcohol Ban Area is also proposed to consider public events that attract huge number of attendees where drinking of alcohol is likely to occur.

The 15 alcohol ban areas all have history of alcohol-related problems. Having considered the information from the Police relating to alcohol-related offences associated and available anecdotal evidence, the bylaw is the most appropriate way of addressing the perceived problems and risks associated in drinking alcohol in public spaces. There is high level of crime or disorder caused or made worse by alcohol consumption in these areas and is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made. The bylaw is appropriate and proportionate in the light of the likely crime or disorder.

3. Whether the bylaw is the most appropriate form of bylaw

The overall form of the current Bylaw is generally appropriate to be used as the form of the replacement bylaw.

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The Bylaw is relatively straightforward and the prohibitions, restrictions, exceptions and details of the Permanent Alcohol Ban Areas are all contained in a Schedule to the Bylaw.

However, a number of improvements/changes could be made to the wording of some clauses of the Bylaw and the Scheduled Permanent Alcohol Ban Areas to provide for Linwood Village and Riccarton Racecourse on New Zealand Cup Day. The Table on page 00 summarises the current Permanent Alcohol Ban Areas and the recommended changes to the Permanent Alcohol Ban Areas.

A new provision should be added to deal with Large-Scale Event Alcohol Ban Areas. It is intended to provide a mechanism whereby the Bylaw sets out all the details of any such Large-Scale Event Alcohol Ban Areas, and the alcohol restrictions will only apply when the Chief Executive has nominated an event to be a large-scale event. If the Council wishes to add new areas, then these will need to be added by way of a Bylaw amendment. At present, the only proposed Large-Scale Event Alcohol Ban Areas are Hagley Park, and Rawhiti Domain and Thomson Park. Alcohol restrictions will apply for 24 hours if an event is held in an area which has been nominated as a Large-Scale Event.

Overall the review of the current bylaw has resulted in recommendations for a large number of ‘minor’ changes. Many amendments are designed to up-date the bylaw through, for example changes in numbering and in explanatory notes attached to the bylaw, to provide simpler, more user friendly wording and to reflect the changes to the Act since the current bylaw was made. In terms of substantive changes to the bylaw the following are recommended:

- the inclusion of a new clause 6 to provide for bans to address alcohol related disorder associated with ‘large scale events’, and
- two new permanent ban areas (Linwood and Upper Riccarton); and
- making the Addington ban apply at all times (24/7); and
- increasing the area covered by the Jellie Park and Riccarton/Ilam ban areas.

4. **Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990**

The bylaw restricts people to consume, possess or bring alcohol whether in public places or in a vehicle in a public place. The proposed Amendment Bylaw gives rise to some implications in relation to the New Zealand Bill of Rights Act 1990, in particular, the right to freedom of movement. However, as the proposed replacement Bylaw does not completely prohibit people with alcohol from being in, or moving about in, all public places, it provides demonstrably justifiable limits in a free and democratic society, and is therefore consistent with the New Zealand Bill of Rights Act 1990.

The right to freedom from search and seizure (section 21) maybe regarded as affected, but although a bylaw may increase the possibility that search and seizure could take place, this is a matter within the control of the Police and the bylaw itself is not necessarily inconsistent with that right.

Under the Sale and Supply of Alcohol Act 2012, Police can use instant fines through infringement notices of $250 for breaches of the alcohol ban.

The laws of New Zealand do not make it illegal to consume or possess alcohol in public places except for those under 18, so a restriction on where people can go and consume or possess alcohol in public places will be a partial restriction on freedom of movement.

It is considered that these 15 Alcohol Ban Areas provide demonstrably justifiable limits in a free and democratic society, and is therefore consistent with the New Zealand Bill of Rights Act 1990.
5. Conclusion/recommendations
   a. Alcohol Restrictions in Public Places Bylaw 2018 - texts

<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</th>
<th>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td>This bylaw prohibits the consumption of alcohol and restricts the possession and carriage of alcohol in some public places within the Christchurch City Council district (called Alcohol Ban Areas). In Alcohol Ban Areas, the consumption of alcohol is not generally allowed in public places (such as parks, footpaths, riverbanks, beaches or roads), but is allowed on private land (such as licensed premises or private residences). The possession or carriage of alcohol in public places in Alcohol Ban Areas is limited by this bylaw and the Local Government Act 2002, and is generally only allowed when transporting, carrying or delivering alcohol through an area. A breach of this bylaw is an infringement. This bylaw gives the Police the power to seize alcohol, to search people's bags and vehicles (in certain situations), and to arrest people found to be breaching the bylaw. This bylaw should be read together with the Local Government Act 2002 (in particular sections 147-147C, 169 to 170), as the Act contains further information on bylaws made for liquor control purposes. Relevant parts of the Act are not included in this bylaw in full, but are referred to where necessary. This bylaw does not cover matters related to licensed premises or any matters already covered by the Sale of Alcohol Ban Areas.</td>
<td>This bylaw prohibits the consumption of alcohol and restricts the possession and carriage of alcohol in some public places within the Christchurch City Council district (called Alcohol Ban Areas). In Alcohol Ban Areas, the consumption of alcohol is not generally allowed in public places (such as parks, footpaths, riverbanks, beaches or roads), but is allowed on private land (such as licensed premises or private residences). The possession or carriage of alcohol in public places in Alcohol Ban Areas is limited by this bylaw and the Local Government Act 2002, and is generally only allowed when transporting, carrying or delivering alcohol through an area. A breach of this bylaw is an infringement. This bylaw gives the Police the power to seize alcohol, to search people's bags and vehicles (in certain situations), and to arrest people found to be breaching the bylaw. This bylaw should be read together with the Local Government Act 2002 (in particular sections 147-147C, 169 to 170), as the Act contains further information on bylaws made for liquor control purposes. Relevant parts of the Act are not included in this bylaw in full, but are referred to where necessary. This bylaw does not cover matters related to licensed premises or any matters already covered by the Sale and Supply of Alcohol Act 2012. Pursuant to the powers vested in it by section 147 of the Local Government Act 2002,</td>
<td>A minor change to update the reference from liquor to 'alcohol'.</td>
</tr>
<tr>
<td>Clause</td>
<td>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</td>
<td>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</td>
<td>Reasons</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>1. SHORT TITLE AND COMMENCEMENT</td>
<td>This bylaw is the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 and comes into force on 1 July 2009.</td>
<td>This bylaw is the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 and comes into force on 1 July 2009.</td>
<td>Proposed change. This is a new bylaw and a new commencement clause is needed. The current bylaw will be automatically revoked on 18 December 2018.</td>
</tr>
<tr>
<td>2. PURPOSE</td>
<td>OBJECT</td>
<td>OBJECT PURPOSE</td>
<td>Proposed change. The clause sets out the purpose of the bylaw so the title of this clause should refer to the purpose.</td>
</tr>
<tr>
<td>2(1)</td>
<td>The purpose of this bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw.</td>
</tr>
<tr>
<td>2(2)</td>
<td>This bylaw prohibits, or otherwise regulates or controls, the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw.</td>
</tr>
<tr>
<td>3. INTERPRETATION</td>
<td>INTERPRETATION</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw.</td>
</tr>
<tr>
<td>Clause</td>
<td>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2020)</td>
<td>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</td>
<td>Reasons</td>
</tr>
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<td>--------</td>
<td>-------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>3.(1)</td>
<td>none</td>
<td>Text in this bylaw that is in grey italics (Italics) is not part of the bylaw, but is explanatory in nature, and the Council may update or delete this text at any time without amending the bylaw. Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.</td>
<td>It is helpful to include a clause setting out how explanatory notes work.</td>
</tr>
<tr>
<td>3.(2)</td>
<td>In this Bylaw, unless the context requires otherwise: ACT means the Local Government Act 2002. ALCOHOL has the same meaning as 'alcohol' in the Sale and Supply of Alcohol Act 2012 and the Local Government Act 2002, and generally means alcoholic beverages such as beer, wine and spirits (including pre-mixed spirit-based drinks). ALCOHOL RESTRICTIONS means the restrictions imposed by clause 2(1) of this bylaw. COUNCIL means the Christchurch City Council. EVENT means any meeting, parade, concert, fair, celebration, festival, function or sporting or cultural event, or other similar occasion, or a series of such occasions. LARGE-SCALE EVENT ALCOHOL BAN AREA means an area described in Schedule 2 in which alcohol restrictions are in place in the public places within the area and during the times specified in the Schedule. LICENSED PREMISES has the same meaning as 'licensed premises' in the Sale and Supply of Alcohol Act 2012, and generally means premises licensed for the sale or consumption of alcohol. PERMANENT ALCOHOL means an area described in the Schedule to this bylaw</td>
<td>Same as 2009 bylaw</td>
<td>Same as 2009 bylaw</td>
</tr>
</tbody>
</table>

Attachment A

Item 8

Item No.: 11

Page 20
<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</th>
<th>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAN AREA</td>
<td>bylaw in which alcohol restrictions are permanently in place in the public places within the area, during the times, days or dates specified in the Schedule.</td>
<td>Schedule 1 in which alcohol restrictions are permanently in place in the public places within the area, during the times, days or dates specified in the Schedule.</td>
<td>the bylaw so Permanent Alcohol Ban Areas will be Schedule 1.</td>
</tr>
<tr>
<td>PUBLIC PLACE</td>
<td>has the same meaning as 'public place' in section 147 of the Local Government Act 2002, a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it, but does not include licensed premises.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
<tr>
<td>SPECIAL LICENCE</td>
<td>has the same meaning as 'special licence' in the Sale and Supply of Alcohol Act 2010, and generally means a licence granted under part 2 of the Sale and Supply of Alcohol Act 2012 for the sale and supply of alcohol during an event or series of events.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
<tr>
<td>TEMPORARY ALCOHOL BAN AREA</td>
<td>means an area described in a resolution made under this bylaw in which alcohol restrictions are temporarily in place in the public places within the area during the times, days or dates specified in the resolution.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
<tr>
<td>4. PERMANENT ALCOHOL BAN AREAS</td>
<td>PERMANENT ALCOHOL BAN AREAS</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
<tr>
<td>4(1)</td>
<td>Permanent Alcohol Ban Areas are listed in the Schedule of this bylaw. The Schedule describes the specific areas that are Permanent Alcohol Ban Areas and indicates the times, days or dates during which the alcohol restrictions apply to any public places in the Permanent Alcohol Ban Area.</td>
<td>Permanent Alcohol Ban Areas are listed in the Schedule of this bylaw. The Schedule describes the specific areas that are Permanent Alcohol Ban Areas and indicates the times, days or dates during which the alcohol restrictions apply to any public places in the Permanent Alcohol Ban Area.</td>
<td>Minor technical changes are proposed to the references in this clause.</td>
</tr>
<tr>
<td>4(2)</td>
<td>The Council can add, remove or alter any part of the Schedule to this bylaw in accordance with Special Consultative Procedure, as set out in sections 83 and section 156 of the Act.</td>
<td>To avoid doubt, the Council can add, remove or alter any part of the Schedule to this bylaw. The Schedule describes the specific areas that are Permanent Alcohol Ban Areas and indicates the times, days or dates during which the alcohol restrictions apply to any public places in the Permanent Alcohol Ban Area.</td>
<td>update</td>
</tr>
<tr>
<td>Clause</td>
<td>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</td>
<td>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</td>
<td>Reasons</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>5. TEMPORARY ALCOHOL BAN AREAS</td>
<td>TEMPORARY ALCOHOL BAN AREAS</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
<tr>
<td>5(1)</td>
<td>The Council may declare a Temporary Alcohol Ban Area by resolution. Any such resolution will describe the specific area that is a Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
<tr>
<td>5(2)</td>
<td>Before the Council declares a Temporary Alcohol Ban Area, consider:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) if the proposed Ban relates to an event:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) the nature of the expected event;</td>
<td>(a) - if the proposed Ban relates to an event:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) the number of people expected to attend;</td>
<td>(i) the nature of the expected event;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) the history of the event (if any); and</td>
<td>(ii) the number of people expected to attend;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iv) the area in which the event is to be held; and</td>
<td>(iii) the history of the event (if any); and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems; and</td>
<td>(iv) the area in which the event is to be held; and</td>
<td></td>
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<tr>
<td></td>
<td>(c) whether the benefits to local residents and to the city would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events, in the area covered by resolution; and</td>
<td>(b) the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution; and</td>
<td>(c) whether the benefits to local residents and to the city would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events, in the area covered by resolution; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(e) whether the Police support the proposed</td>
<td>(d) any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) whether the Police support the proposed</td>
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<tr>
<td></td>
<td></td>
<td>Temporary Alcohol Ban Area; and</td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

Section 147B of the Local Government Act 2002 sets out the requirements to be met before making a resolution under an Alcohol Control Bylaw. Section 147B was made after the 2009 Bylaw. It is now more appropriate to refer to section 147B rather than the list of requirements in Clause 5.
<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts</th>
<th>Recommended changes to new bylaw</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Temporary Alcohol Ban Area; and (f) any other information the Council considers relevant.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Explanatory note: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:

A Temporary Alcohol Ban Area will only be put in place for a limited time. The duration will depend on the reasons for imposing the alcohol restrictions.

In making a resolution under the bylaw, the Council must also apply section 147B and the decision-making provisions in part 6 of the Act, which set out the requirements for council decision-making. These include identifying all reasonably practicable options to achieve the objective, and considering the views and preferences of persons likely to be affected by, or to have an interest in, the decision.

6. LARGE-SCALE EVENT ALCOHOL BAN AREAS

NONE

1. The Chief Executive may nominate an event to be a Large-Scale Event, having taken into consideration
   (a) the nature of the event;
   (b) the number of people expected to attend the event; and
   (c) the history of the event (if any).

2. When an event has been nominated as a Large-Scale Event, the Large-Scale Event Alcohol Ban Area applies in respect of that event during the specified times for that Alcohol Ban Area.

3. The Large-Scale Event Alcohol Ban Areas are listed in Schedule 2. Schedule 2 describes the specific areas that are Large-Scale Event Alcohol Ban Areas and states the

The Police have commented on the need to have an effective and efficient mechanism to resolve Alcohol Ban Areas for large-scale events where there is real risk of pre-loading before an event. A recent example would be Electric Avenue. On this basis, it would be helpful to have a mechanism whereby the place and time of the Alcohol Ban are set out in the bylaw and the only variable is the actual event.
<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</th>
<th>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.7</td>
<td><strong>RESTRICTIONS IN ALCOHOL BAN AREAS</strong></td>
<td>times during which the alcohol restrictions apply to any public places in the Large-Scale Event Alcohol Ban Areas. (4) To avoid doubt, the Council can add, remove or alter any part of Schedule 2 in accordance with section 156 of the Act. Exploratory note: A Large-Scale Event Alcohol Ban Area will only apply when the Chief Executive has designated an event to be a Large-Scale Event. The specific Alcohol Ban Area is set out in Schedule 2 as well as the time during which the Alcohol Ban Area applies. The area and time cannot be changed by the Chief Executive.</td>
<td>RETAIN Same as 2009 bylaw</td>
</tr>
<tr>
<td>6.1</td>
<td>In Permanent or Temporary Alcohol Ban Areas, subject to clause 7 of this bylaw and section 147(4) of the Act, no person may: (a) consume alcohol in a public place; or (b) consume alcohol in a vehicle in a public place; or (c) bring alcohol into a public place, whether in a vehicle or not; or (d) possess alcohol in a public place, whether in a vehicle or not.</td>
<td>In Permanent or Temporary or Large-Scale Event Alcohol Ban Areas, subject to clause 2 of this bylaw and section 147(4) of the Act, no person may: (a) consume alcohol in a public place; or (b) consume alcohol in a vehicle in a public place; or (c) bring alcohol into a public place, whether in a vehicle or not; or (d) possess alcohol in a public place, whether in a vehicle or not.</td>
<td>Update this clause to refer to the new Large-Scale Alcohol Ban Areas.</td>
</tr>
</tbody>
</table>

Explanatory note: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:

For exemptions in relation to unopened bottles or containers, see section 147(4) of the Act or the explanatory note to clause 7.8.
### 2 B. EXEMPTIONS TO RESTRICTIONS IN ALCOHOL BAN AREAS

<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2020)</th>
<th>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>8(1)</td>
<td>The alcohol restrictions do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including:</td>
<td>The alcohol restrictions do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including:</td>
<td>There is an extremely long explanatory note to this clause. The note deals with special licences. Given the length of the note, it is debatable how effective or helpful it is. If people have questions about alcohol licensing or special licences there is helpful information on the Council's website and they may contact the Council's Alcohol Licensing Team.</td>
</tr>
<tr>
<td></td>
<td>(a) any public place which is part of a licensed premises' outdoor area, where permission to occupy that area has been granted by the Council; or</td>
<td>(a) any public place which is part of a licensed premises' outdoor area, where permission to occupy that area has been granted by the Council; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the licensed premises; or</td>
<td>(b) the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the licensed premises; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) any public place that is subject to a special licence, for the term of that licence; or</td>
<td>(c) any public place that is subject to a special licence, for the term of that licence; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies; or</td>
<td>(d) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(e) any event held in a public place at which alcohol is served under a caterer's licence obtained under the Sale and Supply of Alcohol Act 2012.</td>
<td>(e) any event held in a public place at which alcohol is served under a caterer's licence obtained under the Sale and Supply of Alcohol Act 2012.</td>
<td>Explanatory note: The following note is explanatory and is not part of the bylaw, but is included to explain its general effect.</td>
</tr>
<tr>
<td></td>
<td>Explanatory note: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:</td>
<td>A number of exemptions for the transportation of unopened bottles or containers of alcohol through Alcohol Ban Areas are listed in section 147(8) of the Act, and are not restricted by this bylaw, including:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A number of exemptions for the transportation of unopened bottles or containers of alcohol through Alcohol Ban Areas are listed in section 147(8) of the Act, and are not restricted by this bylaw, including:</td>
<td>* commercial deliveries to licensed premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>* carrying alcohol bought from an off-licence (eg liquor store)</td>
<td></td>
</tr>
<tr>
<td>Clause</td>
<td>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</td>
<td>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</td>
<td>Reasons</td>
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<tr>
<td>--------</td>
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<td>---------------------------------------------------------------</td>
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</tr>
<tr>
<td></td>
<td>• commercial deliveries to licensed premises</td>
<td>• carrying alcohol to or from BYO licensed premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• carrying alcohol bought from an off-licence (eg liquor store)</td>
<td>• carrying alcohol to or from private residences.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• carrying alcohol to or from BYO licensed premises</td>
<td>• carrying alcohol to or from private residences.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• carrying alcohol to or from private residences.</td>
<td>Some of these exemptions require the alcohol to be promptly removed from any public places covered by alcohol restrictions.</td>
<td></td>
</tr>
</tbody>
</table>

The Council may consider a dispensation under the Council’s General Bylaw so that the restrictions in an Alcohol Ban Area do not apply for the duration of an event. However, if there is a risk of alcohol-related harm occurring as a result of the restrictions not applying, the event must comply with the Council’s policy “Alcohol-related Harm at Public Events - Policy to Reduce”. The policy requires effective joint planning between Council staff, the Police and other groups to reduce alcohol-related harm and to care for any people affected by alcohol.

Clause 7(c) provides that an exemption applies to any public place that is subject to a special licence, in accordance with that special licence. A special licence is described in section 22 of the Sale and Supply of Alcohol Act 2012. There are two kinds of special licences: on-site special licences and off-site special licences.

On the premises a special licence designated as an on-site special licence is held for, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it.

- Where the holder of an on-licence or a club licence for any premises also holds a special licence designated as an on-site special licence for the premises, the holder can at a time when the sale of alcohol on the premises would otherwise be unlawful, be permitted to sell or supply alcohol, for consumption there, to people attending an event described in it.
<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</th>
<th>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>people attending an event described in it.</td>
<td>licence was issued; sell or supply alcohol, for consumption there, if it is sold or supplied — to people attending an event described in the special licence; and in accordance with the special licence.</td>
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<tr>
<td></td>
<td>Where the holder of an on-licence or a club licence for any premises also holds a special licence designated as an off-site special licence for the premises, the holder can at a time when the sale of alcohol on the premises would otherwise be unlawful (whether by virtue of a provision of the Act relating to licensed premises or licensed premises of any kind, or by virtue of any condition subject to which the on-licence or club licence was issued) sell or supply alcohol, for consumption there, if it is sold or supplied — to people attending an event described in the special licence; and in accordance with the special licence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>On the premises a special licence designated as an off-site special licence is held for, the licensee can sell the licensee’s alcohol, for consumption somewhere else, to people attending an event described in it.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>While the premises a special licence designated as an off-site special licence is held for are open for the sale of the licensee’s alcohol for consumption somewhere else, the licensee can also supply alcohol free, as a sample for consumption on the premises.</td>
<td></td>
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<tr>
<td></td>
<td>Therefore, any person may apply to the Council for a special licence if they are holding an event or occasion and would like to sell and supply liquor at that occasion or event.</td>
<td></td>
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</tr>
</tbody>
</table>

## 9. POLICE POWERS OF SEARCH IN TEMPORARY ALCOHOL-BAN AREAS

<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</th>
<th>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</th>
<th>Reasons</th>
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</thead>
<tbody>
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<td></td>
<td>update</td>
<td>update</td>
<td>update</td>
</tr>
<tr>
<td>Clause</td>
<td>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</td>
<td>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</td>
<td>Reasons</td>
</tr>
<tr>
<td>--------</td>
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</tr>
<tr>
<td>LARGE-SCALE EVENT ALCOHOL BAN AREAS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9(1)</td>
<td>This bylaw authorises a member of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in areas to which a resolution declaring a Temporary Alcohol Ban Area applies.</td>
<td>This bylaw authorises a member of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in areas to which a resolution declaring a Temporary Alcohol Ban Area a Large-Scale Event Alcohol Ban Area applies.</td>
<td>It is proposed to update the clause allowing for immediate search and seizure powers to situations where a Large-Scale Event Alcohol Ban applies rather than the more general Temporary Alcohol Ban Areas.</td>
</tr>
<tr>
<td>9(2)</td>
<td>Clause 8(1) only applies if the resolution declaring a Temporary Alcohol Ban Area provides that clause 8(1) of this bylaw will apply. Explanatory note: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:</td>
<td>Clause 8(1) only applies if the resolution declaring a Large-Scale Event Alcohol Ban Area provides that clause 8(1) of this bylaw will apply. Explanatory note: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:</td>
<td>The clause will only be triggered if the Chief Executive provides for this to happen when the Chief Executive nominates an Event to be a Large-Scale Event.</td>
</tr>
<tr>
<td>9.10: SIGNAGE IN ALCOHOL BAN AREAS</td>
<td></td>
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</tr>
<tr>
<td>10(1)</td>
<td>Where it is practical or reasonable to do so, the Police can search immediately and without notice.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
</tbody>
</table>
## Regulatory Performance Committee

**11 July 2018**

### Attachment A

#### Item 8

<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts</th>
<th>Recommended changes to new bylaw</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>10(2)</td>
<td>To avoid any doubt, the absence of signage in any Alcohol Ban Area does not authorise a breach of this bylaw.</td>
<td>RETAIN</td>
<td>Same as 2009 bylaw</td>
</tr>
<tr>
<td>10(3)</td>
<td>This clause is subject to any regulations made under section 147C of the Act.</td>
<td></td>
<td>Proposed new sub-clause. This links to the provision in the Local Government Act 2002 that allows for regulations specifying signage.</td>
</tr>
</tbody>
</table>

### 10.1. OFFENCE AND PENALTY

(2) Every person who breaches this bylaw commits an infringement offence under section 239A of the Local Government Act 2002 and may be served with an infringement notice and be liable to pay an infringement fee.

Explanatory note: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:

Any person in breach of the restrictions in place in an Alcohol Ban Area is subject to any action taken by the New Zealand Police in accordance with the powers given to the Police in the Act. These include the powers of search, seizure of alcohol, and arrest, and also the power to issue an infringement notice.

(3) Every person who breaches this bylaw commits an infringement offence under section 239A of the Local Government Act 2002 and may be served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

Explanatory note: The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect:

Any person in breach of the restrictions in place in an Alcohol Ban Area is subject to any action taken by the New Zealand Police in accordance with the powers given to the Police in the Act. These include the powers of search, seizure of alcohol, and arrest, and also the power to issue an infringement notice.

### 14.12. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

The provisions of the Christchurch City Council RETAIN | Same as 2009 bylaw |
### Council

**12 July 2018**

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#### Regulatory Performance Committee

**11 July 2018**

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<table>
<thead>
<tr>
<th>Clause</th>
<th>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</th>
<th>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.13. REVOCATIONS</td>
<td>The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 is revoked. The following bylaws are revoked: (a) Christchurch City Liquor Control Bylaw 2004 (b) Part 2, Liquor Control in Public Places, of the Banks Peninsula District Council Public Places and Signs Bylaw 2004</td>
<td>The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 is revoked. The following bylaws are revoked: (a) Christchurch City Liquor Control Bylaw 2004 (b) Part 2, Liquor Control in Public Places, of the Banks Peninsula District Council Public Places and Signs Bylaw 2004</td>
<td>Although the 2009 Bylaw will be automatically revoked by section 11 of the Local Government [Alcohol Reform] Amendment Act 2012, it is helpful to state this in the bylaw itself.</td>
</tr>
<tr>
<td>SCHEDULE 1 PERMANENT ALCOHOL BAN AREAS</td>
<td>The thirteen Permanent Alcohol Ban Areas are: - Central City - South Colombo - Riccarton/Ram - New Brighton Mall, Marine Parade and Environs - Jellic Park - Addington - Hagley Park and Environs - Sumner Esplanade - Merivale - Papanui - Spencer Park</td>
<td>The thirteen Permanent Alcohol Ban Areas are: - Central City - South Colombo - Riccarton/Ram - New Brighton Mall, Marine Parade and Environs - Jellic Park - Linwood Village - Addington - Hagley Park and Environs - Sumner Esplanade - Merivale - Papanui - Spencer Park</td>
<td>See discussions below.</td>
</tr>
<tr>
<td>Clause</td>
<td>Current bylaw texts (CCC Alcohol Restrictions in Public Places Bylaw 2009)</td>
<td>Recommended changes to new bylaw (CCC Alcohol Restrictions in Public Places Bylaw 2018)</td>
<td>Reasons</td>
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<td></td>
<td>Akaroa</td>
<td>Akaroa</td>
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<td></td>
<td>Okains Bay</td>
<td>Okains Bay</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Riccarton Racecourse</td>
<td>Riccarton Racecourse</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The following pages of this bylaw contain maps, area descriptions and the times, days and/or dates during which the alcohol restrictions apply.</td>
<td>The following pages of this bylaw Schedule 1 contain maps, area descriptions and the times, days and/or dates during which the alcohol restrictions apply to Permanent Alcohol Ban Areas.</td>
<td></td>
</tr>
</tbody>
</table>

**SCHEDULE 2**

**LARGE-SCALE EVENT ALCOHOL BAN AREAS**

<table>
<thead>
<tr>
<th>None</th>
<th>The Large-Scale Event Alcohol Ban Areas are:</th>
<th>Proposed new Schedule 2.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Hagley Park and Emirons</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Rawhiti Domain / Thomson Park</td>
<td></td>
</tr>
</tbody>
</table>

The following pages of Schedule 2 contain maps, area descriptions and the times during which the alcohol restrictions apply to Large-Scale Event Alcohol Ban Areas.
b. Alcohol Ban Areas

The following ban areas are recommended to be included to the Schedule of Permanent Alcohol Ban Areas of the replacement Alcohol Restrictions in Public Places Bylaw. Proposed changes to the current alcohol area areas are in **bold red font.**

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Times, days or dates during which alcohol restrictions apply</th>
<th>Description of Alcohol Ban Area</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Areas proposed for 24 hours, seven days a week alcohol ban:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central City</td>
<td>At all times, 24 hours, 7 days a week</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of the 'five avenues': Bealey Avenue, Fitzgerald Avenue, Moonhouse Avenue, Hagley Avenue, Rolleston Avenue, and the section of the Avon River that runs alongside Park Terrace (from Armagh Street Bridge to Harper Avenue (Bealey Avenue Bridge).</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply</td>
</tr>
<tr>
<td>South Colombo</td>
<td>At all times, 24 hours, 7 days a week</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of all of, or relevant parts of: Moonhouse Avenue, Waltham Road, St. Martins Road, Centaurus Road, Cashmere Road, Barrington Street, Somerfield Street, Strickland Street, and Antigua Street</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply</td>
</tr>
</tbody>
</table>
| Riccarton/Iram           | At all times, 24 hours, 7 days a week                       | The ban covers the area bounded by both sides of the streets: Blenheim Road, Curletts Road, Yaldhurst Road, Avonhead Road, Maidstone Road, Waimari Road, Greers Road, Memorial Avenue, Kendallton Road, Deans Avenue and back to Blenheim Road, including Iram Primary School and University Drive. The ban excludes any land forming part of the University of Canterbury campus. | Retain the current time to which the alcohol restrictions apply.  
Recommend to extend the current ban area to include Iram Primary School premises. |
| New Brighton Mall, Marine Parade and Environ | At all times, 24 hours, 7 days a week | The ban covers the area of New Brighton Mall, Rewhiti Domain, Thomson Park, Marine Parade and the New Brighton beach area within the District boundary. | Retain the current ban area and time to which the alcohol restrictions apply |
| Jellie Park              | At all times, 24 hours, 7 days a week                       | The ban covers the whole Jellie park area including both sides of Greens and Iram Roads with the exception of the pool and sports complex. | Retain the current time to which the alcohol restrictions apply.  
Recommend to extend the current ban area to include Greens and Iram Roads. |
<p>| Linwood                  | At all times, 24 hours, 7 days a week                       | The ban covers the area of Doris Lush Reserve, Stammore Road and bounded by Fitzgerald Avenue (East side) and | Recommend to include the Linwood Village area to the Schedule of Permanent Alcohol Ban Areas. |</p>
<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Times, days or dates during which alcohol restrictions apply</th>
<th>Description of Alcohol Ban Area</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addington</td>
<td>At all times, 24 hours, 7 days a week</td>
<td>The ban covers the area bounded by both sides of the following streets: Lincoln Road, Moorhouse Avenue, Blenheim road, Matipo Street, and Wrigths Road.</td>
<td>Retain the current ban area to which the alcohol restrictions apply. Recommend to extend the current ban time to 24 hours a day, seven days a week.</td>
</tr>
<tr>
<td>Hagley Park</td>
<td>From 10pm to 7am</td>
<td>The ban covers the Greater Hagley Park area, including Hagley Park South, Hagley Park North, the Botanic Gardens, Little Hagley Park and the area around Millbrook Reserve, as well as both sides of the streets included within and bounding the area.</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply.</td>
</tr>
<tr>
<td>Sumner Esplanade</td>
<td>From 7pm each Thursday night until midnight of each Sunday night; From 7pm on 31 December to 7am on 1 January each year</td>
<td>The ban covers the area bounded by both sides of the Esplanade (from Marriner Street to Heberden Avenue) along Heberden Avenue (from the Esplanade to the Sumner Boat Ramp car park); and including the Sumner Boat car park, as well as the beach area within the District boundary that runs alongside the area down to the mean low water spring level.</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply.</td>
</tr>
<tr>
<td>Merivale</td>
<td>From 6pm to 8am</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of all of, or the relevant parts of, Roswell Street, Rugby Street, Papamuri Road, St Albans Street, Brownes Road, and Innes Road/Heaton Street.</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply.</td>
</tr>
<tr>
<td>Papanui</td>
<td>From 6pm to 8am</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of all, or the relevant parts of, the cycle walkway and the railway line from Vaquez Road to Harewood Road, St. James Avenue, Windermere Road, Bighi Road, Papamuri Road, Grants Road, Grassmere Street, Main North Road, Vaquez Road, and St. James Park.</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply.</td>
</tr>
<tr>
<td>Spencer Park</td>
<td>From 8.30pm on 31 December to 6am on 1 January each year</td>
<td>The ban covers part of the Spencer Park situated on the southern side of Heyders Road, commencing from 71 Heyders Road, Spencerville, and continuing to the beach, including the beach access and car parking areas.</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply.</td>
</tr>
<tr>
<td>Akaroa</td>
<td>From 5pm on 31</td>
<td>The ban covers the area bounded by both sides of the</td>
<td>Retain the current ban area and time to which the</td>
</tr>
<tr>
<td>Name of Alcohol Ban Area</td>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Description of Alcohol Ban Area</td>
<td>Recommendation</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------------------------------------------------</td>
<td>---------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>December to 7am on 1 January each year</td>
<td>streets, and inclusive of all, or the relevant parts of: Rue Lavaud, Beach Road, Rue Jolie, Rue Baguenie up to Muster Street, Rue Brittan, Rue Croix, part of Woodills Road up to and including the milk station turning area, Bruce Terrace from Beach Road to Rue Jolie, as well as the lower part of Stanley Park (from Beach Road to Penlington Place). This includes the following areas: Akaroa Beach and the waterfront area (including any wharf or jetty) from Children’s Bay to Takapunaueke Reserve, the Garden of Tane, Wackerie Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee Park, Children’s Bay and the War Memorial Grounds.</td>
<td>Alcohol restrictions apply.</td>
</tr>
<tr>
<td>Chilains Bay</td>
<td>From 5pm on 31 December to 7am on 1 January each year</td>
<td>The ban covers the area being the Chilains Bay Beach and Chilains Bay Road. The area excludes the Chilains Bay Camping Ground and a small parcel of adjacent land owned by the Department of Conservation.</td>
<td>Retain the current ban area and time to which the alcohol restrictions apply.</td>
</tr>
<tr>
<td></td>
<td><strong>Areas proposed for single day ban</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Riccarton Racecourse</td>
<td>From 7am to 12 midnight, Saturday of Cup Week (New Zealand Cup Day)</td>
<td>The ban covers the area bounded by both sides of the following streets: Yaldhurst Road, Middlepark Road, Epsom Road, Racecourse Road, Buchanans Road, and Masham Road.</td>
<td>Recommend to include the Riccarton Racecourse area to the Schedule 1 of Permanent Alcohol Ban Areas.</td>
</tr>
</tbody>
</table>
B. Specific analysis of current and proposed Permanent Alcohol Ban Areas

This Part of the section 155 report considers the existing and proposed Permanent Alcohol Ban Areas in more detail.

1. CENTRAL CITY

- Define the problem

There is currently a Permanent Alcohol Ban Area in place in Central City. The Ban Area applies at all times being 24 hours a day, seven days a week.

Traditionally, the city has experienced high levels of disorder as a result of alcohol consumption. The ban was introduced as early as 2002 to address alcohol related harm associated in particular, with members of the public carrying open alcohol bottles and drinking within the business district. The ban is a tool to address ‘preloading’ and ‘side loading’.

The Central City is an area where large groups of people regularly congregate and noticeably there is a high number of licenced premises or bars in this condensed City area. Police have seen people drinking leaving behind debris of broken bottles, empty cans and litter, including vomit on footpaths and streets before going off to bars.

- Define the Area

The ban area is bounded by both sides of the streets and inclusive of Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue, Hagley Avenue, Rolleston Avenue, and section of the Avon River that runs alongside Park Terrace (from Armagh Street Bridge to Harper Avenue/Bealey Avenue Bridge) as indicated in the Draft Bylaw Schedule 1 Map-1.

- What is the evidence of alcohol-related harm for the area

Currently, 186 (21%) of the 856 alcohol licences in Christchurch, are located in central city area and the number of premises within this area continues to increase. Police note for example, the return of licenced business premises to Oxford Terrace and the steady increase in the number of licenced premises overall.

Police note that there have been significant number of some alcohol-related offences in the area including intimidations, disorder, and drunk custody in the last 6 years. Recently, Police have detected widespread breaches of the ban in the South City car park area mostly on Friday and Saturday nights and consider it the worst preloading spot in the central city. They have seen people drinking, debris from broken bottles and vomit from people using the car park a place to consume alcohol before going off to local bars in the area. Police report a number of serious assaults and attacks on people moving through the area on foot at night time. They see this as a clear correlation between unsupervised consumption of alcohol in public places and increased levels of violence and property damage.

In 2016, Council staff received complaints about serious littering on the streets around the location of ARA Institute, in particular in Manchester, Welles and Allen Streets. There are reports of significant number of bottles, smashed glass, cans and litter generally in streets in public places close to ARA particularly on Friday, Saturday and Monday mornings. In addition, vomit, urine and a number of alcohol bottles and cans on the footpath or gutter was reported on the South City parking area is noted as a place young people park and pre-load in the evenings.

Police have provided data of Alcohol-related Calls for Service in Central City ban area.

The Police data shows a significant number of alcohol-related Calls for Service (CFS) in the Central City Alcohol Ban Area in the last six years (2012 to 2017) and an increase in alcohol-related Calls for Service in 2017 in comparison with 2013 Offending recorded from 2015 to 2017 reached to as high as over

1 Source: CCC Alcohol licencing data
2,000 Calls for Service annually. While there was a reduction in Calls for Service in 2017 compared to the previous year, the number of Liquor related CFS within the Central City alcohol ban area still exceeded levels of 2012-2014.

The CFS relating to Disorder in Central City show an increasing trend from 2013 to 2016 and then a decline overall by 10 percent in 2017. However CFS relating to Drunk Custody offences in 2017 increased by 19 percent (53 CFS) in 2017 in comparison with 2013. A reduction in other liquor offences and crimes suggests that enforcement of the bylaw is effective.

- **Summary**

In the last few years following the Christchurch earthquakes, alcohol licensed premises have re-opened in the area. The area is regularly enforced particularly over the weekends and during events.

A ban covering this area provides Police with greater control of managing prevalent incidents of disorder and antisocial behaviour caused by excessive alcohol consumption in public places like car parks, streets and footpaths.

The area covers the Central City bordering the four avenues (Deans, Moorhouse, Fitzgerald, and Bealey), including greenspaces and a wide range of business activities like bars, and shopping, work, recreation, and enjoyment.

Police consider the continuation of alcohol ban in Central City will help them reduce alcohol-related harm. In terms of section 147A(3)(b) and (c), that a high level of crime or disorder caused or made worse by drinking alcohol in the Central City will arise in the area if the ban is not retained, and the ban is appropriate and proportionate in the light of the likely crime or disorder. While there is legislation available to Police to deal with disorder and some alcohol-related offending, an alcohol ban provides an opportunity to remove potential offenders and/or victims from a location before incidents escalate. Alcohol bans can be used as an effective crime prevention tool.

The Police consider the Central City Permanent Alcohol Ban Area as the most significant area among all the ban areas. They have asked for this Ban Area to be retained without variation. Including the Central City Alcohol Ban Area to the Schedule of Permanent Alcohol Areas is the most appropriate way of addressing the problems associated with drinking alcohol in the area.

2. **SOUTH COLOMBO**

- **Define the problem**

There is a Permanent Alcohol Ban Area in South Colombo at all times, being 24 hours a day, seven days a week.

This Area was included to address the antisocial behaviour of road users in particular the problem of ‘boy racers’ activity in the area. Police noted that groups of boy racers would drink alcohol in their vehicles, get loud, become obnoxious, disruptive, and cause harm and discomfort to the community.
Define the Area

The proposed replacement ban area covers the same area for South Colombo. The ban area is bounded by both sides (inclusive of all of, or relevant parts of): Moorhouse Avenue, Waltham Road, St. Martins Road, Centaurus Road, Cashmere Road, Barrington Street, Somerfield Street, Strickland Street, and Antigua Street as indicated in the Draft Bylaw Schedule 1 Map 2.

What is the evidence of alcohol-related harm for the area?

In the past, large groups of young people parking their vehicles were often seen congregating in streets within the current ban area, including Moorhouse Avenue, and Colombo Street. Associated alcohol issues such as disorder, intentional damage, assaults, intimidation and breaches of Land Transport legislation were prevalent in the area. These issues arose in particular as groups would consume alcohol both within moving vehicles and whilst congregating.

Police Road Policing Groups continue to monitor these groups. Recently, they reported significant change in behaviour of drivers associated with these groups who are now appropriately licenced and rarely consume alcohol if they are driving.

Police Calls for Service show a steady decrease of alcohol-related offences in the South Colombo alcohol ban area from 2013 to 2017.

Calls for Service relating to intimidation cases reduced by 23 percent in 2017 in comparison with 2013. Data on drunk custody decreased to only 75 Calls for Service in comparison with 99 Calls for Service in 2013.

Disorder offences decreased by 31 percent in 2017 with only 286 Calls for Service in comparison with 414 offences in 2013. Liquor offences significantly decreased in the last five years with only 1 reported case in 2017 in comparison with 34 Calls for Service in 2013.

Summary

Police have noted individuals like to ‘cruise’ in areas along the four Avenues and around the Central Business District in convoy. Recently, the Police have observed the decrease of congregation of boys racers with vehicles in the area.

The area covers commercial and residential areas along South of Moorhouse Avenue and spreads to the base of the Port Hills. The sites of fast food outlets in Moorhouse Avenue and Colombo Street (south of Brougham Street) attract young people parking their vehicles and congregating in streets groups through the evenings and who potentially would consume alcohol.

Police do not anticipate the same type of antisocial behaviour will return should the South Colombo Alcohol Ban to be removed or the time to which drinking alcohol restrictions apply is reduced. They consider, however, the public strong demand for the ban area from locals both residents and business owners and anticipate these groups will support the continuation of alcohol ban. In considering section 147A(3)(b) and (c), of the Act the level of disorder caused or made worse by alcohol consumption in South Colombo is likely to arise in the area to which the ban is intended to apply if the bylaw is not made, and the Bylaw is appropriate and proportionate to that likely disorder.

Police support without variation the current ban area and time to which alcohol restrictions apply at all times, 24 hours a day, seven days a week.
3. RICCARTON/ILAM

- **Define the problem**

There is a Permanent Alcohol Ban Area in the Riccarton/Ilam area. It applies at all times, being 24 hours a day, seven days a week. This extended Ban Area was included in 2014 following a Bylaw Amendment.

The area has a long history and is known to have considerable problems of offences associated with alcohol consumption. These alcohol-related incidents experienced in the area include littering, drinking in the streets and other public spaces, intoxication, and intimidation.

After the February 2011 earthquake, there was an increase in patronage of bars in the Riccarton/Ilam area as well as an increase in commercial areas and licenced premises. The area is also the location of the University of Canterbury, schools, and significant pockets of student residential accommodation (both University halls and private). A large number of students from Lincoln University also live in the area. There are a large number of students living and frequenting in this area. According to the Police, during University semesters, partying and preloading on streets and in public places happen more than in any other area of Christchurch.

There is strong support from residents to retain an Alcohol Ban in this area to curb the prevalence of this alcohol-related misbehaviour and offending.

- **Define the Area**

The ban covers the area bounded by both sides of the streets: Blenheim Road, Curlletts Road, Yaldhurst Road, Avonhead Road, Maidstone Road, Wainamu Road, Greens Road, Memorial Avenue, Fendalton Road, Deans Avenue and back to Blenheim Road, including Ilam Primary School and University Drive. The ban excludes any land forming part of the University of Canterbury campus as indicated in the Draft Bylaw Schedule 1 Map-3.

The current ban area does not include the Ilam Primary School area. The Ilam Primary School wishes to be part of the alcohol ban. This addition is supported by the Police and Canterbury University and staff propose the inclusion of the school premises to the Riccarton/Ilam Alcohol Ban Area.

- **What are the related crime statistics for the area?**

Police believe that alcohol-related harm will remain an issue with the ongoing social demographic of the area. Most parts of the Riccarton/Ilam area are populated by students. Alcohol-related problems experienced in the area were either caused by students or regular patrons of licenced premises who have remained following their migration from the Central City. The crime statistics show that prior to the imposition of the extended alcohol ban in 2014, the area experienced a high level of crime or disorder that was generally shown to have been caused or made worse by alcohol consumption in the area.

Recent data was obtained from two different sources: New Zealand Police Alcohol-related Calls for Service and Neighbourhood Policing Team (Riccarton/Ilam).

The graph shows Police data of alcohol-related Calls for Service in Riccarton-Ilam. Except for Intimidation offences, Calls for Service relating to Drunk Custody, Disorder and Liquor offences in the Riccarton Ilam area decreased over the last five years (from 2013 to 2017).
Police have noted the increase of intimidation incidents by 51 percent in 2017 in comparison with 2013. Being an area with a number of licenced premises, large retail shopping mall and fast food franchise operators combined makes for an area of high risks next to Central City in terms of alcohol-related harm.

Police have observed that people dispose of alcohol containers when they see Police. They leave these containers in bushes/hedges, on the footpath, over fences into residential properties. Those offenders were asked to immediately remove the offending items from the ban area.

The Neighbourhood Policing Team (NPT) solely composed of New Zealand Police officers used to monitor the area regularly. They worked in contact with various stakeholders within the community and the University of Canterbury Students Association (UCSA) staff. Due to other demands, the Riccarton Neighbourhood Policing Team no longer works in the area having been deployed to another suburb in the city.

During the years 2013 to 2017, the Neighbourhood Policing Team record shows registered data of alcohol-related offences in Riccarton West and Wider Student Area. The Team actively educated students about the ban area and conditions to prevent them from breaching.

Police have observed multiple parties happening most carried out on Friday and Saturday nights of which many are hosted by university students and regular patrols are done on these days in Riccarton and Ilam areas. When Police do regular monitoring in the area, students and party goers are made aware of the restrictions the ban brings especially when travelling between locations. Police have also observed evidence of bottles and cans on the street where obvious breaches have occurred but the offenders have not been caught at the time.

Littering is an issue within the area especially when there is a big event e.g., the Tea Party. At the Tea Party in 2017, Police observed a large number of students walking between flats carrying and drinking alcohol. A sizeable amount of discarded alcohol containers was seen in the area prior, during and after the event as students travelled to and from between flats.

Riccarton West is the area bordered by Blenheim road, Riccarton Road, Matipo Street and Wharanui Road.

The graph shows a reduction of disorder by 66 percent and 68 percent respectively in 2017. Wilful damage and assaults offences decreased by 68 percent after five years with only 7 cases in 2017. There was, however, an increase of noise complaints by 38 percent from 221 complaints in 2013 to 305 complaints in 2016.

The Wider student area is the student rich area outside the Riccarton West zone. It covers the general student flat areas in and around the streets near the university.

The graph shows a declining trend of offences from 2013 to 2016, but there are still significant disorder offences noted each year (2013 to 2016). In 2016, disorder offences in
areas within and around the streets close to the University of Canterbury decreased by 20 percent in comparison with 2013. Incidents of wilful damage also decreased by 7 percent in 2016 from 275 reported offences in 2013 down to 256 offences in 2016. Assaults declined by 26 between 2013 (200 assault offences) and 2016 (149 assault offences).

Police note there is still pre-loading and student parties. Anecdotal evidence reveals a Riccarton resident living close to the University expressed feeling unsafe as some neighbourhood students were partying in the street until about 3am every Thursday, Friday and Saturday. In 2018, empty bottles and cans were thrown throughout the street and road signs and traffic cones were moved to block parts of the road. Also, Council staff received a resident complaint in 2017 about loud drunken party noise at Suva Street. The resident saw at least 40 bottles and cans picked up after the morning.

The University Foundry is a licensed alcohol business adjacent to the Ilam Primary School. Police asked that the school being next to the University's Foundry should be included in the ban area. Ilam Primary School was consulted and would like to be part of the Riccarton/Ilam Alcohol Ban Area. By being included in the ban area, Police can regularly monitor the area to prevent any presence of littering (e.g. broken bottles, empty cans, etc.) from people drinking alcohol in the adjacent bar and ensure safety and allow the children to use school grounds without occurrence of likely risks.

- **Summary**

There are a number of licensed premises in the Riccarton/Ilam area, a large retail shopping mall, fast food franchise operators and accommodation for university students. These factors combine to make the area a high-risk area in terms of alcohol-related harm. The current Alcohol Ban Area is actively enforced and warnings are used as appropriate. Police consider that to date, the Riccarton/Ilam Alcohol Ban Area has been an effective tool which Police have used to manage, contain and reduce the problems caused by members of the community drinking in public places. The ability to take action against those who breach the ban has significantly helped the associated issues drinking brings.

The Police consider Riccarton/Ilam Ban Area to be the second most significant alcohol ban area. The Police support the continuation of the Alcohol Ban Area and have asked for the inclusion of the Ilam Primary School. The Police also consider that the time the ban applies (ie 24 hours a day, seven days a week) is appropriate. In terms of section 147A(3)(b) and (c) the high level of crime or disorder caused or made worse by drinking alcohol within the ban area will likely to arise Riccarton/Ilam area to which the bylaw is intended to apply if the bylaw is not made, and the bylaw is appropriate and proportionate in the light of the likely crime or disorder.

The alcohol ban provides an early intervention tool for the Police.

4. **NEW BRIGHTON MALL AND SURROUNDS**

- **Define the problem**

There is currently a Permanent Alcohol Ban Area in New Brighton. The Ban Area applies at all times, 24 hours a day, seven days a week.

There is evidence of alcohol abuse in the ban area specifically along the beach front and carpark areas. Police have observed that most of the alcohol-related disorder related to local residents and not to visitors to the area. The Alcohol ban is regularly enforced by local Police particularly during events such as the Guy Fawkes celebration.

- **Define the Area**

The area is similar to the current New Brighton Mall and surrounds Permanent Alcohol Ban Area.

The area covers New Brighton Mall (bounded by and inclusive of all of, or the relevant parts of, Marine Parade, Beresford Street, Owles Terrace, Hawke Street, Keyes Road, and Lonsdale Street), Marine Parade and the New Brighton beach area – Marine Parade, including the Pier, (down to the mean low water spring level) as indicated in the Draft Bylaw Schedule 1 Map-4.
Item No.: 8

What is the evidence of alcohol-related harm for the area?

In the past, the mall area experienced violence and disorder offences arising from alcohol consumption. Police have observed the surrounding area incorporates elements of a social demographic for which drug and alcohol dependency are a clear issue. They have often noticed discarded bottles, among other litter along beach front. An alcohol ban in the area has been useful during events such as Guy Fawkes celebration.

Following the earthquakes, alcohol-related problems in this area, however reduced slightly as the number of licenced premises decreased.

Police data recorded a slight increase of the total alcohol-related Calls for Service in 2017 with 147 Calls for Service compared with 140 Calls for Service in 2016.

Police, however, observed alcohol-related Calls for Service in the New Brighton Alcohol Ban Area has steadily declined with the exception of a minor increase in intimidation and drunk custody offences in 2017. The decreasing number of Calls for Service within the ban area indicates that the Council alcohol ban is effective.

Police note the two new large scale events will be happening in Thompson Park and Rawhiti Domain in the next 12 months. Police believe that there is likely incidents of disorder caused by 'excessive drinking of alcohol' by those attending the event in the area.

The Police initially approached the Council to consider making two small extensions (Thomson Park and Rawhiti Domain) to the existing New Brighton ban area. Their concern related to alcohol disorder associated with large numbers of people attending events on these parks. CCC Licensing staff concur with the Police about the remoteness of the Thomson Park and Rawhiti Domain areas and the risks associated with pre- and post-loading for large scale events held in the area or at nearby facilities. It is for these reasons that staff recommend that Thomson Park and Rawhiti Domain are included within Schedule 2 (large scale event alcohol ban areas).

Summary

Police data show the New Brighton Permanent Alcohol Ban Area remains one of moderate to high risk for alcohol-related harm. It is an area in which public support for the continuation of alcohol ban is likely to be high.

The area encompasses parts of New Brighton which host large scale community events such as, New Brighton Fireworks display Guy Fawkes, Markets and car shows. It is also an area where community facilities such as, library, Whale Pool and beach are regularly visited by residents and families in and around New Brighton. Police identify that the parking area adjacent to beach access would attract people who would congregate around vehicles and drink alcohol.

Police considered the New Brighton Mall and surrounding area as the third most significant ban area. They believe that a high level of crime or disorder caused or made worse by people consuming alcohol in the area is likely to arise in the New Brighton area if the ban is not continued. Police support the area and time being 24 hours a day, seven days a week to which the bylaw is intended to apply as appropriate and proportionate in the light of the likely crime or disorder.
5. JELLIE PARK

- Define the problem

There is currently a Permanent Alcohol Ban Area in Jellie Park. The Ban Area applies at all times, 24 hours a day, seven days a week.

The ban was introduced for the reason being that people are drinking in the park and the impact on other park users

- Define the Area

It is proposed that the ban area is extended to cover the entire park, including both sides of Greers Road and Ilam Road. The ban does not include the Jellie Park pool and sports complex as indicated in the Draft Bylaw Schedule 1 Map-5.

- What is the evidence of alcohol-related harm for the area?

There are areas adjacent to Jellie Park where groups of people may congregate to consume alcohol with associated antisocial behaviour arising. In the past the skate-park area adjacent to Greers Road was often a key focus for such groups. It is also an area where sexual offending has occurred such as Indecent exposure.

The proliferation of educational and community based facilities in the immediate area sees a high volume of children and young adults moving through the Park environs.

Police data of Alcohol-related Calls for Service generally declined over the last five years with some noted fluctuations. Compared to other alcohol-related offences, Police recorded a slight increase in Calls for Service relating to both Drunk Custody and Disorder in 2017.

- Summary

Jellie Park is bounded by two roads Greers (Northwest side of the Park) and Ilam (Southeast of the Park) both linking to Memorial Avenue. The Park is a common destination of families and individuals across Christchurch wanting to enjoy the Park facilities. With the nature of the park location, Police believe that the continuation of the current alcohol ban area will provide them ability to intervene and mitigate the risks caused by people drinking alcohol in public spaces or in parked vehicles in nearby area.

The current Jellie Park Permanent Alcohol Ban Area excludes both sides of Greers Road and Ilam Road. Extending the Jellie Park ban area to cover both sides of Greers and Ilam Roads as ban boundaries of the ban area is recommended.

The size and layout of the Park, proximity to various schools and the presence of the Pool complex continue to attract people to the area or movement through it. This presents a continued risk of alcohol-related harm which the Police view is best mitigated by the presence of alcohol ban in the area.

The above considered, in terms of section 147A(3)(b) and (c) the disorder caused or made worse by drinking in the area will likely to arise in the Jellie Park area to which alcohol ban will be applied if the bylaw is not made. Police support the proposed extension of Jellie Park Alcohol Ban Area and time to which the bylaw is intended to apply as appropriate and proportionate in the light of the likely crime or disorder.
It is considered, the ban area (with changes to ban area boundaries) and time to which alcohol ban apply being 24 hours a day, seven days a week is appropriate in form.

6. LINWOOD VILLAGE

- Define the problem

There is currently a Temporary Alcohol Ban Area in place in Linwood Village at all times, 24 hours a day, seven days a week until December 2018.

Following the representation from the local Police community constable, local business owners and residents to the Linwood-Central-Heathcote Community Board in November 2017, the first temporary alcohol ban was imposed in December 2017 for six months. A review on the effectiveness of the alcohol ban in Linwood Village was reported on in April 2018. Having considered the information provided as to the effectiveness of the ban, the Council agreed to extend the ban for another six months from 20 June 2018 until December 2018.

The alcohol ban was also supported by homeless individuals who raised concerns about the prevalence of alcohol-related harm in the area to the Council meeting on 20 December 2017.

The ban was imposed to reduce disorder caused by people congregating and drinking alcohol in public areas such as streets, local parks, bus stops, and to address other identified social issues within and around Linwood Village area. Social problems identified by local residents businesses include congregation of large groups of people to drink in Doris Lusk reserve, vacant lots, and streets in the vicinity of the Linwood Village shopping area, as well as aggressive begging and intimidation of shoppers and passers-by.

- Define the Area

The ban area covers Doris Lusk Reserve, Stanmore Road and bounded by Fitzgerald Avenue (East side), and both sides of the streets – Armagh Street, England Street, and Hereford Street as indicated in the Draft Bylaw Schedule 1 Map-6.

- What is the evidence of alcohol-related harm for the area?

Police report alcohol-related antisocial behaviour occurs in the area on an almost daily basis and there are only a few occasions when they have not seen people drinking alcohol, or who they suspect have taken drugs while in an intoxicated state.

The review of the impacts of the alcohol ban in Linwood Village indicates that while the current alcohol ban is seen by most to have made a difference to community perceptions in terms of safety in Linwood Village, there is still drinking and drug use as well as begging in the area even with alcohol ban. However, Police have noted that nuisance behaviour related to alcohol consumption has reduced significantly since the ban was imposed. Some of the local residents note there is still intimidation and an element which puts off people to visit local shops. Residents in the area often observed one or two people would return to beg and a reduced number of drunken people during weekend.

In February 2018, anecdotal evidence from an elderly resident who lived for 38 years close to England Street reported an ongoing alcohol-related and prevalent disturbances shouting, burglaries, swearing, slamming doors and noise, drunkenness and alleged drug use in one of the flats and an assault in the area.

Since December 2017, Police have issued three infringement notices and given five verbal warnings to people breaching the alcohol ban. Police consider the alcohol ban as one tool to address significant social disorder in Linwood Village. This includes large groups congregating and drinking in parks, vacant lots and streets in the vicinity of the Linwood Village, including aggressive begging and intimidation of shoppers visiting local shops. They believe the current alcohol ban is working relatively well.
Data of alcohol-related Calls for Service (from 20 December 2017 to 21 February 2018; and the same period in 2016/17) in Linwood area obtained by the Council staff from Police have been used for this analysis.

Two months since the alcohol ban was put in place in December 2017, Calls for Service relating to alcohol-related offences like disorder reduced by 11 percent while drunk custody has significantly reduced by 50 percent, in comparison with the same period in 2016/17.

The data does not provide conclusive impacts of effectiveness the alcohol ban, but would seem to provide an early indication of the benefits of introducing alcohol restrictions in Linwood where safety issues remain a major concern of the community.

A survey done in March 2018 reveals that 92 percent of the 124 local residents who responded to the survey support permanent alcohol restrictions in the Linwood Village area. The results also show 84 percent of the total respondents support the current area to be covered by the alcohol ban and 88 percent agree the ban being applied at all times, 24 hours a day, seven days a week as appropriate. Seven respondents would like the current ban area to be expanded to cover Cashel Street, Tuam Street, Avonside Drive, Ferry Road, Street, Richmond, and Eastgate.

- **Summary**

  A number of local residents are still feeling unsafe with intimidating behaviour from people drinking alcohol in public spaces on the street and in Doris Lusk Corner. Businesses are suffering losses and residents’ safety at night is being compromised. There was general agreement from the local community that the ban has helped reduce alcohol-related offences. However, drinking and drug use as well as begging are still noted in the area. Stakeholders and some local residents note that while there were still elements of intimidation and threats seen in the area, this however has reduced significantly.

  The area covers mostly residential housing and a small shopping area. Linwood area also ranks highly in terms of the social deprivation index and evidence called in opposition to new licenced premises in the area has included reference to the number of vulnerable people living in the area including individuals struggling with addiction issues. The people involved appear to be residents of the area as well as others coming from other parts of the city to congregate. The drinking often brings with it issues of ‘ hustling’ or proactive/aggressive begging. These activities are causing residents to feel unsafe and this is impacting on the commercial viability of the shops that service the local community.

  The alcohol ban provides Police with the ability to actively manage individuals drinking in public spaces. Police, local residents and shop owners support the alcohol ban.

  Police recommend making the current Linwood Village Temporary Alcohol Ban Area into a Permanent Ban Area. They strongly support including this Alcohol Ban Area to the Schedule of Permanent Alcohol Ban Areas. An alcohol ban in the area is the most appropriate way of addressing alcohol-related problems and a tool to be applied in conjunction with other community-based initiatives aimed at reducing reduce prevalent social offences in the area.

  In terms of section 147A(3)(b) and (c) the crime and disorder caused or made worse by drinking alcohol in the ban area will likely to arise in the Linwood Village area to which the bylaw is intended to apply if the bylaw is not made. The bylaw is appropriate and proportionate in the light of the likely crime or disorder.
It is considered that the area and time to which alcohol ban apply being 24 hours a day, seven days a week is appropriate in form.

7. ADDINGTON

- Define the problem

There is currently a Permanent Alcohol Ban Area in Addington. It applies on the second Tuesday November Trotting Cup Day from 9am to 10pm each year.

The ban relates to the annual event held by the New Zealand Metropolitan Trotting Club’s New Zealand Trotting Cup Day at Addington Raceway. The event is an integral component of Cup and Show Week in Christchurch, with a significant number of patrons attending the Trotting Cup Day each year.

The New Zealand Trotting Cup Day on Tuesday has had a long history of alcohol-related problems with increasing incident reports over an average Tuesday. The problems include people preloading in public areas on their way to the event and having boot parties in nearby car parks. Local businesses and residents have noted that after Trotting Cup events people leave the Addington Events Centre drinking, urinating, vomiting, misbehaving, and bar security had difficulty managing intoxicated people who are interacting with bar patrons.

- Define the Area

The ban area is bounded by both sides of the streets of: Lincoln Road, Moorhouse Avenue, Blenheim Road, Matipo Street, and Wrights Road as indicated in the Draft Bylaw Schedule 1 Map-7.

- What is the evidence of alcohol-related harm for the area?

An alcohol ban area was first put in place in 2013 as a temporary measure and was made permanent in 2014 by way of a Bylaw amendment

The introduction of an alcohol ban in the surrounding area has restricted the instances of ‘preloading’ by attendees within and around the event venue. In recent years the event has significantly improved. Police observed that they had seen the Trotting Cup in 2016 change remarkably over the years. Event organisers have worked alongside with the Licensing Tri-agency Group to implement wide-scale changes to the way the sale, supply and consumption of alcohol is managed inside the venue.

Police data of alcohol-related Calls for Service in the Addington ban area on Trotting Cup Day reveals to have largely decreased over recent years. While alcohol ban compliance has generally improved over time, alcohol-related Calls for Service in 2017 increased at a minimal level in comparison with 2013.

Police data of alcohol-related Calls for Service recorded for the Addington area on Trotting Cup Day reflect a slightly increased in 2017 in comparison with 2016.

In 2017 VBase made an approach to Sprydon-Cashmere Community Board about the possibility of extending the Addington Alcohol Ban Area to apply 24 hours a day, seven days a week. This would mean that the ban would be imposed not only on the Trotting Cup Day in November each year, but, at all times.
Vbase which runs both AMI Stadium and Hornycastle Arena facilities requested an alcohol ban be applied in the same area covered in the current Addington Permanent Alcohol Ban Area to stop people preloading in the car parks before attending events and to curb intoxication assaults and lewd behaviour. There was no involvement of the Police when Vbase made such request to the Community Board. The Community Board decided not to support a longer alcohol ban as there was no compelling evidence provided by Vbase to support further investigation of the request.

However, Police regularly monitor music concerts at Horncastle Arena and share the view of the VBase that “pre-loading” around the venue has been an issue. The Police have noted the volume of ‘refusals’ at entry carried out by Security staff (due to intoxication) and by ejections from the venue during the events themselves. This has been a regular occurrence during events. Despite not being reflected in ‘Calls for Service’ to Police, the practice of “pre-loading” around the venue before events clearly increases the risk of alcohol related harm and disorder occurring in the area.

CCC Licensing staff have been working with the licences in Addington area on an Alcohol Accord to help address concerns particularly when large events are held in the area.

The bulk of these premises are situated on or close to Lincoln Road between Whiteleigh Avenue and Moorhouse Avenue. Initial feedback from this group indicate that the change of the alcohol ban to ‘year round ban has significant support.

The popularity of bars in the Addington area has ‘ebbed & flowed’ in the last few years with an initial post-earthquake surge but patronage subsequently falling back. Police data of annual alcohol-related Calls for Service in Addington Alcohol Ban Area shows significant offences recorded from 2012 to 2017. Police consider that with over 100 ‘Calls for Service’ for alcohol-related incidents create some cause for concern in the area.

- Summary

Currently the Addington Alcohol Ban Area applies only for one-day on second Tuesday November - Cup Day each year.

The area also covers the public places surrounding and Addington Raceway, AMI stadium and Horncastle arena. All are venues for large scale events at which alcohol is available and which occur regularly (on a weekly basis). It also covers Lincoln Road where there are bars that those leaving an event are likely to go to. The ban also meets the parts of Riccarton Iam and Hagley Park Alcohol Ban Areas so that those walking to the event from the adjacent ban areas will not be able to drink on the way to the event.

The New Zealand Trotting Cup Day at Addington was, for some years, a particularly challenging event for Police and the community. It was viewed as something of a ‘no holds barred’ party event by attendees which saw large scale instances of drunkenness, disorder, damage and violence.

Police consider the alcohol ban as the most appropriate way for them to deal alcohol-related harm and provide them the ability to remove potential offenders or victims from a location before incidents escalate on Trotting Cup Day.

Police also request that the Council of making the alcohol ban apply 24/7 in view of the significant number of alcohol-related Calls for Service received throughout the year and not just for Cup Day.
Police strongly support the proposal to apply the alcohol ban apply at all times, 24 hours a day, seven days a week. In terms of section 147A, the significant level disorder and unacceptable behaviours caused or made worse by excessive drinking of alcohol in the Addington is likely to continue in the area to which the ban is intended to apply if the bylaw is not made. The bylaw is also appropriate and proportionate in the light of that crime or disorder.

8. HAGLEY PARK AND ENVIRONS

- **Define the problem**

  There is currently a Permanent Alcohol Ban in Hagley Park that applies from 10pm to 7am each night.

  Historically Hagley Park has hosted large scale events for the enjoyment of the general public including a number of sports events, concerts, and summer events, e.g. Christmas at the Park to Festivals. These events attract over 150,000 attendees each year.

  The ban was introduced to address the problems of drunken behaviour generally caused by ‘boy racer’ activities at night which spill over from the Central City. The Ban area also addresses prevalent pre- and post-event drinking of some people attending big events in Hagley Park. The ban has been a useful tool for the Police to create an environment in the Park free from alcohol-related problems in the later evening, and for Christchurch residents to enjoy community/family-orientated events safely.

  The Alcohol Ban Area which only applies from 10pm enables people to have picnics with option to drink alcohol in the park before the ban starts at 10pm.

- **Define the Area**

  The Ban Area covers Hagley Park South, Hagley Park North, the Botanic Gardens, Little Hagley Park and the area around Millbrook Reserve, as well as the streets included within and bounding this area as indicated in the Draft Bylaw Schedule 1 Map 8.

- **What is the evidence of alcohol-related harm for the area**

  The Alcohol ban is regularly enforced in this area particularly when events are being held in the Park.

  The Tri-agency Group have observed that Hagley Park is a common destination or place where big congregations of people, including families come together to attend and participate in large scale events such, e.g. Christmas, Classical Sparks at the Park, sports, etc. In recent years, there has been a gradual increase in the number of large scale events held within the Park and in North Hagley Park. Many of these events are orientated towards families and present little risk to Police in terms of alcohol-related harm. Some events are licensed to sell alcohol and may go on until 11pm. Other events where there is a direct or increased alcohol focus present greater risks as these events are also licenced for alcohol. These events are generally held through the afternoon towards the evening at a time when the alcohol ban is not applicable. In any event the alcohol ban is overridden by the Special Licence issued within the confines of the licenced area. One event the Police consider presents high risk is ‘Electric Avenue’ is held annually and is linked closely to Orientation week celebrations held for both University of Canterbury and Lincoln University. Police observe that such events generated extremely high levels of pre-loading in and around the Hagley Park and this resulted in significant disorder issues.

In some particular events in 2017, Police noticed an increase in alcohol-related issues around the perimeter of the venue including adjacent streets. These issues were linked to attendees preloading before arriving and when in the immediate areas outside the venue.
While the total number of alcohol-related Calls for Service annually increased from 2013 to 2015, Police data of ‘Calls for service’ relating to individual offence other than intimidation slight decreased in 2017 from 2013 number of offences. Also, there was a minor increase in drunk custody or intoxication Calls for Service by 40 percent in 2017 in comparison with 2016.

- **Summary**

Hagley is a venue of large public events which attract thousands of patrons and generally consists of free or low cost shows for the public to enjoy. Public enjoyment of Hagley Park ranges from sport activities to family or romantic picnics. The area is regularly monitored to meet the safety needs of the people using the Park and its surrounding areas, particularly during events either in the park or in the Central City. Large scale events have strong associations with alcohol consumption and potentially higher incidents of alcohol-related disorder. While there was a concern that some events where on the sale and supply of alcohol is permitted and may provide time for attendees to preload before the ban starts at 10pm,

Police considered Hagley Park and environs as the fourth most significant alcohol ban area. They consider the current alcohol ban as a useful tool that provides them the ability to effectively monitor the area and prevent disruptive drunken behaviour to people using the Park or attending and enjoying family-orientated public events. The Police, however, recommended that the Council consider a mechanism to impose a 24 hour ban when a large scale event is to be held at Hagley Park to reduce the problems specifically related to large scale events. CCC Alcohol Licensing Inspectors are aware of the Police concerns about occurrence of pre and post loading and its associated risks in the Hagley Park in particular for large alcohol focused events are happening in the area. Police strongly support the inclusion of Hagley Park within the Schedule 2 large scale event alcohol ban areas.

The proposal is to include the Hagley Park ban area in the Schedule of Permanent Alcohol Ban Areas as being the most appropriate way of addressing disorder, antisocial and littering issues associated with alcohol consumption. The current ban area and time to which alcohol restrictions apply being 10pm to 7am each night is considered appropriate.

In terms of section 147A(3)(b) and (c) the high level of alcohol-related disorder or offending caused or made worse by consuming alcohol is likely to arise in the area to which the ban is intended to apply if the Bylaw is not made, and the bylaw is appropriate and proportionate in the light of that likely offending and disorder.

9. **SUMNER ESPLANADE**

- **Define the problem**

There is currently a Permanent Alcohol Ban Area in Sumner from 7pm each Thursday night until midnight of each Sunday night; and from 7pm on 31 December to 7am on 1 January each year (New Year’s Eve).

The Sumner extended Permanent Alcohol Ban Area came into force in 2014

Prior to the introduction of the alcohol ban in Sumner, there were common occurrences of disorderly behaviour caused by youths congregating and watching ‘boy racers’ in the road reserve areas. This was often aggravated by the consumption of alcohol. Incidents like fighting, foul language and the smashing of glass were common.

- **Define the Area**

The Sumner Alcohol Ban Area covers the area bounded by both sides of the whole of the Esplanade (from Marriner Street to Heberden Avenue); along Heberden Avenue (from the Esplanade to the Sumner Boat Ramp car park); and including the Sumner Boat car park; as well as the beach that runs
alongside this area (down to the mean low water spring level), as indicated in the Draft Bylaw Schedule 1 Map 9. A ban applies from Thursday 7pm to Sunday at midnight and on New Year’s Eve.

- **What is the evidence of alcohol-related harm for the area?**

The Police consider that an Alcohol Ban in the Area is necessary in Sumner to avoid potential problems and reduce victimisation on New Year’s Eve and some weekdays. Police observe that the park at Scarborough area is still a popular place for people to hang out and consume alcohol.

All alcohol-related Calls for Service in the ban area have declined in 2017 with no record of intimidation, drunk custody and liquor offences. Police data Calls for Service show a significant increase of Disorder by 100 percent in 2016 in comparison with 2015.

Police record also shows there was only one Call for Service during New Year’s Eve in the Sumner ban area over the five-year period. Police have observed that alcohol-associated issues have reduced over the years. They note the ban enables them to effectively manage high number of people in Sumner specifically during summer months.

Police note that alcohol bans work to reduce alcohol-related crime and disorder and provide them with a useful tool.

- **Summary**

Police note that the ban is effective and has achieved the objectives of reducing potential alcohol harm to people visiting Sumner beach area. The ban covers the path alongside the beach, and the grass verge next to the road. This allows a greater control over the entry of persons and vehicles into the area where drinking of alcohol may occur. This area is currently considered a safe and enjoyable place for family groups especially through summer months at the weekends.

Police indicate a lot of issues in the Sumner area related to groups of young people congregating with their cars along the Esplanade and they see the bylaw as the most appropriate way of addressing problems associated with alcohol consumption in the area; the ban is a tool which can be used to remove potential offenders and/or victims from the area before any incidents associated with alcohol consumption escalate.

Police consider that removal of the alcohol ban on Sumner Esplanade would give rise to an increase in the sorts of activity that the current alcohol ban was brought in to address. The above considered, Police believe that the bylaw is appropriate and proportionate in the light of the likely crime or disorder caused or made worse by drinking alcohol in the ban area.

Police support without variation the current Sumner ban area and time to which alcohol ban apply being from 7pm Thursday night until 12 midnight of Sunday—each week, and from 7pm on 31 December to 7am on 1 January each year as appropriate for the period when New Year’s Eve celebrations are likely to occur.

In terms of section 147A(3)(b) and (c) the high level of alcohol-related disorder or offending caused or made worse by consuming alcohol is likely to arise in the area to which the ban is intended to apply if the bylaw is not made, and the bylaw is appropriate and proportionate in the light of that likely offending and disorder.
10. **MERIVALE**

- Define the problem

There is an existing Permanent Alcohol Ban Area in Merivale from 6pm to 6am each night.

A temporary alcohol ban area in Merivale was introduced in 2011 to act as a deterrent to drinking alcohol in public places. After the February 2011 earthquake, there was a significant shift of bar customers from the Central City to bars located in Merivale and other surrounding areas. Police reported issues from increased rubbish to broken glass, empty cans and bottles around the shopping area. These problems included people urinating or vomiting in shop frontages, intentional damage or graffiti, broken bottles outside business premises, fights and threats.

After the temporary Alcohol Ban Area proved to be successful, the Council subsequently amended the Bylaw in (insert date) to make the Ban a Permanent Alcohol Ban Area.

- Define the Area

The Alcohol Ban Area covers the area bounded by both sides of the following streets: Rossall Street, Rugby Street, Papanui Road, St. Albans Street, Browns Road, and Innes Road/Heaton Street as indicated in the Draft Bylaw Schedule 1 Map-10.

- What is the evidence of alcohol-related harm for the area

There are times that local bars within the Merivale ban area have experienced high levels of popularity amongst patrons and the heavily patronised McDonalds Restaurant which is situated on Papanui Road is also close to the Merivale Mall. Police consider that the current ban helps control the transport of alcohol into the car park at the Merivale Mall as previously identified (both pre- and post-earthquakes) as being a venue where public drinking happens, as well as other private car parks at the rear of shops on the east side of Papanui Road.

Incidents of disorder and violence have been recorded and the ban is used to curb such incidents as well as limit the opportunities for bar patrons to preload or side load around the Mall car park and adjacent public areas.

The Police have provided data of alcohol-related Calls for Service for the Merivale ban area. Generally, Calls for Service declined in 2017 in comparison with 2013 data. The overall decline in the number of these alcohol-related offences indicates that the alcohol ban is effective.

Although there has been decline in Calls for Service from 2013 to 2017 in the ban area, there were still evidence of drinking in public places by a number of people frequenting Merivale area. Calls for Service relating to Intimidation increased to 16 offences (300 percent) in 2016 in comparison with only 4 in 2013, and declined in 2017 to only 9 offences.

Generally speaking, Police note that the decline has been assisted by the alcohol ban imposed in the area and Police enforcement action in response to the problems.

- Summary

The area includes the Merivale Mall precinct and covers both commercial and residential properties. St. George Hospital is also within the area. Police indicate that bars in Merivale area have experienced high
levels of popularity amongst patrons. They see the continuation of alcohol ban as useful for them to continue usually manage anticipated incidents of antisocial behaviour and disorder caused by high level of alcohol consumption in public spaces. They believe that the high level of crime or disorder caused or made worse by alcohol consumption in the area is likely to arise if the bylaw is not made.

Retaining the Merivale Alcohol Ban Area in the Schedule of Permanent Alcohol Ban Areas is the most appropriate way of addressing the offendings associated with alcohol consumption and preventing harm to residents and users of public places in the area.

Police support without variation the current Merivale ban area and time to which the alcohol restrictions apply from 6pm to 6am nightly is appropriate in form.

Staff consider that in terms of section 147A(3)(b) and (c) the high level of alcohol-related disorder or offending caused or made worse by consuming alcohol is likely to arise in the area to which the ban is intended to apply if a replacement ban is not made, and that the Merivale Alcohol Ban Area is appropriate and proportionate in the light of that likely offending and disorder.

11. PAPANUI

**Define the problem**

There is currently a Permanent Alcohol Ban Area in Papanui. The ban applies from 6pm to 6am nightly.

An alcohol ban was first introduced in Papanui Northland Mall from 9pm to 6am on Thursday, Friday and Saturday nights to address problems where offenders were largely congregating around the Mall with alcohol.

After the 2011 earthquake, Police observed that the patronage of bars had shifted from the Central City to other areas including Papanui and this resulted in the increased disorder in the area. At that time, the Police advocated for a much larger area in Papanui to be part of the Permanent Alcohol Ban Area due to additional licenced premises in the area as well as general movement from the Central City to the Papanui commercial district.

Due to this displacement, a wider alcohol ban area was put in place in 2012 to address the alcohol-related offending. Alcohol-related issues noted in the area include: unsafe behaviours of intoxicated people on the streets and in other public places alongside the railway lines, noise from people walking by late at night, and local residents in the area feeling intimidated and scared by these disorderly behaviours.

**Define the Area**

The ban area is bounded by both sides of the streets and inclusive of all, or the relevant parts of: the cycle-walkway and the railway line from Vagues Road to Harewood Road, St. James Avenue, Windermere Road, Blighs Road, Papanui Road, Grants Road, Grassmere Street, Main North Road, Vagues Road, and St. James Park as indicated in the Draft Bylaw Schedule 1 Map-11.

**What is the evidence of alcohol-related harm for the area?**

A wide range of alcohol-related offending was occurring within the area and the alcohol ban was designed to assist in reducing these issues. People drinking in areas surrounding bars in Papanui led to a range of problems including offenders entering and stashing alcohol on residents’ properties, disorder and fights, broken bottles on streets and in parks, public
urination and other unacceptable behaviour.
Police alcohol-related Calls for Service in Papanui alcohol ban area have declined from 2013 to 2016. Except for the slight increase of intimidation and drunk custody in 2017, Police data show alcohol offences generally declined in 2017. Calls for Service relating to disorder decreased by 38 percent (from 153 disorder offences in 2013 to 95 disorder offences in 2017) in 2017 in comparison with 2013. The gradual decrease across most of alcohol-related offences indicate that the alcohol ban is effective.

- Summary
Papanui is still a relatively social drinking landscape where people visit bars to congregate and drink. However, the proximity of these licenced businesses to the location of local police station makes a difference.

The Papanui area has a number of licenced premises that operate on Tavern style licences. It is on a major bus route with an associated suburban exchange placed outside the mall. It is an area that attracts a large number of people across a large proportion of the day due to the various attractions including retail shopping, hospitality and entertainment venues. It is considered that the ban provides Police the ability to prevent the drinking of alcohol on the walkway beside the railway lines and other public spaces. Police note that alcohol ban in public places is the most appropriate way of addressing alcohol-related offending and incidents in Papanui area. Police support without variation the current ban area and time to which the alcohol ban apply from 6pm to 6am each night is appropriate in form.

Including the Papanui area to the Schedule of Permanent Alcohol Ban Areas is the most appropriate way of addressing excessive drinking problems and reduce other unacceptable behaviour occurring in areas within and around Papanui Ban Area.

In terms of section 147A(3)(b) and (c) the level of disorder cause or made worse by alcohol intoxication in the Papanui ban area is likely to arise in the area to which the ban is intended to apply if the bylaw is not made, and the bylaw is appropriate and proportionate in the light of that likely disorder.

12. SPENCER PARK
- Define the problem
There is a current permanent alcohol ban area in the Spencer Park from 8.30pm on 31 December to 6am on 1 January each year (New Year’s Eve).

The ban was introduced in 2009 as an early intervention tool to prevent alcohol-related harm in public areas in the Park and on the beach on New Year’s Eve.

- Define the Area
The current Alcohol ban area covers part of Spencer Park situated on the southern side of Heyders Road, commencing from 71 Heyders Road, Spencerville, and continuing to the beach, including the beach access and car parking areas as indicated in the Draft Bylaw Schedule 1 Map-12.

- What is the evidence of alcohol-related harm for the area?

Police recorded the total number of alcohol-related Calls for Service by year in Spencer Park which remain minimal from 2013 to 2015. Except for intimidation Calls for Service which decreased in 2017 in comparison with 2013, disorderly and liquor offences have increased. Disorder Calls for Service increased by 200 percent, from
three Calls for Service in 2013 to nine Calls for Service in 2017.

Police data in Spencer Park on New Year’s Eve, reveal only two disorderly Calls for Service in 2017. Except for one domestic dispute Calls for Service in 2016, there were no other alcohol-related offences Calls for Service recorded.

The alcohol ban serves as a deterrent tool for the Police to proactively prevent disorder nuisance behaviours and maintain the park as a safe place for families to enjoy themselves.

- **Summary**

  The area is known to local Christchurch residents and visitors for recreation and enjoyment. The area is one of those traditionally family outing destinations among other popular places to visit in Christchurch. Spencer Park is also adjacent to the residential community of Spencerville with a well-used camping ground and well-developed picnic ground. The Park’s proximity to Christchurch and its variety of recreation opportunities and uncrowded beach appeal to most visitors and expected that the level of use of the area will increase through time. The camping opportunity at Spencer Park offers a complete holiday experience and is used for a longer period over summer which gives a status of more of a ‘holiday camp’ rather than being a camping ground.

  The Spencer Park Alcohol Ban applies only on New Year’s Eve when celebrations are anticipated to be carried over by people using the Park. An alcohol ban prohibits the possession and consumption of alcohol in Spencer Park area as well as prevent the occurrence of people who will likely gather and drink alcohol to welcome the New Year. The bylaw is seen as the most appropriate way and proportionate in reducing alcohol-related harm that may likely occur in the area. The expected disorder on New Year’s Eve in Spencer Park caused or made worse by alcohol will likely arise if the ban is not continued.

  Police support without variation the current ban area and time to which alcohol ban apply from 8.30pm on 31 December to 6am on 1 January each year is appropriate in form.

  In terms of 147A(3)(b) and (c) of the Act, the proposed replacement New Year’s Eve ban area for Spencer Park, as an appropriate and proportionate measure to address the level of alcohol related disorder caused or made worse by alcohol intoxication that is likely to occur.

  **13. AKAROA**

  - **Define the problem**

    There is an existing Permanent Alcohol Ban Area in Akaroa from 5pm on 31 December to 7am on 1 January each year (New Year’s Eve). Prior to Permanent Alcohol Ban Area being imposed for New Year’s Eve, alcohol consumption, broken glass, wilful damage and disorderly behaviour were identified as a significant concern in and around the recreation ground and the business area along the Akaroa waterfront on New Year’s Eve. **Define the Area**

    The current ban area covers all of, or the relevant parts of, the following streets: Rue Lavaud, Beach Road, Rue Jolile, Rue Balguerie up to Muter Street, Rue Britannn Rue Croix, part of Woodills Road up to and including the milk station turning area, Bruce Terrace from Beach Road to Rue Jolile, as well as the lower part of Stanley Park (from Beach Road to Penlington Place). This includes the following areas: Akaroa Beach and the waterfront area (including any wharf or jetty) from Children’s Bay to Takapunueke Reserve, the Garden of Tane, Wackerlie Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee Park, Children’s Bay and the War Memorial Grounds as indicated in the **Draft Bylaw Schedule 1 Map-13**.

  - **What is the evidence of alcohol-related harm for the area?**

    The Permanent Alcohol Ban Area on New Year’s Eve has been found to be successful in addressing problems of drunkenness and disorder in the area.
• **Summary**

The Akaroa Alcohol Ban applies only on New Year’s Eve and was introduced to address alcohol related disorder associated with New Year’s celebrations. The current ban would appear to be successful in this regard. Police support without variation the current ban area and time to which alcohol ban apply from 5pm on 31 December to 7am on 1 January each year (New Year’s Eve) is appropriate in form.

It is considered that adding Akaroa Alcohol Ban Area to the Schedule of Permanent Alcohol Ban Areas is the most appropriate tool for the Police to use; to prevent risky behaviour and disorder associated with alcohol consumption in the area. In terms of section 147A(3)(b) and (c), the bylaw is seen as the most appropriate way and proportionate in reducing risks associated with alcohol consumption. A high level of disorder caused or made worse by alcohol will likely return in Akaroa area on New Year’s Eve if the ban is not continued.

14. **OKAINS BAY**

• **Define the problem**

There is currently a Permanent Alcohol Ban Area in Okains Bay from 5pm on 31 December to 7am on 1 January each year (New Year’s Eve).

This Ban Area was added to the Bylaw in 2011? Temporary and then Permanent?

Before this Area was added there was anecdotal evidence of disorder issues associated with a cave party at Okains Bay on New Year’s Eve. Specifically in 2011, alcohol-related disorderly behaviours were observed when a group of young people advertised a “Cave” party at Okains Bay on the beach area.

• **Define the Area**

The Okains Bay alcohol ban area covers the area being the Okains Bay Beach and Okains Bay Road. The area excludes the Okains Bay Camping Ground and a small parcel of adjacent land owned by the Department of Conservation as indicated in the Draft Bylaw Schedule 1 Map-14.

• **What is the evidence of alcohol-related harm for the area?**

Since the ban was introduced in 2011 there was apparently a considerable decline of disorderly incidents happening in public spaces in the area on New Year’s Eve. Presumably this can be attributed to the effectiveness of an alcohol ban applied on New Year’s Eve each year.

There were no Police recorded alcohol-related Calls for Service within the Okains Bay alcohol ban area between 2014 to 2017. The Police, however, are of the view that an alcohol ban put in place in Okains Bay will provide ability for the Police to intervene and respond to any issues on New Year’s Eve where people and families congregate to celebrate, enjoy, and drink alcohol.
Summary

The Okains Alcohol Ban applies only on New Year's Eve. The area covers the beach and Council reserves, but excludes the camping ground and a small area of adjacent land administered by the Department of Conservation.

There is a perceived problem that, in the absence of an Alcohol Ban Area being imposed in Okains Bay for New Year's Eve, disorder and drinking alcohol will likely return in the area and that the family friendly atmosphere of the celebrations will be destroyed. Okains Bay is a remote area, which makes it difficult for the Police to quickly intervene should alcohol related disorder arise. A ban covering this area would address the issues that can occur with large numbers of people drinking in public on New Year's Eve. An alcohol ban provides a tool to prevent the recurrence of earlier events when young people gathered together, drank to excess and disrupted the family atmosphere in the campground and beach areas.

Police support the continuation of the current ban area and time to which alcohol ban will apply; from 5pm on 31 December to 7am on 1 January each year.

It is considered that including the current Okains Bay ban area to the Schedule of Permanent Alcohol Ban Areas is the most appropriate way of addressing the problems associated with drinking alcohol in the area on New Year’s Eve.

In terms of section 147A(3)(b) and (c) of the Act, the high level of disorder and antisocial behaviour caused or made worse by alcohol consumption is likely to arise in Okains Bay area to which the bylaw is intended to apply if the bylaw is not made. The Bylaw is seen appropriate and proportionate in the light of the likely crime and disorder.

15. RICARTON /RACECOURSE

Define the problem

A temporary alcohol ban has been put in place since 2015 on Cup Day each year from 7am to 12 midnight. Another temporary alcohol ban will be introduced this year on 17 November, New Zealand Cup Day 2018.

Prior to the alcohol ban in 2015, problems primarily associated with intoxication due to preloading of alcohol manifest as people urinating on fences, violence, property damage, empty cans and broken bottles on footpaths and public spaces, and race goers walking out of the venue holding open alcohol bottles and stumbling all over the road. Residents reported dissatisfaction about disorderly and antisocial behaviour, littering, broken glass, urinating on fences, drinking on driveways, and assaults on Cup Day.

In response to residents’ concerns and at the request of the Police, Riccarton Park and Canterbury Racing, the first temporary alcohol ban was introduced in the surrounding areas of Riccarton Park on New Zealand Cup Day 2015, to address the alcohol-related harm and disorder in public places.

Define the Area

The ban area covers both sides of the streets: Yaldhurst Road to Middlepark Road; Epsom Road to Racecourse Road; Buchanans Road to Masham Road to Yaldhurst Road as indicated in the Draft Bylaw Schedule 1 Map-15.

What is the evidence of alcohol-related harm for the area?

Police have noted that the biggest issue on New Zealand Cup Day event is disorderly behaviour as a result of alcohol intoxication. Indicators for offending rates on New Zealand Cup Day obtained by Police reveal an overall offence increases by a third showing disorderly nearly doubles, while property damage and traffic offending more than doubles compared to an average Saturday in the Racecourse area.
Police have taken different approach in enforcement of the ban which has led to a decrease in detected breaches. Police expect that few Calls for Service at the Cup Day Riccarton Park Racecourse alcohol ban area between the hours of 9am to 7pm because of the Police presence at the venue.

There was a sudden decrease of alcohol-related Calls for Service in 2015 when the first temporary alcohol ban was imposed compared to Calls for Service in 2014. Police observed that compliance with the 2015 alcohol ban was not particularly good, however, improvement in the behaviour of patrons attending the Cup Day was noted.

Police noted a gradual increase on the annual Calls for Service relating to Disorder in the ban area in 2016. They raised concerns about drunkenness and alcohol management by the Canterbury Jockey Club event at Christchurch’s Riccarton Park Racecourse. A noticeable improvement of compliance in Cup Day 2016 with fewer people openly breaching the ban were observed. Tighter alcohol restrictions put in place in Racecourse and most people apprehended for breaching the alcohol ban had preloaded and intoxicated patrons were denied entry at the gate of the venue.

In 2017, Police noted some positive changes in patrons’ behaviour with very few breaches of the ban detected and significant reduction of preloading of alcohol incidents. Police Calls for Service recorded in Riccarton Racecourse ban area appear to be minimal for the duration of the ban hours.

Police data recorded Calls for Service of alcohol-related offences like disorder and drunk custody from 2013 to 2017 decreased by 75 percent. The small number of Calls for Service within the Riccarton Park Racecourse alcohol ban on New Zealand Cup Day in 2017 indicates that the Council alcohol ban is effective.

- **Summary**

The Riccarton Racecourse Temporary Alcohol Ban Area is a one-day ban on Cup Day Saturday of Cup Week of November each year. This temporary ban has been put in place since 2015. The ban area is largely residential and relates to large scale events attracting huge crowds.

The Racecourse New Zealand Cup Day has a long history with Christchurch and is an iconic event on ‘Show and Cup Week’ calendar for many Cantabrians. Over the years, it has become increasingly popular and attracts record crowds with nearing to 20,000 visitors attending each year.

Police noted that the problems associated with drinking alcohol outside the Riccarton Park Cup Day venue are disorderly and antisocial behaviour which negatively affected the amenity and good order to a significant degree.

Police, local residents and licenced businesses in and around Riccarton Park have witnessed on Cup Day each year significant incidents of altercations involving people who were extremely intoxicated, glass being broken on the road and the area surrounding raceway littered with alcohol containers.

An alcohol Ban for Riccarton Park on Cup Day is an integral part of reducing alcohol-related harm at this event. The ban dovetails with the organisers’ alcohol management plan for the event to create a landscape that encourages responsible and safe consumption of alcohol. Police strongly believe that including the Riccarton Racecourse Alcohol Ban to the Schedule of Permanent Alcohol Ban Areas is
the most appropriate way of addressing the problems associated with intoxication prevalent on Racecourse New Zealand Cup Day event.

Police strongly support the current ban area and time to which alcohol restrictions apply from 7am to 12midnight on Saturday Cup Day each year as appropriate in form. Police believe the ban gives them the ability to quickly intervene and effectively respond to incidents of alcohol consumption in public places on Saturday Cup Day so that these incidents do not escalate to more serious situations.

In terms of section 147 the significant level of crime and disorder caused or made worse by drinking alcohol in the Riccarton Racecourse area is likely to arise in the area to which the ban is intended to apply if the alcohol ban area is not made permanent. The bylaw is appropriate and proportionate in the light of that likely crime or disorder.
Statement of Proposal for
Alcohol Restrictions in Public Places Bylaw 2018

Introduction
The Christchurch City Council proposes to make a new alcohol control bylaw to replace the Alcohol Restrictions in Public Places Bylaw 2009 which will automatically expire on 18 December 2018, under the Local Government [Alcohol Reform] Amendment Act 2012. Currently the 2009 bylaw prohibits, regulates and controls the possession and consumption of alcohol in specified public places (alcohol ban areas) and the Council wishes to continue to have a bylaw which provides for alcohol ban areas.

The purpose of the proposed 2018 bylaw, as with the current bylaw, is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places within the Christchurch City Council district. It does this primarily by creating a series of alcohol ban areas where the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places is prohibited during specified times and days.

An alcohol ban enables the Council to prohibit the consumption of alcohol in public places and to prohibit people from having open containers of alcohol in public places including in vehicles in public places. A breach of the bylaw is an infringement offence. The Police enforce the bylaw and have a range of enforcement powers. They are able to search people’s bags and vehicles (in certain situations), impose an instant fine (infringement notice) of $250, or arrest people found to be breaching a bylaw.

Section 155 considerations
When the Council is reviewing a current bylaw or making a new or replacement bylaw, it must complete an analysis under section 155 of the Local Government Act 2002.

This section requires that the Council must determine whether the bylaw is the most appropriate way of addressing the problem, whether the proposed bylaw is the most appropriate form of the bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 (see below).

The Council has reviewed the Alcohol Restrictions in Public Places Bylaw 2009 to determine whether a replacement bylaw should be made and the most appropriate form for the new bylaw. The section 155 analysis concludes that making a replacement bylaw is more appropriate than revoking and not replacing the bylaw.

In terms of determining the appropriate content of the bylaw, staff have completed the section 155 analysis of the bylaw by examining all sections of the current bylaw and recommending a number of changes.

The full ‘section 155 report’ which includes a summary table of all provisions of the proposed bylaw and the reasons for these provisions can be accessed here (link).

Reasons for the proposal
With the automatic revocation of the 2009 Bylaw, the Council has decided that it should make a replacement bylaw.

The following paragraphs set out the reasons for particular changes from the 2009 Bylaw.

New Clause 6
The most significant recommendations in respect of the text of the bylaw is the proposal for a new clause 6; this new clause enables the Chief Executive to impose an alcohol ban for large scale events in specified areas e.g. Hagley Park and environs. This particular amendment is intended to streamline the process of enacting temporary (often single day) bans for major events. Currently the process for making a temporary ban to cover an event can take up to six months, even where there appears to be a demonstrable need for a ban because of alcohol related disorder associated with earlier/similar events at that location.

Review of ban areas
Staff have also reviewed the effectiveness and appropriateness of each of the current alcohol ban areas of the 2009 Bylaw and gathered evidence including the views of the community and the Police as to whether additional alcohol ban areas should be made/included within the proposed 2018 bylaw.

Minor changes
Overall the review of the current bylaw has resulted in the proposed bylaw (attached). This new bylaw incorporates a number of minor and administrative changes. These ‘minor’ amendments are designed to up-date the bylaw throughout, for example by changes to numbering and to the explanatory notes attached to the bylaw, to provide simpler/more user friendly wording and to amend the clauses to reflect legislative changes since the current 2009 bylaw was made.

Main changes
Council proposes the following other changes to the current bylaw:
- the inclusion of a new clause 6 (as discussed above) to provide for bans associated with ‘large scale events’ together with a new Schedule 2 specifying the areas (Hagley Park and Rawhiti Domain/Thomson Park) to which it will apply;
- two new permanent ban areas (Linwood Village and Riccarton Racecourse);
- Addington Alcohol Ban Area to apply at all times (currently it applies on one day each year); and
- changes to the areas for the Riccarton/Iram and Jellie Park alcohol bans.

New Alcohol Ban Areas:

Linwood Village
Currently there is a temporary ban until December 2018 which applies at all times (24/7) for Linwood Village; the ban was put in place following representations from the community constable, local business owners and residents. The purpose of the ban is to reduce disorder caused by people congregating and drinking alcohol in the area. A review of this temporary ban in April concluded that it has been useful in reducing the level of alcohol related problems. The Council proposes to make this ban permanent.

Riccarton Racecourse
Since 2015 the Council has put in place a temporary one-day ban for New Zealand Cup Day (Saturday of Cup Week) covering the environs of the race course. The area covered by the ban is largely residential and there have been significant problems associated with race goers drinking in the streets around the racecourse. The Council proposes that an alcohol ban apply (permanently) every New Zealand Cup Day to the Riccarton Racecourse environs.

Ban Area to apply at all times:

Addington
There is a permanent ban for the Addington area which applies on Cup Day (second Tuesday in November) each year. This ban is assessed as effective in mitigating the problems associated with
people drinking in the public places in the vicinity of the race course on that day. The Police have recently (early 2018) identified that preloading associated with concerts and other events at Hornsby Park is creating significant issues throughout the year and that problems are not confined to Cup Day. In view of significant alcohol-related calls for service annually from the Addington area, the Police recommend to the Council that the ban apply 24/7. The Council Alcohol Licensing team is working with local bar owners on an Alcohol Accord for the area and the owners of bars within the locality also support the 24/7 ban to address problems associated with people preloading and side loading near their premises. Having regard to these representations and evidence the Council proposes to amend the Addington Alcohol Ban Area so that it applies at all times.

Changes to the coverage of alcohol ban areas:

Riccarton /Ilam

The current Riccarton/Illam ban area does not include the site of the Ilam Primary School. The board of trustees and school management very much support the inclusion of the school grounds within the alcohol ban area as do the Police. Given the proximity of 'The Foundry' licensed premises to the school and the potential for the bar patrons to drink on the school grounds, the Council proposes to include the Ilam Primary School within the alcohol ban area.

Jellie Park

Unlike all other alcohol ban areas, the current ban area for Jellie Park does not include the roads immediately adjoining the Park. Given the potential for people to park up and drink in these areas the Council proposes to include the roads immediately adjoining the park within the alcohol ban area.

Consultation and Bill of Rights Implications.

The Local Government Act 2002 requires the Council to consult the community when making a bylaw. The Council has decided to use a special consultative procedure for this consultation.

Section 147 of the Local Government Act 2002 enables Councils to make bylaws for alcohol control purposes. Section 147A requires that for a bylaw that is intended to replace an expiring bylaw and is to the same effect (or to substantially the same effect) as the expiring bylaw, the Council must be satisfied that:

- the proposed replacement bylaw can be justified as a reasonable limitation on people's rights and freedoms;
- a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
- the bylaw is appropriate and proportionate in light of that likely crime or disorder.

There are also similar considerations for a new bylaw (clauses) under section 147A.

In terms of the New Zealand Bill of Rights Act 1990 analysis, the proposed bylaw gives rise to some implications in relation to that Act, in particular, the right to freedom of movement. However, as the proposed bylaw does not completely prohibit people with alcohol from being in, or moving about in, all public places, it provides demonstrably justifiable limits in a free and democratic society, and is therefore consistent with the New Zealand Bill of Rights Act 1990.
Submissions

Submissions on this proposal can be made either:
- through the Have Your Say website: www.ccc.govt.nz/HaveYourSay/
- via email to: alcoholbylaw@ccc.govt.nz
- in writing to:
  Submissions on the proposed Alcohol Restrictions in Public Places Bylaw 2018
  Christchurch City Council
  PO Box 237
  Christchurch.

Submissions on this proposal may be made to the Council between (date) August and (date) September 2018
The Council’s Hearings Panel will hear oral submissions on this Proposal later in 2018.
CHRISTCHURCH CITY COUNCIL ALCOHOL RESTRICTIONS IN PUBLIC PLACES BYLAW 2018

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1. Short Title and Commencement
2. Purpose
3. Interpretation
4. Permanent Alcohol Ban Areas
5. Temporary Alcohol Ban Areas
6. Large Scale-Event Alcohol Ban Areas
7. Restrictions in Alcohol Ban Areas
8. Exemptions to Restrictions in Alcohol Ban Areas
9. Police Powers of Search in Large-Scale Event Alcohol Ban Areas
10. Signage in Alcohol Ban Areas
11. Offence and Penalty
12. Christchurch City Council General Bylaw
13. Revocation

PREAMBLE

This bylaw prohibits the consumption of alcohol and restricts the possession and carriage of alcohol in some public places within the Christchurch City Council district (called Alcohol Ban Areas).

In Alcohol Ban Areas, the consumption of alcohol is not generally allowed in public places (such as parks, footpaths, riverbanks, beaches or roads), but is allowed on private land (such as licensed premises or private residences).

The possession or carriage of alcohol in public places in Alcohol Ban Areas is limited by this bylaw and the Local Government Act 2002, and is generally only allowed when transporting, carrying or delivering alcohol through an area.

A breach of this bylaw is an infringement. This bylaw gives the Police the power to seize alcohol, to search people’s bags and vehicles (in certain situations), and to arrest people found to be breaching the bylaw.

This bylaw should be read together with the Local Government Act 2002 (in particular sections 147-147C, 169 to 170), as the Act contains further information on bylaws made for alcohol control purposes. Relevant parts of the Act are not included in this bylaw in full, but are referred to where necessary.

This bylaw does not cover matters related to licensed premises or any matters already covered by the Sale and Supply of Alcohol Act 2012.

Pursuant to the powers vested in it by section 147 of the Local Government Act 2002, the Christchurch City Council makes this bylaw.
1. SHORT TITLE AND COMMENCEMENT

(1) This bylaw is the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 and comes into force on 18 December 2018.

2. PURPOSE

(1) The purpose of this bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.

(2) This bylaw prohibits, or otherwise regulates or controls, the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places.

3. INTERPRETATION

(1) Text in this bylaw that is in grey italics (italics) is not part of the bylaw, but is explanatory in nature, and the Council may update or delete this text at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

(2) In this Bylaw, unless the context requires otherwise:

ACT means the Local Government Act 2002.

ALCOHOL has the same meaning as 'alcohol' in section 5(1) of the Sale and Supply of Alcohol Act 2012 and section 147(1) of the Local Government Act 2002, and generally means alcoholic beverages such as beer, wine and spirits (including pre-mixed spirit-based drinks).

ALCOHOL RESTRICTIONS means the restrictions imposed by clause 7(1) of this bylaw.

COUNCIL means the Christchurch City Council.

EVENT means any meeting, parade, concert, fair, celebration, festival, function or sporting or cultural event, commemoration, or other similar occasion, or a series of such occasions.

LARGE-SCALE EVENT means an area described in Schedule 2 in which alcohol restrictions are in place in the public places within the area and during the times specified in the Schedule.

ALCOHOL BAN AREA has the same meaning as 'licensed premises' in the Sale and Supply of Alcohol Act 2012, and generally means premises licensed for the sale or consumption of alcohol.

PERMANENT BAN AREA means an area described in Schedule 1 in which alcohol restrictions are permanently in place in the public places within the area, during the times, days or dates specified in the Schedule.
PUBLIC PLACE has the same meaning as ‘public place’ in section 147 of the Local Government Act 2002, and means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but does not include licensed premises.

SPECIAL LICENCE has the same meaning as ‘special licence’ in the Sale and Supply of Alcohol Act 2012, and generally means a licence granted under part 2 of the Sale and Supply of Alcohol Act 2012 for the sale and supply of alcohol during an event or series of events.

TEMPORARY ALCOHOL BAN AREA means an area described in a resolution made under this bylaw in which alcohol restrictions are temporarily in place in the public places within the area during the times, days or dates specified in the resolution.

4. PERMANENT ALCOHOL BAN AREAS

(1) Permanent Alcohol Ban Areas are listed in Schedule 1. Schedule 1 describes the specific areas that are Permanent Alcohol Ban Areas and states the times, days or dates during which the alcohol restrictions apply to any public places in the Permanent Alcohol Ban Area.

(2) To avoid doubt, the Council can add, remove or alter any part of Schedule 1 in accordance with section 158 of the Act.

5. TEMPORARY ALCOHOL BAN AREAS

(3) The Council may declare a Temporary Alcohol Ban Area by resolution. Any such resolution will describe the specific area that is a Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.

(4) Before the Council declares a Temporary Alcohol Ban Area, the Council will comply with the requirements of section 147B of the Act.

Explanatory note: A Temporary Alcohol Ban Area will only be put in place for a limited time. The duration will depend on the reasons for imposing the alcohol restrictions. In making a resolution under the bylaw, the Council must also apply section 147B and the decision-making provisions in part 6 of the Act, which set out the requirements for council decision-making. These include identifying all reasonably practicable options to achieve the objective, and considering the views and preferences of persons likely to be affected by, or to have an interest in, the decision.

6. LARGE-SCALE EVENT ALCOHOL BAN AREAS

(1) The Chief Executive may nominate an event to be a Large-Scale Event, having taken into consideration –

(a) the nature of the event;

(b) the number of people expected to attend the event; and

(c) the history of the event (if any).

(2) When an event has been nominated as a Large-Scale Event, the Large-Scale Event Alcohol Ban Area applies in respect of that event during the specified times for that Alcohol Ban Area.
(3) The Large-Scale Event Alcohol Ban Areas are listed in Schedule 2. Schedule 2 describes the specific areas that are Large-Scale Event Alcohol Ban Areas and states the times during which the alcohol restrictions apply to any public places in the Large-Scale Event Alcohol Ban Areas.

(4) To avoid doubt, the Council can add, remove or alter any part of Schedule 2 in accordance with section 158 of the Act.

Explanatory note:
A Large-Scale Event Alcohol Ban Area will only apply when the Chief Executive has designated an event to be a Large-Scale Event. The specific Alcohol Ban Area is set out in Schedule 2 as well as the time during which the Alcohol Ban Area applies. The area and time cannot be changed by the Chief Executive.

7. RESTRICTIONS IN ALCOHOL BAN AREAS

(5) In Permanent or Temporary or Large-Scale Event Alcohol Ban Areas, subject to clause 8 of this bylaw and section 147(4) of the Act, no person may:

(a) consume alcohol in a public place; or

(b) consume alcohol in a vehicle in a public place; or

(c) bring alcohol into a public place, whether in a vehicle or not; or

(d) possess alcohol in a public place, whether in a vehicle or not.

Explanatory note:
For exemptions in relation to unopened bottles or containers, see section 147(4) of the Act or the explanatory note to clause 8.

8. EXEMPTIONS TO RESTRICTIONS IN ALCOHOL BAN AREAS

(6) The alcohol restrictions do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including:

(a) any public place which is part of a licensed premises’ outdoor area, where permission to occupy that area has been granted by the Council; or

(b) the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the licensed premises; or

(c) any public place that is subject to a special licence, for the term of that licence; or

(d) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies; or

(e) any event held in a public place at which alcohol is served under a section 38 endorsed licence under the Sale and Supply of Alcohol Act 2012.

Explanatory note:
A number of exemptions for the transportation of unopened bottles or containers of alcohol through Alcohol Ban Areas are listed in section 147(4) of the Act, and are not restricted by this bylaw, including:

- commercial deliveries to licensed premises
- carrying alcohol bought from an off-licence (eg liquor store)
- carrying alcohol to or from BYO licensed premises
- carrying alcohol to or from private residences.
Some of these exemptions require the alcohol to be promptly removed from any public places covered by alcohol restrictions.

The Council may consider a dispensation under the Council’s General Bylaw so that the restrictions in an Alcohol Ban Area do not apply for the duration of an event. However, if there is a risk of alcohol-related harm occurring as a result of the restrictions not applying, the event must comply with the Council’s policy “Alcohol-related Harm at Public Events - Policy to Reduce”. The policy requires effective joint planning between Council staff, the Police and other groups to reduce alcohol-related harm and to care for any people affected by alcohol.

9. POLICE POWERS OF SEARCH IN LARGE-SCALE EVENT ALCOHOL BAN AREAS

(7) This bylaw authorises a member of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in areas to which a Large-Scale Event Alcohol Ban Area applies.

(8) Clause 9(1) only applies if the Chief Executive nominating the event to be a Large-Scale Event provides that clause 9(1) of this bylaw will apply.

Explanatory note: This power allows a member of the Police to search a container (eg a bag) or a vehicle immediately and without notice in a Large-Scale Event Alcohol Ban Area, provided the Council has complied with section 170 of the Act by giving 14 days public notice and displaying signs in conspicuous places on or adjacent to the Large-Scale Event Alcohol Ban Area. The Police have powers of search in all Permanent and Temporary Alcohol Ban Areas, as indicated in sections 169 and 170 of the Act. When using the search powers, the Police must comply with certain conditions. However, if the power in clause 8 of this bylaw is used, the Police can search immediately and without notice.

10. SIGNAGE IN ALCOHOL BAN AREAS

(9) Where it is practicable or reasonable to do so, the Council will erect signage within Alcohol Ban Areas to provide information to the public about the restrictions. The size, location and content of the signage will be at the Council’s discretion.

(10) To avoid any doubt, the absence of signage in any Alcohol Ban Area does not authorise a breach of this bylaw.

(11) This clause is subject to any regulations made under section 147C of the Act.

11. OFFENCE AND PENALTY

(12) Every person who breaches this bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

Explanatory note: Any person in breach of the restrictions in place in an Alcohol Ban Area is subject to any action taken by the New Zealand Police in accordance with the powers given to the Police in the Act. These include the powers of search, seizure of alcohol, and arrest, and also the power to issue an infringement notice.

12. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

(13) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.
13. REVOCATION

(1) The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 is revoked.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on [insert date] and was confirmed, following consideration of submissions received during the special consultative procedure by a resolution at a subsequent meeting of the Council on [insert date].
SCHEDULE 1

PERMANENT ALCOHOL BAN AREAS

The fifteen Permanent Alcohol Ban Areas are:

1. Central City
2. South Colombo
3. Riccarton/Vilam
4. New Brighton Mall, Marine Parade and Environs
5. Jellie Park
6. Linwood Village
7. Addington
8. Hagley Park and Environs
9. Sumner Esplanade
10. Merivale
11. Papanui
12. Spencer Park
13. Akaroa
14. Okains Bay
15. Riccarton Racecourse

The following pages of Schedule 1 contain maps, area descriptions and the times, days and/or dates during which the alcohol restrictions apply to Permanent Alcohol Ban Areas.
Map 1 - Central City Alcohol Ban Area

<table>
<thead>
<tr>
<th>Item of Alcohol Ban Area</th>
<th>Central City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of the “five Avenues”: Bealey Avenue, Fitzgerald Avenue, Moorhouse Avenue, Hagley Avenue, Rolleston Avenue, and the section of the Avon River that runs alongside Park Terrace (from Armagh Street Bridge to Harper Avenue/Bealey Avenue Bridge) as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies at all times, 24 hours, seven days a week</td>
</tr>
</tbody>
</table>
Map 2 – South Colombo Alcohol Ban Area

<table>
<thead>
<tr>
<th>Item No. of Alcohol Ban Area</th>
<th>South Colombo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of all of, or relevant parts of: Moorhouse Avenue, Waltham Road, St. Martins Road, Centaurus Road, Cashmere Road, Barrington Street, Somerfield Street, Strickland Street, and Antigua Street as shown in red below.</td>
</tr>
</tbody>
</table>

| Times, days or dates during which alcohol restrictions apply | Applies at all times – 24 hours, seven days a week |

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Item No.: 11

Page 70
Map 3 – Riccarton / Ilam Alcohol Ban Area

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Riccarton / Ilam</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the streets: Blenheim Road, Curletts Road, Yaldhurst Road, Avonhead Road, Maidstone Road, Waimairi Road, Greers Road, Memorial Avenue, Fendalton Road, Deans Avenue and back to Blenheim Road, including Ilam Primary School and University Drive. The ban excludes any land forming part of the University of Canterbury campus (excluded areas A, B, C as shown in red below).</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies at all times, 24 hours, seven days a week</td>
</tr>
</tbody>
</table>
Map 4 – New Brighton Mall, Marine Parade and Environs Alcohol Ban Area

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>New Brighton Mall, Marine Parade and Environs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area of New Brighton Mall, and Marine Parade and the New Brighton beach area within the District boundary as shown in red below. New Brighton Mall – the area bounded by both sides of the streets and inclusive of all of or the relevant parts of: Marine Parade, Beresford Street, Owles Terrace, Hawke Street, Keyes Road, and Lonsdale Street; Marine Parade and the New Brighton beach area – Marine Parade (from Beach Road to Bridge Street), and the beach alongside that section of Marine Parade including the Pier within the District boundary (down to the mean low water spring level).</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies at all times - 24 hours, seven days a week</td>
</tr>
</tbody>
</table>
Map 5 – Jellie Park Alcohol Ban Area

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Jellie Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the whole Jellie Park, including both sides of Greers and Ilam Roads with the exception of the pool and sports complex as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies at all times, 24 hours, seven days a week</td>
</tr>
</tbody>
</table>
Map 6 – Linwood Village Alcohol Ban Area

<table>
<thead>
<tr>
<th>Item No. of Alcohol Ban Area</th>
<th>Linwood Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area of Doris Luck Corner, Stanmore Road and bounded by Fitzgerald Avenue (East side) and both sides of the streets of Armagh, England, and Hereford as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies at all times, 24 hours, seven days a week</td>
</tr>
</tbody>
</table>
Map 7 – Addington Alcohol Ban Area

<table>
<thead>
<tr>
<th>Town of Alcohol Ban Area</th>
<th>Addington</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the following streets: Lincoln Road, Moorhouse Avenue, Blenheim Road, Mistypo Street, and Wrights Road as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies at all times, 24 hours, seven days a week</td>
</tr>
</tbody>
</table>
## Item 8

### Map 8 – Hagley Park and Environs Alcohol Ban Area

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Hagley Park and Environs</th>
</tr>
</thead>
</table>
| **Description of Alcohol Ban Area** | The ban covers the Greater Hagley Park area, including Hagley Park South, Hagley Park North, the Botanic Gardens, Little Hagley Park and the area around Millbrook Reserve, as well as both sides of the streets included within and bounding the area as shown in red below. The streets or relevant parts of the streets which bound this area are as follows:  
• Deans Avenue – the ban includes the whole of Deans Avenue  
• Moorhouse Avenue – the ban includes the section of Moorhouse Avenue that runs alongside South Hagley Park (from Deans Avenue to Hagley Avenue)  
• Hagley Avenue – the ban stops at the edge of the Park alongside Hagley Avenue, but, does not include Hagley Avenue (Hagley Avenue is covered by the 24-hour Central City Alcohol Ban Area)  
• Rolleston Avenue – the ban stops at the end of the Park alongside Rolleston Avenue, but, does not include Rolleston Avenue (Rolleston Avenue is covered by the 24-hour Central City Alcohol Ban Area)  
• Carlton Mill Road - the ban includes the whole of Carlton Mills Road  
• Rossall Street – the ban includes the section of Rossall Street that runs from Carlton Mill Road to Rhodes Street  
• Rhodes Street – the ban includes the section of Rhodes Street that runs from Rossall Street to Helmores Lane  
• Helmores Lane – the ban includes the section of Helmores Lane that runs from Rhodes Street to the Helmores Land Bridge (an includes Helmores Lane from the Bridge to Harper Avenue inside the ban area)  

The sections of the Avon River that form a boundary to the ban area are:  
• Alongside Park Terrace (from the Armagh Street Bridge to the Harper Avenue/Sealey Avenue Bridge)  
• Along the north side of Little Hagley Park (from the Helmores Lane Bridge to the Fendalton Road/Deans Avenue Bridge) |

| Times, days or dates during which alcohol restrictions apply | Applies from 10pm to 7am each night, seven nights a week |
Map 9 – Summer Alcohol Ban Area

<table>
<thead>
<tr>
<th>Item of Alcohol Ban Area</th>
<th>Summer Esplanade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the Esplanade (from Marriner Street to Heberden Avenue) along Heberden Avenue (from the Esplanade to the Sumner Boat Ramp car park); and including the Sumner Boat car park; as well as the beach area within the District boundary that runs alongside the area down to the mean low water spring level as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies from 7pm each Thursday night until midnight of each Sunday night; and from 7pm on 31 December to 7am on 1 January each year – New Year’s Eve.</td>
</tr>
</tbody>
</table>
Map 10 – Merivale Alcohol Ban Area

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Merivale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of all of, or the relevant parts of: Rossall Street, Rugby Street, Papanui Road, St Albans Street, Browns Road, and Innes Road/Neaton Street as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies from 6pm to 6am each night, seven nights a week</td>
</tr>
</tbody>
</table>
### Map 11 - Papamui

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Papamui</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the streets and inclusive of all, or the relevant parts of: the cycle-walkway and the railway line from Vaguess Road to Harwood Road, St. James Avenue, Windermere Road, Blyths Road, Papamui Road, Grants Road, Grassmere Street, Main North Road, Vaguess Road, and St. James Park as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies from 6pm to 6am each night, seven nights a week.</td>
</tr>
</tbody>
</table>
Map 12 – Spencer Park Alcohol Ban Area

<table>
<thead>
<tr>
<th>Item of Alcohol Ban Area</th>
<th>Spencer Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers part of the Spencer Park situated on the southern side of Heyders Road, commencing from 71 Heyders Road, Spencerville, and continuing to the beach, including the beach access and car parking areas as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies from 8.30pm on 31 December to 6am on 1 January each year – New Year’s Eve</td>
</tr>
</tbody>
</table>
Map 13 – Akaroa Alcohol Ban Area

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Akaroa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the streets, and inclusive of all, or the relevant parts of: Rue Lavau, Beach Road, Rue Jolie, Rue Balguerie up to Muster Street, Rue Brittan, Rue Cook, part of Woodills Road up to and including the milk station turning area, Bruce Terrace from Beach Road to Rue Jolie, as well as the lower part of Stanley Park (from Beach Road to Penlington Place). This includes the following areas: Akaroa Beach and the waterfront area (including any wharf or jetty) from Children’s Bay to Takapunaheke Reserve, the Garden of Tane, Wackerle Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee Park, Childrens Bay and the War Memorial Grounds as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies from 5pm on 31 December to 7am on 1 January each year – New Year’s Eve</td>
</tr>
</tbody>
</table>
Map 14 – Okains Bay Alcohol Ban Area

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Okains Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area being the Okains Bay Beach and Okains Bay Road. The area excludes the Okains Bay Camping Ground and a small parcel of adjacent land owned by the Department of Conservation as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies from 5pm on 31 December to 7am on 1 January each year – New Year’s Eve</td>
</tr>
</tbody>
</table>
### Map 15 – Riccarton / Racecourse Alcohol Ban Area

<table>
<thead>
<tr>
<th>Item No. of Alcohol Ban Area</th>
<th>Riccarton / Racecourse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the area bounded by both sides of the following streets: Yaldhurst Road, Middlepark Road, Epsom Road, Main South Road, Racecourse Road, Buchanan's Road, Carmen Road and Masham Road as shown in red below.</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies from 7am to 12 midnight, Saturday of Cup Week (New Zealand Cup Day)</td>
</tr>
</tbody>
</table>

![Map of Riccarton and Racecourse Areas](image-url)
SCHEDULE 2
LARGE-SCALE EVENT ALCOHOL BAN AREAS

The Large-Scale Event Alcohol Ban Areas are:

1. Hagley Park and Environ
2. Rāwhiti Domain / Thomson Park

The following pages of Schedule 2 contain maps, area descriptions and the times during which the alcohol restrictions apply to Large-Scale Event Alcohol Ban Areas.
### Map 1 – Hagley Park and Environs Alcohol Ban Area (Large Scale Events)

<table>
<thead>
<tr>
<th>Name of Alcohol Ban Area</th>
<th>Hagley Park and Environs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the Greater Hagley Park area, including Hagley Park South, Hagley Park North, the Botanic Gardens, Little Hagley Park and the area around Millbrook Reserve, as well as both sides of the streets included within and bounding the area as shown in red below. The streets or relevant parts of the streets which bound this area are as follows:</td>
</tr>
<tr>
<td></td>
<td>• Deans Avenue – the ban includes the whole of Deans Avenue</td>
</tr>
<tr>
<td></td>
<td>• Moorhouse Avenue – the ban includes the section of Moorhouse Avenue that runs alongside South Hagley Park (from Deans Avenue to Hagley Avenue)</td>
</tr>
<tr>
<td></td>
<td>• Hagley Avenue – the ban stops at the edge of the Park alongside Hagley Avenue, but, does not include Hagley Avenue (Hagley Avenue is covered by the 24-hour Central City Alcohol Ban Area)</td>
</tr>
<tr>
<td></td>
<td>• Rolleston Avenue – the ban stops at the end of the Park alongside Rolleston Avenue, but, does not include Rolleston Avenue (Rolleston Avenue is covered by the 24-hour Central City Alcohol Ban Area)</td>
</tr>
<tr>
<td></td>
<td>• Carlton Mill Road - the ban includes the whole of Carlton Mills Road</td>
</tr>
<tr>
<td></td>
<td>• Rossall Street – the ban includes the section of Rossall Street that runs from Carlton Mill Road to Rhodes Street</td>
</tr>
<tr>
<td></td>
<td>• Rhodes Street – the ban includes the section of Rhodes Street that runs from Rossall Street to Helmores Lane</td>
</tr>
<tr>
<td></td>
<td>• Helmores Lane – the ban includes the section of Helmores Lane that runs from Rhodes Street to the Helmore Land Bridge (an includes Helmores Lane from the Bridge to Harper Avenue inside the ban area)</td>
</tr>
<tr>
<td></td>
<td>The sections of the Avon River that form a boundary to the ban area are:</td>
</tr>
<tr>
<td></td>
<td>• Alongside Park Terrace (from the Armagh Street Bridge to the Harper Avenue/Sealey Avenue Bridge)</td>
</tr>
<tr>
<td></td>
<td>• Along the north side of Little Hagley Park (from the Helmores Lane Bridge to the Fendalton Road/Deans Avenue Bridge)</td>
</tr>
</tbody>
</table>

Times, days or dates during which alcohol restrictions apply: Applies for a 24 hour period on the day of the Large-Scale Event, commencing at 12.00 am and concluding at 11:59pm.
Map 2 – Rawhiti Domain / Thomson Park Alcohol Ban Area (Large Scale Events)

<table>
<thead>
<tr>
<th>Item of Alcohol Ban Area</th>
<th>Rawhiti Domain / Thomson Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Alcohol Ban Area</td>
<td>The ban covers the areas of Rawhiti Domain and Thomson Park</td>
</tr>
<tr>
<td>Times, days or dates during which alcohol restrictions apply</td>
<td>Applies for a 24 hour period on the day of the Large Scale Event, commencing at 12:00 am and concluding at 11:59pm.</td>
</tr>
</tbody>
</table>
9. Proposed Changes to the Public Places Bylaw 2008

Reference: 18/651652

Presenter(s): Libby Elvidge, Policy Analyst
Ruth Littlewood, Senior Policy Analyst

1. Note

This report will be considered by the Regulatory Performance Committee on Wednesday 11 July. The Committee’s recommendation to the Council will be circulated prior to the Council meeting on 12 July 2018.

The staff report and attachments are detailed below:

- Staff Report
- Attachment A: Public Places Bylaw s155 report and clause by clause analysis
- Attachment B: Draft Public Places Bylaw 2018
- Attachment C: Statement of Proposal for Bylaw and Policy
- Attachment D: Code of Conduct for use of Speaker’s Corner

2. Staff Recommendations

That the Regulatory Performance Committee recommend to Council that it:

1. Note that:
   a. this report relates to the review of the Public Places Bylaw 2008;
   b. the review of the current bylaw has resulted in the development of a proposed bylaw: the Christchurch City Council Public Places Bylaw 2018;
   c. in order to complete the review, the Council needs to approve and consult the public on the proposed bylaw.

2. Receive the attached section 155 analysis report (Attachment A).

3. Note that on 22 March 2018 Council resolved that a bylaw is the most appropriate way of addressing the perceived problems relating to public places, in accordance with section 155(1) of the Local Government Act 2002, and that a bylaw is required to provide for reasonable controls to:
   a. protect health and safety;
   b. protect the public from nuisance; and
   c. provide for the regulation of trading in public places.

4. Commence the Special Consultative Procedure in relation to the proposed bylaw (Attachment B) and notes that subject to any changes as a result of the consultation process the proposed bylaw meets the requirements of section 155 of the Act, 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.  Adopt a Statement of Proposal (Attachment C) for consultation in accordance with section 83 of the Act; and

6.  Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.

3.  Recommendation to Council

The recommendation to the Council from the Regulatory Performance Committee will be confirmed following the Committee’s meeting on Wednesday 11 July 2018.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Staff Report on the Public Places Bylaw, and attachments</td>
<td>153</td>
</tr>
</tbody>
</table>
8. Proposed Changes to the Public Places Bylaw 2008

Reference: 18/482985
Presenter(s): Libby Elvidge, Policy Analyst
Ruth Littlewood, Senior Policy Analyst

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Regulatory Performance Committee to recommend the proposed changes to the Public Places Bylaw 2008 (the bylaw) to Council to approve for adoption for public consultation.

Origin of Report
1.2 This report is being provided to meet statutory bylaw review requirements, and follows on from a previous report to the Regulatory Performance Committee and Council about the review of the bylaw (resolution CNCL/2018/00037).

2. Significance

2.1 The decision in this report is of medium significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.2 Staff recommend that the consultation process for the replacement bylaw follows the special consultative procedure under the Local Government Act 2002, including public notification of the bylaw, written submission and a public hearing.

3. Staff Recommendations

That the Regulatory Performance Committee recommend to Council that it:

1. Note that:
   a. this report relates to the review of the Public Places Bylaw 2008;
   b. the review of the current bylaw has resulted in the development of a proposed bylaw: the Christchurch City Council Public Places Bylaw 2018;
   c. in order to complete the review, the Council needs to approve and consult the public on the proposed bylaw.

2. Receive the attached section 155 analysis report (Attachment A).

3. Note that on 22 March 2018 Council resolved that a bylaw is the most appropriate way of addressing the perceived problems relating to public places, in accordance with section 155(1) of the Local Government Act 2002, and that a bylaw is required to provide for reasonable controls to:
   a. protect health and safety;
   b. protect the public from nuisance; and
   c. provide for the regulation of trading in public places.

4. Commence the Special Consultative Procedure in relation to the proposed bylaw (Attachment B) and notes that subject to any changes as a result of the consultation process the proposed bylaw meets the requirements of section 155 of the Act, in that:
   a. a bylaw is the most appropriate way of addressing the perceived problems; and

Item No.: 8
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. Adopt a Statement of Proposal (Attachment C) for consultation in accordance with section 83 of the Act; and

6. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.

4. Key Points

4.1 The Act requires that all bylaws are reviewed periodically to ensure that they remain fit for purpose. In terms of assessing options, each bylaw clause has been examined, and new issues have been identified and assessed. This, in essence, provides the analysis of options, which is contained in the ‘section 155 report’ (Attachment A). Table 1 of Attachment A includes an outline of each of the new bylaw clauses and describes the amendments made to the current bylaw clauses together with the rationale for these changes.

4.2 The review of the current bylaw is intended to make the Council’s public place controls more effective, easier to administer and enforce, and to reflect current circumstances.

4.3 New issues and problems that have been identified include requirements for the display of street numbering, permission for signage in public places, and permission for events in public places. The proposed replacement bylaw also takes into account style changes to other recent bylaws, for example the permissions clause is aligned with clear expectations about information the Council may require before granting permission.

4.4 This report supports the Council’s Long Term Plan (2015 - 2025):

- Activity: Strategic Planning and Policy
  - Level of Service: 17.0.19 Bylaws and regulatory policies are reviewed to meet statutory timeframes and changing needs

4.5 The following feasible options have been considered:

- Option 1 – Undertake consultation on the proposed changes to the bylaw (preferred option)

4.6 The LGA 2002 requires that all ‘reasonably practicable options’ are assessed (section 77). In this case, only one structural option has been presented in this report – reviewing and replacing the bylaw. In March 2018 the Council resolved that a bylaw is the most appropriate way of addressing the perceived problems relating to public places, in accordance with section 155(1) of the LGA, and that a bylaw is required to provide for reasonable controls to regulate commercial activities, obstructions, and other issues that may arise during further analysis. Additionally, the Level of Service for bylaws requires reviewing them to meet changing needs.

4.7 Option Summary - Advantages and Disadvantages (Preferred Option)

- The advantages of this option include:
  - Meets legislative requirements for review (timeliness, analysis and consultation)
  - Updates the existing bylaw so it is fit for purpose in the current context.

- There are no identified disadvantages of this option.

5. Context/Background

Purpose and coverage of the bylaw

5.1 Currently the bylaw enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.

5.2 The bylaw’s purpose is to balance the different needs and preferences of our community in relation to public places, in order to balance private use with public use. The bylaw:

- requires anyone wanting to undertake a commercial activity or to create an obstruction in a public place to get permission from the Council, or comply with pre-set conditions;
- enables the Council to declare Special Use Areas to prohibit or allow activities in specific areas, and
- prevents barbed, razor or electrified wire from being used in fencing in a way that could endanger public safety.

5.3 The bylaw only relates to public places that are owned or managed by the Council (not private property), and does not have any impact on maintenance or repairs to Council property. In general, it is accepted that Council control of public places through a bylaw should not:

- Apply to matters that are covered adequately by other legislation
- Deal with matters that unnecessarily restrict individual freedoms
- Cover matters that are insignificant in effect or magnitude
- Deal with matters that can be more appropriately dealt with by other tools at the Council’s disposal
- Be impractical to enforce.

5.4 The penalty for breaching the bylaw is prosecution and a fine on conviction of up to $20,000. There is no infringement (instant fines) regime available at this time for breaching a bylaw made under the LGA. However, there is a range of other enforcement options and tools available under the LGA (for example, seizing offending equipment, or recovering costs from damage).

5.5 Additionally, enforcement officers have tools under other legislation, such as the Litter Act 1979, the Resource Management Act 1991, and other Council bylaws and the District Plan.

Review of the current bylaw and clause by clause analysis of the replacement bylaw

5.6 A previous report was considered by the Committee and Council in March 2018, concluding that a bylaw is still needed. The proposed replacement bylaw is attached to this report (Attachment B).

5.7 Information and evidence for the clause by clause and issues analysis was sought from staff with operational involvement in traffic operations, asset protection, events, planning, urban regeneration, leasing, compliance and enforcement. All Community Boards were consulted on the review.

5.8 Staff also met with Otākāro and Regenerate Christchurch to discuss the review of the bylaw and explain how the review process will not cause delays to projects development as the bylaw is mostly about permissions. Otākāro are interested in the South Frame being a Special Use Area for community activities. However, Council staff consider that whether or not the creation of Special Use Areas is appropriate can be properly assessed once the area development is completed, and the public places in the South Frame are able to be used for those purposes. For
areas in the South Frame that are completed, the permissions process for trading and events is suitable to manage any proposed activities.

**Relationship with other Council bylaws, policies and the District Plan**

5.9 The proposed replacement bylaw has some minor overlaps with the Traffic and Parking Bylaw 2017, the Marine, River and Lake Facilities Bylaw 2017, and the Parks and Reserves Bylaw 2014. There are no inconsistencies between the bylaws.

5.10 When the 2008 bylaw was drafted, much of the prescriptive detail was removed from the bylaw, and this information was put in operational policies. This allows a greater degree of flexibility, as operational policies can be altered or updated without the need to undertake the full Special Consultative Procedure to amend the bylaw. This means that they are more flexible and can be altered as situations and needs change.

5.11 The Trading and Events in Public Places Policy 2010 is being reviewed concurrently with the bylaw. Other policies, particularly around signage and café tables on the footpath, are scheduled for review in early 2019.

5.12 The bylaw has been drafted to align with the District Plan and cover any gaps in public places that the District Plan does not cover, particularly in relation to off-site signs and short-term and temporary events.

5.13 The District Plan rules took a purposefully permissive approach on the basis that the permitting system instituted by the bylaws would be managing a number of effects, in particular traffic, site restoration and the amenity effects of very short term events, such as temporary markets and events. The intention was to avoid duplication of process by managing most effects, other than noise, through the permits rather than requiring a resource consent. The cost of a resource consent was considered prohibitive for most events, so the Council’s recommendation to the Panel was to rely primarily on permits instead of resource consents (other than for very large scale events with long duration).

5.14 For activities that must comply with the built form standards in the District Plan Rule 6.8.4.2 including the standards relating to height, number and size of signs, the standards in the adjoining zone (e.g. Commercial Core) also apply to signage in the adjoining Transport Zone as a result of Rule 7.4.2.1 P7

**Special Use Areas**

5.15 There is a Special Use Area in Cathedral Square for public speaking, known as ‘Speaker’s Corner’. Speaker’s Corner is a platform to express any view, idea or opinion, so long as it is lawful. This site should be used to engage, inform and enrich opinion. Staff recommend that this Special Use Area be reconfirmed by the Council, along with a Code of Conduct (Attachment D) which sets out conditions of use.

5.16 Staff recommend that the nominated busking areas (Worcester Boulevard to Cathedral Square) be revoked as Special Use Areas. Under the review of the Trading and Events in Public Places Policy, staff are proposing that busking will not require a permit in the central city, subject to the performer complying with a Code of Conduct. If the Council wishes to nominate any busking areas outside the central city where no permit is required, this can be done through the policy process rather than as a special use.

5.17 In 2009 the Council resolved that Cranmer and Latimer Squares be Special Use Areas where no camping is allowed. Since then, the Freedom Camping Bylaw 2015 was introduced which controls freedom camping, including locations where it is prohibited. As the bylaw now covers this activity, staff recommend that the Special Use Areas be revoked.
Antisocial and nuisance behaviour in public places

5.18 There is no dispute that nuisance and antisocial behaviour, such as begging, loitering or street-based sex work, are problematic, however, the tools available to the Council are limited. The problems of intimidating and aggressive begging, indecency, loitering and trespass, offences against public order or persons or property relate primarily to Police matters and are able to be addressed by Police under the Summary of Offences Act 1981.

5.19 Section 155 of the LGA requires that a bylaw is shown to be the ‘most appropriate way of addressing the perceived problems’. A bylaw is not considered to be an appropriate or proportionate response to the perceived problem.

5.20 Staff recommend that the Council continue with the current social outreach initiatives to address begging, homelessness, street-based sex work and other anti-social behaviour.

Consultation process on the proposed replacement bylaw

5.21 The Act requires councils to consult the public on new bylaws and bylaw amendments using either the special consultative procedure (sections 83 and 86) or ‘other’ consultation (section 82). For proposals of low to medium significance, section 82 ‘other’ consultation is generally considered appropriate. As staff have determined the significance of this bylaw review as ‘medium’, it is recommended that the Council follow a special consultative procedure given the wide ranging nature of the review.

5.22 The proposed consultation process will include:

- public notices in relevant newspapers;
- sending a statement of proposal including a summary of the proposed changes and proposed bylaw to identified stakeholders, inviting written comments;
- making copies available on the website and in libraries for anyone with an interest;
- holding public hearings.

5.23 Consultation is scheduled for late August to late September, with public hearings around mid-October 2018. The Council should be able to consider the final form of the bylaw in early December with the replacement bylaw coming into force in December 2018 or early 2019.

5.24 As the Trading and Events in Public Places Policy is under review, the proposed replacement policy will be circulated with the public consultation material for the bylaw.
6. Option 1 – recommend the proposed replacement bylaw for public consultation (preferred)

Option Description
6.1 The Public Places Bylaw 2008 has been reviewed and new issues have been identified. Undertake public consultation on the proposed replacement bylaw.

Significance
6.2 The level of significance of this option is medium-high consistent with section 2 of this report.

Impact on Mana Whenua
6.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences
6.4 This report concerns the adoption of a proposed replacement bylaw for public consultation. Views will be sought through the public consultation process.

Alignment with Council Plans and Policies
6.5 This option is largely consistent with Council’s Plans and Policies.
6.6 There will be some policy amendments or revocations necessary if the replacement bylaw is adopted. Notably:
   - The revocation of the Public Places Bylaw 2008
   - Amendments to the Trading and Events in Public Places Policy 2010 (to be consulted on alongside the proposed replacement bylaw)
   - Amendments to other Council policies – for example, reviews to begin in early 2019 on signage-related policies and café outdoor seating on footpaths policies.

Financial Implications
6.7 Public consultation and hearings on the proposed replacement bylaw are business as usual costs.

Legal Implications
6.8 The Legal Services Unit has considered both the section 155 analysis and the proposed replacement bylaw. It is the view of the Legal Services Unit that a proposed new bylaw is within the authorising provisions of the LGA 2002, and is certain and reasonable. It is also the view of the Legal Services Unit that the attached section 155 analysis report shows how the Council has considered its section 155 obligations for the purposes of the review of the bylaw (together with assessing options under section 77 of the LGA 2002 in relation to the various clauses).

6.9 In addition to these considerations, the law requires that any bylaw must be intra vires (within the statutory powers that authorise the bylaw), certain and reasonable. There is a considerable body of case law on ‘reasonableness’ in the bylaw context. The Courts have noted that in ascertaining the reasonableness of a bylaw, they will look to the surrounding facts, including the nature and condition of the locality in which it is to take effect, the problem it seeks to solve or proposes to remedy, and whether public or private rights are unnecessarily or unjustly affected.

6.10 The recommendations in this report reflect that the requirements in section 155 and 160 of the LGA 2002 have been met.
Risks and Mitigations
6.11 The risks of consulting on and then adopting some form of proposed replacement bylaw are low. The consultation process will allow the public to have their say on the proposal.

Implementation
6.12 Implementation dependencies - consultation period.
6.13 Implementation timeframe - Report to go via Regulatory Performance Committee to the Council in August; Public consultation finished September; Hearings over October; Final Council report by December 2018; new bylaw in place by late 2018/early 2019.

Option Summary - Advantages and Disadvantages
6.14 The advantages of this option include:
   • Meets legislative requirements for review (timeliness, analysis and consultation)
   • Updates the existing bylaw so it is fit for purpose in the current context.
6.15 There are no identified disadvantages of this option.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Public Places Bylaw s155 report and clause by clause analysis</td>
</tr>
<tr>
<td>B</td>
<td>Draft Public Places Bylaw 2018</td>
</tr>
<tr>
<td>C</td>
<td>Statement of proposal for Bylaw and Policy</td>
</tr>
<tr>
<td>D</td>
<td>Code of Conduct for use of Speaker's Corner</td>
</tr>
</tbody>
</table>

Confirmation of Statutory Compliance
Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.

Signatories

<table>
<thead>
<tr>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Libby Elvidge - Policy Analyst</td>
</tr>
<tr>
<td>Ruth Littlewood - Senior Policy Analyst</td>
</tr>
<tr>
<td>Judith Cheyne - Associate General Counsel</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approved By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emma Davis - Acting Head of Strategic Policy</td>
</tr>
<tr>
<td>Brendan Anstiss - General Manager Strategy and Transformation</td>
</tr>
</tbody>
</table>
Review of the Christchurch City Council Public Places Bylaw 2008 / Proposed Christchurch City Council Public Places Bylaw 2018

Section 155 Report

Introduction

1. Currently the Christchurch City Council Public Places Bylaw 2008 regulates commercial activities and obstructions in public places.

2. Under section 158 of the Local Government Act 2002 (the Act), the Council is required to review its bylaws at 5 and then 10 yearly intervals. The Christchurch City Council Public Places Bylaw 2008 is due for its 10 yearly review by 2018. The Council is undertaking this review as part of a series of rolling bylaw reviews.

3. When the Council reviews a bylaw, section 160 of the Act requires the Council to review the bylaw by making the determinations required by section 155.

4. Under section 155, the three determinations are:
   - Whether or not a bylaw is the most appropriate way of addressing a perceived problem or issue; and
   - If the Council decides that a bylaw is (still) appropriate, whether the bylaw is the most appropriate form of bylaw; and
   - Whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBOR).

5. The following analysis has been undertaken for the purposes of reviewing the Public Places Bylaw 2008.

What are the perceived problems?

6. The bylaw’s purpose is to balance the different needs and preferences of the community in relation to public places, in order to balance private use with public use. Prior to making the Christchurch City Council Public Places Bylaw 2008, the Council undertook a review of the two bylaws that were in force in the district at that time. During the course of that review, the Council identified various problems/issues that needed to be addressed. For the purpose of this review, the Council has considered whether or not those problems still exist.

7. Commercial activities in public places (e.g. markets, busking), where appropriate and managed, can add character, vibrancy and safety to urban areas, and can attract visitors to these locations. However, trading and events need to be balanced against the needs of the environment and the impact public and commercial activities may have on private properties adjacent to public areas, as well as to general public access to, and use of, the public areas.

8. Public places provide many opportunities for the community to use and enjoy the space, however, due to the nature of public land being open to all, the competing interests can create obstructions and/or be a nuisance. Examples of obstructions are sandwich board signs on footpaths and encroachment. Obstructions in public places need to be managed to ensure access is unimpeded, particularly for pedestrians with impaired mobility. Regulation assists in managing the hazards created by obstructions.
9. The review of the bylaw has raised several issues that occur in public places which are not regulated by the current bylaw. The analysis attached to this report identifies the following specific problems and issues that staff recommend should be covered by the bylaw:

- **The 2008 bylaw does not have regard to relevant strategic planning documents, such as the replacement District Plan, or the Public Open Spaces Strategy 2010, which were prepared after the 2008 bylaw.**

- **Street numbering:** Requiring the owner/occupier of any building to display the building number in a position visible from the road, which would ensure greater visibility of street numbering on buildings (particularly business addresses) to assist the public, and also for emergency services to locate buildings.

- **Signage:** Advertising and signage in public places are a means of providing information to the public. This includes businesses using signage outside their premises so they are more easily locatable. However, there is also a need to ensure that signage does not impede pedestrian or vehicular access, and to manage the proliferation of signage in some areas.

- **Events:** There is no reference to events in the current bylaw. Including a clause specifically referring event organisers to get a Council permit would align the Public Places Bylaw with the Traffic and Parking Bylaw 2017 and the Parks and Reserves Bylaw 2014 and provide coverage for events that are not commercial.

10. Another perceived issue with the 2008 bylaw, is that the bylaw provides no regulation of nuisance behaviours occurring in public places. Staff have previously provided advice to Councillors about the limitations of bylaws (such as, no instant fines) to address behavioural issues (in relation to street-based sex work and loitering).

11. There is a history of tension between street-based sex workers (SBSWs) and residents on and surrounding the northern section of Manchester Street (and now also some issues on Manchester St, south of Bealey Ave). The impacts are causing stress to the residents (particularly late night noise, offensive and hazardous litter, intimidation, vandalism, trespassing and other issue). Some residents sought a regulatory response from the Council.

12. Street begging raises a number of issues that occur in public places, including obstruction to public places, obstructions to business access ways, and nuisance behaviours. While begging appears to be a relatively low level problem, it can create a perceived significant issue for those affected.

**Is the bylaw the most appropriate way of addressing the perceived problems?**

13. In undertaking this review, the Council has considered what the best options for addressing the perceived problems are. This requires the Council to consider whether or not a bylaw is the most appropriate way of addressing the perceived problems. The options considered are:

- Status quo – retain the current bylaw: this is not preferred as the current bylaw does not adequately address some existing and new problems.

- Amend the current bylaw – an amendment bylaw is not the preferred option given the number and significance of the recommended changes identified in the clause by clause analysis in Table 1.

- Replace the current bylaw with a new bylaw – this is the preferred option given the large number and significance of the changes to the current bylaw.
14. The bylaw enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.

15. Revoking the bylaw would reduce the tools that the Council has to manage the problems identified in the review, and result in a lack of regulatory options to manage the issues. Keeping the existing bylaw is not a reasonably practicable option either, as improvements and alignments with current practice, as well as new issues, have been identified through the review, and it would be inadvisable to maintain the status quo when known improvements have been identified.

16. A bylaw is the most appropriate tool to continue to provide the controls to:
   - require anyone wanting to undertake a commercial activity or to create an obstruction in a public place to get permission from the Council, or comply with pre-set conditions;
   - enable the Council to declare Special Use Areas to prohibit or allow activities in specific areas; and
   - prevent barbed, razor or electrified wire from being used in fencing in a way that could endanger public safety.

17. When the 2008 bylaw was drafted, much of the prescriptive detail was removed from the bylaw, and this information was put in operational policies. The policies cover a range of issues in public places, including footpath extensions for café seating, signboards in public places, structures on roads, and trading activities. This allows a greater degree of flexibility, as operational policies can be altered or updated, taking into account community views but without the need to undertake the full Special Consultative Procedure to amend the bylaw. This means that they are more flexible and can be altered as situations and needs change (in 2014 amendments were made to the LGA which mean a special consultative procedure is not required to be used for less significant bylaw amendments).

Street numbering

18. The Council made a decision in 2007 not to include a clause relating to "Number of properties to be displayed" (which was included in the earlier versions of the bylaw). In making this decision Council had regard to a range of factors including the results of a 2004 survey of central city businesses. A report to Council on the survey concluded that most businesses displayed adequate street numbers and that as the survey respondents were open to Council communications about the need for street numbers, that Council could achieve its objectives for adequate signage of street numbers without the need for bylaw regulation.

19. Following the earthquakes, the Royal Commission of Inquiry into the Canterbury Earthquakes highlighted problems that arose because records for each building had mainly been kept according to its postal address, not the council-allocated number (Volume 7). The Royal Commission noted that if a building has several entry points and/or multiple tenancies, then the territorial authority may have alternative addresses for the same
structure. Alternatively, territorial authorities could have decided to identify a particular building by one particular address, even though different people and organisations may use several addresses. These addresses may not be the same as the postal address or the street address for the building and/or tenancy. This created issues for first responders.

20. Territorial authorities are responsible for allocating road names and numbering in New Zealand. Requiring property owners to display the council-allocated property number through a bylaw will avoid the inconsistent information recording seen in Christchurch after the earthquakes and is a regulatory measure that will assist public health and safety in any future events.

Signage

21. The need for regulatory controls and general guidance regarding signage is a known issue, and should be applied district-wide. The replacement District Plan now includes more signage provisions than previous plans, however there are still some gaps, such as regulation of sandwich boards and remote signage.

22. Regulation via a bylaw is considered the most appropriate method to control signage such as sandwich boards, and effectively resolve issues about signs. While the Council can provide guidance to sign owners in a policy, it can only remove any offending signs/boards if there is a bylaw in place. If required, seizure of property will be a more effective enforcement tool than a prosecution and fine (although these tools are also not available if Council only has a policy).

Events

23. Events are important for the city to celebrate its identity and environment and attracting local, national and international visitors to Christchurch. The Council supports events due to the wide array of social, cultural and economic benefits events provide. Events can lead to stronger communities by bringing people together, raising community spirit and pride in local neighbourhoods and the city. All event organisers, including Council organised activities and events, must obtain an event permit to operate in a public place.

24. The current bylaw only covers commercial activities and obstructions and the details regarding event permissions are set out in the permit and through the Trading and Events in Public Places Policy. Having a bylaw clause specific to events is considered the most appropriate way to coordinate event requirements and ensure that non-commercial events can be managed in the same way that commercial events are. It would also align the Public Places Bylaw with other Council bylaws that identify events in public places for specific purposes, e.g. the Marine, River and Lake Facilities Bylaw, Parks and Reserves Bylaw and Traffic and Parking Bylaw.

Antisocial behaviour

25. In general, it is accepted that Council control of public places through a bylaw should not:

- Apply to matters that are covered adequately by other legislation;
- Deal with matters that unnecessarily restrict individual freedoms;
- Cover matters that are insignificant in effect or magnitude;
- Deal with matters that can be more appropriately dealt with by other tools at the Council’s disposal; and
Be impractical to enforce.

26. The Act does not provide for an infringement (instant fine) regime for bylaws made under section 145 and 146 of the Act. There is no dispute that nuisance or antisocial behaviours are problematic; however, the tools available to the Council are limited. For some anti-social issues (such as street-based sex work, begging and loitering), there are other tools available for addressing behavioural issues, and many behavioural matters are already covered under existing law, in particular, the Summary Offences Act 1981, which the Police enforce.

27. On 2 November 2017, the Council agreed not to develop a bylaw to regulate the location of street-based sex workers (SBSWs) away from residential areas. This was largely because the only means to create a bylaw is under the bylaw making powers in the Act, and this does not enable instant fines, give the Police any special enforcement powers, or allow arrests, meaning any bylaw would have been very difficult to enforce.

28. Instead, the Council has formed a collaborative community partnership to find non-regulatory ways of reducing the issues. The group will meet regularly and report to the Regulatory Performance Committee on a quarterly basis.

29. Similarly, the Council, through the Safer Christchurch Governance Group, is working to support the development of multi-stakeholder working group over a six month period to consider actions and generate a partnership to assist the street begging community under the Safer Christchurch umbrella. Staff will report to the Social and Community Development Committee on this working party.

30. The analysis suggests that the best approach is for the Council to replace the current bylaw with a new bylaw, i.e. the Public Places Bylaw 2018.

What is the most appropriate form of bylaw?

31. The most appropriate form of bylaw is one that:

- Helps achieve the Council’s Community Outcomes, Public Open Spaces Strategy 2010 and other strategic planning documents;
- Is not inconsistent with other Christchurch City Council bylaws;
- Allows for exceptions and special circumstances;
- Is within the legal power of the Council to make bylaws under sections 145 and 146 of the Act;
- Is not inconsistent with the NZBORA.

32. As the preparation of a new bylaw is considered to be the most appropriate approach, staff have prepared a clause by clause analysis of the proposed provisions for the proposed Public Places Bylaw 2018. The clause by clause analysis is set out in Table 1. In preparing this analysis, two main options were identified with respect to most bylaw clauses: retaining the current provision; or making a new provision. In considering which of the options is the most appropriate, the following questions were asked:

- Does the clause address an identified problem or is it necessary for the efficient management of public places;
- Does it provide an appropriate level of control and is it reasonable in leaving any matters to be determined by resolution;
- Is it consistent with other Council bylaws;
- Is it specific and easy to interpret for the public and Council’s officers; and
33. The following is a summary of the proposed changes to the bylaw:
   - Updating the permissions clause to be consistent with other recently reviewed bylaws, noting that Council officers may ask the applicant to provide further information, such as a Traffic Management Plan;
   - Addition of new or improved definitions in the interpretations clause, and deletion of redundant definitions;
   - Various improvements to wording, numbering and format;
   - Inserting new clauses in relation to street numbering; signage; and events;

Are there any NZBORA implications?

34. In reviewing the current bylaw and proposing a new replacement bylaw, the Council is required to consider whether or not the bylaw gives rise to any implications under the NZBORA. Section 155(3) of the Act states that no bylaw may be made which is inconsistent with the NZBORA. Additionally, the Act states that no bylaw may be made which is inconsistent with the NZBORA, notwithstanding section 4 of that Act.

35. However, in the NZBORA, the rights and freedoms contained in the NZBORA may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. On this basis, the Council is entitled to limit rights and freedoms in the NZBORA through the bylaw clauses if those limits are demonstrably justified in a free and democratic society.

36. The NZBORA specifically identifies four types of rights, these are:
   - Life and security of the person;
   - Democratic and civil rights (this includes freedom of movement and freedom of expression);
   - Non-discrimination and minority rights;
   - Search, arrest and detention.

37. The current bylaw, and proposed changes to the bylaw, restrict the activities of people using public places. This has implications for democratic and civil rights, in particular, freedom of expression, freedom of movement and freedom of peaceful assembly:

   - **Freedom of expression** – restrictions on advertising and signage, and commercial or event activities involving street performances and public speaking could be regarded as restrictions on freedom of expression. However, the bylaw provides for Council approval for signage outside business premises and for street performing and public speaking. When balanced with the impacts on other users of public places the restrictions are not considered to be unreasonable and are demonstrably justified in a free and democratic society.

   - **Freedom of peaceful assembly** - the proposed bylaw limits organised events and trading by requiring people to get approval. This may in effect restrict some gatherings from occurring because the public place is already 'booked' by another group. This limitation is required to manage the allocation of space within popular areas and to limit the potential impact that large unplanned for events may have on surrounding areas. It also limits the monopolisation of public places by one group to the exclusion of others. This restriction can be overcome through an approval
process. Again, these limits are considered to be demonstrably justified in a free and
democratic society.

- **Freedom of movement** - the draft bylaw places some restrictions on public access to
  public places. This access is restricted due to the circumstances, such as repairing
  lawns, organised events, dangerous areas that require excluding the public for their
  safety or in exercising the administering bodies powers under the Reserves Act
  1977 to close a reserve. These limits apply to the public generally, are reasonable
  and are considered to be demonstrably justified in a free and democratic society.

38. The purpose of the proposed new bylaw is to set out the requirements for regulating
commercial activities (including advertising) and obstructions in public places. Given this
purpose, and as noted above it is considered that even if the restrictions in the proposed
new bylaw interfered with rights in the NZBORA, those restrictions can be demonstrably
justified in a free and democratic society. As set out in the clause by clause analysis, there
are justifications for each of the restrictions imposed. In addition, the bylaw, in many cases,
allows for persons to apply for permission from Authorised Officers to depart from the usual
rules set out in the bylaw.

39. Consequently, while the proposed bylaw gives rise to some implications under the NZBORA,
the proposed bylaw is not inconsistent with that Act.

**Conclusion**

40. Having reviewed the Public Places Bylaw 2008, in terms of section 155 of the Act:
- A proposed Public Places Bylaw 2018 is determined to be the most appropriate way
  of addressing the perceived problems; and
- The proposed Public Places Bylaw 2018 is considered to be the most appropriate
  form of bylaw; and
- The proposed Public Places Bylaw 2018 does not give rise to implications under the
  NZBORA, and is not considered to be inconsistent with the NZBORA.

41. The review also determines that regulation against antisocial behaviour would not be the
most appropriate tool to manage the issues, which are often complex. Staff consider that
existing legislation is sufficient to deal with most incidences that cause nuisance to the
public and the Council is continuing to address these issues through collaborative working
parties.
### Table 1: Clause-by-Clause Analysis of Draft Public Places Bylaw 2018

<table>
<thead>
<tr>
<th>Proposed clause Topic/Issue</th>
<th>Summary of proposed clause</th>
<th>Bylaw making power</th>
<th>Discussion of issues and options</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Title</td>
<td>New title: Public Places Bylaw 2018</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>The current title is assessed as still fit for purpose. It is suggested that the 2008 bylaw title should be retained with a new date (2018).</td>
<td>Retain with new date</td>
</tr>
<tr>
<td>2. Commencement</td>
<td>New commencement date: [date]</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>This is a necessary administrative clause.</td>
<td>That the bylaw comes into force on [date]</td>
</tr>
<tr>
<td>3. Purpose</td>
<td>To enable the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>The current purpose is assessed as fit for purpose to balance the different needs and preferences of the community in relation to public places, in order to balance private use with public use. Requiring Council permission to undertake certain activities is necessary to achieve this balance. The bylaw-making power in the LGA enables the council to regulate, among other things, to: - Protect the public from nuisance, promote and maintain public health and safety, and minimise the potential for offensive behaviour in public places; - Regulate a number of activities, including trading in public places; and - Manage, regulate against or protect from damage, misuse or loss, certain structures, infrastructure and land under the control of the territorial authority.</td>
<td>Retain clause</td>
</tr>
<tr>
<td>4. Interpretation</td>
<td>To be determined as the bylaw is drafted: - Add new definitions - Amend definitions - Delete redundant definitions</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>A revised definition clause is considered necessary; In order to make the new bylaw easier to understand and assist bylaw enforcement/implementation. A number of terms do not have definitions in the current bylaw where there is a need for one, or are no longer referenced in the bylaw, and are therefore redundant.</td>
<td>Retain with amendments</td>
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| 5. Permissions | Amended administrative clause that clarifies the Council’s requirements for written permissions, containing all information necessary for the authorised officer to consider issuing a permit, and be submitted in accordance with applicable Council policy, code of conduct, and fees payable (if any). | Sections 145 and 146 LGA 2002 | • The new bylaw clause allows the Council to effectively monitor public places and ensure the activity is suitable for the environment (particularly in the changing post-earthquake city), that pre-set conditions are being met, and that temporary activities can be accommodated.  
• Various circumstances arise where it may be necessary to alter, suspend or cancel a permit, including when the permit conditions have been breached, or for example an event is being held in the location where a regular food truck operates.  
• Updates the permissions requirements with consistent language to align with other recently reviewed bylaws. | Adopt new clause |
| 6. Application for permission under clause 5(2) | New clause to replace current clause 9.10 and 11 to enable Council to set fees and conditions when considering permit applications | Sections 145 and 146 LGA 2002 | • The current bylaw has a number of clauses relevant to the permit conditions and requirements (must display permit, permit not transferable)  
• It is reasonable to have such as clause as a permit does not give permanent exclusive use of public places. However the specific detail is not be necessary in the bylaw as it will form part of a permit, | Adopt new clause |
<p>| 7. Policies and Codes of Conduct | New clause to enable the Council to adopt policies or codes of conduct related to matters regulated by the Public Places Bylaw | Sections 145 and 146 LGA 2002 | • When the 2008 bylaw was drafted, much of the prescriptive detail was removed from the bylaw, and this information was put in operational policies. This allows a greater degree of flexibility, as policies and codes of conduct can be altered or updated without the need to undertake the full Special Consultative Procedure to amend the bylaw. This means they are more flexible and can be altered as situations and needs change. | Adopt new clause |</p>
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| 8. Commercial activities | Require written permission of an authorised officer to undertake commercial activities. | Sections 145 and 146 LGA 2002 | • Commercial activity is regulated to restrict exclusive use of public places and so the Council is aware of who is carrying out commercial activities on Council land and to manage locations and times.  
• Trading and events in public places, where appropriate and managed, can add character, vibrancy and safety to urban areas, and can attract visitors to these locations.  
• However, trading and events need to be balanced against the needs of the environment and the impact public and commercial activities may have on private properties adjacent to public areas, as well as to general public access to, and use of, the public areas. There are many businesses wanting to use public places to do business (or expand their existing businesses), for example the popularity of food trucks and markets continues to grow therefore, it is reasonable to regulate commercial activities in public places.  
• To avoid repetition throughout the bylaw, the permit conditions are placed in the relevant policy and/or permit.  
• Examples of commercial activities include market stalls, events, mobile traders, busking, street collections and commercial activities in parks. | Retain with amendments |
| 9. Events | New clause to require event organisers to obtain a permit for the event | Sections 145 and 146 LGA 2002 | • Some events held on the road have a significant impact on the road network as road closures, removal of parking spaces, or restricting certain traffic manoeuvres may be required.  
• Events include both major events such as the Christchurch Marathon, and smaller community events such as street parties and parades.  
• The Council has a process for event permits which does not need to be duplicated in the bylaw, this clause directs an event organiser to obtain a permit.  
• Consistent with the Traffic and Parking Bylaw 2017 and Parks and Reserves Bylaw 2016 | Adopt new clause |
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<tr>
<td>10. Signage for commercial activities, events or other purposes</td>
<td></td>
<td>New clause to restrict signage not covered by the District Plan, e.g. sandwich boards, by requiring permission.</td>
<td>Sections 145 and 146 LGA 02</td>
<td>• The clause is assessed to fill a gap in the current bylaw. • Signs should comply with general and specific sign requirements, including the District Plan, and be easily read; consistent; and where applicable, follow NZTA's guidelines. • Apart from signage with a regulatory function, the provision and or approval of directional and remote signage is at the discretion of the Road Controlling Authority, rather than a right of an applicant. • Council must balance the positive effects of signs, for example, providing information and advertising goods and services, against the adverse environmental effects of signs, including amenity values and traffic safety effects both for motorists and pedestrians, particularly if obstructing people with restricted mobility. • Well-designed signs can add to the vitality of the street while clearly directing or attracting the public. However, advertising signs should be erected, maintained, and displayed in a way that does not present a hazard, hindrance or danger to public safety. • Signs do not occur in isolation, therefore co-ordination between signage is essential. • Proliferation of signage should be avoided. Visual clutter can occur where there are multiple building occupants or a variety of signs unrelated in shape, size or position for example sandwich boards and flags advertising the business name as well as products sold in the premises. • Inclusion of this clause provides an enforcement option to manage commercial advertising that does not have a permit, e.g. resource consent or is permitted under the District Plan, and can ensure that any signage is maintained. • Clause 10(2) replaces clause 5 of the current bylaw which excludes sign writing on vehicles, and signs on private property that meet the District Plan requirements.</td>
<td>Adopt new clause</td>
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<tr>
<td>11. Obstructions in public places</td>
<td>No person may build, construct, erect, affix or place anything, in or over a public place without the written permission of an authorised officer</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>• Obstructions may be unavoidable, e.g. unloading a truck to take stock into a shop, in which case they should occur in the safest way, for as little time as possible, and alternative arrangements may need to be made to accommodate other users.&lt;br&gt;• To ensure pedestrian and vehicular traffic is not impeded, particularly for people with impaired mobility, it is a safety issue when people are forced to step off the footpath into the carriageway due to e.g. signage blocking the footpath.&lt;br&gt;• To manage encroachment of footpaths and roads from overgrown vegetation on private property.</td>
<td>Retain with amendments</td>
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<tr>
<td>12. Display of property numbers and road names</td>
<td>New clause to ensure building numbers are visible from the street, display the correct number, and outline the requirements for minimum size.</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>• Fills a gap in the current bylaw.&lt;br&gt;• Inclusion of this clause provides an enforcement option to ensure the number allocated by Council is displayed.&lt;br&gt;• There can be confusion about what the correct number for a property is, as the number can differ between Council, LINZ and NZ Post databases. This can be an issue particularly for multi-unit buildings and flats (e.g. 2A or 2/1)&lt;br&gt;• Building and road identification assists postal delivery and emergency services to locate the correct address. This was highlighted as an issue by first responders following the earthquakes.</td>
<td>Adopt new clause</td>
<td></td>
</tr>
<tr>
<td>13. Special Use Areas</td>
<td>The Council may by resolution, and on any conditions the Council thinks fit, declare that any public place or specified part of a public place be:  • Set aside for a special use or activity, or  • Cannot be used for a particular use or activity.</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>• The clause allows the Council to restrict, by resolution, the use of areas where certain activities are not suitable for the location, e.g. creates safety risks, causes damage, or creates a nuisance to other users.&lt;br&gt;• Conversely, Council can also allocate locations where certain activities can occur without the need for a written permit, such as the current Speaker’s Corner in Cathedral Square. This gives people the opportunity to spontaneously partake in the activity, and reduces the administrative time/cost to process applications.&lt;br&gt;• All resolutions will be recorded on the Council website.</td>
<td>Retain clause</td>
<td></td>
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</table>
## Proposed clause

### 14. Barbed, razor or electrified wire

- **Topic/Issue:** Barbed, razor or electrified wire may not be used within one metre of a public place, unless the wire is at a height 2.5 metres or more above ground level, or in a rural area.

- **Bylaw power:** Sections 145 and 146 LGA 2002

- **Discussion of issues and options:**
  - The bylaw making power allows the Council to address dangerous fencing of properties adjoining public places, e.g., building sites or gang residences, to protect people using the adjacent public place (footpath, etc.). This continues to be an issue, particularly within the many building sites in the city, post-earthquake.
  - This clause does not apply to the use of barbed wire to fence stock in rural areas as this activity does not present the same safety concerns as areas adjacent to footpaths and other public areas.

- **Recommendation:** Retain clause

### 15. Penalties

- **Amended administrative clause:** Amended administrative clause clarifying that any person who breaches the bylaw commits an offence and is liable to the penalties set out in the LGA 2002, or other applicable legislation as the case may be.

- **Bylaw power:** Section 242 LGA 2002

- **Discussion of issues and options:**
  - This is a necessary administrative clause.
  - There is no infringement regime available at this time for breaching a bylaw made under the LGA.

- **Recommendation:** Retain clause

### 16. Exclusions

- **Proposed clause:** This bylaw does not apply to any person who carries out an act that is done –
  - By a member of the emergency services in the course of carrying out his or her duties; or
  - In accordance with a valid contract for services with the Council.

- **Bylaw power:** Sections 145 and 146 LGA 2002

- **Discussion of issues and options:**
  - Exemption from breaching the bylaw when executing certain duties.

- **Recommendation:** Adopt new clause

### 17. Revocations and savings

- **Proposed clause:** Existing administrative clause.

- **Bylaw power:** Sections 145 and 146 LGA 2002

- **Discussion of issues and options:**
  - This is a necessary administrative clause

- **Recommendation:** Retain with amendments
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<td>18. General Bylaw</td>
<td>Existing administrative clause.</td>
<td>Sections 145 and 146 LGA 2002</td>
<td>This is a necessary administrative clause</td>
<td>Retain clause</td>
</tr>
</tbody>
</table>
DRAFT PUBLIC PLACES BYLAW 2018

This bylaw is made under sections 145 and 146 of the Local Government Act 2002.

1. SHORT TITLE

(1) This bylaw is the Christchurch City Council Public Places Bylaw 2018.

2. COMMENCEMENT

(1) This bylaw comes into force on [date].

3. PURPOSE

(1) This bylaw enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.

4. INTERPRETATION

(1) In this Bylaw, unless the context requires otherwise –

- **ACT** means the Local Government Act 2002
- **AUTHORISED OFFICER** means an officer or other person appointed by the Council to perform duties, or give permissions under this bylaw.
- **COMMERCIAL ACTIVITY** includes:
  - trading, which includes selling, hiring, or displaying for sale any goods or services;
  - advertising goods, services or events;
  - street performing;
  - other activities undertaken for payment or reward.
- **CORRIDOR ACCESS REQUEST (CAR)** means an application to carry out any work or activity that affects the normal operation of the road, footpath and grass berm, prior to performing the work or activity.
- **COUNCIL** means the Christchurch City Council and includes any person authorised by the Council to act on its behalf.
- **DISTRICT PLAN** means the Christchurch District Plan
- **EVENT** means an organised temporary activity with set start and end dates, which is set-up in a public place. It may be free or ticketed, conducted for the purpose of attracting revenue, support, awareness, and/or for...
entertainment, community connection or competition. An event may include the erection of structures, setting up of equipment, and other activities that could require exclusive use or prevent access or use by others of the public place.

**PUBLIC PLACE**

means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, car parks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.

*Explanatory Note:* Privately-owned public places, such as lanes or squares, will only fall within the above definition if they are also managed, maintained or controlled by the Council. The Council will consider on a case-by-case basis in discussion with the land-owner whether any privately-owned public places should come under Council's management, maintenance or control for the purposes of this Bylaw. Similarly, the Council may enter into an arrangement with the Crown to manage, maintain or control its land by mutual agreement, usually where the land is adjacent to Council-owned land.

**RURAL AREA**

means any area of the district where farming is commonly undertaken and where fencing is required for such purposes, e.g. to enclose livestock.

**SIGN/SIGNAGE**

means an advertisement, message or notice conveyed using any visual medium, which advertises or promotes a product, business, service, or event or acts to inform or warn any person, and includes:

(i) the frame, supporting device and any associated ancillary equipment whose principal function is to support the advertisement, message or notice;

(ii) advertisements, messages or notices placed on, or affixed to, or painted or stencilled onto a window, a fence, a hoarding, street furniture, utility infrastructure, footpath, road or building;

(iii) murals, banners, flags, posters, balloons, blimps, sandwich board signs, rotating signs, projections of lights or electronic displays.

**STREET PERFORMANCE**

Includes busking and means a person or group of persons who is/are actively providing a performance to entertain in exchange for a donation. A street performance may include sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, statue acts, dancing or other entertainment, or doing any of those things concurrently.

**TRAFFIC MANAGEMENT PLAN**

means a document describing the design, implementation, management, and removal of temporary traffic management measures (such as signs and road cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This
includes plans prepared for one-off events and generic plans to cover activities carried out frequently.

(2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act, unless the context plainly requires a different meaning.

(3) Explanatory notes are not part of this bylaw and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory Note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

5. PERMISSIONS UNDER THIS BYLAW

(1) A permission under this bylaw may relate to –

(a) An activity or event or series of activities or events, as the case may be;

(b) One or more clauses under this bylaw as is appropriate in the circumstances.

(2) Where this bylaw requires written permission, that permission may be given by:

(a) A permit or licence issued by an authorised officer; or

(b) The terms of a leasing, licensing or other agreement between the Council and another party; or

(c) The terms and conditions of a policy or code of conduct adopted by the Council under clause 7 of this bylaw; or

(d) The provisions in a park or reserve management or master plan; or

(e) A sign installed by the Council or at the public place.

(3) The Council may, in its discretion, at any time, review, withdraw or alter any permission given under this bylaw.

(4) Any breach of the conditions of a permission given by any of the means in clause 5(2) of this bylaw -

(a) may result in the permission being suspended or revoked (in accordance with the Council’s General Bylaw 2008); and

(b) is a breach of this bylaw.

Explanatory Note: There may be instances where certain activities are in breach of a number of clauses in this bylaw, for example, signage may also be an obstruction.

6. APPLICATION FOR PERMISSION UNDER CLAUSE 5(2)

(1) The Council may set application and other fees for permissions under this bylaw.
(2) Where an application for permission must be in writing, it must contain all information necessary for the authorised officer to consider issuing a permit, be accompanied by the relevant application fee (if any), and be submitted in accordance with any applicable Council policy.

(3) An authorised officer considering an application for permission may require the applicant to provide further information, such as (without limitation) a Traffic Management Plan, site location plan, Corridor Access Request, food control plan, alcohol licence or any other regulatory document appropriate to the consideration.

(4) Any permission under this bylaw may be subject to such reasonable terms and conditions as the Council or authorised officer giving the permission determines. Terms and conditions specified in a permit may include, without limitation, such matters as:

(a) the name of the permit holder;

(b) the duration of the permit;

(c) the location to which the permit applies;

(d) any ongoing fees and charges that must be paid;

(e) the type of activity, event, or obstruction covered by the permit;

(f) details of arrangements to manage the effects of the activity, event, or obstruction;

(g) if the permit must be displayed.

Explanatory Note: Permission to carry out some activities may be given in a policy or other Council document and a permit/licence does not need to be obtained. However, the conditions of the policy or other document may include requirements to obtain other consents or permissions. For example, a resource consent, food control plan, alcohol licence, etc, that must be obtained prior to undertaking the activity.

7. POLICIES AND CODES OF CONDUCT

(1) The Council may adopt policies and codes of conduct related to matters regulated by this bylaw.

(2) Policies and codes of conduct must be adopted by Council resolution.

(3) Policies and codes of conduct may set out, without limitation, such matters as:

(a) terms and conditions;

(b) guidance information;

(c) application procedures;

(d) administrative arrangements;

(e) definitions.

Explanatory Note: Policies and codes of conduct will be made available on the Council website.
8. COMMERCIAL ACTIVITIES IN PUBLIC PLACES

(1) No person may undertake a commercial activity in a public place without written permission under clause 5(2) of this bylaw.

Explanatory Note: This clause primarily covers trading activities in public places. Permit forms can be found on the Council website. Advertising of commercial goods and services is also covered by the signage clause 9, and clause 10 if the signage is deemed to be an obstruction. Clause 9 may also be relevant to street performance activities.

9. EVENTS IN PUBLIC PLACES

(1) No person may hold an event in a public place, unless the person has the written permission of an authorised officer.

(2) Signage associated with an event must be approved as part of an event permit, and approved signs must be removed from public places within seven working days after the end of the event.

Explanatory note: Organisers of all events held in a public place need to apply to Council for an event permit and supply all necessary information to support an event permit application, except where approved by an authorised officer under the Parks and Reserves Bylaw. The event permit application form can be found on the Council’s website.

10. SIGNAGE FOR COMMERCIAL ACTIVITIES, EVENTS OR OTHER PURPOSES

(1) No person may install or display signage for commercial activities, events or other purposes in, on or affixed to a public place without written permission under clause 5(2) of this bylaw.

(2) This clause does not apply to signwriting on vehicles being used for commercial purposes, or signage on private property that is managed by the District Plan.

(3) Unauthorised signage in, on or affixed to a public place may be removed at the discretion of an authorised officer.

Explanatory Note: This clause is intended to avoid unnecessary proliferation and coordination can occur, where appropriate, while maintaining the safety and amenity of the area. The Council’s Signboards in Public Places Policy outlines the requirements for signs such as sandwich boards, this policy is due for review in 2019.

The Council may use a range of enforcement powers under Subpart 2 of Part 8 of the Local Government Act 2002 to remove any unauthorised signage. A similar clause is contained within the Council's Parks and Reserves Bylaw and Marine, Lake and River Facilities Bylaw.

11. OBSTRUCTIONS IN PUBLIC PLACES

(1) No person may build, construct, erect, affix or place any thing in, on or over a public place, and allow it to remain there in circumstances where it causes or is likely to cause danger or inconvenience to others using the public place, without written permission under clause 5(2) of this bylaw.
(2) No person may allow vegetation to encroach over a public place in a manner that may cause a nuisance to any person or an obstruction to pedestrian or vehicular traffic.

**Explanatory Note:** The Council also has powers under section 355 of the Local Government Act 1974 to require the removal of overhanging trees etc., which may be exercised instead of this bylaw clause, as appropriate in any situation.

(3) If anything is causing an obstruction or limiting visibility for vehicular traffic in a public place without permission under clause 5(2), or does not comply with the conditions of the permission, then the Council may:

(a) Request that the owner removes the obstruction and repairs damage (if any) to the Council’s satisfaction within 24 hours, or any other timeframe set by an authorised officer; or

(b) Arrange the removal of the obstruction and repair damage (if any), and recover the costs from the owner;

(c) If the owner or person who caused the obstruction cannot be located, the Council may remove the obstruction;

(d) Place adjacent to, or affix to, the obstruction, any safety or warning devices, and charge the person who has caused the obstruction for the costs of the safety or warning device.

(4) The Council may use a range of enforcement powers to remove any obstructions. If the owner does not remove the obstruction when asked by an authorised officer, the Council may remove it and recover the costs of removing the obstruction from the owner under sections 164-168 of the Local Government Act 2002.

**Explanatory Note:** Access to a public place must not be unnecessarily prevented or blocked. Footpaths should be kept clear to ensure pedestrians, including mobility impaired persons, can easily pass. Moveable signs, bins, and rubbish bins placed next to a rubbish bin are examples of common obstructions on footpaths. Cables and restraints with a licence for tables and seating in public places must ensure the furniture stays in the area agreed in the licence.

**Dangerous or inconsiderate parking may also result in instant fines under parking-related legislation, such as the Land Transport Road User Rule or the Council’s Traffic and Parking Bylaw 2017.**

12. **DISPLAY OF PROPERTY NUMBERS AND ROAD NAMES**

(1) Where the Council has allocated a street number to a building or buildings or land, the owner or occupier must display the allocated number, regardless of any other identification or names for the land or building(s).

(2) The number displayed must be:

(a) at least 50mm in height; and

(b) of a colour that contrasts with its background; and

(c) maintained by the owner in a way that easily identifies the property at all times; and

(d) be easily visible from the road to which the building or group of buildings has frontage.
Explanatory Note: Rural properties are advised to use Rural Address Property Identification (RAPID) numbers and to display the RAPID number prominently at the road entrance to their property. RAPID numbers are normally white reflective numbers on a blue reflective background and are displayed on a dedicated post.

(3) Numbers must be displayed on a permanent fixture adjacent to the road and close to the principal entrance of the land or building (as appropriate to the type of building) or above or close to the principal entrance doorway, in the case of any unit or building within a group of buildings.

(4) If the Council gives notice to the owner or occupier of any land or building that a number needs to be displayed or changed on their land or building, the owner or occupier must display the number or changed number within 21 working days of the date of the Council’s notice.

(5) Where it is not reasonably practicable for the Council to display the name of a road or private road or way to a post or pole in the road, the Council may, after discussing the location of the road name on the building with the owner of the building, paint or affix on a building, the name of the road or private road or way to which the building has frontage.

13. SPECIAL USE AREAS

(1) The Council may, by resolution, and on any conditions the Council thinks fit, including those set out in any relevant policy or code of conduct, declare that any public place or any specified part of a public place:

(a) has been set aside for a special use or activity; or

(b) cannot be used for a particular use or activity.

(2) Any breach of the conditions of a Special Use Area is a breach of this bylaw.

(3) The Council may subsequently amend or revoke any resolution made under this bylaw at any time.

Explanatory note: A register of special use areas is available on the Council’s website.

14. BARBED, RAZOR OR ELECTRIFIED WIRE

(1) Barbed wire, razor wire or electrified wire may not be used within one metre of any property boundary adjoining any public place, unless the wire is at a height of 2.5 metres or more above ground level, or the public place is in a rural area.

Explanatory note: The restrictions in the clause are to ensure public safety, and maintain amenity. The definition of rural area in this bylaw is areas where farming is commonly undertaken and fencing is required for such purposes, e.g. to enclose livestock.
15. PENALTIES

(1) Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding $20,000, as set out in the Act.

16. EXCLUSIONS

(1) This bylaw does not apply to any person who carries out an act that is done –

(a) By a member of the emergency services in the course of carrying out his or her duties; or

(b) In accordance with a valid contract for services with the Council.

17. REVOCATIONS AND SAVINGS

(1) The following bylaw is revoked:

- The Christchurch City Council Public Places Bylaw 2008

(2) Any approval, permit or other act of authority which originated under or was continued by the bylaw revoked in subclause (1) that is continuing at the commencement of this bylaw, continues to have full force and effect for the purposes of this bylaw, but is subject to the application of any relevant clauses in this bylaw.

(3) The resolutions of the Council made or continued under the bylaw revoked under subclause (1) continue to have full force and effect for the purposes of this bylaw as if they were resolutions made under this bylaw.

(4) The revocation of the bylaw under subclause (1) does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if the bylaw had not been revoked.

18. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

(1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on [insert date] and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on [insert date].
Statement of Proposal for proposed Public Places Bylaw 2018 and Trading and Events in Public Places Policy 2018

The Council is reviewing its Public Places Bylaw and Trading and Events in Public Places Policy to ensure there are reasonable controls to balance public and private uses of public places. The bylaw:

- Requires anyone wanting to undertake a commercial activity or to create an obstruction in a public place to get permission from the Council, or comply with pre-set conditions;
- Enables the Council to declare Special Use Areas to prohibit or allow activities in specific locations; and
- Prevents barbed, razor or electrified wire from being used in fencing in a way that could endanger public safety.

Public places provide many opportunities for the community to use and enjoy the space, however, due to the nature of public land being open to all, the competing interests can create obstructions, health and safety concerns, and impact on the environment or commercial activities on adjacent private land. Regulation assists in managing these concerns.

The bylaw amendments

The review of the bylaw is intended to make the Council’s public place controls more effective, easier to administer and enforce, and to reflect current circumstances.

New issues that have been identified for inclusion in the bylaw are:

- Street numbering – the new clause requires the owner/occupier of any building to display the building number allocated by the Council to be displayed in a position visible from the road. This will assist the public, and emergency services, to locate buildings;
- Signage – the new clause intends to ensure signs do not impede pedestrian or vehicular access, and manage proliferation of signage in some areas;
- Events – including a clause specifically referring event organisers to get a Council permit aligns the bylaw with the Trading and Events in Public Places Policy and other Council bylaws, and provides coverage for events that are not commercial.

The policy amendments

Commercial activities, including events, in public places, where appropriate and managed, can add character, vibrancy and safety to urban areas, and can attract visitors to these locations. Examples of commercial activities include market stalls, events, mobile traders, busking and street collections. Commercial activity is regulated so the Council is aware of who is carrying out commercial activities on Council land and to manage any appropriate conditions for specific activities.

The review of the policy intended to make it clearer and easier to understand for people wanting to trade or hold events in public places. The majority of changes relate to style, removal of duplication in the general conditions section, and updating the policy objectives.

There are no substantial changes to the policy for markets, stalls, mobile or travelling shops and mobile food stalls, goods or services for hire or sale and hawkers/peddlars. All these activities continue to require a permit or licence from the Council.

New additions to the policy include requiring permission for street appeals, fundraising, promotional material and free giveaways.
Special Use Areas:

Under the bylaw the Council can create Special Use Areas where certain activities can or cannot be undertaken. There are three Special Use Areas that the Council are considering making changes to:

- The Council is proposing a new Code of Conduct for street performances in the central city, so instead of having a permit system and nominated busking sites (which are currently on Worcester Boulevard and Cathedral Square), performers will have to abide by the Code of Conduct. Outside the central city and for certain performances in the central city, a permit will still be required.
- A Code of Conduct is also proposed for Speaker’s Corner in Cathedral Square to ensure some general conditions are met by speakers. No changes will be made, at this time, to the location as the Square redevelopment is still to be determined.
- Cranmer Square and Latimer Square were both made 'no camping areas' under the Public Places Bylaw. Since then, the Freedom Camping Bylaw has come into force which controls freedom camping, so it is no longer necessary for the Public Places Bylaw to duplicate the regulation.

Legal considerations

The Local Government Act 2002 enables the Council to develop a bylaw to:

- protect the public from nuisance, promote and maintain public health and safety, and minimise the potential for offensive behaviour in public places;
- regulate a number of activities, including trading in public places; and
- manage, regulate against or protect from damage, misuse or loss, certain structures, infrastructure and land under its control.

The Council is satisfied that the prohibitions and restrictions in the proposed bylaw are necessary, for the purposes identified in the attached Local Government Act 2002 section 155 analysis [insert link to PDF for consultation].

The Council is satisfied the proposed amendments to the bylaw are the most appropriate and proportionate way to address the actual and perceived problems associated with commercial activities, obstructions and other uses of public places. The proposed Public Places Bylaw is consistent with the New Zealand Bill of Rights Act 1990, and only seeks to impose justifiable and reasonable limits on people in the interest of reducing the impacts on public health and safety, public access and the natural environment.
CODE OF CONDUCT FOR USE OF SPEAKER’S CORNER

The Council has resolved under clause 11 of the Christchurch City Public Places Bylaw 2018 that the area of Cathedral Square near the Godley Statue be designated as ‘Speaker’s Corner’.

Speaker’s Corner is a platform to express any lawful view, idea or opinion, and should be used to engage, inform and enrich opinion.

Speakers must observe the following code. Failing to comply with these conditions is a breach of the Public Places Bylaw 2018.

1. Speakers must stay within the boundaries of Speaker’s Corner - Speakers wanting to use an area other than Speaker’s Corner must get written permission from the Council;
2. A Speaker shall not play music, sing, or otherwise entertain in Speaker’s Corner, or sell or giveaway any goods of any description. It is solely for the purpose of public speaking;
3. Speakers may orate for up to one hour (60 minutes) continuously or on any one day, during the hours of 10am to 6pm;
4. Courtesy must be shown to other speakers and members of the public (including neighbouring businesses and traders);
5. Inappropriate/offensive language must not be used;
6. A Speaker shall not create any nuisance or unreasonable noise;
7. Amplified equipment must not be used unless specifically permitted by an authorised Council officer;
8. A Speaker may not solicit money by placing a receptacle on the ground, or directly approach members of the public for money;
9. Pedestrian and vehicular traffic must not be obstructed;
10. A Speaker must not continue to speak at any location if requested to move on by any authorised Council officer;
11. A Speaker may be required to vacate all or part of Speaker’s Corner if the area is required by the Council for any authorised event, maintenance or other use.
Speaker's Corner — location

Speaker’s Corner is located in Cathedral Square. The boundaries are indicated by the pink rectangle.
10. Review of the Trading and Events in Public Places Policy 2010

Reference: 18/651775
Presenter(s): Libby Elvidge, Policy Analyst
Ruth Littlewood, Senior Policy Analyst

1. Note

This report will be considered by the Regulatory Performance Committee on Wednesday 11 July. The Committee’s recommendation to the Council will be circulated prior to the Council meeting on 12 July 2018.

The staff report and attachments are detailed below:

Staff Report
Attachment A: Draft Trading and Events in Public Places Policy 2018
Attachment B: Draft Code of Conduct for Street Performers
Attachment C: Register of Permanent Mobile Food Stall Sites report attachment

2. Staff Recommendations

That the Regulatory Performance Committee recommend to Council that it:

1. Note that:
   a. this report relates to the review of the Christchurch City Council Trading and Events in Public Places Policy 2010 (the current policy);
   b. the review of the current policy has resulted in the development of a draft replacement policy: the Christchurch City Council Trading and Events in Public Places Policy 2018;

2. Approve the draft replacement policy and consult the public on the draft policy.

3. Agree that a hearings panel be convened to receive and hear submissions on the proposed replacement policy, deliberate on those submissions, and report back recommendations to the Council on the final form of the policy.

3. Recommendation to Council

The recommendation to the Council from the Regulatory Performance Committee will be confirmed following the Committee’s meeting on Wednesday 11 July 2018.

Attachments

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9. Review of the Trading and Events in Public Places Policy 2010

Reference: 18/509148
Presenter(s): Libby Elvidge, Policy Analyst
Ruth Littlewood, Senior Policy Analyst

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Regulatory Performance Committee to consider the review of the Trading and Events in Public Places Policy 2010, and to recommend the proposed replacement policy to Council for adoption for public consultation.

Origin of Report
1.2 This report is staff generated to coincide with the review of the Public Places Bylaw 2008.

2. Significance

2.1 The decision in this report is of medium significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.2 Staff recommend that the proposed replacement policy (Attachment A) is consulted on at the same time as the draft replacement Public Places Bylaw. Staff have recommended that the bylaw consultation follows the special consultative procedure under the LGA, including public notification of the bylaw, written submissions and a public hearing. While the policy is not required to go through a special consultative process, it is likely that many of the submissions will cover issues that affect both documents.

3. Staff Recommendations

That the Regulatory Performance Committee recommend to Council that it:

1. Note that:
   a. this report relates to the review of the Christchurch City Council Trading and Events in Public Places Policy 2010 (the current policy);
   b. the review of the current policy has resulted in the development of a draft replacement policy: the Christchurch City Council Trading and Events in Public Places Policy 2018;

2. Approve the draft replacement policy and consult the public on the draft policy.

3. Agree that a hearings panel be convened to receive and hear submissions on the proposed replacement policy, deliberate on those submissions, and report back recommendations to the Council on the final form of the policy.

4. Key Points

4.1 This report supports the Council’s Long Term Plan (2015 - 2025):
   - Activity: Strategic Planning and Policy
   - Level of Service: 17.0.19 Bylaws and regulatory policies are reviewed to meet statutory timeframes and changing needs

4.2 The following feasible options have been considered:
   - Option 1 – consult on replacing the current policy with a new policy (preferred option)
Only one structural option has been presented in this report – reviewing and replacing the policy. This is because revoking the policy, or keeping the existing policy, are not reasonably practicable options as improvements and alignments with current practice have been identified through the review, and it would be inadvisable to maintain the status quo or remove regulatory tools when known improvements have been identified.

4.3 Option Summary - Advantages and Disadvantages (Preferred Option)

- The advantages of this option include:
  - Improving the policy to make it simpler, clearer and easier to understand
  - Updates the existing policy so it is fit for purpose, and aligns with the proposed replacement Public Places Bylaw 2018.
  - There are no identified disadvantages of this option.


5. Context/Background

Review of the Public Places Bylaw

5.1 The current Public Places Bylaw 2008 enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.

5.2 When the 2008 bylaw was drafted, much of the prescriptive detail was removed from the bylaw, and this information was put in operational policies. This was to allow a greater degree of flexibility and the policies can be altered as situations and needs change. The Trading and Events in Public Places Policy is one of those operational policies that gives effect to the bylaw.

5.3 The review of the bylaw confirms that a bylaw is the most appropriate way of addressing the perceived problems relating to public places, and that a bylaw is required to provide for reasonable controls to protect health and safety; protect the public from nuisance; and provide for the regulation of trading in public places.

5.4 A proposed replacement bylaw is discussed in a separate report to the Regulatory Performance Committee. It is intended that both documents go out for public consultation at the same time, as staff anticipate some submissions will be relevant to both the policy and the bylaw.

Purpose of the Trading and Events in Public Places Policy

5.5 Commercial activities in public places, where appropriate and managed, can add character, vibrancy and safety to urban areas, and can attract visitors to these locations. Examples of commercial activities include market stalls, events, mobile traders, busking and street collections.

5.6 However, trading and events need to be balanced against the needs of the environment and the impact public and commercial activities may have on private properties adjacent to public areas, as well as to general public access to, and use of, the public areas. Commercial activity is regulated so the Council is aware of who is carrying out commercial activities on Council land and to manage any appropriate conditions for specific activities. Due to the nature of public land being open to all, the competing interests can create obstructions and/or be a nuisance. These need to be managed to ensure access is unimpeded, particularly for pedestrians with impaired mobility.

5.7 Some activities are allowed in public places without a written permit from the Council, provided they are carried out in accordance with the Trading and Events in Public Places Policy. Other
activities are only allowed in a public place with a permit or licence from the Council. The issues in public places can be complex due to the interaction with other requirements for roads and parks. The general public are often unaware of the distinction and what permissions the Council must give for the use of the land. For example, there are more stringent regulatory requirements for the use of reserves such as Victoria Square that do not apply for road reserves.

5.8 This policy only covers trading and events in public places. It does not cover activity on private land (which is covered by the District Plan).

5.9 Over the past 12 months the Council has issued permits and licences for a variety of activities, including:

- 320 event permits (e.g. for the marathon; expos; concerts; walks and runs; bike rides; corporate events; fundraising events; product promotions; etc.);
- 37 mobile or travelling shop permits;
- 11 street performance permits;
- 26 temporary retail stall permits.

Proposed changes to the Policy

5.10 The policy gives effect to the proposed new permissions clause in the draft Public Places Bylaw 2018 for commercial activities and events under the bylaw.

5.11 The proposed replacement policy (Attachment A) is a redraft of the current policy intended to make it clearer and easier to understand for people wanting to trade or hold events in public places. The majority of changes relate to style, removal of duplication in the general conditions section, and updating the policy objectives.

Street performance

5.12 Staff met with a group of professional performers in 2017 to discuss the review of the bylaw and policy. Prior to the earthquakes Christchurch was well known for being a great place for street performance, however since the earthquakes the best ‘pitches’ are gone and international street performers often choose not to perform in Christchurch for this reason.

5.13 The performers suggested the objective of the policy should be to support and activate public places, subject to reasonable controls. The World Buskers Festival is once a year and there needs to be more opportunities throughout the year for local and international buskers. It is common for buskers to self-regulate and look after the quality control and organisation of preferred pitches through a draw system (social media has made this easier). Staff agree and propose that rather than the permit system for the central city, street performance should be generally controlled through compliance with a Code of Conduct (Attachment B) as described below.

5.14 Many of the conditions in the current policy are better placed in a Code of Conduct. In the separate report on the review of the Public Places Bylaw 2008, staff recommend that nominated street performance areas (Worcester Boulevard and Cathedral Square) be revoked as Special Use Areas, and be replaced by this proposed policy and the attached Code of Conduct under this new policy.

5.15 Staff propose that all street performers must adhere to the Code of Conduct when performing. The Code of Conduct includes:

- The central city is a ‘permit free’ zone, there are exceptions for locations that are not appropriate for busking, including areas too close to intersections; New Regent Street (as it is narrow and busy with the tram and café seating), or require specific Council permission is required, for example, in parks or locations outside the central city;
Allowing performers to invite donations at the end of a performance by placing a container on their site or by asking the audience for donations (in a manner that does not cause discomfort). Currently the policy states that buskers can't directly approach the public for money and must put their receptacle on the ground. This doesn’t initiate income for the performer, particularly for circle acts where usual practice is to invite donations at the end of the performance;

- Allowing for an extra set up time of up to 30 minutes, therefore allowing those performers who require more set up time to fully utilise the 60 minute performance time;

- Existing conditions are included on the time of day, duration, safety, sound levels, not to block access to buildings or other users of the public place.

5.16 The new areas of coverage for the policy include:

- **Street appeals and fundraising:** At the time the current policy was drafted, it was intended that street appeals, fundraising and soliciting for membership would be covered in a separate policy. That policy was never developed and staff referred to the Public Fundraising Regulatory Association (PRFA) to manage the rostering of its charity members.

  The PRFA regulates, monitors and limits face-to-face fundraising (i.e. fundraising that aims to raise on-going, regular donations, not street appeals). Twenty-six of New Zealand’s most prominent charities operate within the PRFA, and have, therefore, agreed to abide by the PRFA rules and regulations. Those charities are subject to penalties imposed by the PRFA for breaches of its codes of conduct (including fines and stand-down periods). Council staff support the work that the PRFA does, and think it is appropriate that rostering and resolving any issues with its registered charities continue.

  There is a gap in Council policy for charities and others wishing to fundraise in public places, where the organisation, group, or person is not a member of the PRFA, e.g. street appeals, club fundraising sausage sizzles, etc. In those instances, the replacement policy would require all other fundraisers to contact the Council for permission, to ensure the location and timing is suitable.

- **Promotional material and free giveaways:** This is also a proposed new addition to the policy. Businesses and groups often distribute promotional goods and services, including pamphlets and free product giveaways. This sort of activity is advertising in a public place. By comparison, organised trading and events that have been approved by the Council are required to make specific provisions for waste. Requiring permission is equitable with requirements for activities offering goods for sale or hire, allows management of litter, and any potential conflicts with other trading or events in the vicinity.

5.17 There are no substantial changes to the policy for markets, stalls, mobile or travelling shops and mobile food stalls, goods or services for hire or sale, and hawkers/pedlars. All these activities continue to require a permit or licence from the Council. The Council recently tendered the permanent mobile food stall sites and these will be kept in a register on the Council website (Attachment C)

**Enforcement options**

5.18 The penalties and enforcement of the policy are determined by the bylaw-making powers. As the Public Places Bylaw is made under sections 145 and 146 of the LGA 2002, the penalty for breaching the bylaw is prosecution and a fine on conviction of up to $20,000. A breach of the policy is considered to be a breach of the bylaw.
5.19 There is no infringement (fines) regime available at this time. However, there is a range of other enforcement options and tools available under the LGA (for example, seizing offending equipment, or recovering costs from damage). Additionally, enforcement officers have tools under other legislation, such as the Litter Act 1979, the Resource Management Act 1991, and other Council bylaws. The Council can also revoke any permit/licence issued by it which may be a significant penalty in itself.

5.20 The standard process for non-compliance with this policy and any permit/licence conditions (which mean there has been a breach of the bylaw) is:

- The Council will provide information to ensure all parties know what is required, and give verbal notice of the consequences of a future breach;
- The Council will issue a written warning identifying the issue(s), the required remedy and when the issue must be corrected;
- The Council will take appropriate action, for example, revocation of the permit/licence and/or confiscation of equipment.

6. Option 1 – consult on replacing the current policy with a new policy (preferred)

Option Description

6.1 Under this option the current policy would be replaced with a new policy (Attachment A).

Significance

6.2 The level of significance of this option is medium, consistent with section 2 of this report.

Impact on Mana Whenua

6.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

6.4 This report concerns the adoption of a proposed replacement policy for public consultation. Views will be sought through the public consultation process.

6.5 Staff have met with Community Boards, in the early stage of the review, seeking input on any known issues. This report takes into account input by Board members to date.

Alignment with Council Plans and Policies

6.6 This option is consistent with Council’s Plans and Policies, and Community Outcomes.

6.7 If the proposed replacement policy is adopted, the current policy will need to be revoked.

Financial Implications

6.8 Public consultation on the proposed replacement policy is a business as usual cost.

Legal Implications

6.9 The Legal Services Unit has considered the proposed new policy. It is the view of the Legal Services Unit that the proposed replacement policy is within the authorising provisions of the LGA 2002 and the proposed new Bylaw, and is certain and reasonable in giving effect to the Public Places Bylaw.

6.10 In addition, the review prepared by staff led to the conclusion that the other options such as ‘do nothing’ or ‘retain the current policy without amendment’ were not reasonably practicable options. On this basis the Legal Services Unit consider that the Council has correctly identified one reasonably practicable option which is to replace the current policy with a new policy to align with the proposed new Public Places Bylaw.
Regulatory Performance Committee
11 July 2018

Risks and Mitigations
6.11 The risks of consulting on and then adopting some form of the proposed replacement policy are low. The consultation will allow the public to have their say on the proposal.

Implementation
6.12 Implementation dependencies - consultation period
6.13 Implementation timeframe - Report to go via Regulatory Performance Committee to the Council in conjunction with the proposed replacement Public Places Bylaw 2018; Public consultation aim to finish in September; Final Council report by December 2018; new policy in place by late 2018/early 2019. Hearings are not required for the policy submissions, but staff anticipate some submissions on the proposed Public Places Bylaw will also related to the policy.

Option Summary - Advantages and Disadvantages
6.14 The advantages of this option include:
   • Improving the policy to make it simpler, clearer and easier to understand
   • Updates the existing policy so it is fit for purpose, and aligns with the proposed replacement Public Places Bylaw 2018.

6.15 The disadvantages of this option include:
   • None.

Attachments

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<td>Draft Code of Conduct for street performers</td>
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<td>C</td>
<td>Register of Permanent Mobile Food Stall Sites report attachment</td>
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Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.
<table>
<thead>
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<tbody>
<tr>
<td>Authors</td>
<td>Libby Elvidge - Policy Analyst</td>
<td>Emma Davis - Acting Head of Strategic Policy</td>
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<td>Ruth Littlewood - Senior Policy Analyst</td>
<td>Brendan Anstiss - General Manager Strategy and Transformatio</td>
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<td>Judith Cheyne - Associate General Counsel</td>
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TRADING AND EVENTS IN PUBLIC PLACES
POLICY 2018

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TRADING AND EVENTS IN PUBLIC PLACES
POLICY 2018

1. INTRODUCTION
Trading and events in public places, where appropriate and well managed, can add character, vibrancy and safety to urban areas and can attract visitors to these locations. The valuable contribution these activities can make to the local culture and economy is widely recognised.

The Trading and Events in Public Places Policy provides the framework to balance street activities against the needs of the environment and the impact public and commercial activities may have on private properties adjacent to public areas.

This policy gives effect to the Public Places Bylaw [2018] and is one of the policies referred to in the bylaw. It should also be read in conjunction with the Council’s General Bylaw 2008, Traffic and Parking Bylaw 2017; Parks and Reserves Bylaw 2016; and the relevant rules, policies and objectives in the District Plan.

2. PURPOSE
This policy aims to ensure that trading and events in public places enhance the life and attractiveness of an area by adding vibrancy and appeal, without inhibiting the safety and efficiency of pedestrian movement and vehicle travel.

2.1 Policy objectives
The objective of this policy is to enable activities that complements the existing commercial sector, meets the needs of residents and visitors, and provides diversity and opportunities to hold a variety of events.

Specifically, the policy seeks to:

- Encourage diversity, vitality, and amenity in public places
- Ensure commercial activity and all events in public places results in minimal disruptions to pedestrians and other users of public places
- Protect the urban, heritage and natural environment
- Minimise the effect on existing businesses in the vicinity of the activity
- Clearly outline the Council’s decision making process.

3. PERMITS AND LICENCES
Unless otherwise stated, trading and events are only allowed in a public place with consent from the Council. A permit given under this policy only gives the applicant the right to trade or organise events in the specified public area. It is not a permit for the purposes of food hygiene, sale of alcohol, traffic management, or any other legislative requirements, and does not cover private roads, state highways or other roads under the control of the New Zealand Transport Agency, except where responsibility has been delegated to the Council.

Some activities are allowed in public places without a permit from the Council, provided they are carried out in accordance with this policy, including:
• Permission will generally not be required for small gatherings in reserves, e.g. a small group picnic or impromptu games, although if dedicated space is required it can be booked through the Council website (fees may apply);
• Street performers performing in the central city, provided they are abiding by the Code of Conduct;
• Any Special Use Area resolved by the Council.

3.1 Choosing a location

• Private Land, Markets or Events
  You will need to get approval from the event/market organiser or landowner. If you are selling food or beverages, you will still need to apply for food registration and/or alcohol licences but you won’t need a Council permit.

• Cathedral Square
  Cathedral Square is a special purpose precinct. Any trading activities or events must recognise the important heritage of the area.

• Victoria Square
  Victoria Square has been recognised as an open space area that can be used for festival and theme day activities. Decisions on specific applications for Victoria Square will take into consideration the high quality and unique character of the Square’s environment.

  Regular market days, food fairs, and similar promotions will not be approved in Victoria Square.

  The Vanilla Ices mobile stall is authorised to continue to use a designated portion of the roadside adjoining Victoria Square because of the long-standing history that the operation has had in the city. No other permanent mobile shops or other ancillary activities, such as stalls selling market-type items, will be approved.

• Recently established, and under development, public places in the Central City
  Following the 2010-11 earthquakes, new public places have been established to regenerate the central city, including public places within the East Frame, South Frame, and Otākaro-Avon River Precinct.

  Opportunities are/will be available to use the public places in these areas for community-centred activities. Activities in these areas must complement the vision for the area.

  Availability to use these public places is dependent on the completion of each development.

• Roadside activities
  No permission will be given for mobile trading on State Highways, arterial routes (as defined in the District Plan) or roads with a speed limit that exceeds 50km/hour. This to ensure the safety of vendors and customers as well as pedestrian and vehicular traffic. Exceptions can be made if the activity is part of an organised event and all traffic management requirements are met.

  Temporary mobile food stalls are not permitted in the central city, Lyttelton Township Main Business Area, or Akaroa Township Main Business Area, unless part of an organised event or market.
3.2 OBTAINING A PERMIT OR LICENCE

Applications will be considered on a case-by-case basis. The Council will notify the applicant in writing of the outcome of the approval process. The Council may require modifications to the applicant’s proposal and these will be discussed with the applicant before approval is granted.

This policy supersedes any permit/licence previously given by the Council and new permits/licences must be applied for in accordance with this policy. Any current permit/licence with an expiry date may continue until the expiry date or as otherwise stated in the permit/licence.

If the Council declines a permit/licence, the Council will provide reasons for the refusal in writing.

Application forms are available on the Council website.

Guiding Principles for Issuing a Permit or Licence

When deciding whether to approve or decline an application, the Council must consider the following matters:

1. Consistency with the Council’s bylaws, policies, strategies and plans, as well as other governing legislation (e.g. traffic legislation, Resource Management Act 1991, Reserves Act 1977);
2. Appropriate location – the activity should enhance the existing function of the area, potential impacts on existing businesses must be taken into account and mitigated, where possible;
3. Accessibility - whether it is likely to cause a nuisance, obstruction or a hazard to mobility impaired persons, other pedestrians or vehicular traffic;
4. Safety – including health and safety, and any traffic management issues;
5. Diversity and quality – the use of public places should provide opportunities for the public to participate in activities such as leisure, recreation and entertainment;
6. Suitability - Any negative impacts the activity might have on the amenity of the proposed area, with special regard to noise levels;
7. Sustainability – applicants are encouraged to integrate environmentally friendly practices in their operations.

3.3 FEES

Fees may be charged for commercial activities or events in public places. The Council’s Schedule of Fees and Charges is available on the Council’s webpage. The fees and charges are revised on an annual basis. The permit/licence applicant must pay the full fee and/or bond, and supply all the required documentation before written approval is issued.

The Council reserves the right to charge rental fees for all commercial activities on a public place. The rent will be set at a level that reflects the value of the location and ensures that businesses on private property are not unfairly disadvantaged. Further fees may be charged depending on the scope of the event/activity, and in accordance with any other approval that may be needed. This may include the payment of a bond.

Fees may be waived at the discretion of an authorised officer for a voluntary organisation, school or community group where satisfactory evidence is produced that the proceeds from any trading are retained wholly for charitable or community purposes.
4. GUIDELINES FOR ACTIVITIES COVERED BY THIS POLICY

Any one trading or holding an event in a public places must abide by the general conditions, conditions specific to the activity and any conditions in the permit/licence.

4.1 General Conditions

The general conditions upon which written approval is granted may include, but are not limited to, the following:

a. The permit/licence must be prominently displayed so that it is able to be read by the public at all times during the approved activities;
b. All permits/licences are non-transferable and can be suspended or cancelled at any time due to non-compliance;
c. The times and duration of operation;
d. Unless specifically allowed to remain, any associated equipment must be removed from the site at the end of each day;
e. The trading or event area should be left clean and tidy, and all rubbish must be properly disposed of;
f. Requirements for public liability insurance;
g. Restrictions on the use of amplified music/sound, including generators;
h. Emergency vehicle access must not be impeded;
i. Obtaining any other required permits – this is a pre-requisite of a permit/licence to trade or hold an event in a public place, including any necessary traffic management plan, corridor access request, food plan or alcohol licences, resource consents, etc.

5. EVENTS

Events help us celebrate our identity and environment, bringing life to the city and attracting local, national and international visitors to Christchurch. The Council supports events due to the wide array of social, cultural and economic benefits events provide. Events can lead to stronger communities by bringing people together, raising community spirit and pride in local neighbourhoods and the city.

All event organisers, including Council organised activities and events, must obtain an event permit to operate in a public place.

6. TRADING

Trading in public places includes any activity that that is undertaken for payment or reward.

6.1 MARKETS

Any group or individual interested in a site, or establishing an open air market, should contact the Council. Market stall applicants must approach the market organiser directly for a site.

The Council may consider permitting the establishment of open air markets in other public places on an individual basis:

- Registrations of interest to run a market may be called to operate the market on the expiry of a licence term;
- All stall sites open for tender will be publicly advertised;
- The allocation of all Council-administered market and stall sites will be decided by a weighted attribute method of tender.
6.2 STALLS
Stalls are a common way to start a business, promote products at events, raise funds for charitable and educational organisations, or as a way for existing food businesses to reach new customers.

Any person wanting to run a stall to prepare or handle packaged or unpacked food for retail sale generally needs a licence. See 6.1 above if the stall is part of a market.

Stall operators selling food must also comply with the Food Act 2014 in respect of food to be sold at the stall.

6.3 MOBILE OR TRAVELLING SHOPS and MOBILE FOOD STALLS
Mobile trading is the temporary trading activity from a location which is vacated once trading has ended for the day. For example, roadside stalls; coffee carts; and ice cream trucks.

A permit is required to operate a mobile food stall.

Most sports and regional parks with offsite parking can accommodate temporary mobile food stalls, such as coffee carts and ice cream trucks. Vendors at parks should always take care not to damage the grassed surfaces, and to seek permission from organised groups using the park. Contact the Council to book a location.

Permanent mobile food stall sites are listed in a register on the Council website. The allocated sites for permanent mobile food stall locations are tendered on the expiry of a licence.

6.4 GOODS OR SERVICES FOR SALE OR HIRE
A permit is required to display goods or services for sale or hire in a public place. This activity includes businesses using the footpath outside their premises to display goods, such as clothing, tables with items for sale, and recreational equipment for hire.

Where goods or services are for sale or hire, the items:

- Must not impede the movement of pedestrians or vehicles, or be likely to cause danger to any person;
- Must be placed immediately adjoining the premises from which the good and/or services displayed may be purchased;
- Be removed from the public place when the business is closed, or secured to the appropriate infrastructure, e.g. bike stands;
- Goods on display must not be dangerous or offensive.

6.5 HAWKERS/PEDLARS
A hawker is someone who travels about carrying goods for sale unsolicited to the public, but does not display them on a table or stall. A permit is required for hawking in a public place. Trading from a fixed location is not permitted.

Hawkers/Pedlars are not permitted in:

- The Central City; or
- Akaroa Township Main Business Area; or
- Lyttelton Main Business Area.

6.6 STREET PERFORMERS
Regulatory Performance Committee
11 July 2018

Annex A

Item 10

Christchurch has a strong history of street performance which adds to the character of the city. Busking and other street performance makes an important contribution to the vibrant cultural life in Christchurch. All street performers, whether they need a permit or not, must comply with the Code of Conduct for Street Performance. The Code of Conduct is on the Council’s website (www.ccc.govt.nz).

A street performance permit is required:

- if a street performer wishes to perform outside the central city;
- for all performances in Council parks and reserves (including within parks in the central city);
- for any street performer using dangerous materials, objects or animals - any other applicable legislation and policies must also be complied with. Dangerous materials include but are not limited to, substances that are flammable, toxic or hazardous, sharp implements or those that pose a risk.

A permit is valid for a period of up to one (1) year, and the street performer will be able to nominate locations where they wish to perform.

Pavement Art is not permitted in the central city unless it is part of an approved event. A street performance permit is required for pavement art. The following conditions apply to pavement art:

- Use of materials that can easily be washed off without leaving any residue. The materials must not be slippery or create a public hazard;
- If the pavement art is created on a removable surface, such as plastic, canvas or paper/card, and is fixed to the pavement, it must be with a product that does not leave any residue;
- The site must be kept clean, tidy and safe at all times;
- Commercial advertising is not permitted in pavement art;
- The artist must not offer individual works of art or products for sale at the site.

The Council may, from time to time, designate specific areas where street performance (including pavement art) is permitted or prohibited. The nominated street performance areas will be included in a Register on the Council website.

In addition, all street performers should note that the sale of any goods is not permitted as part of the street performance activity. A separate trading permit under this policy must be obtained to do so.

6.8 FUNDRAISING

The Council works with the Public Fundraising Regulatory Association to roster face-to-face fundraising organisations in the city.

Any individuals, groups or organisations wanting to use a public place to fundraise, and that are not members of the Public Fundraising Regulatory Association, must contact the Council to determine the suitability, location and time.

6.9 PROMOTIONS

Promotions include activities where promotional material is handed out, e.g. pamphlets, free goods. Where a promoter requires exclusive space to park a vehicle or set up equipment an event permit may be required. Contact the Council to discuss the activity.
Promoters should be mindful of the amount of litter that the activity generates, and seek to minimise this by not forcing people to take the item if they do not want it, and picking up any discarded promotional items in the vicinity of the activity.

6.11 OTHER ACTIVITIES
For activities not specifically listed in this policy, the Council recommends contacting it on 03 941 8999 to discuss whether a permit/licence is required for the activity.

Applications for permits/licences to undertake commercial activities other than those already identified in this policy will be considered on case-by-case basis, taking into account the type of activity, the environment the applicant wants to operate in and the impact on local existing businesses.

7. MONITORING AND ENFORCEMENT
The Council will regularly monitor trading and events in public places to ensure that permit and licence holders are complying with their permit or licence conditions. The staff with delegation to grant permits/licences will monitor trading and events in public places, and any issues that cannot be resolved may be referred to the Regulatory Compliance Unit.

Anyone trading or holding an event in a public place without a permit will be asked to cease the activity and remove any associated equipment/material.

Non-compliance with a licence or lease will be managed in accordance with the conditions of the relevant licence or lease.

8. COMPLAINTS
Complaints about traders or events may be made to the Council via the Council’s website or by phoning 03 941 8999.

When contacting the Council to make a complaint, the complainant should, where possible, provide:

- The name and permit details of the trading, event or activity operator;
- The time, location and type of activity;
- Details of the issues.

Complaints regarding violent, disorderly or offensive behaviour should be referred in the first instance to the Police, and then to the Council.

Complainants are encouraged to talk to the trading, event or activity operator to explain the issue and potential resolution (e.g. trade or perform elsewhere, reduce the noise level, or relocate if the activity is on a prohibited site).

Approval date
[date 2018]

Date to be reconsidered
Policy to be reviewed in conjunction with the Public Places bylaw review, or earlier if required.

Owner
General Manager, Strategy and Transformation
9. DEFINITIONS

In this policy, unless the context otherwise requires:

**AKAROA TOWNSHIP MAIN BUSINESS AREA**

includes Beach Road (Rue Benoit to Bruce Terrace/Lighthouse), Church Street, and Rue Lavaud.

**AUTHORISED OFFICER**

means an officer or other person appointed by the Council to perform duties or give permissions under the Public Places Bylaw [2018], including an enforcement officer.

**BYLAW**

means the Christchurch City Council Public Places Bylaw [2018]

**CENTRAL CITY**

as defined in the District Plan, means the area bounded by and including Moorhouse Avenue, Fitzgerald Avenue, Bealey Avenue, Park Terrace, Rolleston Avenue and Antigua Street (to Moorhouse Ave)

**COMMERCIAL ACTIVITY**

includes:
- trading, which includes selling, hiring, or displaying for sale any goods or services;
- advertising goods, services or events;
- street performing;
- other activities undertaken for payment or reward.

**CORRIDOR ACCESS REQUEST (CAR)**

Means an application to carry out any work or activity that affects the normal operation of the road, footpath and grass berm prior to performing the work or activity.

**COUNCIL**

Means the Christchurch City Council and includes any person authorised by the Council to act on its behalf.

**FOOD STALL / MOBILE FOOD STALL**

Means a stall selling food and that meets the requirements of the Food Act 2014.

**ENFORCEMENT OFFICER**

Means any person who has been appointed as an enforcement officer by the Council under the Local Government Act 2002

**EVENT**

means an organised temporary activity with set start and end dates, which is set-up in a public place. It may be free or ticketed, conducted for the purpose of attracting revenue, support, awareness, and/or for entertainment, community connection or competition. An event may include the erection of structures, setting up of equipment, and other activities that could require exclusive use or prevent access or use by others of the public place.

**HAWKER**

Includes a pedlar or any person with goods, wares or merchandise for sale that are either carried or taken around by the seller and offered unsolicited to the public in a public place. For avoidance of doubt. It does not include stallholders or mobile or travelling shops.
LICENCE

Means a contractual agreement with the Council that authorises the applicant to carry out a specific trade for a specified duration.

LYTTELTON TOWNSHIP MAIN BUSINESS AREA

Includes London Street (Oxford St to Canterbury St), Oxford Street (Norwich Quay to London St), and Canterbury Street (Norwich Quay to London St).

MOBILE OR TRAVELLING SHOP

Means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise may be purchased in the road or from which services are offered for sale in the road; but does not include any vehicle on or from which food is sold for consumption (see (mobile) food stall), or any vehicle used for the purpose of transporting and delivering goods, wares or merchandise.

OPEN AIR MARKET

Means any outdoor place, accessible to the public, where goods or services are offered for sale, which usually consists of several stalls grouped together.

PAVEMENT ART

Means temporary images or drawings created for the purposes of public exhibition either directly on to the pavement or on removable surfaces, such as paper or plastic, laid out on the pavement. Advertising on the pavement is not considered to be pavement art under this policy.

PERMANENT MOBILE STALL

Means a mobile stall that has a lease agreement with the Council for more than six months.

PERMIT

Means a permit issued by the Council under the bylaw.

PUBLIC PLACE

means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.

Explanatory Note: Privately-owned public places, such as lanes or squares, will only fall within the above definition if they are also managed, maintained or controlled by the Council. The Council will consider on a case-by-case basis in discussion with the land-owner whether any privately-owned public places should come under Council’s management, maintenance or control for the purposes of this Bylaw. Similarly, the Council may enter into an arrangement with the Crown to manage, maintain or control its land by mutual agreement, usually where the land is adjacent to Council-owned land.

ROAD

has the same meaning as in section 2(1) of the Land Transport Act 1998

STREET PERFORMANCE

Includes busking and means a person or group of persons who is/are actively providing a performance to entertain in exchange for a donation. A street performance may include sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, statue
acts, dancing or other entertainment, or doing any of those things concurrently.

TRADING
Includes selling, hiring, or displaying any goods or services for sale.

TRAFFIC MANAGEMENT PLAN
Means a document describing the design, implementation, management, and removal of temporary traffic management measures (such as signs and road cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This includes plans prepared for one-off events and generic plans to cover activities carried out frequently.

TEMPORARY RETAIL
Means any stand, stall, tent, mobile shop, vehicle, vessel, or other setup from which goods and/or services are sold that is open in a temporary nature and removed when not in use.
CODE OF CONDUCT FOR STREET PERFORMERS (BUSKERS)

This Code of Conduct provides the framework to assist performers, businesses and residents in understanding the rules for busking. The aim is to foster an environment that encourages and enables a range of street performances, while recognising the importance of safety, amenity and minimising complaints and other issues. All street performers must comply with this Code of Conduct.

You can perform/busk anywhere in the central city except:

- Parks and gardens, unless a permit has been obtained.
- New Regent Street.
- Victoria Square.
- Within five (5) metres of any intersection, pedestrian crossing, traffic signal, road works or ATM, unless a permit has been obtained.
- Outside, adjacent to or on the grounds of places of worship, religious, and memorial sites (e.g. cemeteries, Bridge of Remembrance, Earthquake Memorial).
- Directly in front of entrances or exits to shopping centres, arcades, businesses or residential buildings.
- Against the building line - to enable unobstructed access and safety for people who are visually impaired.
- Locations where events are being held, unless the street performer has permission of the event organiser (including Friday Food Trucks in Cathedral Square).
- Within 30 metres of another street performance.
- To perform outside the central city, a street performance permit must be obtained.

Code of Conduct

- As a courtesy, street performers are encouraged to introduce themselves to the nearest stalls and shops, prior to starting their performance.
- A street performer may only perform between the hours of 10am and 6pm unless specifically authorised as part of an event permit, or a street performance permit.
- Street performers are limited to a maximum total time of 90 minutes on any one site. This includes up to 60 minutes of performance and up to 30 minutes of set-up, breaks and pack-down per day on any one site. Street performers must keep track of the time they arrive on site so that they know when their time has elapsed.
- Street performers may re-locate to another site after the maximum 90 minutes on a site however the new site must be at least 30 metres from the previous site.
- In the case of an event, a street performer should not attempt to associate themselves with that event and should be sited at least 250 metres from the periphery of that event, unless they are part of that event.
- Street performers may give audiences an opportunity to provide voluntary donations by placing a container on their site or by asking an audience for donations. Street performers
may not approach individuals requesting money or solicit funds in a way that is likely to cause any discomfort to members of the public.

- Street performers must take responsibility for their actions while performing in a public place, and retain complete control of every aspect of their performance.
- A street performance must not cause a nuisance to or disrupt business trading including retail and dining establishments, and workplaces, or detract from public amenity.
- Street performers are not covered under the Council's public liability insurance policy and are encouraged to hold their own public liability insurance.
- Street performers are responsible for maintaining pedestrian and traffic flow and public amenity at all times.
- Street performers should ensure that they or their audience do not block shop doorways during business hours, dining areas and cafes, bus stops, tram stops, fire escapes, roads and residential doorways.
- A street performer may not erect signage advertising their performance, unless they have a permit for the sign.
- Street performers must keep the site in use clean while they are working, and the performance site must be left in the condition that it was found.
- Inappropriate/offensive language must not be used
- The maximum number of buskers in any one group is four (4) unless a specific exemption is provided by an authorised officer.
- A parent or guardian must accompany anyone under the age of 14 years while performing. Proof of age may be requested.
- If someone complains to a street performer that they are causing a nuisance or disturbance, the performer should move on, or contact the Council to mediate.
- A street performer must not continue to perform at any location if requested to move on by any authorised officer.
Register of Permanent Mobile Food Stall Sites

Permanent sites for mobile food stalls are provided for in the following designated areas. These sites are allocated through a tender process.

If any vendor wants to establish a produce stall at any site, the Council may give preference to vendors who grow their own produce.

Applications for permanent trading sites along Worcester Boulevard or along the banks of the Avon River will not be considered.

The Sites

1. Margaret Mahy Family Play Ground
2. Cathedral Square
   a. 7 days per week sites
   b. Friday Street Food Market
3. Cashmere Road
4. Scott Park
5. Halswell Quarry Park
6. New Brighton – south ramp car park
7. Bottle Lake Forest
8. Taylors Mistake
9. North Beach
10. Broad Park
11. Humphreys Drive
12. North Hagley
13. South Hagley
14. Evans Pass
15. Akaroa
   a. Weighbridge site
   b. Domain site
16. Corsair Bay
17. Summit Road at Rapaki Track
18. South New Brighton Park
19. South Brighton Surf Club
1- Margaret Mahy Family Play Ground

<table>
<thead>
<tr>
<th>Location</th>
<th>Cnr Ar magn &amp; Manchester Streets</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>4</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

The playground features a unique mix of playground equipment, interactive spaces, gardens, artwork, water features, recreational and picnic areas and public facilities to be used and enjoyed by children and adults alike.

Operators are permitted to leave their vehicle on site overnight (at their own risk) providing they intend to trade from the site the next day, otherwise, vehicles must be removed. Council will provide access to electricity for these sites. Reasonable usage of power is included in the Licence Fee, the Council reserves the right to charge for excess use of power.
**2-a- Cathedral Square – 7 days per week sites**

<table>
<thead>
<tr>
<th>Location</th>
<th>Cathedral Square (refer to site map)</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>Up to 8</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td></td>
<td>Unless determined earlier because of construction requirements of the Square re-development</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Mobile food outlets in the Square have been a well patronised attraction for many years. A dedicated area by the Tram stop has been set aside to provide food and beverage through mobile Food Trucks or Trailers.

Operators are permitted to leave their vehicle on site overnight (at their own risk) providing they intend to trade from the site the next day, otherwise, vehicles must be removed. Operators are permitted to bring a vehicle on-site for the delivery of supplies only. No vehicle movements are permitted between 11:00am and 3:00pm. On Fridays, there will be no vehicle movements between 4:00pm and the close of service for the Friday Street Food Market.

The Council will provide access to electricity for these sites. Reasonable usage of power is included in the Licence Fee, the Council reserves the right to charge for excess use of power.
2b- Cathedral Square – Friday Street Food Market

<table>
<thead>
<tr>
<th>Location</th>
<th>Cathedral Square (refer to site map)</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>Up to 25</td>
</tr>
<tr>
<td>Term</td>
<td>5 years - Unless determined earlier because of construction requirements of the Square re-development</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Mobile food outlets in the Square have been a well patronised attraction for many years. In recent years the Friday Street Food Market has evolved into an all-day affair, extending into the evening.

Operators are permitted to bring a tow vehicle on-site for the delivery of the caravan and equipment only. No vehicle movements are permitted between 11:00am and 3:00pm and 4:00pm and the close of service for the Friday Street Food Market. The Council can provide access to electricity for a large number of these sites. The Council will charge for a contribution to the cost of power used.

The Council will allocate positions within each of the areas each Friday night.
### 3-Cashmere Road

<table>
<thead>
<tr>
<th>Location</th>
<th>Cashmere Road (refer to site map)</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>6</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Cashmere Road has become a popular place for mobile traders. Vendors must be self-sufficient on these sites as there are no services provided by Council. Vendors must remove their vehicles each night, overnight parking is not permitted.
4-Scott Park

<table>
<thead>
<tr>
<th>Location</th>
<th>Main Road (close to Mt Pleasant Yacht Club)</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Scott Park is an attractive site with views of the Estuary & the activities undertaken thereon.

Vendors must be self-sufficient on these sites as there are no services provided by Council.
Vendors must remove their vehicles each night, overnight parking is not permitted.
### 5-Halswell Quarry Park

<table>
<thead>
<tr>
<th>Location</th>
<th>Halswell Quarry Park – Kennedys Bush Road</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Halswell Quarry Park is an attractive site with walking tracks and other activities.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
5-Halswell Quarry Park
Site - beside Singleman’s Cottage entrance off Kennedys Bush Road
6- New Brighton – south ramp car park

<table>
<thead>
<tr>
<th>Location</th>
<th>Marine Parade, New Brighton</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(opposite 228 Marine Parade)</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

The New Brighton south ramp car park is situated to the south of the New Brighton Library and Pier.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
7- Bottle Lake Forest

<table>
<thead>
<tr>
<th>Location</th>
<th>70 Waitikiri Drive, Bottle Lake Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Bottle Lake Forest is in the carpark as you enter the plantation from Waitikiri Drive. Bottle Lake Forest is a well-used attraction for walkers, runners, mountain bikers and the like.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
### 8- Taylors Mistake

<table>
<thead>
<tr>
<th>Location</th>
<th>Taylors Mistake – car park</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Taylors Mistake is a busy site with beach activities, a gateway to the tracks leading to Godley Head and the bays.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
8-Taylors Mistake Beach
in the beach car park
### 9- North Beach

<table>
<thead>
<tr>
<th>Location</th>
<th>North Beach Surf Club car park</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

North Beach is in the car park next to the North Beach Surf Club.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
9-North Beach
in car park next to North Beach Surf Club
opposite 78 Marine Parade
## 10- Broad Park

<table>
<thead>
<tr>
<th>Location</th>
<th>Broad Park – car park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cnr Beach Road &amp; Marine Parade</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Broad Park is in the car park between the playground and the Waimairi Beach Surf Club.

Vendors must be self-sufficient on this site, as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
11- Humphreys Drive

<table>
<thead>
<tr>
<th>Location</th>
<th>Windsurf Park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cnr Humphreys Drive &amp; Linwood Ave</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Humphreys Drive site is located in the car park at Windsurf Park on the corner of Humphreys Drive and Linwood Ave.

Vendors must be self-sufficient on this site, as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
12- North Hagley

<table>
<thead>
<tr>
<th>Location</th>
<th>North Hagley Park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Near Deans &amp; Riccarton Ave cnr</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

North Hagley site is located in Hagley Park to the north of the tree line at the entry from the corner of Deans Ave and Hagley Ave.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
13- South Hagley

<table>
<thead>
<tr>
<th>Location</th>
<th>South Hagley Park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Near the former Blenheim Rd roundabout</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

South Hagley site is located in Hagley Park to the south of the tree line at the entry along the path entering the park near the former Blenheim Road roundabout.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
14- Evans Pass

<table>
<thead>
<tr>
<th>Location</th>
<th>Sumner Road car park</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Evans Pass site is situated in the car park on the left of Sumner Road just as you cross over Summit Road on the way to Lyttelton from Sumner.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
### 15a- Akaroa – Weighbridge site

<table>
<thead>
<tr>
<th>Location</th>
<th>Beach Road</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Next to the Weighbridge</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Akaroa – Weighbridge site is located on Beach Road next to the weighbridge.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
### 15b- Akaroa – Domain Site

<table>
<thead>
<tr>
<th>Location</th>
<th>Western side of Akaroa Domain</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Akaroa – Domain site is located to the west of the Akaroa Domain.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
### 16- Corsair Bay

<table>
<thead>
<tr>
<th>Location</th>
<th>Lower car park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Corsair Bay (Park Terrace)</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Corsair Bay site is located on lower car park in Corsair Bay (Park Terrace).

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
17- Summit Road at Rapaki Track

<table>
<thead>
<tr>
<th>Location</th>
<th>Summit Road at Rapaki Track</th>
</tr>
</thead>
<tbody>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

Summit Road at Rapaki Track site is located along the Summit Road in the car park where the Rapaki Track intersects the Summit Road. This site offers amazing panoramic views across the Canterbury Plains and the City.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
17-Summit Rd @ Rapaki Track
in the car park as Rapaki Track joins Summit Rd
18- South New Brighton Park

<table>
<thead>
<tr>
<th>Location</th>
<th>South New Brighton Park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Entrance off Beatty St</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

South New Brighton Park site is located in South New Brighton Park with the entrance to the park off Beatty Street.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
19- South Brighton Surf Club

<table>
<thead>
<tr>
<th>Location</th>
<th>South Brighton Surf Club car park</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Opposite Bridge Street</td>
</tr>
<tr>
<td># of sites available</td>
<td>1</td>
</tr>
<tr>
<td>Term</td>
<td>5 years</td>
</tr>
<tr>
<td>Commencement Date</td>
<td>1 July 2018</td>
</tr>
</tbody>
</table>

South New Brighton Surf Club site is located near the entrance to the car park for the South New Brighton Surf Club opposite Bridge Street.

Vendors must be self-sufficient on this site as there are no services provided by Council. The vendor must remove their vehicles each night, overnight parking is not permitted on this site.
11. Proposed Changes to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013

Reference: 18/651184

Presenter(s): Teena Crocker, Senior Policy Analyst
             Judith Cheyne, Associate General Counsel

1. **Note**

   This report will be considered by the Regulatory Performance Committee on Wednesday 11 July. The Committee’s recommendation to the Council will be circulated prior to the Council meeting on 12 July 2018.

   The staff report and attachments are detailed below:

   - Staff Report
   - Attachment A: Brothels Bylaw 2013 (revised 2018 version) maps included
   - Attachment B: Brothels Bylaw 2013 – Review of existing bylaw, Section 155 analysis 2018

2. **Staff Recommendations**

   That the Regulatory Performance Committee recommend to the Council that it:

   1. **Note** that the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 has been reviewed to meet statutory review requirements (in compliance with sections 158 and 160 of the Local Government Act 2002);

   2. **Resolve** that the proposed amendments to the bylaw meet 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.

   3. **Adopt** the attached proposed amendments to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for public consultation.

   4. **Note** that public consultation will be undertaken in accordance with the Local Government Act 2002 (sections 156 and 82).

   5. **Agree** that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.

3. **Recommendation to Council**

   The recommendation to Council from the Regulatory Performance Committee will be confirmed following the Committee’s meeting on Wednesday 11 July 2018.
## Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Staff Report on the Brothels Bylaw 2013, and Attachments</td>
<td>257</td>
</tr>
</tbody>
</table>
7. Proposed Changes to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013

Reference: 18/433233
Presenter(s): Teena Crocker, Senior Policy Analyst
Judith Cheyne, Associate General Counsel

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Regulatory Performance Committee to recommend the proposed changes to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 (the brothels bylaw) to Council for adoption for public consultation.

Origin of Report
1.2 This report is being provided to meet statutory bylaw review requirements, and follows on from a previous report to the Regulatory Performance Committee and Council about the review of the brothels bylaw (resolution: CNCL/2018/00036) on 7 March and 22 March 2018, respectively.

2. Significance

2.1 The decisions in this report are of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.1.1 The level of significance was determined by the limited impact of the proposed changes.

2.1.2 This report proposes consultation on very minor changes to an existing bylaw as a result of a review required by legislation.

3. Staff Recommendations

That the Regulatory Performance Committee recommend to the Council that it:

1. Note that the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 has been reviewed to meet statutory review requirements (in compliance with sections 158 and 160 of the Local Government Act 2002);

2. Resolve that the proposed amendments to the bylaw meet 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.

3. Adopt the attached proposed amendments to the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 for public consultation.

4. Note that public consultation will be undertaken in accordance with the Local Government Act 2002 (sections 156 and 82).

5. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.
4. **Key Points**

4.1 This report supports the Council’s Long Term Plan (2015 - 2025):

4.1.1 Activity: Strategic Planning and Policy

- Level of Service: 17.0.19 Bylaws and regulatory policies are reviewed to meet statutory timeframes and changing needs

4.2 Legislation requires bylaws to be reviewed within five years of being adopted. This report forms the second part of the review of the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013. The first stage of the review was considered by the Regulatory Performance Committee on 7 March 2018 (agenda item 7) and Council on 22 March 2018 (agenda item 10).

4.3 This report proposes very minor changes and improvements to the bylaw as a result of the review, and consultation on those proposed changes, in accordance with the Local Government Act 2002 (LGA).

4.4 The bylaw’s purpose is to restrict the location of brothels and to control signage that advertises commercial sexual services. The bylaw has been in place since 2013 and has been working well in achieving its purpose, with only minor improvements being recommended. The District Plan provides a range of other controls over business activities that complement the bylaw’s restrictions.

4.5 The following feasible options have been considered:

- Option 1 – Undertake consultation on the proposed changes to the brothels bylaw (preferred option)

4.6 The LGA requires that all ‘reasonably practicable options’ are assessed (section 77). In this case, only one option has been explored (reviewing the bylaw and recommending improvements). This is because reviewing the bylaw is a statutory requirement, and even if no changes were proposed, the bylaw still needs to go out for consultation due to the requirements of section 160 of the LGA.

4.7 However, in terms of assessing options, within the bylaw review process itself, each clause of the bylaw has been reviewed, and this provides an analysis of options. This analysis is attached as the ‘section 155 report’. Section 155 of the LGA, which is specific to bylaws, requires an assessment of whether regulating the identified issues via bylaw is appropriate.

4.8 Option Summary - Undertake consultation on the proposed changes to the brothels bylaw.

4.8.1 The advantages of this option include:

- Meets legislative requirements for review (timeliness, analysis and consultation)
- Updates the existing bylaw so it is fit for purpose in the current context.

4.8.2 There are no identified disadvantages of this option.

4.9 A tracked changes version of the bylaw is attached, showing the changes outlined below.

5. **Context/Background**

**Bylaw review process**

5.1 This bylaw is made under the Prostitution Reform Act 2003 (PRA). Section 13 of the PRA requires that a bylaw “must be made in the same manner in all respects as if it were a bylaw made under the Local Government Act 2002”, which includes the requirement to review a bylaw.
5.2 The requirements for reviewing a bylaw are set out in section 160 of the LGA and require a council to make a determination under section 155.

Section 155 analysis and determinations

5.3 The first part of section 155 requires a council to determine whether a bylaw is the most appropriate way of addressing any perceived problems.

5.4 The second part requires a council to determine whether the proposed bylaw is in the most appropriate form, and whether or not a bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBoRA). The rights protected by NZBoRA can be limited, provided any limitations are reasonable limitations, and are 'demonstrably justified in a free and democratic society' (section 5 of NZBoRA).

5.5 All aspects of these section 155 requirements are covered in the attached section 155 analysis, and the related determinations are contained with the recommendations section. The proposed bylaw gives rise to some implications under NZBoRA, but is not inconsistent with that Act.

5.6 The LGA requires the section 155 considerations to form part of the public consultation process.

Bylaw-making powers and enforcement options

5.7 The brothels bylaw is made under sections 12 and 14 of the PRA, which enables bylaws to be made to:

- prohibit or regulate signage relating to commercial sexual services (CSS); and to
- regulate the location of brothels.

5.8 The bylaw-making powers allow councils to confine brothels to certain areas of the district, where there is good reason for this, but does not allow prohibiting them completely. There is no power to regulate other location-related aspects of the sex industry (such as street-based sex work), only the location of brothels.

5.9 In addition to the bylaw being made in the same manner as if it were an LGA bylaw, for the purposes of enforcement, it is also treated as if it were a bylaw made under section 145 of the LGA.

5.10 This means the penalty for breaching this bylaw is prosecution, with a fine on conviction of up to $20,000. There is no infringement (instant fine) regime available for breaching this type of bylaw.

5.11 There is a strong relationship between this bylaw and the District Plan, in that brothels, as businesses, must comply with District Plan requirements (see later section on enforcement). Complaints made in relation to the brothels bylaw (particularly for small owner-operated brothels) are often addressed under District Plan rules and the ‘home occupation’ controls.

Coverage of the current brothels bylaw

5.12 Generally, in this report, ‘brothel’ is used to describe commercial brothels, while small owner-operated brothel or ‘SOOB’ is used to refer to the home-based provision of commercial sexual services, or to a small business. The definition of SOOB is set out in the PRA, and involves a premises with no more than four sex workers, and where each worker retains control over their earnings from prostitution.

5.13 The brothels bylaw has been in force since 2013. In summary, the bylaw regulates brothel location and commercial sexual services signage in the following ways:

| Location | The bylaw allows brothels to locate in limited parts of the district (set out in maps), and prohibits brothels from operating in all other locations |
The mapped brothels-allowed areas are based on commercial zones in the 2012 district planning documents, reduced by ‘buffer zones’ to provide separation from residential activity and children (schools).
Within the mapped brothels-allowed area, a brothel cannot be located adjacent to important open spaces in the Central City, or in any building located on a property that shares a boundary with a school.
The location restrictions apply to operator-run brothels.
Small owner-operated brothels (SOOBs) are not restricted by the mapped brothels-allowed areas.
Brothels (and SOOBs) are prohibited from multi-unit residential complexes (such as units, townhouses or apartments).

The bylaw allows signage associated with brothels in the brothels-allowed areas, but restricts the placement, content and size of signage in those areas.
The bylaw prohibits all other signage advertising commercial sexual services.

5.14 For background information on the brothels bylaw, refer to the previous report about the review (Council, 22 March 2018, agenda item 10). More detail and background information is also contained in the attached section 155 analysis, including a clause-by-clause analysis of the bylaw.

Proposed changes to the bylaw

5.15 Overall, the bylaw is working well and is achieving its purpose. Only very minor changes and improvements are proposed. The bylaw is attached, with the proposed changes shown.

5.16 Small-owner operated brothels (SOOBs) have been the subject of most complaints and enforcement action arising in relation to the bylaw. The level of regulation controlling SOOBs in the bylaw remains appropriate, and a minor structural change is proposed to make the SOOB restrictions clearer:

- A new clause heading is proposed to bring the clauses relating to the regulation of SOOBs into one place in the bylaw. This has not altered the regulation of SOOBs, but is intended to make the bylaw easier to understand, and therefore to increase compliance.

5.17 Some updated or new explanatory notes have been proposed. They are intended to provide clarity, or additional helpful information. Changes include:

- Updating explanatory notes to:
  - Refresh the description of the origin of the mapped brothels-allowed areas, and noting that although they were based on 2012 planning documents, the areas where brothels are allowed remain commercial or industrial zoned land under the new District Plan.

- Adding explanatory notes under the new ‘small owner-operated brothels’ clause heading to:
  - Clarify that any SOOB in a residential zone must comply with the District Plan ‘home occupation’ requirements, and referring them to the District Plan.
  - Alert anyone wanting to operate a SOOB that standard residential tenancy agreements may specify a property is used ‘principally for residential purposes’.
  - An explanation of why multi-unit residential complexes are not appropriate for the operation of SOOBs (including reference to rights and obligations in the Unit Titles Act), and barriers to operating a business due to the likely impacts on other residents and the combination of individual and shared ownership of land and buildings.
• Adding an explanatory note under the General Bylaw clause, highlighting the dispensation clause, picking up on the concerns of the New Zealand Prostitutes Collective (below) about the restriction on multi-unit residential complexes.

**Brothel-allowed areas / maps**

5.18 The bylaw allows brothels to operate only in areas within maps titled: Central City, Sydenham / Phillipstown, Belfast, Blenheim Road, Bromley, Burnside, Hornby, Hornby South, Ferrymead / Woolston, Riccarton / Addington.

5.19 The brothels-allowed areas were very contentious during consultation on the brothels bylaw in 2012/13. As there have been very few complaints about the location of brothels, or inquiries about establishing brothels outside of the allowable areas, there is no need to propose changes to the mapped brothels-allowed areas at this stage.

5.20 As the bylaw will go out for consultation, any concerns about the mapped brothels-allowed areas can be raised in submissions.

5.21 The maps in the bylaw showing the areas where brothels are allowed have not been changed, but have been updated in a new format, with one very minor change.

- The minor change is the reincorporation of the ‘important open spaces’ markings in the Central City map. These are believed to have been left off the final, adopted map in error, as the bylaw has a clause referring to them (Location of Brothels, clause 4(1)(b)).

**Initial stakeholder views**

5.22 The previous report on the bylaw review indicated that the New Zealand Prostitutes Collective (NZPC) had raised three issues during early stakeholder consultation on the review, including:

- that the restriction on multi-unit residential complexes is very broad, and captures housing options at the lower end of the housing market that may be affordable for those wanting to operate a SOOB; and

- that the definition of multi-unit residential complex is very broad, and includes situations where there are shared walls (even if these are garage walls), and where townhouses are physically separated, but there are shared paths or there is a shared driveway. Where there is separate pedestrian access to a front door servicing a single unit, NZPC believes a SOOB should be able to operate with minimal impact on neighbours; and

- that it is not clear how the requirements of the bylaw and District Plan work together, and that this can be confusing for those wanting to comply.

5.23 Other stakeholder views were also sought during the review process. The Police and Community and Public Health (CPH), both of which have roles in relation to the PRA, did not have any concerns about the bylaw or its operation over the last five years.

**Initial response to stakeholder views**

5.24 As a result of the review, staff are not recommending any changes to the level of regulation in the bylaw, including the definition of multi-unit residential complexes, but are recommending explanatory notes to clarify how the bylaw and District Plan work together, and a note on the dispensation power in the General Bylaw.

5.25 Multi-unit residential complexes involve a different set of rights and responsibilities to free-standing house and land ownership, and prohibiting brothels is appropriate. The intent of the restriction is to prevent issues arising from brothel-related activities in apartments, units, flats or townhouses, such as the comings and goings of clients. Brothel or client activities could impact on other residents through the use of common areas such as foys, hallways, lifts, paths, parking spaces or driveways. There may also be noise issues.
5.26 Most complaints about brothels (mainly SOOBs) operating in multi-unit residential complexes have related to impacts on the right to quiet enjoyment of other owners or occupiers.

5.27 It is possible that in many cases body corporate rules for unit title properties or residential tenancy agreements may already make the operation of businesses from multi-unit residential complexes unlikely. The District Plan also restricts business activity in residential zones. The bylaw clarifies that the operation of brothels is not appropriate in these multi-party residential settings.

5.28 There is a dispensation power in the General Bylaw 2008, enabling the Council to grant a dispensation from full compliance with any provision of any bylaw, where full compliance would adversely affect any person or business, without a corresponding benefit to the public or any section of it. Anyone wanting to operate a brothel from a multi-unit residential complex could apply under this provision, if the impact of the business otherwise complied with District Plan requirements, and a case could be made that the situation enabled separate access and minimal impact on neighbours.

5.29 As to the matter of clarifying how the District Plan and bylaw work together, proposed new explanatory notes clarify that the home occupation provisions of the District Plan apply to all residential zoned land.

Attachments

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<th>No.</th>
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<td>A</td>
<td>Brothels Bylaw 2013 (revised 2018 version) Maps included</td>
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<td>B</td>
<td>Brothels bylaw 2013 - Review of existing bylaw, Section 155 analysis 2018</td>
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Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.

Signatories

| Authors | Teena Crocker - Senior Policy Analyst
          | Judith Cheyne - Associate General Counsel |
|---------|---------------------------------------------|
| Approved By | Emma Davis - Acting Head of Strategic Policy
             | Brendan Anstiss - General Manager Strategy and Transformation |
CHRISTCHURCH CITY COUNCIL BROTHELS (LOCATION AND COMMERCIAL SEXUAL SERVICES SIGNAGE) BYLAW 2013

Pursuant to sections 12 and 14 of the Prostitution Reform Act 2003, and the Local Government Act 2002, the Christchurch City Council makes this Bylaw.

1. SHORT TITLE AND COMMENCEMENT

(1) This Bylaw is the Christchurch City Council Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013

(2) This Bylaw comes into force on 15 April 2013.

2. INTERPRETATION

(1) Explanatory notes are not part of the bylaw and the Council may add, amend and delete explanatory notes at any time without amending the bylaw.

Explanatory note. Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

(4) In this bylaw, unless the context otherwise requires,

BROTHEL means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

COMMERCIAL SEXUAL SERVICES means sexual services that:

(a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and

(b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

COUNCIL means the Christchurch City Council

DISTRICT has the same meaning as defined in section 5 of the Local Government Act 2002, and means the district of the Council.

EARLY CHILDHOOD EDUCATION AND CARE CENTRE means premises used regularly for the education or care of 3 or more children (not being children of the persons providing the education or care, or children enrolled at a school being provided with education or care before or after school) under the age of six:

(a) by the day or part of a day; but

(b) not for any continuous periods of more than seven days.
MULTI-UNIT RESIDENTIAL COMPLEX means two or more residential units situated together on an area of land, whether or not the land is in more than one legal title, and irrespective of the legal ownership of the land as a whole, or of the units.

(Without limiting the interpretation of this term, examples of arrangements that would be defined as a multi-unit residential complex include:

- a block of flats, whether multi-storey or not, where there are shared walls between the units or garages of the units;
- a townhouse complex, where the units may be physically separated but there is a shared driveway or paths between the units.)

PREMISES includes a part of Premises.

PUBLIC PLACE (a) means a place that is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or eject a person from that place; and

(b) includes any aircraft, hovercraft, ship, ferry, or other vessel, train, or vehicle carrying or available to carry passengers for reward.

SMALL OWNER-OPERATED BROTHEL means a brothel:

(a) at which not more than four sex workers work; and

(b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel.

SCHOOL means a Registered School as defined in the Education Act 1989 (being a primary, intermediate, composite, secondary or special school, and can be either a state school or a private school), and an Early Childhood Education and Care Centre, that is in or borders an area shown on the maps in Schedule 1 at the time this Bylaw comes into force.

SIGN means any sign that is in, or is visible from, a public place, and that advertises commercial sexual services.

(2) The following definitions also apply in this Bylaw and are the same as those in section 4 of the Prostitution Reform Act 2003:

SMALL OWNER-OPERATED BROTHEL means a brothel:

(a) at which not more than four sex workers work; and

(b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel.

3. OBJECT OF THE BYLAW

(1) The object of this bylaw is to:

(a) restrict the location of brothels to certain parts of the district, with no restriction on the location of small owner-operated brothels,

(i) except that no brothel, including small owner-operated brothels, can be located in a multi-unit residential complex; and

(b) provide for specified existing brothels to remain in their current locations; and
(c) control signage that advertises commercial sexual services, that is in, or is visible from, a public place, on the basis such signs are likely to cause a nuisance or serious offence to members of the public using parts of the district or they are incompatible with the existing character or use of parts of the district, by:

(i) prohibiting signs in certain parts of the Council’s district; and
(ii) regulating the display of signs in other parts of the district through the controls in this bylaw.

4. LOCATION OF BROTHELS

(1) Subject to clause 4(2) and clause 5, no person may operate, or permit, or allow to be operated, a brothel:

(a) in any part of the district other than within an area shown on the maps in Schedule 1; and

(b) in any building immediately adjacent to an area-marked-as-important-open-space as marked on the Central City map in Schedule 1; and

(c) in any building that is located on a property that shares a boundary with a school, and

(d) in any multi-unit residential complex.

(2) Clause 4(1) does not apply to any small owner-operated brothel.

(3)

(a) No person may operate, or permit, or allow to be operated, a brothel, in any multi-unit residential complex.

(b) For the purposes of clause 4(3)(a) brothel includes any small owner-operated brothel.

(4)(3) Despite clause 4(3) an existing small owner-operated brothel in a multi-unit residential complex is permitted to remain until 31 March 2014.

[The following note is explanatory and is not part of the bylaw, but is intended to explain its general effect.]

The areas shown on the maps in Schedule 1 are primarily commercial zones, as well as a Central City area. The Council considered these parts of the city to be areas where larger operator-run brothels might suitably be located. If any person wishes to establish such a business, during consultation on this bylaw the Council determined that those areas adjoin or are close to schools, preschools or residential areas; that are not suitably buffered by a major road; the proposed zones would be reduced accordingly; to provide better separation of brothels from children and residential activity. Other parts of some zones were also removed when the result of the ‘buffering’ left only small pockets of properties. The maps in Schedule 1 are the end result of the Council’s deliberations and decisions, based on these general principles. The excluded areas on the maps now also cover clauses 4(1)(b) and (c), which provide that a brothel cannot be operated in any building adjacent to an important open space area or located on a property that shares a boundary with a school.

Explanatory note: The maps in Schedule 1 set out the brothels-allowed areas. Brothels can locate in those areas provided they are not on a property sharing a boundary with a school, or in a multi unit residential complex. A brothel cannot be located next to an important open space area in the central city – these areas are shown on the central city map.

The brothels-allowed areas are based on planning documents from when the bylaw was established in 2012. Areas of industrial and commercial zoned land were assessed during the development of the bylaw in order to separate residential areas and schools from areas where brothels could operate. The brothels-allowed areas were then further reduced to provide sufficient buffer zones, and as a result of the public consultation process. This was in order to provide better separation of brothels from children and residential activity. For example, where zones adjoined or were close to schools (or preschools), or residential areas, and were not suitably buffered by a major road, the zones were further reduced. Other parts of some zones were removed when the result of the ‘buffering’ left only small pockets of properties.
The 2012 planning documents on which the maps were based have now been replaced with the Christchurch District Plan. Although there are differences between the 2012 planning documents and the District Plan, the areas set out as brothel-allowed areas in Schedule 1 remain commercial or industrial zones.

Within the brothel-allowed areas set out in this bylaw, any brothel must also comply with any applicable District Plan requirements. If a brothel requires a resource consent, it must also undergo an assessment under section 15 of the Prostitution Reform Act 2003.

5. SMALL OWNER-OPERATED BROTHELS

(1) The location restrictions in clauses 4(1)(a), (b) and (c) of this bylaw do not apply to small owner-operated brothels.

(2) No person may operate, or permit, or allow to be operated, a small owner-operated brothel in any multi-unit residential complex.

Explanatory note: Information about the operation of small owner-operated brothels:

All District Plan requirements relating to ‘home occupation’ activities must be met for any small owner-operated brothel in any residential zone. In summary, a home occupation is undertaken by a person permanently living on-site, and the home occupation activity is secondary in scale to the residential use of the site. Home occupation businesses cannot operate outside of certain hours. All requirements relating to home occupations are set out in the District Plan and should be read before commencing any activity.

If a SCOR does not comply with any applicable District Plan requirements, and requires a resource consent, it must undergo an assessment under section 15 of the Prostitution Reform Act 2003.

The Unit Titles Act 2010 provides a legal framework for the ownership and management of land held under unit title (residential) unit title properties are typically apartment blocks and townhouses. The combination of individual and shared ownership of land and buildings means unit title properties involve a different set of rights and responsibilities to free-standing house and land ownership. A multi-unit residential complex may, alternatively, be held under cross-lease. In any of these situations, there are barriers to operating a business due to the likely impacts on other residents and due to the shared ownership.

Anyone wanting to operate a business (including a small-owner operated brothel from a residential rental property should check their agreement and discuss what is allowed with their landlord.

5.6. EXISTING BROTHELS

(1) Any premises described in Schedule 2 is exempt from the location controls in clause 4.

(2) The exemption in clause 5.6(1) does not apply if, after this Bylaw comes into force, the use of the premises as a brothel changes in character or increases in scale or intensity.

(3) Any premises described in Schedule 2, for the purposes of the signage controls in clause 7B, must be regarded as premises situated in an area of the district which is shown on a map in Schedule 1.

(4) For the avoidance of doubt, the signage controls in clause 7 apply to all brothels from the date this bylaw comes into force.

6.7. PROHIBITION ON SIGNAGE ADVERTISING COMMERCIAL SEXUAL SERVICES

(1) No person may display or permit or allow the display of a sign advertising commercial sexual services in any part of the district, other than within an area shown on a map in Schedule 1.
(2) Even within an area shown on a map in Schedule 1, no person may display or permit or allow the display of a sign advertising commercial sexual services in any part of the district if the sign is visible from any point on a school boundary.

7.8. REGULATION OF SIGNAGE ADVERTISING COMMERCIAL SEXUAL SERVICES

(1) A sign advertising commercial sexual services, in any part of an area shown on a map in Schedule 1, that is not in a place subject to clause 6(2):

(a) must be attached to the premises at which the commercial sexual services it advertises are provided; and

(b) must clearly display the number of the premises to which the sign relates; and

(c) must not be offensive; and

(d) must not display any pictorial image; and

(e) must not exceed 0.3 square metres in surface area; and

(f) must not be illuminated by any flashing light.

(2) No person may display, or allow the display, of more than one sign upon any premises at which commercial sexual services are provided, even if those premises have more than one street frontage.

8.9. OFFENCE AND PENALTY

(1) Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding $20,000, as set out in the Local Government Act 2002.

9.10. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

(1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this Bylaw.

Explanatory note: The Council’s General Bylaw 2008 contains a dispensing power, enabling the Council to grant a dispensation from full compliance with any provision of a bylaw where the Council considers that full compliance would adversely affect any person or business, without a corresponding benefit to the public or any section of it. This applies to any aspect of any bylaw, and could, for example, apply to the restriction on a small owner-operated brothel wanting to operate from a multi-unit residential complex.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a Meeting of the Council held on 24 May 2012 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent Meeting of the Council held on 28 March 2013.

FIRST SCHEDULE

(1) Maps of areas where brothels can be located in accordance with clause 4(1)(a).

(2) The Second Schedule can be seen on page 117 of this Bylaw.
Item No.: 11

Attachment A

Item No.: 7
SECOND SCHEDULE

(1) Brothels exempted from the location controls in clause 4, as provided for in clause 5

- 464 Worcester Street, Linwood, Christchurch 8011
  (Lot 2 DP 12060).

- 183 Bealey Avenue, Christchurch Central, Christchurch 8013
  (Lot 2 DP 10133).
Review of the Christchurch City Council Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013

Section 155 Report

Introduction

1. Councils are required to review their bylaws at five and then 10 yearly intervals.¹ This is the first review of the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013 (five years after adoption).
2. When councils review a bylaw, the review must be undertaken by making the determinations required by section 155 of the Local Government Act 2002 (LGA)².
3. Section 155 requires a council to determine:
   • whether a bylaw is the most appropriate way of addressing a perceived problem;
   • that a bylaw is the most appropriate form of bylaw; and
   • whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.
4. This report provides the section 155 analysis, including the attached clause-by-clause analysis of the current bylaw.

Bylaw-making powers and penalties

5. There are two bylaw-making powers in the Prostitution Reform Act 2003 (PRA), generally enabling councils to make bylaws to –
   • prohibit or regulate signage advertising commercial sexual services (CSS); and to
   • regulate the location of brothels.
6. Bylaws made under the PRA must follow the same process as if they were made under the LGA, and the same penalties apply as if the bylaw was made under section 145 of the LGA. This means the penalty for breaching the bylaw is prosecution, with a fine on conviction of up to $20,000.
7. The current (2013) bylaw limits the location of brothels (other than small owner-operated brothels (SOOBs)) to areas broadly based on certain commercial business districts in district planning documents, restricts signage advertising CSS in those areas, and prohibits signage advertising CSS elsewhere. It also prohibits brothels, including SOOBs, from operating in multi-unit residential complexes, such as apartments or townhouses.

Background / current brothels bylaw

Current bylaw regulation of the location of brothels

8. The areas where brothels can operate are set out in maps that form part of the current bylaw. These location restrictions do not apply to SOOBs.
9. The areas were based on commercial business zones in the planning documents when the bylaw was developed in 2012. The approach was to ensure that brothels were not operating in residential areas or near schools, and that there were buffer zones around residential properties and schools. An explanatory note in the bylaw clarifies that:
   • where commercial zones adjoined or were close to schools, preschools or residential areas (and were not suitably buffered by a major road), the zones were reduced to provide better separation of brothels from children and residential activity, and
   • other parts of some zones were also removed when the result of the “buffering” left only small pockets of properties.
10. In summary, the current bylaw prohibits brothels other than SOOBs from operating:

¹ Sections 158 and 159 of the Local Government Act 2002 (LGA)
² As set out in section 160 of the LGA.
in any area other than those areas set out in the maps in the bylaw’s schedule;
on any land immediately adjacent to an important open space area in the Central City, and
in any building that is located on a property that shares a boundary with a school (including early childhood education centres).

11. Relevant ‘important open space’ areas in the Central City are: Cathedral Square, Worcester Boulevard, New Regent Street and the Avon River corridor. These were not shown on the final map adopted as part of the bylaw in 2013, which may have been an administrative error, as the bylaw contains the clause referring to important open spaces in the Central City. New maps have been prepared, and the important open spaces are now shown on the Central City map.

12. There are no other changes to the content of the maps. The bylaw allows brothels to operate in mapped areas titled:

   - Central City, Sydenham / Phillipstown, Belfast, Blenheim Road, Bromley, Burnside, Hornby, Hornby South, Ferrymead / Woolston, Riccarton / Addington.

13. There were several brothels that were outside of the areas specified in the bylaw at the time it was developed. These brothels were exempted from the prohibition as they had been operating for some time. The exemption for these two specified brothels was conditional on there being no changes in character, or increases in scale or intensity.

Current bylaw regulation of Small Owner-operated Brothels (SOOBS)

14. The PRA defines a SOOB as a brothel at which no more than four sex workers work, and where each worker retains control over their earnings from prostitution. The bylaw prohibits SOOBS from operating in multi-unit residential complexes.

15. The combination of individual and shared ownership of land and buildings in multi-unit residential complexes involves a different set of rights and responsibilities to free-standing house and land ownership.

16. The intent of this restriction is to prevent issues arising from brothel-related activities in apartments, units, flats or townhouses, such as the comings and goings of clients. SOOB activities could impact on other residents through the use of common areas such as foyers, hallways, lifts, paths, parking spaces or driveways.

17. The District Plan ‘home occupation’ requirements apply to any business activity in a residential zone. A SOOB in a residential zone is a ‘home occupation’, and all District Plan requirements must be met. This places restrictions on business activities, such as hours of operation, as covered later in this analysis.

18. The interaction between the bylaw and the District Plan requirements can be confusing, so new explanatory notes are proposed to provide clarity.

Current bylaw regulation of signage advertising commercial sexual services (CSS)

19. A bylaw may restrict the content, form, or amount of signage on display. The bylaw-making power enables regulation and prohibition of signage advertising CSSs, to control the public display of signage—

   - that is likely to cause a nuisance or serious offence to ordinary members of the public; or
   - that is incompatible with the existing character or use of that area.

20. In the current bylaw, signage advertising CSS is prohibited in any part of the Council’s district where brothels (other than SOOBS) are prohibited, and in any brothels-allowed area if the sign can be seen from a school.

21. In areas where signage is allowed, there are restrictions on signage. Any signs must be attached to the premises and clearly display the number of the premises. A sign must not exceed 0.3m², display an image, be offensive, or be illuminated. A premises may only display one sign, even if it has two road frontages.

22. Other signage restrictions are regulated by the District Plan, and content is limited by the Advertising Standards Authority (decency and offensiveness).
District Plan controls on businesses of prostitution

Brothels (other than SOOBs)
23. A brothel must comply with District Plan requirements, just like any other business.
24. In some zones, this may mean a resource consent is required. If a brothel complies with the requirements of the area in which it is located (as a permitted activity) then it will not need a resource consent. A brothel can only be located in a brothels-allowed area in the bylaw.
25. If a resource consent is needed, section 15 of the PRA requires special consideration of the impacts of a ‘business of prostitution’ (relating to causing serious offence to ordinary members of the public, or incompatibility with existing character or use).3

SOOBs
26. A SOOB must comply with District Plan requirements, just like any other business.
27. If a SOOB is operating in a residential zone, it needs to comply with the District Plan ‘home occupation’ requirements.
28. A ‘home occupation’ is: ‘any occupation, including a profession, undertaken within a residential unit by a person who lives permanently within that residential unit. Any home occupation should be secondary in scale to the residential use of the site. Relevant standards include restrictions on the area to be used for the business, on the people involved, the hours of operation, and parking.
29. If these conditions cannot be met, a resource consent is required for the home occupation as a restricted discretionary activity, and section 15 of the PRA would also apply.

Perceived and actual problems
30. Section 155 of the LGA requires an assessment of ‘perceived’ problem(s) for the purpose of working out whether a bylaw is the most appropriate tool to address those problems.

Public perceptions, and the history of brothels bylaws in Christchurch
31. The Council first developed a bylaw to regulate brothels and signage in 2004. As a result of a High Court challenge in 2005, the location provisions were quashed4 leaving only the signage provisions.
32. In 2009, the Council undertook public consultation on revoking the bylaw, as advice indicated it was not needed because other regulatory tools were available to control signage (District Plan and Advertising Standards), and there had been no enforcement action on signage over that time. As the location provisions had been quashed in 2005 and were not enforceable, there had been no bylaw regulating brothel locations, and over the four years, there had been very few, if any, issues or complaints.
33. The public perception of revoking the 2004 brothels bylaw in the 2009 consultation was very strong. Of 345 submissions, 99% disagreed with revocation. The overwhelming majority of submitters considered that there should be a bylaw prohibiting or regulating signage advertising CBS, and, although it was not the subject of the consultation, many submitters also argued that the location of brothels should be regulated.
34. After the 2009 consultation, the Council asked staff to prepare a new bylaw for consultation before the 2004 bylaw was automatically revoked in July 2011. However, this work was overshadowed by the 2010 and 2011 earthquakes, and did not proceed. As a result, the 2004 bylaw was automatically revoked by the LGA.5
35. In the lead up to the development of the current bylaw in 2012, the location of brothels was identified as a potential new problem needing regulation, due to the impacts of earthquake damage. Many of the known operator-run brothels had been located in the Central City and were inaccessible or badly damaged following the 2011 earthquakes and central city cordon. There was a concern that these

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3 Section 15 of the Prostitution Reform Act 2003
4 The effect of the location provisions effectively denied the existence of SOOBs in Christchurch city and was therefore invalid in relation to its impact upon SOOBs
5 Section 160A of the Local Government Act 2002
businesses might temporarily or permanently relocate to other parts of the city, and so some controls were proposed to limit where this could occur.

36. The Council undertook further public consultation in mid-2012, and, of 197 submissions, the majority agreed with the regulation of signage. The consultation also proposed restricting where operator-run brothels could be located. Many submitters requested changes to the areas where brothels could or could not be located, focusing on not wanting to ‘see’ brothel-related activities in or from residential areas. This led to the development of the ‘buffer’ approach in the current bylaw – allowing space between both residential properties and schools, as to the location of brothels, and limiting them to the larger commercial business zones.

37. The need for controls to limit SOOBs from operating in multi-unit residential complexes was raised during the submission process and was incorporated into the adopted bylaw in 2013.

38. The history of brothels bylaws in Christchurch shows strong support for regulatory controls to restrict where brothels can be located, and what signage they are able to display. There is no reason to assume these views have substantially changed since the bylaw was adopted.

Current data on brothels, and evidence of issues / enforcement

39. There is no legal means for the Council to collect accurate information on the total number of brothels or SOOBs operating in the district, as there is no statutory requirement to register businesses of prostitution.

40. Although operators of brothels are required to obtain an operator’s certificate (and renew it annually) under the PRA, this information is held by the Registrar of Auckland District Court. The PRA does not allow the release of information on brothel operators that identifies individual applicants or certificate holders, but does enable the release of statistical information. A SOOB does not require an operator certificate.

41. Information held by the Registrar of Auckland District Court on applications for brothel operator certificates in the Christchurch district shows the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications</td>
<td>6</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

42. The number of people who hold brothel operator certificates may not be indicative of the number of brothels, as a certificate-holder may operate more than one brothel. The Police have a role in ensuring compliance with this aspect of the PRA.

43. Anecdotally, the reduction in operator-run brothels in the central city post-quake (and lack of opportunities for sex work employment in established brothels) may have led to an increase in SOOBs, with sex workers choosing to operate in a SOOB setting, independently or in small groups. However, there has not been a marked increase in SOOB-related complaints, so whether or not there has been an increase in SOOBs is difficult to determine.

44. There have been several applications for resource consents relating to ‘businesses of prostitution’ which have required an assessment under section 15 of the PRA (assessing whether a business is likely to cause offence to ordinary members of the public, or be incompatible with existing character). Any concerns about a brothel location can be adequately managed through the resource consent process. As mentioned previously, if a business of prostitution complies with all other requirements in the District Plan, a resource consent may not be needed, so it is only when a resource consent is required that this assessment occurs.

Complaints and enforcement

45. There have been very few complaints about the location of brothels in the five years the bylaw has been in force, though there have been complaints relating to suspected brothels, or to SOOBs, mostly relating to the comings and goings of assumed clients (including the time of day or night), and noise. Just over fifty complaints have been received over the five years the bylaw has been operating.

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5 Section 41 of the Prostitution Reform Act 2003 (PRA)
46. Most SOOB complaints have been able to be addressed through the District Plan ‘home occupation’ restrictions, rather than through the bylaw. The Resource Management Act 1991 (for breaches of the District Plan) has different enforcement tools and the potential for more significant penalties than a bylaw. SOOBs will often voluntarily cease to operate as a result of compliance and monitoring investigations.

47. The Council has taken one prosecution in relation to a brothel (in 2014) in the five years since the bylaw came into force. This relates largely to home occupation District Plan breaches (hours of operation and floor space), but also looked at whether the situation breached the brothel’s bylaw in relation to whether it was operating as a SOOB or a brothel. If operating as a brothel, it would be in breach of the bylaw location provisions, but if it was acting as a SOOB, it was not. In the end, the defendant was found guilty of District Plan breaches, but not guilty of a bylaw breach.

48. There have been few, if any, complaints about signage advertising CSS, and none that have resulted in enforcement action under the bylaw.

49. Based on this information, the bylaw is working well and does not require any significant changes.

Conclusions as to whether a bylaw is the most appropriate way of addressing the perceived problems

50. There are both real and perceived problems associated with the location of brothels (including SOOBs), and signage relating to CSS, and there are clear bylaw-making powers to regulate these matters.

51. There is sufficient evidence of a perceived problem. During consultation on revoking the 2004 brothels bylaw, there was overwhelming public support for regulation (99% of 345 submitters objected to revoking the bylaw). When the current bylaw was consulted on in 2012, most of the 197 submitters agreed that the location of brothels should be regulated (though where they should be allowed / prohibited was contentious). The majority also supported regulating CSS signage.

52. The District Plan provides restrictions on business activities, and treats brothels and SOOBs like any other business. This is appropriate, as operating a brothel is a legal activity - however, there are perceptions across the community that may justify additional controls. This is recognised to some degree through the FPA, which requires additional assessments where a resource consent is needed for a business of prostitution.

53. The home occupation restrictions in the District Plan help restrict the potential impacts from SOOBs operating from residential zones, but do not distinguish multi-unit residential dwellings from single dwellings. The practical application of the home occupation restrictions may create difficulties in multi-unit residential complexes due to car-parking requirements. However, the current bylaw restriction on SOOBs operating from multi-unit residential complexes restricts this more broadly and provides clarity.

54. It is possible that in many cases body corporate rules for unit title properties or residential tenancy agreements may already make the operation of businesses from multi-unit residential complexes unlikely. However, regardless of these potential private remedies, regulation in the bylaw provides clarity.

55. By having a bylaw to regulate brothel location, and to control signage relating to CSS, it means:

- the location of brothels can be limited (the current bylaw does not allow brothels in residential areas and near schools, limiting their location to specified industrial and business zones, providing further location controls than those in the District Plan);

- the potential negative impact of SOOBs in some residential settings can be controlled (the current bylaw prohibits SOOBs from multi-unit residential complexes, further restricting the current ‘home occupation’ restrictions in the District Plan, and potentially reducing tensions that may arise if a SOOB were to operate from an apartment, unit, flat or townhouse); and

- signage can be controlled (the current bylaw prohibits signage across most of the city, only allowing it where brothels are allowed, and limiting its size, content and placement). This allows specific restrictions relating to CSS signage, rather than relying on the decency or offensiveness provisions of the Advertising Standards Authority Code of Practice, or the District Plan.
• clarity is provided on what the community expectations are in relation to the location of brothels and the advertising of CSS.

56. Revoking the bylaw would reduce the tools that the Council has to manage the problems identified in this review, and result in a lack of regulatory options to manage the issues.

57. This review concludes that a bylaw to regulate the location of brothels and the display of signage advertising CSS is still needed.

Section 155(2)(a) assessment – appropriate form

58. Section 155(2)(a) requires a council to determine whether a bylaw is the most appropriate form of bylaw.

59. The brothels bylaw has been working well over the last five years. Some very minor changes are proposed to increase clarity, mostly through the addition of explanatory notes. The bylaw is the most appropriate form of bylaw.

Section 155(2)(b) assessment - New Zealand Bill of Rights Act 1990 implications

60. Section 155(2)(b) of the LGA requires councils to determine whether a bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBoRA).

61. NZBoRA protects certain rights and freedoms. For example, everyone lawfully in New Zealand has the right to freedom of expression (section 14), freedom of association (section 17), and freedom of movement (section 18).

62. The Prostitution Reform Act (PRA) provides a specific statutory framework for local authorities to manage the location of brothels and signage advertising CSS. Section 13(2) of the PRA enables signage restrictions even if they are inconsistent with NZBoRA. Limiting signage may be seen as a restriction on freedom of expression, however, this is enabled by section 13(2).

63. The Council considers that the proposed bylaw amendment is not inconsistent with NZBoRA, and does not unlawfully interfere with rights, seeking only to impose justifiable and reasonable limitations, as set out above.
Clause-by-clause analysis of the Brothels (Location and Commercial Sexual Services Signage) Bylaw 2013

<table>
<thead>
<tr>
<th>Existing bylaw coverage</th>
<th>Change?</th>
<th>Issues and analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretation (definitions)</td>
<td>No change to content, administrative tidy-up</td>
<td>Where appropriate, it can be helpful for bylaws to use wording already established in legislation or in case law. The 2013 bylaw appropriately “borrows” definitions from the Prostitution Reform Act 2003 (PRA), such as for ‘brothel’, ‘commercial sexual services’, and ‘small owner operated brothel’ (SOOB). Minor administrative tidy-up, no change needed.</td>
</tr>
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</table>

Object of the bylaw (purpose)

- The 2013 bylaw is intended to:
  - Restrict the location of brothels (other than SOOBs) from operating in multi-unit residential complexes
  - Allow existing brothels to continue to operate
  - Control signage advertising commercial sexual services (CSS) by prohibiting in some areas and restricting in other areas.

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<th></th>
<th>No change</th>
</tr>
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</table>

This purpose is still relevant. The bylaw-making power in the PRA enables councils to regulate the location of brothels, and to regulate or prohibit the advertising of CSS. The location of brothels was identified as a problem that required regulation during the development of the bylaw in 2013 – as many of the known operator-run brothels were located in the Central City and were inaccessible or badly damaged following the 2011 earthquakes. There was a concern that these businesses may relocate to other parts of the city. This is still applicable as the rebuild progresses and the city develops, and as normal business activity resumes. It is reasonable that there are limitations on the location of brothels, and this was strongly supported by the community during the last consultation.

The display of signage advertising CSS is regulated in the bylaw. There is some coverage of signage in both the District Plan and in the Advertising Standards Authority (ASA) Code of Practice (which covers offensiveness and decency). The ASA adjudicates where there is an alleged breach of the Code, but has little enforcement power. The District Plan provisions do not cover offensiveness or decency.

It is reasonable that the bylaw places restrictions on the size, position, and content of signage relating to CSS to prevent the rise of issues. This may be more an issue of perception than evidence, as many businesses in the sex industry intentionally operate discretely and have very minimal signage. No change.

Location of brothels

The bylaw prohibits brothels from operating:

- in any area other than those areas set out in the maps in the bylaw’s schedule;
- on any land immediately adjacent to an open space area in the Central City; and
- in any building that is located on a property that shares a boundary with a school (including early childhood education centres).

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<tr>
<th></th>
<th>No change Update explanatory note</th>
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The bylaw-making power allows councils to regulate, but not prohibit, the location of brothels. A brothel is subject to the same requirements as any other business under the District Plan (other than where a resource consent is required, and a corresponding assessment under section 15 of the PRA).

The 2013 bylaw allows brothels to operate only in the larger commercial business zones. The areas are set out in maps, which are covered later in this table. An explanatory note in the bylaw clarifies that:

- where commercial zones adjoin or were close to schools, preschools or residential areas (and were not suitably buffered by a major road), the zones were reduced to provide better separation of brothels from children and residential activity, and
- other parts of some zones were also removed when the result of the ‘buffering’ left only small pockets of properties.

The 2013 bylaw areas were based on the then current draft Central City Plan and Christchurch City Plan, and Proposed Banks Peninsula District Plan. These have now been replaced by the Christchurch District Plan. There have been changes in the zones on which the 2013 bylaw was based, but the areas are still industrial or business zones (not residential zones).

There was significant community investment in negotiating the areas in the current bylaw. As there have been very few complaints about the location of brothels, or inquiries about establishing brothels outside of the allowable areas, these areas do not need to change at this time.

The explanatory notes explain the origin of the mapped areas. Updated to change tense. New maps have been prepared to update and improve how they look. No changes to content.
### Item No.: 11

<table>
<thead>
<tr>
<th>Existing bylaw coverage</th>
<th>Change?</th>
<th>Issues and analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of brothels (S00Bs)</td>
<td>Rearrangement. No substantive change. New explanatory notes to provide clarity.</td>
<td>The intent of this restriction is to prevent issues arising from brothel-related activities in apartments, units, flats or townhouses, such as thecomings and goings of clients. S00B activities could impact on other residents through the use of common areas such as laundries, hallways, lobbies, parking spaces or driveways. Noise may also be an issue. The District Plan already restricts ‘home occupations’ in residential areas. These restrictions relate to floor area, operating hours, and parking. There are also limits on the number of people than can be engaged in the activity on-site. Often complaints about S00Bs are addressed through the District Plan home occupation restrictions. Multi-unit residential complexes involve a different set of rights and responsibilities to free-standing house and land ownership, and prohibiting brothels is appropriate due to the mixture of shared and individual land and building ownership and the potential for conflict. It is possible that in many cases body corporate rules for unit title properties or residential tenancy agreements may already make the operation of businesses from multi-unit residential complexes unlikely. However, regardless of these potential private remedies, regulation in the bylaw provides clarity. Clauses relating to S00Bs have been restructured under a new clause / heading, to make the bylaw easier to understand. This will not change what is regulated, just how it is communicated. New explanatory notes will help to clarify the interaction between the District Plan home occupation provisions and the operation of S00Bs.</td>
</tr>
<tr>
<td>Existing brothels</td>
<td></td>
<td>The two locations specified in the Schedule of the bylaw are: 464 Worcester Street, Linwood 183 Bailey Avenue. The exemption only applies if there are no changes in character or increases in scale or intensity. A letter was sent to the operators in May, but no responses have been received. It is unclear whether these properties are continuing to operate as brothels, or are operating instead as S00Bs. These locations would need an ongoing exemption to continue to operate outside of the location provisions, or there would need to be changes to the location provisions. Alternatively, if not specified as exempt, they could apply for a dispensation under the General Bylaw. No proposed changes at this time. Consultation may provide further clarity and community views.</td>
</tr>
<tr>
<td>Prohibition on signage advertising commercial sexual services (CSS)</td>
<td>No change</td>
<td>There have been very few (if any) complaints about CSS signage being installed in areas outside of the brothel-allowed areas. Despite this, from previous consultation undertaken by the Council, there is an overwhelming public perception that there need to be controls in place to restrict signage advertising CSS.</td>
</tr>
<tr>
<td>Existing bylaw coverage</td>
<td>Change?</td>
<td>Issues and analysis</td>
</tr>
<tr>
<td>-------------------------</td>
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<td>---------------------</td>
</tr>
<tr>
<td>Regulation of signage advertising commercial sexual services (CSS)</td>
<td>No change</td>
<td>There have been very few (if any) complaints about CSS signage in the brothels-allowed areas. Previous Council reports on this topic have noted that many businesses in the sex industry operate discretely and have very minimal or no signage. Despite this, from previous consultation undertaken by the Council, there is an overwhelming public perception that there need to be controls in place to restrict signage advertising CSS. All signage must comply with the District Plan, and the bylaw further restricts signage advertising CSS. The Advertising Standards Authority self-regulation model involves a Code of Practice. This covers a range of matters, including decency and offensiveness. The ASA adjudicates in cases where there has been an alleged breach of the Code, and makes rulings, but has no enforcement powers. No change needed.</td>
</tr>
<tr>
<td>Transitional provisions</td>
<td>Updates to remove provisions no longer needed / out of date</td>
<td>These are parts of a bylaw that assist in enabling business operators time to comply with new requirements. The exemption for two specified brothels from the location provisions has been covered above. The prohibition on SOOBs operating from multi-unit residential complexes was a new issue in the 2013 bylaw, and a 12 month transitional provision (until 31 March 2014) was added, enabling otherwise-complying SOOBs to continue to operate and to find a new place from which to operate. The SOOB transitional provision is no longer relevant, so have been removed.</td>
</tr>
<tr>
<td>Offence and penalty</td>
<td>No change</td>
<td>This clause in the 2013 refers back to the LGA bylaw enforcement and penalty clauses. This is a reflection on how the PRA is written. Bylaws made under the PRA must be made in the same manner in all respects as if they were a bylaw made under section 145 (general bylaw-making powers) of the Local Government Act 2002, and this also relates to enforcement powers. This means the penalty for a breach of the bylaw is a fine on conviction of up to $20,000. This provision is still relevant. No change needed.</td>
</tr>
</tbody>
</table>
### Item No.: 11

**Regulatory Performance Committee**

11 July 2018

<table>
<thead>
<tr>
<th>Existing bylaw coverage</th>
<th>Change?</th>
<th>Issues and analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location / maps</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The bylaw allows brothels to operate in areas covered by maps, listed: Central City, Sydenham / Phillipstown, Belfast, Blenheim Road, Bromley, Burnside, Hornby, Hornby South, Ferrymead / Woolston, Riccarton / Addington</td>
<td></td>
<td>There have been very few complaints about the location of brothels, or inquiries about establishing brothels outside of the allowable areas, so the areas do not need to change on this basis. The brothels-allowed areas were contentious when the 2013 bylaw was developed, and generated a lot of submissions. Changes were made between what was consulted on in 2012 and what the Council adopted in 2013. Given the controversial nature of negotiating the mapped areas during the last consultation process, there is no clear need to change them at this time. The maps will form part of the consultation process, and any views or concerns can be raised through the public consultation process. The areas on which the maps were based have changed due to the new Christchurch District Plan (having been based on the relevant planning documents at the time the bylaw was made in 2012 / 2013). However, the zone changes have not resulted in the areas becoming residential zones, so there is no need to change the areas on this basis. The maps will be reissued in an updated format, but will otherwise be unchanged – except:</td>
</tr>
<tr>
<td>Maps to be reissued with one minor correction</td>
<td>Correction of one assumed error – indicating important open spaces on the central city map</td>
<td></td>
</tr>
</tbody>
</table>

- the bylaw refers to “important open space” in the Central City map: o (4)(f)(b) no person may operate, or permit, or allow to be operated, a brothel in any building immediately adjacent to an area marked as important open space on the Central City map (In Schedule 1).
- Although the map showing these important open spaces was consulted on, it was not part of the final map adopted by the Council, despite the clause in the bylaw referring to it. The may have been an error.
- The important open spaces will be shown on the updated map.
- The “Open Space Strategy 2010-2040” lists relevant important open spaces as: Cathedral Square, Worcester Boulevard, New Regent Street and the Avon River corridor.
12. Proposed Changes to the Cemeteries Bylaw 2013

Reference: 18/651712
Presenter(s): Ruth Littlewood, Senior Policy Analyst

1. Note

This report will be considered by the Regulatory Performance Committee on Wednesday 11 July. The Committee’s recommendation to the Council will be circulated prior to the Council meeting on 12 July 2018.

The staff report and attachments are detailed below:

- Staff Report
- Attachment A: June 2018-S155 Review - Christchurch City Council Cemeteries Bylaw 2013
- Attachment B: Cemeteries Bylaw 2013 (amended)
- Attachment C: Cemeteries Bylaw 2013 incorporating proposed amendment – June 2018

2. Staff Recommendations

That the Regulatory Performance Committee recommend to Council that it:

1. Note that:
   a. this report relates to the review of the Cemeteries Bylaw 2013;
   b. the review of the current bylaw has resulted in the development of proposed amendments to the 2013 bylaw;
   c. in order to complete the review, the Council needs to approve and consult the public on the proposed bylaw amendments.

2. Receive the attached section 155 analysis report (Attachment A).

3. Note that on 22 March 2018 Council resolved that a bylaw is the most appropriate way of addressing the perceived problems relating to cemeteries, in accordance with section 155(1) of the Local Government Act 2002, and that a bylaw is required to provide for reasonable controls to:
   a. protect health and safety;
   b. protect the cemeteries; and
   c. provide for the regulation of activities in cemeteries.

4. Commence the consultation process in relation to the proposed bylaw amendments (Attachment B) and note that subject to any changes as a result of the consultation process the proposed bylaw meets the requirements of section 155 of the Act, in that:
   a. a bylaw is the most appropriate way of addressing the perceived problems; and
   b. the proposed amended bylaw (subject to the outcome of the consultation process) is the most appropriate form of bylaw; and
   c. the proposed amended bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990, but is not inconsistent with that Act.

5. Adopt a Statement of Proposal (Attachment C) for consultation; and
6. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.

3. Recommendation to Council

The recommendation to the Council from the Regulatory Performance Committee will be confirmed following the Committee’s meeting on Wednesday 11 July 2018.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Staff Report on the Proposed Changes to the Cemeteries Bylaw 2013, and Attachments</td>
<td>293</td>
</tr>
</tbody>
</table>
12. Proposed Changes to the Cemeteries Bylaw 2013

Reference: 18/601343
Presenter(s): Ruth Littlewood, Senior Policy Analyst

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Regulatory Performance Committee to recommend proposed changes to the Cemeteries Bylaw 2013 to the Council to approve for adoption for public consultation.

Origin of Report
1.2 This report is being provided to meet statutory bylaw review requirements, and follows on from a previous report to the Regulatory Performance Committee and Council about the review of the bylaw (resolution CNCL/2018/00038).

2. Significance

2.1 The decision in this report is of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.2 Staff recommend that the consultation process for the bylaw amendments follows a similar process to the special consultative procedure under the Local Government Act 2002, including public notification of the bylaw, written submission and a public hearing.

3. Staff Recommendations

That the Regulatory Performance Committee recommend to Council that it:

1. Note that:
   a. this report relates to the review of the Cemeteries Bylaw 2013;
   b. the review of the current bylaw has resulted in the development of proposed amendments to the 2013 bylaw;
   c. in order to complete the review, the Council needs to approve and consult the public on the proposed bylaw amendments.

2. Receive the attached section 155 analysis report (Attachment A).

3. Note that on 22 March 2018 Council resolved that a bylaw is the most appropriate way of addressing the perceived problems relating to cemeteries, in accordance with section 155(1) of the Local Government Act 2002, and that a bylaw is required to provide for reasonable controls to:
   a. protect health and safety;
   b. protect the cemeteries; and
   c. provide for the regulation of activities in cemeteries.

4. Commence the consultation process in relation to the proposed bylaw amendments (Attachment B) and note that subject to any changes as a result of the consultation process the proposed bylaw meets the requirements of section 155 of the Act, in that:
a. a bylaw is the most appropriate way of addressing the perceived problems; and
b. the proposed amended bylaw (subject to the outcome of the consultation process) is the most appropriate form of bylaw; and
c. the proposed amended bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990, but is not inconsistent with that Act.

5. Agree that a hearings panel be convened to receive and hear submissions on the proposed bylaw amendments, deliberate on those submissions, and report back recommendations to the Council on the final form of the bylaw.

4. Key Points

4.1 The Act requires that all bylaws are reviewed periodically to ensure that they remain fit for purpose. In terms of assessing options, each bylaw clause has been examined, and new issues have been identified and assessed. This, in essence, provides the analysis of options, which is contained in the ‘section 155 report’ (Attachment A). The table of Attachment A summarises the amendments proposed to the current bylaw clauses together with the rationale for these changes.

4.2 The review of the current bylaw is intended to make the Council’s controls for cemeteries more effective, easier to administer and enforce, and to reflect current circumstances. The detail of the regulation for the cemeteries is contained in the ‘Cemeteries Handbook’ which is the subject of a separate report. The consultation on changes to the Handbook will take place at the same time as consultation on the Bylaw.

4.3 This report supports the Council’s Long Term Plan (2015 - 2025):

4.3.1 Activity: Strategic Planning and Policy

- Level of Service: 17.0.19 Bylaws and regulatory policies are reviewed to meet statutory timeframes and changing needs

4.4 The following feasible options have been considered:

- Option 1 – Undertake consultation on the proposed changes to the bylaw (preferred option)

4.5 The LGA 2002 requires that all reasonably practicable options are assessed (section 77). In this case, only one structural option has been presented in this report - reviewing and amending the bylaw. In March 2018 the Council resolved that a bylaw is the most appropriate way to address the perceived problems

5. Context/Background

Purpose and coverage of the bylaw

5.1 The Council has had bylaws to regulate activities in its cemeteries for many years. In 2013 the Council made a new bylaw under the Local Government Act 2002 (LGA) and in terms of the LGA the Council is required to review this bylaw this year. The Cemeteries Bylaw 2013 provides the legal framework for the Cemeteries Handbook. (The Cemeteries Master Plan 2013 provides the overall policy framework for cemeteries.)

5.2 In addition to the current review of the bylaw, staff consider that it is appropriate to review the provisions in the Handbook as the Handbook contains the detail of the rules and requirements for cemeteries. There are new and emerging issues that may require specific provisions in the Handbook. Such issues include changes in requirements for heritage cemeteries and heritage graves, the scattering of ashes and new types of ‘green’ burials. These matters are addressed
through proposed amendments to the cemeteries handbook which are the subject of a separate report.

**Review of the current bylaw and clause by clause analysis of the proposed amended bylaw**

5.2 A previous report was considered by the committee and the Council in March 2018, concluding that a bylaw was still needed. The proposed amended bylaw is attached to this report (Attachment B) together with a track changes version of the bylaw showing the proposed amendments as deletions and insertions (Attachment C). Information for the clause by clause analysis was sought from a range of staff having involvement with cemeteries matters including the legal team, the planning of cemeteries and those involved in the administration of cemeteries. In addition community boards were briefed on the cemeteries bylaw review.

5.2 Staff consider that the 2013 bylaw is generally in an appropriate form subject to a number of relatively minor amendments. At the time of the 2013 review prescriptive detail within the earlier bylaws was removed and incorporated in the handbook. The handbook can be altered or updated as situations and needs change and without the need for extensive public consultation (depending on the significance of any changes proposed). In drafting amendments to the bylaw, staff have considered any new and emerging issues and a separate s155 report is attached to this report for the bylaw.

5.3 The current bylaw has nine clauses:

5.3.1 Clause 1 'Title and Commencement'. No change is proposed.

5.3.2 Clause 2 ‘Object’ - the purpose of this bylaw; providing for the management of the Council’s cemeteries and stating that it does not apply to cemeteries under the control of other organisations. Staff recommend that the ‘object’/purpose of the bylaw is amended to be more user friendly.

5.3.3 Clause 3 Interpretation sets out definitions and other material to assist in the interpretation of the bylaw. Having reviewed this clause, staff recommend the deletion of the term ‘eco-burial’ which is no-longer widely used, including a new sub-clause 3(2) clarifying that words in the bylaw have the same meaning as in relevant legislation, and a new sub-clause 3(3) outlining the purpose of explanatory notes.

5.3.4 Clause 4. Currently Clause 4 relates to ‘activities and conduct in cemeteries’ while current Clause 5 relates to the Cemeteries Handbook. Staff consider that a more logical structure for the bylaw would have the clause setting out the content of the Handbook precede the clause relating to compliance with the Handbook. The proposal is for Clause 4 to be titled ‘Cemeteries Handbook’; that this ‘new’ clause 4 provide for the Council to make (amend or revoke) a Cemeteries Handbook and to describe the subject matter of such a Handbook.

5.3.5 Clause 5. As outlined above, staff recommend that Clause 5 is re-titled ‘Activities and conduct in cemeteries’ and that current clauses 4(2), 4(3) and 4(4) be renumbered 5(1), 5(2) and 5(3). These sub-clauses are considered necessary; they provide for a breach of the Handbook to be (treated as) a breach of the bylaw and include a requirement for people to conduct themselves in accordance with the Act and Handbook.

5.3.6 Clause 6 ‘Fees’ -provides for fees for cemetery services which are set through the Annual Plan process. Staff do not recommend any changes to this clause.

5.3.7 Clause 7 ‘Offence and penalty’ sets out the offence and penalty as provided for by the LGA. Staff do not recommend any changes to this clause.

5.3.8 Clause 8 ‘General Bylaw’ provides that the general bylaw provisions apply to this bylaw. Staff do not recommend any changes to this clause.
5.3.9 Clause 9 ‘Revocations’ revokes earlier cemeteries bylaws. Staff do not recommend any changes to this clause.

Consultation process on the proposed amendments to the bylaw

5.4 The Act requires councils to consult the public on new bylaws and bylaw amendments using either the special consultative procedure (sections 83 and 86) or ‘other’ consultation (section 82). For proposals of low to medium significance, section 82 ‘other’ consultation is generally considered appropriate. Staff have determined the significance of this bylaw review is low and recommend that the Council follow a consultation process as follows:

- public notices in relevant newspapers;
- sending a consultation document including the proposed bylaw amendments to identified stakeholders, inviting written comments;
- making copies available on the website and in libraries for anyone with an interest;
- holding public hearings.

5.5 Consultation is scheduled for early August to early September, with public hearings around mid-October 2018. The Council should be able to consider the final form of the bylaw in early December with the amended bylaw coming into force in December 2018 or early 2019.

5.6 As the Cemeteries Handbook is under review, the proposed replacement Handbook will be made available with the public consultation material for the bylaw.

6. Option 1 – recommend the proposed amended bylaw for public consultation (preferred)

Option Description

6.1 The Cemeteries Bylaw 2013 has been reviewed and a number of amendments are recommended. Undertake public consultation on the proposed amended bylaw.

Significance

6.2 The level of significance of this option is low consistent with section 2 of this report

Impact on Mana Whenua

6.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision <does/does not> specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

6.4 This report concerns the adoption of a proposed amended bylaw for public consultation. Views will be sought through the public consultation process.

Alignment with Council Plans and Policies

6.5 This option is consistent with Council’s Plans and Policies

Financial Implications

6.6 Public consultation and hearings on the proposed amended bylaw are business as usual costs.

Legal Implications

6.7 The Legal Services Unit has considered both the section 155 analysis and the proposed bylaw amendments. It is the view of the Legal Services Unit that a proposed amended bylaw is within
the authorising provisions of the LGA 2002 and the Burial and Cremation Act 1964, and is certain and reasonable. It is also the view of the Legal Services Unit that the attached section 155 analysis report shows how the Council has considered its section 155 obligations for the purposes of the review of the bylaw (together with assessing options under section 77 of the LGA 2002 in relation to the various clauses).

6.8 The recommendations in this report reflect that the requirements in section 155 and 160 of the LGA 2002 have been met.

Risks and Mitigations

6.9 The risks of consulting on and then adopting some form of proposed amended bylaw are low. The consultation process will allow the public to have their say on the proposal.

Implementation

6.10 Implementation dependencies - consultation period.

6.11 Implementation timeframe - Report to go via Regulatory Performance Committee to the Council; Public consultation finished September; Hearings over October; Final Council report by December 2018; new bylaw in place by late 2018/early 2019.

Option Summary - Advantages and Disadvantages

6.12 The advantages of this option include:

- Meets legislative requirements for review (timeliness, analysis and consultation)
- Updates the existing bylaw so it is fit for purpose in the current context.

6.13 There are no identified disadvantages of this option.

### Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
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<tbody>
<tr>
<td>A</td>
<td>June 2018- S155 review - Christchurch City Council Cemeteries Bylaw 2013</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Cemeteries bylaw 2013 (amended)</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Cemeteries Bylaw 2013 incorporating proposed amendment -June 2018</td>
<td></td>
</tr>
</tbody>
</table>

### Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

(i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and

(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.
<table>
<thead>
<tr>
<th>Signatories</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Authors</td>
<td>Ruth Littlewood - Senior Policy Analyst</td>
</tr>
<tr>
<td></td>
<td>Judith Cheyne - Associate General Counsel</td>
</tr>
<tr>
<td>Approved By</td>
<td>Emma Davis - Acting Head of Strategic Policy</td>
</tr>
<tr>
<td></td>
<td>Brendan Anstiss - General Manager Strategy and Transformation</td>
</tr>
</tbody>
</table>
Review of the Christchurch City Council
Cemeteries Bylaw 2013

Section 155 Report

Introduction

1. Under section 158 and 159 of the Local Government Act 2002 (LGA), the Council is required to review its bylaws at five and then 10 yearly intervals.

2. This is the first review of the Cemeteries Bylaw 2013 (five years after adoption). In order to meet the statutory requirements for review, the bylaw must be reviewed by 27 June 2018.

3. When the Council reviews a bylaw, section 160 of the Act requires the Council to review the bylaw by making the determinations required by section 155.

4. Section 155 of the LGA must be followed when reviewing a bylaw. Section 155(1) requires a council to determine whether a bylaw is the most appropriate way of addressing a perceived problem. In March 2018 the Council determined that the bylaw is the most appropriate way of addressing the perceived problem.

5. There are two further parts to section 155 (determining that a bylaw is in the most appropriate form, and assessing whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990). These two aspects are considered in this report to the Committee and Council, which will recommend any bylaw changes and consultation on those changes.

Perceived and actual problems

6. The problem in this particular instance is the appropriate management of cemeteries and activities in cemeteries. If the Council is to ask the question in relation to the existing cemeteries bylaw – is it still the most appropriate way to address the particular issue?

7. Section 77 of the Local Government Act 2002 requires the Council, in the course of a decision making process, to seek to identify and assess all reasonably practicable options for the achievement of the objectives. This is also part of an assessment under section 155. The following options exist:

- Revoke the bylaw and rely on voluntary co-operation to ensure compliance with the terms and conditions contained within the Cemeteries Handbook. The voluntary option was considered by the Council in 2013 and rejected as impractical. Over many years this Council (and its predecessor Councils) have enacted cemeteries bylaws and as stated in the Statement of Proposal for the 2013 bylaw “the bylaws have generally proved to work well”.
- Replace the 2013 bylaw with a new bylaw. Staff do not recommend this option as the bylaw on the whole remains fit for purpose. While it may be desirable to make some minor changes to update the provisions, the current bylaw still works well.
- Amend the current bylaw. This is the preferred option which the Council adopted in March 2018. On 22 March 2018 Council resolved that a bylaw is the most appropriate way of addressing the perceived problems relating to cemeteries, in accordance with section 155(1) of the Local Government Act 2002, and that a bylaw is required to provide for reasonable controls to:
  - protect health and safety;
  - protect the cemeteries; and
  - provide for the regulation of activities in cemeteries.
8. A clause by clause analysis of the bylaw is provided in the form of a table to this s155 report. Staff consider that the 2013 bylaw is generally in an appropriate form. The discretion it leaves to the Council in relation to approving any changes to the Cemeteries Handbook, which sets the more detailed “rules” that stand outside the bylaw is not unreasonable, because the scope of the Handbook is provided for in the bylaw. In drafting possible amendments to the bylaw, staff have considered any new and emerging issues.

New Zealand Bill of Rights Act 1990

9. Section 15 of the New Zealand Bill of Rights Act 1990 provides that “every person has the right to manifest that person’s religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private”. Section 20 also states that “a person who belongs to an ethnic, religious, or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language, of that minority”. These rights may have some relevance to bylaws made for the purposes of regulating cemeteries. For example, if a bylaw attempted to control the way in which particular religious ceremonies at funerals could be conducted, it may breach one of these rights. In some circumstances it may be appropriate for a bylaw to provide controls that appear to limit these rights, particularly if the purpose related to the safety of persons in the cemetery. The shared use of cemeteries by different persons of different religions may also be a reason for limitations.

10. Limitations on a right may be appropriate if the limitation is considered “a reasonable restriction in a free and democratic society”, in accordance with section 5 of the NZBORA. The 2013 Cemeteries Bylaw does not provide for any limitations on, or contain inconsistencies with, the NZBORA, although the Cemeteries Handbook places limitations on things on graves. If this limit is contrary to any of the rights in the Act then it is a reasonable restriction in accordance with section 5, and is therefore consistent with the NZBORA.

Conclusions

11. The review concludes that the ‘problem’ that existed in 2013 is still present and a bylaw is the most appropriate tool to manage cemeteries. The Council proposes to amend the bylaw. A summary of the clause by clause analysis of the current bylaw and the proposed amendments are attached.
Summary of the clause-by-clause analysis of the Cemeteries Bylaw 2013 including proposed amendments to the bylaw.

<table>
<thead>
<tr>
<th>Existing bylaw coverage</th>
<th>Issues and analysis including reasons for any amendments</th>
<th>Proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 1 sets out the title and commencement date of the bylaw.</td>
<td>No changes required.</td>
<td>None.</td>
</tr>
<tr>
<td>Clause 2 ‘Object’ - the purpose of this bylaw; providing for the management of the Council’s cemeteries and stating that it does not apply to cemeteries under the control of other organisations.</td>
<td>The purpose of the bylaw is still relevant. Some change to the wording of this clause would make it simpler and more ‘user friendly’.</td>
<td>Amend 2(1) to read: The purpose of this bylaw is to regulate activities and behaviour in cemeteries in order to maintain, protect and enhance cemeteries under the control of the Council.</td>
</tr>
<tr>
<td>Existing bylaw coverage</td>
<td>Issues and analysis including reasons for any amendments</td>
<td>Proposed amendments</td>
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</tbody>
</table>
| **Clause 3 ‘Interpretation’** | It is helpful for bylaws to include definitions for ease of use; most of the definitions in the bylaw do not need to change. However some definitions may be redundant or need updating for clarity, to reflect changing usage e.g. eco-burial. | Amend the following by adding the underlined words for clarity:  
Cemeteries Handbook means the document adopted by Council that sets out the rules and information applying to activities and conduct in cemeteries.  
Monument includes any headstone, plaque, panel, memorial or concrete kerbing or other erection.  
(2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.  
(3) Explanatory notes do not form part of this bylaw and the Council may add, amend or delete explanatory notes at any time without formality.  

*Explanatory Note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*  
Delete the following definition:  
Eco-burial. This term is no longer widely used. |
### Existing bylaw coverage

<table>
<thead>
<tr>
<th>Clause 4 'Activities and conduct in cemeteries'.</th>
</tr>
</thead>
</table>

### Issues and analysis including reasons for any amendments

#### Proposed Clause 4

- The proposed Cemeteries Handbook clause (currently Clause 5) provides for the Council to adopt by resolution a Cemeteries Handbook which sets out in detail the rules and standards for activities and behaviours in cemeteries. At the time of the 2013 review prescriptive detail within the earlier bylaws was removed and incorporated in the handbook. The handbook can be altered or updated the handbook as situations and needs change and without the need for extensive public consultation.

### Proposed amendments

The proposed change puts the bylaw clauses into a more logical order with the clause relating to the Cemeteries Handbook preceding the clause (proposed Clause 5) relating to compliance with the handbook. Amend the bylaw by altering the order of the clauses 4 and 5. Simplify wording to make it more succinct and easier to understand as follows:

1. The Council may by resolution make, or amend or revoke a Cemeteries Handbook that establishes rules for activities and conduct in cemeteries.

   **Explanatory Note:** Before making, amending or revoking the Cemeteries Handbook the Council will comply with the consultation requirements of the Local Government Act 2002.

2. Without limitation the Cemeteries Handbook may include rules and information relating to:

   - (a) interment and disinterment
   - (b) the purchase of burial plots (exclusive right of burial)
   - (c) built structures
   - (d) ground maintenance and planting
   - (e) hours of access
   - (f) vehicle movements and parking
   - (g) health and safety
   - (h) standards of behaviour
   - (i) special conditions relating to cemeteries or parts of cemeteries
   - (j) forms and records
<table>
<thead>
<tr>
<th>Existing bylaw coverage</th>
<th>Issues and analysis including reasons for any amendments</th>
<th>Proposed amendments</th>
</tr>
</thead>
</table>
| Clause 5 'Cemeteries Handbook' | Proposed clause 5 'Activities and conduct in cemeteries' provides that persons in cemeteries must conduct themselves in accordance with the Act and the rules set out in any Cemeteries Handbook. The proposed change in the order of clauses is more logical and user friendly; this clause relating to compliance with the Handbook should follow rather than precede the clause relating to the Handbook content. | (1) Persons in cemeteries must conduct themselves in accordance with the Act and the rules set out in any Cemeteries Handbook.  
(2) Any person who carries out an activity, or behaves in a manner, that does not comply with the rules and standards of the Cemeteries Handbook breaches this bylaw.  
(3) For the avoidance of doubt, the Council, including its employees or agents, may carry out any activity in a cemetery in accordance with the Act, whether or not the activity is provided for in the Cemeteries Handbook. |
<p>| Clause 6 'Fees' | The bylaw provides for fees for cemetery services which are set through the Annual Plan process. Given the costs incurred in operating cemeteries, it is appropriate and necessary that Council change for its services. | No amendments proposed. |
| Clause 7 'Offence and penalty' sets out the penalties under the LGA | A successful prosecution of a bylaw offence is subject to the payment of a fine. There is no infringement regime available at this time for breaching the bylaw (rule of the Handbook) made under the LGA. | No amendments proposed. |
| Clause 8 'General Bylaw' states that the General Bylaw clauses form part of this bylaw | The General Bylaw contains clauses common to all bylaws. | No amendments proposed. |</p>
<table>
<thead>
<tr>
<th>Existing bylaw coverage</th>
<th>Issues and analysis including reasons for any amendments</th>
<th>Proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 9 'Revocations'</td>
<td>This clause lists the bylaws which were revoked by the passing of the 2013 bylaw.</td>
<td>No amendments proposed.</td>
</tr>
</tbody>
</table>
CHRISTCHURCH CITY COUNCIL
CEMETRIES BYLAW 2013
(incorporating 2018 amendments)

This bylaw is made under section 16 of the Burial and Cremation Act 1964, and section 146 of the Local Government Act 2002.

1. SHORT TITLE AND COMMENCEMENT

(1) This bylaw is the Christchurch City Council Cemeteries Bylaw 2013, and comes into force on 1 July 2013.

Preliminary provisions

2. PURPOSE

(1) The purpose of this bylaw is to regulate activities and behaviour in cemeteries in order to maintain, protect, and enhance cemeteries under the control of the Council.

(2) This bylaw does not apply to any cemetery, crematorium, burial ground or urupa that is under the control of another organisation.

3. INTERPRETATION

(1) In this bylaw, unless the context requires otherwise:


‘Burial or interment’ means the burial or depositing of a human body, or a container of ashes resulting from the cremation of a human body, underneath the earth, or in a vault.

‘Cemeteries handbook’ means the document adopted by Council that sets out the rules and information applying to activities and conduct in cemeteries.

‘Cemetery’ includes any cemetery owned and/or administered by the Council, and includes a closed cemetery.

‘Council’ means the Christchurch City Council.

‘Monument’ includes any headstone, plaque, panel, memorial or concrete kerbing or other erection.

‘Vault’ means a structure approved by the Council for the deposit of specially sealed coffins containing a human body, or containers of ashes resulting from the cremation of a human body.

(2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
(3) Explanatory notes do not form part of this bylaw and the Council may add, amend or delete explanatory notes at any time without formality.

Explanatory Note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

Regulation of cemeteries

4. CEMETERIES HANDBOOK

(1) The Council may by resolution make, or amend or revoke a Cemeteries Handbook that establishes rules for activities and conduct in cemeteries.

Explanatory Note: Before making, amending or revoking the Cemeteries Handbook the Council will comply with the consultation requirements of the Local Government Act 2002.

(2) Without limitation the Cemeteries Handbook may include rules and information relating to:

(a) interment and disinterment
(b) the purchase of burial plots (exclusive right of burial)
(c) built structures
(d) ground maintenance and planting
(e) hours of access
(f) vehicle movements and parking
(g) health and safety
(h) standards of behaviour
(i) special conditions relating to cemeteries or parts of cemeteries
(j) forms and records

Explanatory note: The Council has various forms available in relation to cemeteries administration. It also has other helpful information available to persons using cemeteries, or carrying out genealogical research. The forms and other helpful information may be included in the Cemeteries Handbook or elsewhere on the Council's website: www.ccc.govt.nz.

5. ACTIVITIES AND CONDUCT IN CEMETERIES

(1) Persons in cemeteries must conduct themselves in accordance with the Act and the rules set out in any Cemeteries Handbook.

(2) Any person who carries out an activity, or behaves in a manner, that does not comply with the rules and standards of the Cemeteries Handbook breaches this Bylaw.

(3) For the avoidance of doubt, the Council, including its employees or agents, may carry out any activity in a cemetery in accordance with the Act, whether or not the activity is provided for in the Cemeteries Handbook.
6. FEES

(1) The Council may from time to time, and in accordance with the Local Government Act 2002, prescribe the fees and charges payable in relation to cemeteries.

Explanatory note: Fees relevant to cemeteries are set out in the Council’s Fees and Charges Schedule, which is available on the Council’s website: www.ccc.govt.nz

7. OFFENCE AND PENALTY

(1) Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding $20,000, as set out in the Local Government Act 2002.

8. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

(1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

9. REVOCATIONS

The following bylaws are revoked:

(a) Christchurch City Bylaw No. 110 (1980) Cemeteries
(b) Waimairi District Bylaw No.1 (1983) Cemeteries
(c) Banks Peninsula District Council Cemeteries Bylaw 1996

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on 6 December 2012 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 27 June 2013.
CHRISTCHURCH CITY COUNCIL
CEMETERIES BYLAW 2013
(incorporating 2018 amendments)

Pursuant to This bylaw is made under section 16 of the Burial and Cremation Act 1964, and section 146 of the Local Government Act 2002, the Christchurch City Council makes this bylaw.

1. SHORT TITLE AND COMMENCEMENT

(1) This bylaw is the Christchurch City Council Cemeteries Bylaw 2013, and comes into force on 1 July 2013.

Preliminary provisions

2. OBJECT OF THE BYLAW PURPOSE

(1) The purpose of this bylaw is to regulate activities and behaviour in cemeteries in order to maintain, protect, and enhance cemeteries under the control of the Council, provide for the management of the Council’s cemeteries by allowing certain activities and conduct to take place in cemeteries subject to compliance with any conditions the Council adopts for its cemeteries.

(2) This bylaw does not apply to any other cemetery, crematorium, burial ground or urupa that is under the control of another organisation.

3. INTERPRETATION

(1) In this B bylaw, unless the context requires otherwise:

'ACT' means the Burial and Cremation Act 1964.

'B Burial or Interment' means the burial or depositing of a human body, or a container of ashes resulting from the cremation of a human body, underneath the earth, or in a vault.

'Cemeteries Handbook' means the document adopted by Council that sets out the rules and information applying to activities and conduct in cemeteries.

'Cemetery' includes any cemetery owned and/or administered by the Council, and includes a closed cemetery.

'Council' means the Christchurch City Council.

'Disinterment' means the removal of a human body, or a container of ashes, from the earth, or any vault.

'Monument' includes any headstone, plaque, panel, memorial or concrete kerbing or other erection.

'Eco Burial' means a burial that has a low-environmental impact, including that the body has not been treated with chemicals or oils that will prevent or slow down the decay of the body by bacteria (such burials may also be known as 'green' or 'natural' burials).
Council
12 July 2018

Item No.: 12

4. CEMETERIES HANDBOOK

(1) The Council may by resolution make, or amend or revoke, a Cemeteries Handbook that establishes rules for conditions relating to activities and conduct in cemeteries, or otherwise relating to cemeteries.

Explanatory Note: Before making, amending or revoking the Cemeteries Handbook the Council will comply with the consultation requirements of the Local Government Act 2002.

(2) Without limitation the Cemeteries Handbook may include rules and information relating to:

(a) interment and disinterment
(b) the purchase of burial plots
(c) built structures
(d) ground maintenance and planting
(e) hours of access
(f) vehicle movements and parking
(g) health and safety
(h) standards of behaviour
(i) special conditions relating to cemeteries or parts of cemeteries
(j) forms and records

Explanatory Note:

5. ACTIVITIES AND CONDUCT IN CEMETERIES

(1) The following activities may take place in cemeteries, or in relation to cemeteries, provided the activity is carried out in accordance with the Act and any conditions adopted by the Council in any rule or condition of a Cemeteries Handbook adopted under clause 4, and subject to the payment of any fees that may apply:

(a) interments and disinterments;
(b) the installation and maintenance of headstones, plaques, vaults, monuments, fences, trees and shrubs and other things on graves and in cemeteries;
(c) working in a cemetery;
(d) the purchase of burial plots (including exclusive rights of burial).
(1)(2) Persons in cemeteries must conduct themselves in accordance with the Act and any standards for behaviour and the rules set out in the any Cemeteries Handbook adopted by the Council.

(2)(3) Any person who carries out an activity, or behaves in a manner, that does not comply with conditions set out in the Cemeteries Handbook adopted—under clause 5 of this Bylaw, breaches this Bylaw.

(3)(4) For the avoidance of doubt, the Council, including its employees or agents, may carry out any activity in a cemetery in accordance with the Act, whether or not the activity is provided for in the Cemeteries Handbook.

5. The Council may from time to time adopt by resolution, or may also amend by resolution, a Cemeteries Handbook that set out rules and conditions, relating to activities and behaviour in cemeteries or otherwise relating to cemeteries, about, but not limited to, the following matters:

(a) the location and availability of burial and ashes plots, and the purchase of exclusive rights of burial plots;

(b) the manner of burial, including the depth, preparation and testing of graves, size of caskets, and other conditions relating to eco burials, and other types of burial;

(c) requirements for notification to the Council of burials and burial bookings;

(d) hours of access to cemeteries, when funerals can be held, and when maintenance and other work is allowed in cemeteries;

(e) the burial of poor persons, still-born children and operational service personnel and their partners;

(f) the health and safety of persons visiting and working in cemeteries;

(g) requirements for disinterments;

(h) requirements concerning headstones, plaques, vaults, monuments, fences, signs, trees and shrubs, and other things that may be installed in, or kept on graves in, cemeteries, including what things are not allowed;

(i) the type of maintenance and other work that can be carried out in cemeteries, and who can carry out any maintenance or other work;

(j) standards of behaviour for persons in cemeteries, including whether animals or vehicles may be brought into cemeteries;

(k) special conditions related to particular cemeteries or types of cemeteries; and

(l) stating the forms that must be used by any person to apply to the Council or advise the Council in relation to any cemeteries matter.

Explanatory note: The following note is explanatory and is not part of the bylaw:

The Council has various forms available in relation to cemeteries administration. It also has other helpful information available to persons using cemeteries, or carrying out genealogical research. The forms and other helpful information may be included in the Cemeteries Handbook, or it may be in other Council documents or on the Council’s website: www.docs.govt.nz.

6. FEES

(1) The Council may from time to time, and in accordance with the Local Government Act 2002, prescribe the fees and charges payable in relation to cemeteries.
Explanatory note: The following note is explanatory and is not part of the bylaw:

Fees relevant to cemeteries are set out in the Council’s Fees and Charges Schedule, which is available on the Council’s website: www.ccc.govt.nz

7. OFFENCE AND PENALTY

(1) Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding $20,000, as set out in the Local Government Act 2002.

8. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

(1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

12. REVOCATIONS

The following bylaws are revoked:

(a) Christchurch City Bylaw No. 110 (1980) Cemeteries
(b) Waimairi District Bylaw No. 1 (1983) Cemeteries
(c) Banks Peninsula District Council Cemeteries Bylaw 1996

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on 6 December 2012 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 27 June 2013.

Reference: 18/651753
Presenter(s): Ruth Littlewood, Senior Policy Analyst

1. Note

This report will be considered by the Regulatory Performance Committee on Wednesday 11 July. The Committee’s recommendation to the Council will be circulated prior to the Council meeting on 12 July 2018.

The staff report and attachments are detailed below:

- Staff Report
- Attachment A: Cemeteries Handbook July 2013 (word version)

2. Staff Recommendations

That the Regulatory Performance Committee recommend to the Council that it:

1. Note that:
   a. this report relates to the review of the Christchurch City Council Cemeteries Handbook 2013 (the current handbook);
   b. the review of the current handbook has resulted in the development of a draft replacement handbook: the Christchurch City Council Cemeteries handbook 2018;

2. Approve the draft replacement handbook and consult the public on the draft handbook.

3. Agree that a hearings panel be convened to receive and hear submissions on the proposed replacement Cemeteries Handbook, deliberate on those submissions, and report back recommendations to the Council on the final form of the Handbook.

3. Recommendation to Council

The recommendation to the Council from the Regulatory Performance Committee will be confirmed following the Committee’s meeting on Wednesday 11 July 2018.

Attachments

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Reference: 18/646474
Presenter(s): Ruth Littlewood, Senior Policy Analyst

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Regulatory Performance Committee to consider the review of the Cemeteries Handbook and recommend the proposed replacement handbook to Council for adoption for public consultation.

Origin of Report
1.2 This report is staff generated to coincide with the review of the Cemeteries Bylaw 2013.

2. Significance

2.1 The decision in this report is of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.2 Staff recommend that the proposed replacement handbook (Attachment A) is consulted on at the same time as the draft amendments to the Cemeteries Bylaw 2013. Staff recommend that the bylaw consultation includes public notification of the bylaw, written submissions and a public hearing. While the handbook is not required to go through such a consultation process, it is likely that many submissions will cover issues that affect both documents.

3. Staff Recommendations

That the Regulatory Performance Committee recommend to the Council that it:

1. Note that:
   a. This report relates to the review of the Christchurch City Council Cemeteries Handbook 2013 (the current handbook);
   b. The review of the current handbook has resulted in the development of a draft replacement handbook: the Christchurch City Council Cemeteries Handbook 2018;

2. Approve the draft replacement handbook (Attachment A) and consult the public on the draft handbook.

3. Agree that a hearings panel be convened to receive and hear submissions on the proposed replacement Cemeteries Handbook, deliberate on those submissions, and report back recommendations to the Council on the final form of the Handbook.

4. Key Points

4.1 This report supports the Council’s Long Term Plan (2018 - 2028):
   4.1.1 Activity: Strategic Planning and Policy
   - Level of Service: 17.0.19.4 Bylaws and regulatory policies to meet emerging needs and satisfy statutory requirements - Carry out bylaw reviews in accordance with ten-year bylaw review schedule and statutory requirements.

4.2 The following feasible options have been considered:
Option 1 – Undertake consultation on the draft replacement cemeteries handbook (preferred option)

Only one structural option has been presented in this report – reviewing and replacing the handbook. This is because revoking the handbook, or keeping the existing handbook, are not reasonably practicable options as improvements and alignments with best practice have been identified through the review. It would be inadvisable to remove a useful regulatory tool such as the handbook or to maintain the current handbook unaltered when improvements have been identified.

4.3 Option Summary - Advantages and Disadvantages (Preferred Option)

4.3.1 The advantages of this option include:

- Improving the handbook to make it simpler, clearer and easier to understand
- Updates the handbook so it is fit for purpose, and aligns with the proposed amendments to the Cemeteries Bylaw 2013.

4.3.2 There are no identified disadvantages of this option.

4.4 The current Cemeteries Handbook 2013 is on the Council website at: https://ccc.govt.nz/services/cemeteries/cemeteries-handbook-2013

5. Context/Background

Review of the Cemeteries Bylaw 2013 and Cemeteries Handbook

5.1 The review of the current cemeteries bylaw is intended to make the Council’s controls for cemeteries more effective, easier to administer and enforce, and to reflect current circumstances. Staff consider also, that as the handbook contains the detail of the rules and requirements for cemeteries, it is appropriate to review the handbook at the same time.

5.2 Staff have identified a great number of (mostly minor) improvements that can be made to the current handbook. In addition to many changes designed to make the handbook easier to read and add clarity to the current controls, there are new and emerging issues that staff consider should be addressed in the handbook. Such issues include changes in the requirements for managing heritage cemeteries and heritage graves, the scattering of ashes and ‘green’ burials.

5.3 The Local Government Act 2002 (LGA) requires councils to consult the public when making decisions on regulatory policy documents such as the cemeteries handbook but leaves it up to the Council as to the appropriate form of consultation. For proposals of low to medium significance, section 82 ‘other’ consultation is generally considered appropriate. Staff have determined that the significance of this Handbook review is low and recommend that the Council follow a consultation process as follows:

- public notices in relevant newspapers;
- sending a consultation document including the proposed replacement handbook to identified stakeholders, inviting written comments;
- making copies available on the website and in libraries for anyone with an interest;
- holding public hearings.

5.4 Consultation is scheduled for early August to early September, with public hearings around mid-October 2018. The Council should be able to consider the final form of the handbook in early December with the amended handbook coming into force in December 2018 or early 2019.
5.5 Staff propose that the proposed replacement handbook will be made available with the public consultation material for the bylaw.

6. **Option 1 – consult on replacing the current cemeteries handbook with a replacement handbook (preferred)**

**Option Description**
6.1 Under this option the current handbook would be replaced with a new cemeteries handbook. (Attachment A).

**Significance**
6.2 The level of significance of this option is low, consistent with section 2 of this report.

**Impact on Mana Whenua**
6.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

**Community Views and Preferences**
6.4 This report concerns the adoption of a proposed replacement cemeteries handbook for public consultation. Views will be sought through the public consultation process.

**Alignment with Council Plans and Policies**
6.5 This option is consistent with Council’s Plans and Policies, and Community Outcomes.

6.6 If the proposed replacement handbook is adopted, the current handbook will need to be revoked.

**Financial Implications**
6.7 Public consultation on the proposed replacement handbook is a business as usual cost.

**Legal Implications**
6.8 The Legal Services Unit has considered the proposed new cemeteries handbook. It is the view of the Legal Services Unit that the proposed replacement is within the authorising provisions of the LGA 2002 and the proposed amended Cemeteries Bylaw, and is certain and reasonable in giving effect to the Cemeteries Bylaw.

6.9 In addition, the review prepared by staff led to the conclusion that the other options such as ‘do nothing’ or ‘retain the current handbook without amendment’ were not reasonably practicable options. On this basis the Legal Services Unit consider that the Council has correctly identified one reasonably practicable option which is to replace the current handbook with a new handbook to align with the proposed amended Cemeteries Bylaw.

**Attachments**

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<td>Cemeteries Handbook July 2018 (word version)</td>
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</table>
Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.

Signatories

| Authors       | Ruth Littlewood - Senior Policy Analyst  
|               | Judith Cheyne - Associate General Counsel |
| Approved By   | Emma Davis - Acting Head of Strategic Policy  
|               | Brendan Anstiss - General Manager Strategy and Transformation |
CHRISTCHURCH CITY COUNCIL CEMETERIES HANDBOOK

In compiling this Cemeteries Master Plan, Handbook and Bylaw, the Councillors and staff of the Christchurch City Council have been very conscious that we are dealing with a deeply important and sensitive part of our community's life. How we care for our deceased loved ones is one of the most intimate and personal experiences for each of us. As a community our cemeteries are an expression of the respect we show to those who have gone before. They are to be places of contemplation, of serenity and prayer, of respect for our history and the stories of our people. They are places to come to grieve, to remember and to give thanks.

Christchurch City is made up of diverse communities of different cultures, faiths, ethnicities and values. The Cemeteries Master Plan, Handbook and Bylaw are designed to enable us all to be as sensitive as we can be to our differences, while acknowledging that we are, at the end of the day, one people.

Introduction

This Christchurch City Council Cemeteries Handbook (the Handbook) contains conditions applying to activities and conduct, and for the management of cemeteries owned by, or under the administration or management of the Christchurch City Council (the Council). It provides information to assist the smooth running, operation and provision of services in the cemeteries.

The Handbook is to be used in conjunction with the Christchurch City Council Cemeteries Master Plan (the Master Plan). The Master Plan Vision is:

- To provide direction for the development and management of the cemeteries owned, managed or maintained by the Council for the next 50 years,

And

- The natural, cultural, heritage, landscape and spiritual values are protected and enhanced by the integrated management of these areas as reserves and open spaces,

While

- Māori values and traditions to their ancestral land, water, sites, waahi tapu, fauna and flora, and other taonga are protected and culture enhanced.

Open Cemeteries

The open and currently operational cemeteries owned by, or under the administration or management of the Christchurch City Council include: Akaroa Anglican Cemetery, Akaroa Catholic Cemetery, Akaroa Dissenters Cemetery, Avonhead Park Cemetery, Belfast Cemetery, Bromley Cemetery, Diamond Harbour Memorial Gardens Cemetery, Duvauchelle Cemetery, Kaituna Valley Cemetery, Le Bons Bay Cemetery, Linwood Cemetery, Little River Cemetery, Lyttelton Anglican Cemetery, Lyttelton Catholic and Public...
Cemetery, Memorial Park Cemetery, Pigeon Bay Cemetery, Ruru Lawn Cemetery, Sydenham Cemetery, Wainairi Cemetery, Wainui Cemetery and Yaldhurst Cemetery.

For interments in these cemeteries contact the Christchurch City Council Cemeteries Team, phone 941-8646 Monday to Friday 8am to 4pm, email: cemeteries@ccc.govt.nz web site: www.ccc.govt.nz.

**Closed Cemeteries**

The following cemeteries owned by, or under the administration or management of the Christchurch City Council are closed and interments are no longer allowed: Addington Cemetery, Akaroa French Cemetery, Barbadoes Street Cemetery, Mount Magdala Cemetery of the Good Shepherd Sisters and Rutherford Cemetery.

Refer to Appendix A for the complete list of all Council owned, administered or managed cemeteries.

**Conditions**

The conditions applying to cemeteries and activities in cemeteries contained in this Handbook were made in accordance with the Christchurch City Council Cemeteries Bylaw 2013 (the Bylaw) and legislation relevant to the activities in cemeteries, including the:

- Burial and Cremation Act 1964\(^1\) and any amendments
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
- CCC Dog Control Bylaw 2016
- CCC Parks and Reserves Bylaw 2016
- CCC Operational Pest Plan
- Property (Relationships) Act 1976
- CCC Maintenance Contract for Urban Parks 2015
- CCC Traffic and Parking Bylaw 2017

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\(^1\) The Burial and Cremation Act of 1964 is under review by the Law Commission
Definitions

Definitions used in this Handbook:

APPROVED CONTRACTOR FOR MONUMENTAL WORK A person approved by Council and responsible for the establishment, repair or modification of a monument

BURIAL OR INTERMENT The burial or depositing of a human body, or urn of ashes resulting from the cremation of a human body, in a plot or in a vault

CEMETERY Land held, taken, purchased, acquired, dedicated or reserved under any statute, for the burial of the dead, and includes a closed cemetery

CEMETERIES TEAM The persons appointed by the Council to carry out administration work on behalf of the Council in relation to its cemeteries

CONCRETE BEAM Concrete span provided by Council in some cemeteries upon which monuments and tributes can be placed

CREMATED REMAINS OR ASHES The term used to describe the cremated remains of a human body or animal

CREMATION The reduction to ashes of a dead body by burning

DISINTERMENT The removal of a human body or ash remains from the earth or any vault or the exhumation of a casket or urn of ashes from a plot or vault

EMBALM The treatment of a dead body with chemicals or oils to slow down the decaying process

EXCLUSIVE RIGHT OF BURIAL The purchase of a right to burial in a particular cemetery plot

FUNERAL DIRECTOR A person who supervises and conducts the preparation of the deceased for burial or cremation and directs or arranges the funeral

GREEN BURIAL A burial that has a low environmental impact, including the body not being treated with
chemicals or oils that prevent or slow down the
decay of the body by bacteria. Green burial plots
are planted but set out so long term access to
each plot will be possible.

<table>
<thead>
<tr>
<th>MONUMENT</th>
<th>Any headstone, plaque, panel, memorial or concrete kerbing</th>
</tr>
</thead>
<tbody>
<tr>
<td>NATURAL BURIAL</td>
<td>A burial that has a low environmental impact, including the body not being treated with chemicals or oils that prevent or slow down the decay of the body by bacteria. Natural Burial areas are planted to encourage ecological restoration, long term individual plots may not be identifiable.</td>
</tr>
<tr>
<td>PLOT OR GRAVE</td>
<td>A numbered lot in a cemetery where a burial or interment can occur. After a plot has been used it is often referred to as a grave</td>
</tr>
<tr>
<td>POOR PERSON</td>
<td>A deceased person certified by a Justice of the Peace as being destitute, impoverished and having insufficient means to pay for funeral related services, and the relatives and friends of the deceased person are also unable to pay these costs.</td>
</tr>
<tr>
<td>PRE - PURCHASED PLOT</td>
<td>A numbered lot in a cemetery purchased in advance for future use, generally as an Exclusive Right of Burial</td>
</tr>
<tr>
<td>REPRESENTATIVE</td>
<td>Anyone who can satisfy the Council they have authority from the owner of the Exclusive Right of Burial and may include the immediate next of kin when the owner is deceased</td>
</tr>
<tr>
<td>Sexton</td>
<td>The person, and any assistant of that person, who is authorised by the Council to carry out work on behalf of the Council in any cemetery. No other person is authorised to prepare or fill a grave</td>
</tr>
<tr>
<td>TRIBUTES OR ADORNMENT</td>
<td>Items left at the plot or graveside as a tribute to the deceased such as floral arrangements photos</td>
</tr>
</tbody>
</table>
or other personal items

VAULT

A structure for the deposit of specially sealed coffins containing a human body, or containers of ashes resulting from the cremation of a human body.
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### Council
12 July 2018

### Regulatory Performance Committee
11 July 2018

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**Appendix A:** Council owned, administered or managed cemeteries

**Appendix B:** Monument Specifications: 1200mm wide full burial plot

**Appendix C:** Monument Specifications: 1400mm wide full burial plot

**Appendix D:** Monument Specifications: 1500mm wide Muslim full burial plot

**Appendix E:** Monument Specifications: 750mm wide Muslim infant burial plot

**Appendix F:** Monument Specifications: 600mm wide ash plot, infant plot or quarter plot

**Appendix G:** Monument Specifications: 750mm wide infant burial plot

**Appendix H:** Monument Specifications: 600mm wide baby loss plot

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**Attachment A**

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**Item No.: 13**

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1.0 General information

1.1 Opening hours

Cemeteries operated by the Council are open for public visiting seven days a week.

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<th>Season</th>
<th>Hours</th>
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<tbody>
<tr>
<td>Summer (daylight saving)</td>
<td>7.00am – 8.00pm</td>
</tr>
<tr>
<td>Winter (standard time)</td>
<td>8.00am – 5.00pm</td>
</tr>
</tbody>
</table>

1.2 Cemetery fees and forms

Cemetery fees are usually set by the Council annually and apply from the 1st July. All fees are available on the Council web site (www.ccc.govt.nz) or by contacting the Council’s Cemeteries Team. Fees relate to plot purchase, the purchase of an Exclusive Right of Burial, burial and/or disinterment costs, and monument work.

Burial and disinterment fees must be paid prior to any burial or disinterment, taking place. In the case of a burial or disinterment under the control of a Funeral Director, the Cemeteries Team jointly with the Team Leader Accounts Payable may, at their discretion, waive the requirement for prior payment and charge the Funeral Director by a monthly account. Payment by monthly account will be made available to Council approved contractor for monumental work.

Where a person other than a Funeral Director is organising the burial, that person will need to contact the Cemeteries Team to complete the appropriate forms and pay all fees prior to the burial, or disinterment, taking place. The original Medical Certificate of Cause of Death (HP4720) or Coroner’s Authorisation for Release of Body must accompany the application. All original documentation will be returned to the applicant.

The forms referred to in this Handbook, and available from the Cemeteries Team are:

- Application for Interment
- Declaration for a Poor and Destitute Interment
- Application for Monumental Work Permit

1.3 Booking procedure for interments

The Cemeteries Team is to be notified of an intended burial. The minimum notice for an Application for Interment to be received by the Cemeteries Team is:

- Cemeteries located within Christchurch City (excluding Banks Peninsula) - a minimum of one working day prior to the time of the interment.
- Cemeteries located within Banks Peninsula - a minimum of two working days prior to the time of the interment.
1.4 Disinterment’s

Any requests to disinter either a body or cremated remains (ashes) must be made in the first instance to a Funeral Director, who will apply for the disinterment.

Only a qualified Funeral Director may disinter. The Funeral Director must be a member of the Funeral Directors Association of New Zealand (FDANZ) or New Zealand Independent Funeral Homes (NZIFH).
2.0 Purchasing Cemetery Plots

2.1 Exclusive Right of Burial

The Council charges a fee for the purchase of an Exclusive Right of Burial for an ashes or burial plot. This fee only relates to the purchase of the burial right. Other fees will be payable at the time of a burial or disinterment. The Council reserves the right to refuse to sell any plot as an Exclusive Right of Burial.

When the plot has been fully paid, a Certificate of Right of Burial will be given to the person named on the certificate (the owner), or the Funeral Director, on behalf of the owner.

An Exclusive Right of Burial is granted in perpetuity, but is subject to section 10(4) of the Burial and Cremation Act 1964, which provides that an Exclusive Right of Burial lapses if 60 years have passed without a burial taking place in the plot.

2.2 Purchase Options

A purchase of an Exclusive Right of Burial can be made either immediately prior to a burial or, in some cases, in advance. Purchases in advance (or ‘pre – purchases’) may be possible at some cemeteries but can be subject to restrictions.

2.3 Later use of an Exclusive Right of Burial

Under Section 10 of the Burial and Cremation Act 1964 the Council is able to require satisfactory evidence that the person for the time being appearing to it to be entitled as owner [of the Exclusive Right of Burial] has consented or would not object to the burial taking place therein.

The person named on the Certificate of Right of Burial is the person the Council considers is entitled as owner to determine who may be interred in the plot. The owner must give their approval by completing an Application for Interment form, and is the only person who may authorise the placement of a monument on the grave.

If the person named on the Certificate of Right of Burial is deceased the Council will make a decision, at its discretion, on who appears to it to be entitled as owner to give approval for a burial in the plot (generally this will be the immediate next of kin or the person acting on behalf of the deceased).

2.4 Refund of an Exclusive Right of Burial

The purchaser of an Exclusive Right of Burial who no longer requires the plot cannot sell the right to a third party. The purchaser of the Exclusive Right of Burial can apply for a refund of 50% of the current fee charged for the purchase of an Exclusive Right of Burial, if no burial has occurred. The Certificate of Right of Burial must be returned to the Council to receive a refund.
2.5 Transfer of the Exclusive Right of Burial

The person who owns the Exclusive Right of Burial for a plot can apply to the Cemeteries Team to transfer that right to another person, entity or charitable organisation.

The application is necessary to ensure that the cemetery records are correct and to issue the Certificate of Right of Burial in the name of the new owner. An administration fee will be charged for the transfer.

2.6 Allocation of plots

The Cemeteries Team has responsibility for allocating plots for interments, in agreement with the Sextons. Where a family wishes to obtain a plot in a particular area the request will be accommodated if possible, providing there is no conflict with the effective management of the cemetery.

The specific number of plots able to be purchased by an individual will change from time to time at the discretion of the Parks Unit, depending on the plot availability of the type of interment requested.

At the time of a burial, if available the adjacent plot will be offered to the family for purchase.

Council routinely puts a plot on hold while families decide on a purchase. This is often when a family is considering purchasing a plot immediately adjacent to a recent burial. While the plot is on hold Council is unable to sell the plot.

A plot can only be put on hold for a maximum of six months. If after six months the plot has not been paid in full the Council will release the hold on the plot.

2.7 Burial and ash plots available for purchase

All new full size burial plots are now standardised at 1400mm x 2700mm. Existing full burial plots in cemeteries will still be 1200mm x 2700mm. If a larger plot is required arrangements can be made at the time of booking and confirmed with the Cemeteries Team.

Plot sizes vary between cemeteries, and between old and new areas. New standards allow for wider plot widths. Refer to Table 1 for available plot types, sizes, number of interments per plot, depth of interments and availability.

Figure 1 is an example of a standard 1400mm wide plot with a double interment and Figure 2 is an example of a standard 600mm wide ash plot which can hold up to four standard urns.
## Table 1 Burial and ash plots available for purchase

<table>
<thead>
<tr>
<th>PLOT TYPE</th>
<th>PLOT SIZE</th>
<th>NUMBER OF INTERMENTS (PER PLOT)</th>
<th>DEPTH OF INTERMENT (BOTTOM OF GRAVE)</th>
<th>AVAILABILITY</th>
<th>STANDARD MONUMENT REQUIREMENTS FOR PLOT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STANDARD BURIAL PLOTS</strong></td>
<td>1200mm wide full burial plot</td>
<td>1200mm x 2700mm</td>
<td>Single or double interment (can also include ash urn/s)</td>
<td>Single: 1400mm Double: 1830mm Triple: 2500mm (Avonhead Cemetery only)</td>
<td>Plots only available in older areas of working cemeteries</td>
</tr>
<tr>
<td></td>
<td>1400mm wide full burial plot</td>
<td>1400mm x 2700mm</td>
<td>Single or double interment (can also include ash urn/s)</td>
<td>Single: 1400mm Double: 1830mm</td>
<td>Standard for all new plots</td>
</tr>
<tr>
<td><strong>MUSLIM BURIAL PLOTS</strong></td>
<td>1500mm wide Muslim full burial plot</td>
<td>1500mm x 2700mm</td>
<td>Single interment</td>
<td>1400mm</td>
<td>Available in Memorial Park Cemetery only</td>
</tr>
<tr>
<td></td>
<td>750mm wide Muslim full burial plot</td>
<td>750mm x 1400mm</td>
<td>Single interment</td>
<td>1400mm</td>
<td>Available in Memorial Park Cemetery only</td>
</tr>
<tr>
<td><strong>GREEN BURIAL PLOTS</strong></td>
<td>1400mm wide Green Burial full burial plot</td>
<td>1400mm x 2700mm</td>
<td>Single interment</td>
<td>1400mm</td>
<td>Available at Diamond Harbour Memorial Gardens Cemetery and Yaldhurst Cemetery only</td>
</tr>
<tr>
<td></td>
<td>600mm wide Green Burial ash plot</td>
<td>600mm x 600mm</td>
<td>Four biodegradable ash urns</td>
<td>600mm</td>
<td>Available at Yaldhurst Cemetery only</td>
</tr>
<tr>
<td><strong>ASH PLOTS</strong></td>
<td>600mm wide ash plot</td>
<td>600mm x 600mm</td>
<td>Four ash urns</td>
<td>600mm</td>
<td>Plots available at most open Council cemeteries</td>
</tr>
<tr>
<td></td>
<td>600mm wide quarter plot</td>
<td>600mm x 1300mm</td>
<td>Eight ash urns</td>
<td>600mm</td>
<td>Plots available at a small number of open Council cemeteries</td>
</tr>
<tr>
<td><strong>INFANT AND BABY LOSS PLOTS</strong></td>
<td>600mm wide infant burial plot</td>
<td>600mm x 1200mm</td>
<td>Single interment (can also include ash urn/s)</td>
<td>1400mm</td>
<td>Plots available in older working cemeteries</td>
</tr>
<tr>
<td>Plot Width</td>
<td>Plot Depth</td>
<td>Interment Options</td>
<td>Maximum Depth</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
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<td>-------------------------------------------------------</td>
<td>---------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>750mm wide infant burial plot</td>
<td>750mm x 1400mm</td>
<td>Single interment (can also include ash urn/s)</td>
<td>1400mm</td>
<td>New standard available at Belfast Cemetery children’s area</td>
<td></td>
</tr>
<tr>
<td>600mm wide baby loss burial plot</td>
<td>600mm x 1200mm</td>
<td>Single interment (can also include ash urn/s)</td>
<td>1400mm</td>
<td>New standard available at Belfast Cemetery children’s area</td>
<td></td>
</tr>
<tr>
<td>300mm wide baby loss ash plot</td>
<td>300mm x 300mm</td>
<td>One ash urn</td>
<td>600mm</td>
<td>New standard available at Belfast Cemetery children’s area</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES**

No animal(s), including birds or fish, either as ashes or as a body, may be interred, in a Council cemetery unless placed in a sealed casket with the deceased.

If the plot is located within an area of a cemetery with a specific monument requirement (such as a lawn area or recumbent concrete beam) refer to section 6.3.2 for standard.
2.8 Availability of plots in Christchurch City Council Cemeteries

This section outlines what types of plot are available for purchase in Council cemeteries. Second interments or interments in pre-purchased plots remain available at all open city cemeteries.

Bromley Cemetery, Lyttelton Anglican Cemetery and Lyttelton Catholic and Public Cemetery are all at capacity with no burial or ash plots available for purchase.
Plots are unable to be purchased in any closed Council cemetery including; Addington Cemetery, Akaroa French Cemetery, Barbadoes Street Cemetery, Mount Magdala Cemetery of the Good Shepherd Sisters and Rutherford Cemetery.

Second interments and ash interments are possible in certain circumstances within closed cemeteries as outlined in Section 42 (2) of the Burial and Cremation Act. Contact the Cemeteries Team in the first instance.

For availability of plots within the Banks Peninsula cemeteries, particularly for ash plots or infant plots if not listed as available, contact the Cemeteries team for availability.

2.8.1 Avonhead Park Cemetery

- 600mm wide ash plot
- 600mm wide infant plot (O Block)
- In the lawn area where only granite or bronze plaques are allowed;
- 1200mm wide full burial plot
- 600mm wide ash plot

2.8.2 Belfast Cemetery

- 1400mm wide full burial plot
- 600mm wide ash plot
- 750mm wide infant plot
- 600mm wide baby loss plot
- 300mm wide baby loss ash plot

2.8.3 Diamond Harbour Memorial Gardens Cemetery

No pre purchasing is available at this cemetery for any plot
- 1400mm wide full burial plot
- 600mm wide ash plot
- 600mm wide infant plot
- 1400mm wide green burial plot

2.8.4 Duvauchelle Cemetery

- 1200mm wide full burial plot
- 600mm wide ash plot
- 600mm wide infant plot
2.8.5 Kaituna Valley Cemetery
   1400mm wide full burial plot
   600mm wide ash plot

2.8.6 Le Bons Bay Cemetery
   1200mm wide full burial plot

2.8.7 Linwood Cemetery
   Within the Jewish Area Only
   1200mm wide full burial plot

2.8.8 Little River Cemetery
   1200mm wide full burial plot
   1400mm wide full burial plot
   600mm wide ash plot

2.8.9 Memorial Park Cemetery
   1200mm wide full burial plot
   1400mm wide full burial plot
   600mm wide ash plot
   600mm wide infant plot
   1500mm wide Muslim full burial plot
   750mm wide Muslim infant burial plot

2.8.10 Pigeon Bay Cemetery
   1200mm wide full burial plot

2.8.11 Ruru Lawn Cemetery
   1200mm wide full burial plot
   600mm wide ash plot
   600mm wide quarter plot
   600mm wide ash plot (recumbent beam)

2.8.12 Sydenham Cemetery
   1200mm wide full burial plot (single depth only)
   600mm wide ash plot (concrete beam)
600mm wide ash plot (raised concrete planter)

2.8.13 Waimairi Cemetery

600mm wide ash plot

2.8.14 Wainui Cemetery

1400mm wide full burial plot
600mm wide ash plot

2.8.15 Yaldhurst Cemetery

1200mm wide full burial plot
1400mm wide full burial plot
600mm wide ash plot
600mm wide infant plot
1400mm wide green burial plot
600mm wide ash plot within green burial area
3.0 Interments
No interments can take place in any Cemetery owned, managed or maintained by the Council unless permission has been obtained from the Cemeteries Team. The appropriate fee must be paid prior to the burial taking place, and the Application for Interment form obtained from and lodged with the Cemeteries Team by the Funeral Director or person organising the interment.

3.1 Hours for interments
Monday to Friday between the hours of: 9.00am – 4.00pm
Saturday between the hours of: 9.00am – 1.00pm

The expected time of arrival in the cemetery is to be provided on the Application for Interment form. If the expected arrival time is going to change by more than 15 minutes of the original notified time the Cemeteries Team or Sexton must be notified of the new time.

No interments will be scheduled after 4pm Monday to Friday or 1pm, Saturday or Sunday unless in exceptional circumstances and only with the prior approval of the Cemeteries Team or Sexton (extra fees will apply). Interments will only be accepted on the hour and at 30 minutes past the hour.

Where an interment continues after 4pm on weekdays or 1pm on a Saturday, a late fee will be charged to the Funeral Director or person organising the interment.

A Saturday or Public Holiday fee will be charged for interments, if a Sexton is attending including ash interments, taking place on a weekend or Public Holiday. An interment can occur on a Sunday or Public Holiday with the prior approval of the Manager Community Parks and payment of all applicable fees.

No interments will be scheduled on Christmas Day, Good Friday or Anzac Day.

Where Boxing Day and 2nd January fall on a Sunday and are observed on a Tuesday, an interment can take place on the Tuesday between 9am and 1pm, at the discretion of the Cemeteries Team.

3.2 Interment Procedures and Requirements

Only a Sexton or person authorised by the Council is permitted to prepare a plot for the burial of human remains, or ashes of human remains, in a Council cemetery.

All equipment for interments is supplied and removed by the Sextons ensuring all safety procedures are complied with.

If required a testing service is available at no cost to obtain the availability of sufficient space for a second interment in an existing grave.
A body interred in a shroud must be placed on a board for interment. The body is to be firmly fastened to the base to prevent movement of the body when transferring and lowering.

3.2.1 Plots with concrete covers

Where a second or subsequent interment is to take place within a grave with a concrete cover or surround, only an approved Council Contractor is permitted to break the concrete. The Cemeteries Team can provide a list of approved contractors. Any costs involved with breaking the concrete and reinstating the concrete cover or surround is the responsibility of the owner of the Exclusive Right of Burial and must comply with all the monumental specifications for the particular cemetery.

3.3 Poor Person Burial

The Burial and Cremation Act 1964 requires the Council to bury the bodies of poor persons, and persons from any hospital, prison, or other public institution on the request of the person in charge of such institutions free of charge upon an order from a Justice of the Peace. An Application for Interment form must still be completed before the interment takes place.

No monuments or crosses are permitted on a poor person’s grave as the Exclusive Right of Burial has not been purchased.

If a family wishes to erect a monument on a poor person’s grave this can be facilitated when all the cemetery fees and charges have been paid at the current rate. The Council will then issue a Certificate of Right of Burial, which entitles the person to apply for a Monumental Work Permit. After 60 years the fee for a right of burial is waived so a monument may be placed on the grave.

3.3.1 Poor Person Burial in a family plot

Where a burial of a poor person is to be in a plot where the Right of Burial is owned by someone other than the Council, for example a family member or friend. The burial of the poor person will only be permitted if the Right of Burial holder agrees that no future monumental work or burials may take place in that plot until all burial fees and charges have been paid at the current rate.

3.4 Ash Interments

Only a Sexton or person authorised by the Council is permitted to prepare a plot for the interment of ashes of human remains in a Council cemetery.

Once an Application for Interment has been accepted and the interment has been booked by the Cemeteries Team, the plot will be prepared for the ashes to be interred. As part of the preparation, the plot will be covered by a board to make the site safe prior to the interment. The next working day the plot will be checked and remedied if necessary.
After the plot has been prepared the family or Funeral Director will inter the ashes in the plot, filling the plot back to ground level.

The family or Funeral Director may elect for the Council to fill the plot, this must be indicated on the Application for Interment, should the Council be asked to fill plot on a Saturday then an additional fee will be charged.

If more than one set of ashes are to be interred at the same time in the same plot then an Application for Interment must be received for each set of ashes. Only one plot preparation fee will be charged for the interment of two sets of ashes in the same plot at the same time. This only applies if a standard sized ashes urn or the ashes alone are to be interred. The Cemeteries Team should be contacted if a non-standard sized urn is to be used.

The last booking for an ash interment is 12:30pm on a Saturday as the preparation of plots for ashes will not be permitted after 1pm on a Saturday. The family may arrive later or even on the Sunday to inter the ashes, provided this is indicated on the Application for Interment and has been approved by the Cemeteries Team.

3.4.1 Scattering of Ashes

The scattering of ashes is not permitted in any Council cemetery. In future the Council may set aside areas for ash scattering.

3.5 Specific Interments

Council provides for the requirements of different religions and cultures. Contact the Cemeteries Team for particular information.

3.5.1 Special procedures for Māori Interments

The Council recognises, and provides for, the spiritual and cultural values of Māori regarding the departure of mate (dead people). This includes the choice to select a plot of significance to them, such as having the headstone face north, the availability of water at the cemetery, the opportunity for Māori to fill in the grave, and to have a ceremony to unveil the headstone, if desired.

The special procedures for Māori burials apply to all Māori burials in cemeteries owned and/ or under the administration of the Council.

3.5.2 Infant and Baby Loss Interments

Infant burials (up to 7 years of age) are available in many Council cemeteries. An infant can also be buried in either a quarter plot or a standard burial plot.

A new Infant and Baby Loss area is available at Belfast Cemetery. The area includes a Baby Loss Memorial area and interment options for burial and ash interments. The Baby Loss area can be used for still births (post 20 weeks or 400g) and any baby loss from a miscarriage (pre 20 weeks) to a Neonatal
Death (28 days). Please contact the Cemeteries Team for more information and guidance.

3.6 Natural Burials and Green Burials

More environmentally friendly burial options, often referred to as Natural Burials, Eco Burials or Green Burials are all concepts based on a desire to reduce the long term impact on the environment and return the body to the earth in a way which hastens the decomposition process providing nutrients for a native tree or plant.

3.6.1 Green Burials

With no Natural Burial area in Christchurch, two areas within working Council Cemeteries have been established at Diamond Harbour Memorial Gardens Cemetery and Yaldhurst Cemetery which Council is referring to as Green Burials. Green Burials are very similar in many ways to Natural Burials, however the locations within working Council cemeteries will limit the extent of long term ecological restoration, but will enable easier and long term access to plots.

3.6.1.1 Green Burial Requirements

- Can only be undertaken within designated areas within Council cemeteries.
- The next adjoining plot available will be allocated for use. Contact the Cemeteries Team for pre – purchase rules.
- Plots have a small area adjacent for the planting of a small tree instead of a monument in addition to planting on top of the grave.
- Interments to be single depth, only one casket in each plot with a minimum depth cover of 800mm.
- Caskets, coffins or body coverings must be biodegradable, made of untreated wood, and not contain any chemical or substance that prevent breakdown of the materials used.
- Caskets and coffin linings are to be biodegradable and not of synthetic fibre.
- Caskets and coffin handles and ornamentation are to be removed before burial (if not biodegradable).
- Body covering or shrouds must be placed on a solid base of natural untreated timber for burial and firmly fastened to the base to prevent movement of the body when transferring and lowering. The fastening should be removed once lowered or be biodegradable.
- Body coverings or shrouds, including clothes, must be non - toxic and biodegradable including zips, buttons, any personal items or keepsakes to be buried with the body.
- Only natural artefacts can be buried with the body.
- At the time of interment caskets, coffins, body coverings or shrouds must not be leaking fluids or have an offensive smell.

- The body is not to be embalmed or contain any chemicals that would slow or prevent the natural breakdown of the body in the soil. Council may request documentation to confirm this.

3.6.1.2 Ash interment requirements in a Green Burial Area (Yaldhurst Cemetery only)

- All plots are located within formed plant beds.
- The next adjoining plot will be allocated for use. Contact the cemeteries team for pre-purchase rules.
- Any mulch on the plant bed is to be removed first and replaced back when the interment is complete.
- Any container must be biodegradable or made of untreated wood, and not contain any chemical or substance that prevents breakdown of the materials used.
- Only natural artefacts can be buried with the ashes.

3.6.1.3 Memorials

Memorials such as placing headstones on a Green Burial plot are not permitted.

One untreated wooden marker per burial plot may be placed on the grave at the time of interment or within the first week. The marker must be no larger than 150mm x 100mm in size and 250mm above ground level. The marker must be attached to an untreated timber stem a maximum size of 100mm x 100mm that can be pushed into the soil. The marker is to be centrally located at the head of the grave. The marker will be removed when the plot is planted.

3.6.1.4 Planting

- Each Green Burial plot is allocated a small area at the head of each plot to allow for a large shrub or small tree to be planted if desired. Ash plots are located within existing plant beds so are not allocated this space, instead, planting must be within the plant bed either above the interment or immediately adjacent.
- The whole plot will be mulched and planted by Council the autumn following the interment.
- Council contractors will supply and plant the plants during a planting ceremony, where family and friends can participate and join in the planting.
- No planting is to be undertaken by anyone other than the Council or its contractors.
- If family and friends want to supply a particular plant/s, they would need approval of Council and would need to be planted during the planting ceremony.

3.6.2 Other environmentally friendly burial options

Burials at any operating cemetery may take place without embalming but subject to all other rules applying to standard burials. No planting is permitted on top of the grave.

Family and friends of the deceased may remove non – biodegradable items if they wish.

3.7 Service Areas

Applicable to services areas within Bromley Cemetery, Ruru Lawn Cemetery, Diamond Harbour Memorial Gardens Cemetery, and Lyttelton Catholic and Public Cemetery only.

To be buried in a Services Cemetery you must have served as a member of Her Majesty's Forces on certain deployments, or be the spouse or partner of someone who has.

Please be aware that the Cemeteries Team must verify that individuals are qualified for a burial or ashes plot at no cost in these areas, however standard burial fees will apply.

Details of war service need to be supplied on the Application for Interment form, these include:
- Branch of service
- Service Number
- Dates of Service

Failure to provide this information could result in the Application for Interment in a Services plot being declined.

The Cemeteries Team need to receive this information as early in the process as is possible, as we have to forward it to the New Zealand Defence Force Archives for service verification.

3.7.1 Specifications for Service Person’s interment

Only Service Personal and their spouse or partner may be interred in the Service area.

The Service Person must be the first deceased to be buried.
Double depth interments are permitted in the Service area to allow the spouse or partner of the deceased veteran to be interred in the same plot. A double plaque commemorating both deceased persons is provided at a subsidised rate.

Please note that all interments before 1988 are single depth and a second interment in these graves can only be ashes. After 1988 interments were double depth on request.

If the spouse or partner wishes to be interred to the side of the Service Person, they will have to pay the fee to purchase the burial right for the adjoining plot.

Children cannot be interred in a Service Person’s plot unless they are eligible for interment in the Service area in their own right.

The plot is allocated by the Cemeteries Team.

3.7.2 Monuments

If the interment of a deceased veteran is to be in a Service area, a standard ex-Service memorial either as a plaque or a headstone, depending on the type of cemetery, is available at a subsidised rate through Veterans’ Affairs New Zealand. In a Service area only the standard ex-Service memorial is permitted. The memorials are of a uniform style and there is no provision for personal messages or photographs.

If the interment is to be in a public cemetery (but not within the Service area), the next of kin can order a standard ex-Service memorial, either a plaque or headstone, at a subsidised rate.

3.7.3 War Service Eligibility and Contacts

Please refer to the Veterans’ Affairs New Zealand website for eligibility-

www.veteransaffairs.mil.nz

Application for an Ex-Service Memorial or for recognition of a Service area please apply to:

Veterans’ Affairs New Zealand
PO Box 5146
Wellington 6140

Free phone (NZ): 0800 483 8372

International callers phone: +64 4 495 2070 (international toll charges will apply)

Email: veterans@nzdf.mil.nz

For copies of Service records
Please refer to New Zealand Defence Force Archives


3.8 Avonhead Park Cemetery Interment Site for the Victims of the 22nd February 2011 Christchurch Earthquake

3.8.1 Inner Interment Circle

The Inner Interment Circle is reserved for the four unfound victims and their spouses or partners. The spouse or partner may be interred in the same plot. Only one recumbent granite plaque per person may be attached to the existing bluestone recumbent.

No immediate family (including children) may be interred in this plot. An ash plot can be purchased on the outer circle for immediate family members (children/parents/grandparents).

3.8.2 Outer Interment Circle – Blocks 2A and 3A

The Outer Interment Circle has 600mm x 600mm plots available for the ash interment of all victims of the Christchurch Earthquake and their spouse, partner, parents, children or grandparents. Each plot can hold two ash interments only and one upright or recumbent headstone. Both the victim and their family may have their names engraved on the headstone.

Only the immediate family (spouse, partner, parents, children or grandparents) of earthquake victims may purchase plot/s in this area.

There is provision to purchase a plot to install a headstone without actually interring ashes. This may be the case if victims are buried in other locations, but the family would still like to be part of the interment site.
4.0 Health and Safety

4.1 Caskets

For health and safety reasons any casket that exceeds 400mm in depth will only be interred at single depth.

If an interment involves a couch style casket this must be notified on the Application for Interment form as these caskets will only be interred at single depth.

The casket size, shape, including the type and size of the handles are to be recorded on the Application for Interment. The Council retains the right to determine the definition of a suitable casket.

4.2 Shoring boards

When prepared, plots must be shored for safety reasons. The shoring boards will be removed at the conclusion of the interment unless the family or friends wish to hand fill the grave. A request to hand fill a grave must be made on the Application for Interment form.

4.3 Request to fill a grave

There are two options available to families or friends in relation to filling a grave following interment:

a) A partial fill, where the casket is covered only. No heavy machinery is required to remove the shoring boards

Or

b) A complete fill, where the whole plot is filled. If this option is requested the Sexton will be required to remove the shoring boards with the appropriate equipment to allow the grave to be filled. The directions of the Sexton during this process must be followed. A lowering device cannot be used if family or friends elect to fill the grave.

4.4 Site safety during a burial

Funeral Director(s) are to advise the Sexton upon arrival at the Cemetery, and the site will be handed over to the Funeral Director. The Funeral Director is then responsible for the safety of the members of the public at the grave site until the Funeral Director formally hands the site back to the Sexton after the public have left the cemetery.

If there is no Funeral Director controlling a burial then the site safety remains in the care of the Sexton and members of the public must follow the direction of the Sexton.
5.0 Behaviour in cemeteries

5.1 Vehicles

Except for a hearse or Council authorised vehicle, vehicles are only permitted on marked roadways or any open area clearly designated for vehicles. The indicated speed limit and traffic rules are to be observed at all times. The Traffic and Parking Bylaw 2017 applies.

Private vehicles can only be taken into cemeteries for cemetery purposes such as attending interments or visiting a grave.

The drivers of all vehicles must yield right of way to any funeral procession (cortege) in any cemetery.

If the Sexton indicates that a vehicle should stop or move, the driver must respond as directed.

No long term parking of any vehicle (including when the cemetery is closed) or inappropriate or insensitive activities such as vehicle maintenance or cleaning to be undertaken in any cemetery.

5.2 Advertising and soliciting of custom

No advertising or soliciting for custom is permitted in any cemetery.

5.3 Photography or filming

Only filming and photography for private use is permitted.

No one, without the written consent of the Council and the consent of the family, may take photographs or television footage for any media purpose. No commercial filming (television footage) or photography is permitted in any cemetery without prior permission.

5.4 Visiting

The Cemeteries Team are to be advised of any unveiling ceremony, to ensure it can be undertaken without disturbing cemetery activities or burials.

Any organised group or tour visit of any cemetery should be confirmed with the Cemeteries Team to ensure it doesn’t impact on cemetery activities or burials.

5.5 Control of dogs and animals within cemeteries

These provisions are found in the CCC Dog Control Bylaw 2016 and the CCC Parks & Reserves Bylaw 2016:

"Any person taking a dog into a cemetery shall keep the dog on a leash and under effective control at all times."
5.6 Misconduct

No one may disturb or interrupt a funeral, or ceremony, or cause annoyance or nuisance within a Council cemetery, or cause damage to land, buildings or chattels within a Council cemetery.

5.7 Offence and Penalty

Every person who breaches the Christchurch City Council Cemeteries Bylaw commits an offence and is liable to summary conviction to a fine not exceeding $20,000 as set out in the Local Government Act 2002.
6.0 Monumental Work and Monuments

6.1 Monumental Work

The owner of the Exclusive Right of Burial must give permission for a monument to be erected on a plot, or for wording to be added to an existing monument. If the owner is unable to do this, the immediate next of kin or the owner’s representative must give permission.

A Monumental Work Permit is required for any monumental work, including alterations or modifications to concrete covers or kerbs, being undertaken in a Council cemetery. The approved contractor for monumental work applies for the permit on behalf of the owner of the Exclusive Right of Burial or their representative.

Any monumental work in heritage cemeteries or on any plot with a burial or monument prior to 1950 will be subject to specific requirements. Refer to 6.4.

Only an approved contractor for monumental work may undertake work associated with any monument (including concrete kerbing or covering) in a Council cemetery. All documentation including the Monumental Work Permit must be available for inspection by the Council or their representative at any time.

Details on how to become an approved contractor or for a list of approved contractors for monumental work please contact the Cemeteries Team.

No person (approved contractor for monumental work, family or other) may remove from any plot, any kerb or monument unless they have permission from the Cemeteries Team.

Refer to Veterans Affairs New Zealand for any monument requirements or modifications within any Service area in a Council cemetery.

6.2 Installation of Monuments

All monuments including headstones and plaques are to be constructed and installed as per the Council Monument Specifications in Appendix B – H and as per the Proposed NZS 4242: 2018 Headstones and Cemetery Monuments. Where there are any discrepancies, Council Specifications take precedence.

Where appropriate Council will provide concrete beams for headstones to be installed on. The cost of the concrete beam is included in the purchase price of the Exclusive Right of Burial.

Where there is no concrete beam the monument size specifications for the plot are to be adhered to. Council Monument Specifications to be followed.
6.2.1 Concrete covers

No kerb or fence, covering or other structure is permitted, other than to replace an existing permitted structure.

Where remediation work, or a second or subsequent interment is to take place within a grave with a concrete cover or surround, only an approved Council contractor is permitted to break the concrete.

Contact the Cemeteries Team for further information and if necessary to confirm whether a concrete cover and surround is permitted, or whether it is necessary to cut into an existing concrete cover and surround for a burial to take place.

In the older area of Yaldhurst Cemetery (Block 'O') there are a limited number of plots which concrete kerbing or surrounds and covering is permitted.

Any costs involved with breaking the concrete and reinstating the concrete cover or surround is the responsibility of the owner of the Exclusive Right of Burial and must comply with all monumental specifications for the particular cemetery.

6.3 Monument Requirements and Particular Specifications

A monument must be made of granite, bronze or other non-ferrous metal, or similar suitable material approved by the Cemeteries Team prior to the installation of the monument. No stainless steel, schist, sandstone, limestone, marble, wood, fibreglass, ceramic, plastic, glass or other unsuitable material as determined by the Cemeteries Team is allowed.

No concrete work is to be painted or colour tinted.

No photographs, text or images of any description (letters, symbols, and drawings) are permitted on the reverse side of any monument.

Company names are only permitted if discreetly placed at the bottom of the front of a monument.

6.3.1 General Monument Requirements

There are standard monument specifications used across the Council Cemeteries. The monument requirements are the same whether there is a concrete beam provided or not.

**1200mm wide full burial plot** – Refer to Appendix B for detail
Monument Base: 1200mm x 500mm maximum
Monument Height: 1200mm maximum

**1400mm wide full burial plot** – Refer to Appendix C for detail
Monument Base: 1400mm x 500mm maximum
Monument Height: 1200mm maximum

**1500mm wide Muslim full burial plot** – Refer to Appendix D for detail
Monument Base: 1500mm x 500mm maximum
Monument Height: 1200mm maximum

**600mm wide ash plot, quarter plot, infant plot or baby loss plot** –
Refer to Appendix F and H for detail
Monument Base: 600mm x 500mm maximum
Monument Height: 750mm maximum

**750mm wide infant plot or Muslim infant plot** – Refer to Appendix E and
G for detail
Monument Base: 750mm x 500mm maximum
Monument Height: 750mm maximum

### 6.3.2 Specific Monument Requirements

There are a number of Council cemeteries with monument specifications which differ to the general monument requirements as outlined in Section 6.3.1 and the appendix. The following cemeteries have particular monument specifications.

#### 6.3.2.1 Akaroa Anglican Cemetery
Type: Recumbent concrete beam
Monument Specification: Granite or bronze plaque 500mm x 250mm maximum

#### 6.3.2.2 Avonhead Park Cemetery
Area: Lawn (Full burials and ash plots)
Monument Specification: Granite or bronze plaque 290mm x 200mm maximum
- Plaque must be level 20mm below ground level
- Plaster or stainless steel surround is optional

Area: Interment Site for the Victims of the 22nd February 2011 Christchurch Earthquake – Bluestone Recumbent (inner circle – for spouse or partner only)
Monument Specification: Black granite plaque 400mm x 250mm to be attached to the recumbent

Area: Interment Site for the Victims of the 22nd February 2011 Christchurch Earthquake – Concrete beam 600mm wide ash plots (outer circle – for all victims and their families)
Monument Specification: Memorial or recumbent headstone
Base 600mm x 500mm maximum, height 750mm maximum
6.3.2.3 Belfast Cemetery

Type: Recumbent baby loss beam
Monument Specification: Bronze plaque 150mm x 100mm maximum

6.3.2.4 Diamond Harbour Memorial Gardens Cemetery

Type: Recumbent concrete beam (ash beam)
Monument Specification: Granite or bronze panel 550mm x 450mm maximum

6.3.2.5 Le Bons Bay Cemetery

Type: Wooden gate with plaques
Monument Specification: Bronze plaque 150mm x 100mm

6.3.2.6 Ruru Lawn Cemetery

All plots in Ruru Lawn Cemetery are in lawn areas. All monuments placed either on beams provided by Council or on lawn areas are to be laid flat 20mm below ground level. Plaster or stainless steel surround is optional.

Burial type: 1200mm wide burial plots
Monument Specification: Granite or bronze plaque - 600mm x 400mm maximum

Burial type: 600mm wide ash plots and quarter plots
Monument Specification: Granite or bronze plaque - 400mm x 250mm maximum

Area: Recumbent concrete ash beam
Monument Specification: Granite or bronze plaque - 300mm x 150mm maximum

6.3.2.7 Sydenham Cemetery

Area: Raised ash plots (plant bed edge)
Monument Specification: Granite or bronze plaque - 300mm x 150mm maximum

6.4 Monumental Work in Heritage Cemeteries or on any plot with a burial or monument prior to 1950

The following Cemeteries are Heritage Cemeteries; Addington Cemetery, Akaroa French Cemetery, Barbadoes Street Cemetery, Rutherford Cemetery and Mount Magdala Cemetery of the Good Shepherd Sisters. Addington Cemetery and Barbadoes Street Cemetery have Conservation Plans that provide Conservation Policies to guide the work undertaken in these cemeteries.
For any monumental work in heritage cemeteries or on any plot with a burial or monument prior to 1950 please contact the Cemeteries Team.

In addition to the Monumental Work Permit additional forms may need to be provided including:

- Application for the installation of a new monument in a heritage cemetery
- Application for work in a heritage cemetery

There is a Global Resource Consent (RMA92028348) for maintenance and repair works on headstones and other structures and alternations to Barbadoes Street Cemetery, Addington Cemetery and Rutherford Cemetery. The consent covers; graffiti removal, landscape management and maintenance, addition of new monuments and repair of grave markers.

Once applications have been received for any monumental work in heritage cemeteries or on any plot with a burial or monument prior to 1950, Council will notify the applicant if the Global Resource Consent can be used. If it can, a permit will be issued and conditions to be met will be provided to the applicant. If work is not permitted under the Global Resource Consent the applicant may be required to apply for a separate Resource Consent.

6.5 Vaults or Mausolea

The Council does not allow the construction of new vaults or mausolea in any Council cemetery.

6.5.1 Existing Vaults

Vault owners or their representatives, must keep the vault in proper order and repair. If a vault falls into disrepair, the Cemeteries Team may give the owner of the vault (or their representatives) six month’s written notice to repair the vault. If the above persons fail to do the required repairs within six months, the Council may do all or any of the following:

- Prohibit any further interment in the vault until the repairs have been made;
- Carry out the repairs or any conservation work itself;
- Recover the cost of any repairs or conservation work from the owner of the vault, or their representatives as a debt.

If an owner of a vault wishes to undertake any work on an existing vault, please contact the Cemeteries Team.

All existing vaults must be fully lined with masonry concrete or stone set in cement, mortar or other approved material. The entrance to the vault must
be sealed and have secure fastenings maintained to the satisfaction of the Council.

A key for an existing vault is to be held by the Sexton.

Coffins for vaults must be lined with lead or other approved material, and securely sealed. Coffins not lined may be laid in vaults and completely encased in cemetery, concrete or other approved material.

6.6 Monument Maintenance

Maintenance of monuments (including concrete kerbing or coverings) is the responsibility of the owner of the Exclusive Right of Burial or their representative.

Monuments must be kept in good repair. The Council does not take any responsibility for damage or vandalism to any monument.

The Council may remove from the cemetery any monuments that have fallen into a state of disrepair. If the Sexton or Cemeteries Team determined that a monument is an extreme health and safety risk, the Cemeteries Team may give the owner of the plot or their representative three months written notice to repair or remove the item in disrepair. Failure to comply with the notice will result in the monument being removed at the cost to the owner or their representative.

If a monument is unsafe or is a health and safety risk and there is no owner or representative available to effect repairs or permit removal, the monument will be laid flat within the grave surround or removed from the cemetery if there is no grave surround. A photographic record of the monument will be taken and filed with cemetery records if the monument is removed.
7.0 Tributes and Adornments

7.1 Adornments

Wreaths, food items, and other floral tributes or ornaments not permanently fixed to the monument may be placed on the plot for a period of ten days following the interment. After ten days items must be removed or relocated to the concrete beam or area around the headstone.

The Council may remove unapproved receptacles, ornaments, or other tributes at any time to facilitate the maintenance of those plots.

Any adornments that encroach on the mowing strip and obstruct or impede burials, grass maintenance or other cemetery operations will be removed.

Family or friends may remove or take from any grave items placed there, such as a wreath, plants or flowers. The Council may remove any neglected or broken items.

If there is an approved concrete kerb around the grave the inner area may contain tributes providing they do not cause hazards, safety or maintenance issues or are considered offensive to visitors or families of neighbouring graves.

No ceremonial fires are permitted.

7.2 Full Adornment of plots

Full adornments of plots such as grave gardens or other structures on the lawn area of a plot either of a permanent or temporary nature are not allowed in any cemetery as they obstruct and impede the operation and maintenance of the cemetery. The Council will remove any such adornments without notice if necessary to facilitate a burial or if they are deemed a health and safety hazard.

Where possible, prior to removal the Council will attempt to contact the plot owner and request the owner remove such adornments. If the Council is unable to contact the plot owner or after making contact the owner has not complied with the request, the Council will remove the adornments and hold them for a period of 30 days, after which they will be disposed of. The owner of the plot will be charged for any removal costs, disposal fees and any plot remediation costs incurred by Council.

7.3 Temporary markers

White crosses or temporary markers are permitted in cemeteries for one year following the interment.
A temporary marker must be removed once a permanent monument is erected.

If the Council considers that a temporary marker has fallen into a state of disrepair the Council may remove it.
8.0 Maintenance of plots and graves

8.1 Standard Plots
The Council maintains plots and graves in lawn areas including mowing.

No plants are to be planted on any grave other than in a designated Green Burial area.

Any plants (including trees and shrubs) planted on a grave following an interment will be removed after ten days and the area sown with grass seed. The grave will be maintained as lawn.

8.2 Green Burial Plots
In a designated Green Burial area all planting on graves will be undertaken and maintained by the Council.

8.3 Pre 1950’s Plots
For maintenance on any plot with a burial or monument prior to 1950 refer to section 6.4.

8.4 Plots with concrete kerbing
No new plants are to be planted on graves. Existing plants (under 1000mm high at maturity) may remain providing family or friends maintain them. If any plants are not being maintained the Council will remove them. If appropriate the exposed surface will be covered with chip.

Graves must be kept free of weeds at all times. If there are no plants, concrete or chip covering on a plot and weeds become a problem the Council will remove them. The exposed surface will then be covered with chip.
9.0 Cemetery Records and Genealogical information (Whakapapa)

Genealogical information and information about the historic Barbadoes Street Cemetery, Addington Cemetery and Rutherford Cemetery is available from the Central Library, and the Christchurch City Council archives.


If the Cemeteries Team is approached to source genealogical information, the applicant may be requested to pay a fee for the search as per the Council’s Schedule of Fees.
Appendix A: Council owned, administered or managed cemeteries

<table>
<thead>
<tr>
<th>Cemetery Name</th>
<th>Cemetery Location</th>
<th>Status</th>
<th>First Burial Year</th>
<th>Year Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addington Cemetery</td>
<td>Selwyn Street</td>
<td>Closed</td>
<td>1858</td>
<td>1980</td>
</tr>
<tr>
<td>Akaroa Anglican Cemetery</td>
<td>Hempleman Drive</td>
<td>Open</td>
<td>1857</td>
<td>N/A</td>
</tr>
<tr>
<td>Akaroa Catholic Cemetery</td>
<td>Onuku Road</td>
<td>Open</td>
<td>1863</td>
<td>N/A</td>
</tr>
<tr>
<td>Akaroa Dissenters Cemetery</td>
<td>Akaroa Cemetery Road</td>
<td>Open</td>
<td>1873</td>
<td>N/A</td>
</tr>
<tr>
<td>Akaroa French Cemetery</td>
<td>Rue Pompallier</td>
<td>Closed</td>
<td>1842</td>
<td>1926</td>
</tr>
<tr>
<td>Avonhead Park Cemetery</td>
<td>Hawthornden Road</td>
<td>Open</td>
<td>1983</td>
<td>N/A</td>
</tr>
<tr>
<td>Barbados Street Cemetery</td>
<td>Cambridge Terrace</td>
<td>Closed</td>
<td>1851</td>
<td>1931</td>
</tr>
<tr>
<td>Belfast Cemetery</td>
<td>Belfast Road</td>
<td>Open</td>
<td>1904</td>
<td>N/A</td>
</tr>
<tr>
<td>Bromley Cemetery</td>
<td>Linwood Avenue</td>
<td>Open</td>
<td>1918</td>
<td>N/A</td>
</tr>
<tr>
<td>Diamond Harbour Memorial Cemetery</td>
<td>Waipapa Avenue</td>
<td>Open</td>
<td>2002</td>
<td>N/A</td>
</tr>
<tr>
<td>Duvauchelle Cemetery</td>
<td>Okains Bay Road</td>
<td>Open</td>
<td>1881</td>
<td>N/A</td>
</tr>
<tr>
<td>Kaituna Valley Cemetery</td>
<td>Kaituna Valley Road</td>
<td>Open</td>
<td>1940</td>
<td>N/A</td>
</tr>
<tr>
<td>Le Bons Bay Cemetery</td>
<td>Le Bons Bay Cemetery Road</td>
<td>Open</td>
<td>1862</td>
<td>N/A</td>
</tr>
<tr>
<td>Linwood Cemetery</td>
<td>Butterfield Avenue</td>
<td>Open</td>
<td>1884</td>
<td>N/A</td>
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<tr>
<td>Little River Cemetery</td>
<td>Upper Church Road</td>
<td>Open</td>
<td>1878</td>
<td>N/A</td>
</tr>
<tr>
<td>Lyttelton Anglican Cemetery</td>
<td>Canterbury Street</td>
<td>Open</td>
<td>1851</td>
<td>N/A</td>
</tr>
<tr>
<td>Lyttelton Catholic and Public Cemetery</td>
<td>Reserve Terrace</td>
<td>Open</td>
<td>1873</td>
<td>N/A</td>
</tr>
<tr>
<td>Memorial Park Cemetery</td>
<td>Ruru Road</td>
<td>Open</td>
<td>1956</td>
<td>N/A</td>
</tr>
<tr>
<td>Mount Magdala Cemetery Of The Good Shepherd Sisters</td>
<td>Aidenfield Drive</td>
<td>Closed</td>
<td>1888</td>
<td>1972</td>
</tr>
<tr>
<td>Pigeon Bay Cemetery</td>
<td>Wilsons Road</td>
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<tr>
<td>Ruru Lawn Cemetery</td>
<td>Ruru Road</td>
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<td>1941</td>
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<tr>
<td>Rutherford Cemetery</td>
<td>Rutherford Street</td>
<td>Closed</td>
<td>1866</td>
<td>1989</td>
</tr>
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<td>Sydenham Cemetery</td>
<td>Roker Street</td>
<td>Open</td>
<td>1896</td>
<td>N/A</td>
</tr>
<tr>
<td>Walmairi Cemetery</td>
<td>Grahams Road</td>
<td>Open</td>
<td>1911</td>
<td>N/A</td>
</tr>
<tr>
<td>Wainui Cemetery</td>
<td>Cemetery Road</td>
<td>Open</td>
<td>1890</td>
<td>N/A</td>
</tr>
<tr>
<td>Yaldhurst Cemetery</td>
<td>Buchanan's Road</td>
<td>Open</td>
<td>1887</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* The location noted is the street where the main entranceway into each cemetery is located.
Appendix B: Monument Specifications: 1200mm wide full burial plot
Appendix C: Monument Specifications: 1400mm wide full burial plot
Appendix D: Monument Specifications: 1500mm wide Muslim full burial plot
Appendix E: Monument Specifications: 750mm wide Muslim infant burial plot
Appendix F: Monument Specifications: 600mm wide ash plot, infant plot or quarter plot
Appendix G: Monument Specifications: 750mm wide infant burial plot
Appendix H: Monument Specifications: 600mm wide baby loss plot
14. Hagley Park Reference Group Terms of Reference

Reference: 18/682712
Presenter(s): Andrew Rutledge, Head of Parks

1. Social, Community Development and Housing Committee Recommendation to Council

   Part A

   That the Council:
   1. Receive the information in the Hagley Park Reference Group report.
   2. Adopt the Terms of Reference for the Group.

Attachments

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<td>367</td>
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</table>
Hagley Park Reference Group Terms of Reference

Reference: 18/606191
Presenter(s): Andrew Rutledge Head of Parks

1. Purpose of Report
   1.1 The purpose of this report is for the Social, Community Development and Housing Committee to recommend to Council, adoption of the Term of Reference for the Hagley Park Reference Group.

2. Staff Recommendations
   That the Social, Community Development and Housing Committee:
   1. Receive the information in the Hagley Park Reference Group report.
   2. Recommend that Council adopt the Terms of Reference for the Group.

3. Key Points
   3.1 Early in 2018 Council instructed staff to establish a Hagley Park Reference Group in line with the adopted Hagley Park Management Plan 2007 and the Social, Community Development and Housing Committee 28 February resolution requesting:
       3.1.1 “that the Hagley Park Reference Group Terms of Reference be agreed with the Group and reported to the Committee for approval.”
   3.2 Since then a group with representatives from key stakeholders have met and developed and finalised a terms of reference for the Group.
   3.3 Council’s Legal Services Unit have advised that for the Group to take effect terms of Reference will need to be adopted by Council.
   3.4 Following adoption representatives from the listed agencies will be confirmed and the group shall commence with immediate effect.

Attachments

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Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Andrew Rutledge - Head of Parks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Mary Richardson - General Manager Citizen and Community</td>
</tr>
</tbody>
</table>
HAGLEY PARK REFERENCE GROUP
TERMS OF REFERENCE

1. PURPOSE

1.1. The Purpose of the Hagley Park Reference Group (the Group) is to provide a sounding board for community views and preferences in relation to proposed uses, developments, events, and activities taking place within the boundaries of Hagley Park (but excluding the Botanic Gardens).

1.2. The Group will take into account heritage, sustainability, environmental, social, health, economic, generational and any other relevant considerations when providing advice.

2. OBJECTIVES

2.1. To engage and collaborate with Council (the Administrator) in a timely and professional manner that will assist and enhance Council's decision making processes associated to Hagley Park and the operative Hagley Park Management Plan.

3. STATUS

3.1. The Group is not a committee or subcommittee of the Christchurch City Council (Council).

3.2. The Group is a subordinate advisory body of the Council with the ability to make recommendations to the Council about matters relating to the above purpose. The Council is the final decision-maker.

4. COMPOSITION

4.1. The Group will have a minimum of eight (8) and a maximum of twelve (12) representatives.

4.2. The term of appointment shall be for a period of 2 years. Prior to the completion of that term the group will be requested to confirm their appointment for the ensuing period

4.3. The following organisations will invite a representative to join the group. It was agreed that the youth Council representation number may be more than 1 candidate at any meeting.

<table>
<thead>
<tr>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sport Canterbury</td>
</tr>
<tr>
<td>ChristchurchNZ</td>
</tr>
<tr>
<td>Hands Off Hagley Inc.</td>
</tr>
<tr>
<td>Christchurch Civic Trust</td>
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<tr>
<td>Canterbury Horticultural Society</td>
</tr>
<tr>
<td>Te Runanga O Ngai Tahu</td>
</tr>
<tr>
<td>Heritage New Zealand, Pouhere Taonga</td>
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Hagley Park Reference Group Terms of Reference Page 1

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Council Youth Council
Independent Chairperson nominated by the Social, Community Development and Housing Committee of Christchurch City Council
Department of Conservation
Age Concern
Disability New Zealand
Heathcote/Linwood/Central Community Board Representative

4.4. Other attendees

Council Head of Parks (or nominated delegates)
Council Head of Recreation, Sport, Community Arts and Events (or nominated delegate)
Chair & or Deputy of Social, Community Development and Housing Committee
Other bodies or interest groups as required on specific issues e.g. immediately adjacent resident associations, Canterbury Cricket Trust, Specific Sporting codes etc.

5. GROUP OFFICERS

5.1. The chairperson of the Group will be independent from any of the entities represented within the group and appointed by Council’s Chairperson of the relevant Council Committee responsible for the governance of Hagley park.

5.2. The Group will elect its own Deputy Chairperson to act in the absence of the Chairperson.

5.3. Council’s Parks Unit will provide administrative support.

6. MEETINGS AND ADMINISTRATION

6.1. The Group will meet on an as required basis, with the intent being monthly. If there is no relevant agenda items for any particular monthly period then, the meeting will not take place.

6.2. The Parks Unit will give each member at least 10 working days prior notice of a meeting.

6.3. The Council will provide a meeting venue.

6.4. The Parks Unit Administrative staff will keep a record (minutes) of all meetings, which will include the following information:

6.4.1. date of meeting
6.4.2. the names of those present
6.4.3. any apologies submitted
6.4.4. any advice agreed or recommendations made at the meeting.
6.5. The quorum of any meeting will be half of the members if the number of Group members is even, or a majority if the number of Group members is odd.

6.6. Proxy attendance in the case of unavoidable absence by any member is preferred wherever possible to ensure representation on all necessary matters.

6.7. Minutes of the meetings will be submitted to the Social, Community Development and Housing Committee for information.

6.8. Where required members will maintain confidentiality to enable Council to exercise its delegated authority.

7. **SCOPE**

7.1. It is anticipated that when the Council receives an application for the following activities, they will be referred to the Group for comment/feedback before the application goes beyond a proposal to Council as the decision-maker. The activities are:

   7.1.1. Resource consent applications or variations thereto, either notified or non-notified
   7.1.2. New asset developments. This does not include like for like renewal of existing assets, but will include renewal projects that are not like for like.
   7.1.3. New leases and licences
   7.1.4. Annual events calendar
   7.1.5. Significant maintenance works to underground infrastructure that may temporarily remove part of the park from public use.

7.2. Differing views will be noted (if requested).

7.3. Recommendations will be recorded and incorporated into the relevant council report for consideration by the relevant Council Community Board, Committee and Council.

7.4. In addition, members of the group may bring to the table other issues relating to Hagley Park they feel need discussion and consideration. These will be dealt with under general business with the agreement of the Chair. This will not include discussions on matters that are explicitly excluded within this Terms of Reference (Point 9.1) or levels of service as they are determined through the Long Term Plan process.

7.5. The Group’s consideration of any matter will be managed wherever possible within Council’s existing decision making timeframes and will not result in additional delay.

7.6. The Group is established to provide Council with advice and, if considered appropriate by the Group, a recommendation. A positive working relationship between the Group and the council is vital. Inevitably, some advisory recommendations from the Group for consideration may not be agreed to by Council.

7.7. In commenting on any application referred to it, the Group acknowledges and will be guided by the application of the following legislation and documents:

   7.7.1. [The Reserves Act 1977](#)
   7.7.2. [The Christchurch City (Reserves) Empowering Act 1971](#)
   7.7.3. [The Parks and Reserves Bylaw 2016](#)
   7.7.4. [The Hagley Park Reserves Management Plan (2007)](#)
7.7.5. Decision 48, Chapter 9, Natural and Cultural Heritage (Part) Chapter 9.3 Historic Heritage – Hagley Park (including Botanic Gardens)
7.7.6. Environment Court Ruling on the Hagley Oval (30 September 2013)
7.7.7. Heritage New Zealand Pouhere Taonga Act 2014
7.7.9. District Plan (2017) 9.3.4 Rules – Historic heritage
7.7.10. Greater Christchurch Regeneration Act 2016
7.7.11. Ngai Tahu Claims Settlement Act 1998

7.8. These will be accessible electronically at all meetings wherever possible.

8. EXCLUSIONS

8.1. The Group’s scope explicitly excludes any day to day operational management and/or delivery of maintenance and asset renewal activities associated with Hagley Park. Where appropriate Council will notify the Group of any major planned or unplanned operational activity that may necessitate removal areas of the park for public use. This will be for information purposes only.

8.2. The terms of reference for this Group do not extend to any activity immediately adjacent to Hagley Park. The group’s avenues for engagement for any such activity would be via normal council Local Government Act and Resource Management Act avenues.

9. REGISTER OF INTEREST

9.1. Members of the Reference group will provide a list of groups that they are involved with that are relevant to the terms of reference associated to the group.

9.2. Declarations of conflict of interest will be managed by the Chairperson through the meeting agenda.
15. Christchurch Housing Initiative

Reference: 18/683719
Presenter(s): Paul Cottam, Team Leader Policy

1. Social, Community Development and Housing Committee Recommendation to Council

   Part A

   That the Council in relation to the Christchurch Housing Initiative:

   1. Seek a Trustee Company to act as a ‘Custodian’ of the Initiative’s funds in preference to a CCO as previously resolved by Council.

   2. Continue to utilise a Council Controlled Organisation to act as a ‘Custodian’ of the Initiative’s funds if a Trustee Company cannot be found.

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

Attachments

<table>
<thead>
<tr>
<th>No.</th>
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<tr>
<td>1</td>
<td>Christchurch Housing Initiative</td>
<td>372</td>
</tr>
</tbody>
</table>
1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Social, Community Development and Housing Committee to recommend to Council that it now utilises a Trustee Company, rather than a Council Controlled Organisation as previously decided, as a ‘Custodian’ of the Christchurch Housing Initiative’s funds.

Origin of Report
1.2 This report is staff generated, although relates to Council resolution CNCL/2018/00047 ‘That the Council support giving effect to the Christchurch Housing Initiative by the utilising of a Council Controlled Organisation to act as a ‘Custodian’ of the Initiative’s funds’.

2. Significance

2.1 The decision in this report is of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

- The level of significance was determined by the overall low impact on the Council of giving effect to the Agreement for Funding it signed with the Crown in relation to the Initiative.
- The community engagement and consultation outlined in this report reflect the assessment.

3. Staff Recommendations

That the Social, Community Development and Housing Committee:

1. Recommend to Council that in relation to the Christchurch Housing Initiative it:
   a. Seeks a Trustee Company to act as a ‘Custodian’ of the Initiative’s funds in preference to a CCO as previously resolved by Council.
   b. Continue to utilise a Council Controlled Organisation to act as a ‘Custodian’ of the Initiative’s funds if a Trustee Company cannot be found.

4. Key Points

4.1 This report supports the Council’s Long Term Plan (2015 - 2025):

- Activity: Strategic Planning and Policy
  - Level of Service: 17.0.1 Advice is provided to Council on high priority policy and planning issues that affect the City

4.2 The following feasible options have been considered:

- Option 1 – Seek a Trustee Company to act as a ‘Custodian’ of the Christchurch Housing Initiative’s funds instead of a Council Controlled Organisation (preferred option).
- Option 2 – Retain the utilising of a Council Controlled Organisation to act as a ‘Custodian’ of the Initiative’s funds.

4.3 Option Summary - Advantages and Disadvantages (Preferred Option)

- The advantages of this option include:
  - Considerably less ongoing operational cost
  - A more conversant body with legal and financial duties, practices and obligations
  - A more experienced body when it comes to investing the funds of the Initiative
- The disadvantages of this option include:
  - A Trustee Company may not wish to work alongside the chosen Provider
  - No scope for including other Council housing activities

5. Context/Background

Using a CCO as Custodian of the Initiative’s Funds

5.1 In August 2017 the Council endorsed an Agreement for Funding between the Crown and the Council for the Christchurch Housing Initiative (the Initiative) to give effect to the Christchurch Housing Accord objective of establishing a shared equity affordable home ownership initiative, i.e. the Christchurch Housing Initiative (the ‘Initiative’).

5.2 The Council’s matching funds of $3.07 million with those of the Crown were considered as part of the 2018 Long Term Plan. If the Council does not match or fully match the Crown’s contribution then their (unmatched) funding will need to be returned.

5.3 In March 2018 the Council decided to utilise a Council Controlled Organisation (CCO) as a ‘Custodian’ of the Initiative’s funds. The CCO would act as a bare nominee to hold the Crown and Council contributions for the Initiative, and also to hold the second mortgages taken over the properties purchased by participants of the Initiative.

5.4 The CCO as Custodian would also be a party to the provider agreement with Council and the Provider, but would have a very limited role. The CCO Custodian would hold the assets of the Initiative and only act on instructions of the Provider/Council.

The Case for a Trustee Company as Custodian

5.5 Further consideration of the costs of utilising a CCO in relation to the size and scale of the Initiative have shown that it is disproportionately expensive to use a CCO compared to a Trustee Company. These primarily relate to director’s fees, accounting fees, audit fees, and directors insurance, and are estimated to be $77,000 per year, likely to modestly rise with inflation thereafter. Estimated costs for a Trustee Company are an annual fee of $7,500. Establishment costs (e.g. legal fees) are assumed to be similar for each.

5.6 There are several further advantages in using a Trustee Company. These include:

- Likely to have precedents and practices for releasing funds and granting/discharging mortgages
- Being conversant with legal duties and obligations
- Experienced when it comes to investing the funds of the Initiative
- Likely to provide a more consistent service regardless of changes in personnel

5.7 The main advantages of a CCO is that it would be Council owned and controlled, and that it would not need to be a single purpose vehicle, e.g. it could undertake other housing activities.
However, these are not considered to outweigh the advantages of a Trustee Company in terms of ongoing cost and relevant institutional experience.

5.8 A Trustee Company would still perform the same role as a CCO as Custodian, i.e. holder of the Initiative’s funds to disperse them upon instruction from the Provider. Either approach has some similar characteristics such as not having any potential liabilities yet still has a secured position, and that the assets of the Initiative are ‘ring fenced’ both from the Initiative’s Provider and from Council as a funder. There are also no tax implications in either approach in relation to gains or losses that may be made on the loans to participating households.

5.9 A three party Deed of Participation between the Council and both the Custodian and Provider will be entered into, identifying the duties and obligations of the Custodian and the Provider. It is expected that the Custodian and the Provider will each want to review the Deed before signing up to it. The Deed will be necessary regardless of what type of Custodian is used.

5.10 Tax issues are the same for either a CCO or a Trustee Company, e.g. the supply of financial services is exempt from GST, and the Council would be unable to claim input tax on any expenditure for the purchase of any goods and services used in the Initiative.

Custodian and Provider Selection Processes

5.11 If a Trustee Company is decided to be the preferred Custodian, then it is proposed to undertake a Request For Quote process as soon as practicable with the five professional trustee companies that have been established by statute. A Request For Quote is expected to take three weeks.

5.12 Informal indications are that a Trustee Company is unlikely to commit to being a Custodian until it is known who the Provider is and in the eyes of a Trustee Company how credible they are.

5.13 The Provider will still be selected from a closed tender process with local registered Community Housing Providers. Expected to take six weeks in total, this process is due to commence in June 2018, at approximately the same time as a decision on the Council’s contribution to the Initiative via the 2018 LTP is finalised.

5.14 Potential Providers will be made aware that a Custodian is yet to be appointed, and will be provided with all relevant documentation including the Deed of Participation. It is considered that the Provider is not likely to be concerned with what type of Custodian is used.

5.15 Should a Trustee Company not be found, or not wish to carry out the Custodian role in relation to the selected Provider, then it is proposed that a CCO undertake this duty.
6. Option 1 - Seek a Trustee Company to act as a ‘Custodian’ of the Christchurch Housing Initiative’s funds (preferred)

Option Description
6.1 Utilise a Trustee Company as a ‘Custodian’ of the Christchurch Housing Initiative’s funds, to be identified via a Request For Quote.

Significance
6.2 The level of significance of this option is low consistent with section 2 of this report.
6.3 Engagement requirements for this level of significance are working with relevant stakeholders to implement the Initiative.

Impact on Mana Whenua
6.4 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences
6.5 Community housing providers and potential modest income households are specifically affected by this option due to the possibility of affordable home ownership it presents. Recent expressions of community views have found overall support for the Council to work with the Government, community groups, the private sector and other agencies and providers to increase the supply of affordable housing.

Alignment with Council Plans and Policies
6.6 This option is with Council’s Plans and Policies, e.g. the Council’s Housing Policy

Financial Implications
6.7 Cost of Implementation - minor
6.8 Maintenance / Ongoing Costs - minor
6.9 Funding source – The fund was created with funding from the Crown and matching funding from Council which is being considered in the 2018 LTP. The costs of implementation and ongoing operating costs will be met from the fund.

Legal Implications
6.10 Obligations under a Deed of Participation between the Council and the Custodian (i.e. Trustee Company) and the Provider of the Initiative. The wider contractual obligations are under the Agreement for Funding, e.g. the Crown and the Council funding is only used for the purposes of the Agreement, and obligations to repay the Crown’s funding if the Council does not match the Crown’s funding.

Risks and Mitigations
6.11 Risk of not finding a Trustee Company under a Request For Quote process.
   • Treatment: revert back to using a CCO as Custodian.
   • Residual risk rating: The rating of the risk is low.

Implementation
6.12 Implementation dependencies - the Trustee Company is satisfied with who the Provider is as part of the operational structure for carrying out the Initiative
6.13 Implementation timeframe – August-September 2018
Option Summary - Advantages and Disadvantages

6.14 The advantages of the Trust Company option compared to Option Two include:
- Considerably less ongoing operational cost
- More conversant with legal and financial duties, practices and obligations
- Experienced when it comes to investing the funds of the Initiative

6.15 The disadvantages of this option compared to Option Two include:
- A Trustee Company may not wish to work alongside the chosen Provider
- No scope for including other Council housing activities

7. **Option 2 – Retain the utilising of a CCO to act as a ‘Custodian’ of the Christchurch Housing Initiative’s funds**

Option Description
7.1 Retain using a CCO as a ‘Custodian’ of the Christchurch Housing Initiative’s funds.

Significance
7.2 The level of significance of this option is low consistent with section 2 of this report.
7.3 Engagement requirements for this level of significance are working with relevant stakeholders to implement the Initiative.

Impact on Mana Whenua
7.4 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences
7.5 Community housing providers and potential modest income households are specifically affected by this option due to the possibility of affordable home ownership it presents. Recent expressions of community views have found overall support for the Council to work with the Government, community groups, the private sector and other agencies and providers to increase the supply of affordable housing.

Alignment with Council Plans and Policies
7.6 This option is with Council’s Plans and Policies, e.g. the Council’s Housing Policy

Financial Implications
7.7 Cost of Implementation - minor
7.8 Maintenance / Ongoing Costs - minor
7.9 Funding source – The fund was created with funding from the Crown and matching funding from Council which is being considered in the 2018 LTP. The costs of implementation and ongoing operating costs will be met from the fund.

Legal Implications
7.10 Obligations under a Deed of Participation between the Council and the Custodian (i.e. CCO) and the Provider of the Initiative. The wider contractual obligations are under the Agreement for Funding, e.g. the Crown and the Council funding is only used for the purposes of the Agreement, and obligations to repay the Crown’s funding if the Council does not match the Crown’s funding.

Risks and Mitigations
7.11 Time and cost to suitably develop a CCO, e.g. a Constitution and Statement of Intent
- Treatment: Independent legal advice, recruiting of suitable Directors
- Residual risk rating: The rating of the risk is low.

**Implementation**

7.12 Implementation dependencies - working in with a Provider to finalise the Deed of Participation.

7.13 Implementation timeframe – August-September 2018

**Option Summary - Advantages and Disadvantages**

7.14 The advantages of this option compared to Option One include:
- A CCO would be Council owned and controlled
- A CCO would not need to be a single purpose vehicle, e.g. could undertake other housing activities

7.15 The disadvantages of this option include:
- Higher ongoing operational costs than a Trustee Company
- Less institutional financial and legal experience

**Attachments**

There are no attachments to this report.

**Confirmation of Statutory Compliance**

<table>
<thead>
<tr>
<th>Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).</th>
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<tbody>
<tr>
<td>(a) This report contains:</td>
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<tr>
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</tr>
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</tr>
<tr>
<td>(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.</td>
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**Signatories**

| Authors | Paul Cottam - Principal Advisor Social Policy  
Emma Perry - Corporate Counsel |
|---|---|
| Approved By | Emma Davis - Acting Head of Strategic Policy  
Brendan Anstiss - General Manager Strategy and Transformation |

Reference: 18/683934
Presenter(s): Councillor Jimmy Chen, Chairperson

1. International Relations Working Group Consideration

1. The Council’s International Relations Policy (2013) and Sister Cities Strategy (2000) are due for review during the 2018/19 financial year.

2. Consideration was given by the International Relations Working Group to the process for the proposed review of the 2013 International Relations Policy and 2000 Sister Cities Strategy and replacement by a consolidated International Relations Policy Framework.

3. Feedback from the Working Group representatives was sought on the need for this work to develop a clear international vision for Christchurch’s international engagement.

4. Discussion was held and the following suggestions were provided:
   a. the relevant current strategies to draw from;
   b. appropriate membership of the core group (as per the attachment of core group members);
   c. the need for strong facilitation to drive the process;
   d. appropriate consultation with the wider group, foreign partners (as per the attachment of wider group and foreign partners), and the community.

2. International Relations Working Group Recommendation to Social, Community Development and Housing Committee

Part A

That the Social, Community Development and Housing Committee recommend to Council to:

1. Note that a review of the International Relations Policy 2013 and Sister Cities Strategy 2000 is planned to take place during the 2018/19 financial year.

2. Agree that the International Relations Policy 2013 and Sister Cities Strategy 2000 be reviewed and replaced by a consolidated International Relations Policy Framework.

3. Direct the International Relations Working Group to develop the International Relations Policy Framework for consideration by the Social, Community Development and Housing Committee.

4. Note that the Working Group may invite external stakeholders to provide input in development of the Policy Framework. In this regard the Working Group will consider a preliminary list of stakeholders to be consulted.

5. Request the International Relations Working Group to provide updates to the Committee on the Policy Framework development process.
3. Social, Community Development and Housing Committee Consideration

1. The Committee thanked Councillor Chen for presenting this report and for the work that has gone into the Strategy.

4. Social, Community Development and Housing Committee Recommendation to Council

Part A

That Council:

1. Note that a review of the International Relations Policy 2013 and Sister Cities Strategy 2000 is planned to take place during the 2018/19 financial year.

2. Agree that the International Relations Policy 2013 and Sister Cities Strategy 2000 be reviewed and replaced by a consolidated International Relations Policy Framework.

3. Direct the International Relations Working Group to develop the International Relations Policy Framework for consideration by the Council.

4. Note that the Working Group may invite external stakeholders to provide input in development of the Policy Framework. In this regard the Working Group will consider a preliminary list of stakeholders to be consulted.

5. Request the International Relations Working Group to provide updates to the Committee on the Policy Framework development process.

6. Agree that Ngai Tahu be recognised as a Strategic Partner.

Attachments

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<tr>
<td>B</td>
<td>CIR - International Relations Policy Framework - Stakeholder List</td>
<td>385</td>
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</table>
Proposed Review of 2013 International Relations Policy and 2000 Sister Cities Strategy

Reference: 18/481968
Presenter(s): Matt Nichols, Civic & International Relations Manager

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is to:

1.1.1 inform the International Relations Working Group of preliminary plans for the review of the Council’s 2013 International Relations Policy and Sister Cities Strategy 2000;
1.1.2 to seek the Group’s feedback on the preliminary plans;
1.1.3 to recommend to the Social, Community Development and Housing Committee that it note the review, and direct the Working Group to undertake the review.

Origin of Report
1.2 This report is staff generated.

2. Significance

2.1 The decisions in this report are of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

2.1.1 The level of significance was determined by the low level of interest in the wider community and the preliminary nature of planning for this policy review.
2.1.2 The community engagement and consultation outlined in this report reflect the assessment.

3. Staff Recommendations

That the International Relations Working Group:

1. Agree that approval be sought for the 2013 International Relations Policy and 2000 Sister Cities Strategy to be reviewed and replaced by a consolidated International Relations Policy Framework.

2. Recommend to the Social, Community Development and Housing Committee that it:

1. Note that a review of the International Relations Policy 2013 and Sister Cities Strategy 2000 is planned to take place during the 2018/19 financial year.
2. Agree that the International Relations Policy 2013 and Sister Cities Strategy 2000 be reviewed and replaced by a consolidated International Relations Policy Framework.
3. Direct the International Relations Working Group to develop the International Relations Policy Framework for consideration by the Social, Community Development and Housing Committee.
4. Note that the Working Group may invite external stakeholders to provide input in development of the Policy Framework.
Note: The International Relations Working Group will consider a preliminary list of stakeholders to be consulted.

5. Request the International Relations Working Group provide updates to the Committee on the Policy Framework development process.

4. Key Points

4.1 The Council’s International Relations Policy (2013) and Sister Cities Strategy (2000) are due for review during the 2018/19 financial year.

4.2 The Terms of Reference of the International Relations Working Group include providing strategic oversight and advice on the city’s international relations so it is proposed the Working Group review the Policy and Strategy as noted in 4.1 above. Accordingly, the Working Group may invite external stakeholders to provide input into the review.

4.3 Staff have begun planning for the review in consultation with Murray Dickson who is Project Sponsor. This report updates the International Relations Working Group on preliminary plans and seeks the Working Group’s feedback. A summary project plan is included at Attachment A.

4.4 A preliminary list of stakeholders to be consulted during the review has been compiled for the Working Group to review – this is included at Attachment B.

5. Context/Background

Context

5.1 The Council adopted a Sister Cities Strategy in 2000 and International Relations Policy in 2013. Implementation of these policy documents is being led by the Civic and International Relations team, working with key stakeholders.

5.2 When the International Relations Policy was adopted in October 2013, those stakeholders included the Canterbury Earthquake Recovery Authority (CERA), Canterbury Development Corporation (CDC) and Christchurch and Canterbury Tourism (CCT). Key policy documents cited in the review included the Central City Recovery Plan.

5.3 The policy environment has changed since 2013 and the Council’s International Relations Policy needs to be reviewed to take account of developments including the following:

5.3.1 Resilient Greater Christchurch Plan launched in 2016

5.3.2 Christchurch Visitor Strategy – Setting the Direction 2016

5.3.3 Canterbury International Education Strategy 2016

5.3.4 Christchurch Multicultural Strategy 2017-2021

5.3.5 Christchurch Economic Development Strategy 2017 (CEDS)

5.3.6 Canterbury Regional Economic Development Strategy 2017-2019 (CREDs)

5.3.7 Major Events Strategy - Ōtautahi Christchurch 2017

5.3.8 Antarctic Gateway Strategy 2018

5.3.9 Work underway on other new policy documents including the Council’s proposed Strategic Framework, due to be adopted in June 2018.

5.4 There have also been changes in the stakeholder environment, including in particular the establishment of ChristchurchNZ. The Mayor has indicated she is eager for the Council’s international relations activities to reflect the new stakeholder and strategy environment.
Preliminary plans for the review

5.5 The 2013 International Relations Policy envisaged the development of agreements between the Council and other key stakeholders (including Council Controlled Organisations) to determine respective roles, responsibilities and expectations. These agreements have not transpired.

5.6 The Christchurch Economic Development Strategy similarly recommended that the Council, ChristchurchNZ and the Canterbury Employers Chamber of Commerce develop a co-ordinated framework for Christchurch’s international engagement, identifying areas of focus and how to build relationships to achieve greater impact from combined investment.

5.7 Key stakeholders have advised the Civic and International Relations team that they are keen for closer co-ordination and alignment of our respective international work programmes.

5.8 The Events Policy Framework approved by the Council in December 2017 offers a useful precedent for a possible outcome from this review - a high level international relations policy framework which sets out:

5.8.1 an updated vision for our international engagement
5.8.2 specific roles and responsibilities of the Council and key stakeholders
5.8.3 agreed work programme between key stakeholders.

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Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

(i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and

(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.

Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Approved By</th>
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<tbody>
<tr>
<td>Elizabeth Wilson - Senior Policy Analyst</td>
<td>Murray Dickson - Director of Office of Chief Executive</td>
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<tr>
<td>Jack Chaney - Civic and International Relations Coordinator</td>
<td></td>
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<tr>
<td>Matthew Nichols - Manager Civic &amp; International Relations</td>
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**PROPOSED REVIEW OF 2013 INTERNATIONAL RELATIONS POLICY AND 2000 SISTER CITIES STRATEGY**

**Summary Project Plan**

**Project Goal/s**
A high level international relations policy framework to ensure that planning and delivery of the city’s international relations activities is well-coordinated and inclusive of all stakeholders’ interests, that we collaborate to maximise opportunities for the city and that we work towards an updated, shared vision which is aligned to the Council’s new Strategic Framework and other relevant policies and strategies.

<table>
<thead>
<tr>
<th>Project Timeline and Key Milestones</th>
<th>DATES</th>
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<tbody>
<tr>
<td><strong>Stage One: Planning &amp; research</strong></td>
<td>Stage One</td>
</tr>
<tr>
<td>1. Preliminary project plan approved by IR Working Group</td>
<td>April – July 2018</td>
</tr>
<tr>
<td>2. Detailed project plan approved by Project Sponsor</td>
<td>IRWG meets 1 June</td>
</tr>
<tr>
<td>3. Project team established</td>
<td></td>
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<td>4. Consultation and engagement calendar prepared</td>
<td></td>
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<td>5. Research undertaken</td>
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<tr>
<td><strong>Stage Two: Scoping and writing</strong></td>
<td>Stage Two</td>
</tr>
<tr>
<td>6. Scoping and development workshops with key stakeholders</td>
<td>August – November 2018</td>
</tr>
<tr>
<td>7. Confirm consultation/engagement calendar</td>
<td>IRWG meeting TBC</td>
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<tr>
<td>8. Prepare preliminary draft International Relations Policy Framework for consultation</td>
<td></td>
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<tr>
<td>9. Draft IR Policy Framework and confirmed consultation/engagement calendar to IR Working Group workshop for approval for consultation</td>
<td></td>
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<tr>
<td><strong>Stage Three: Revisions and approvals</strong></td>
<td>Stage Three</td>
</tr>
<tr>
<td>1. Revise draft International Policy Framework based on feedback from workshop with IRWG</td>
<td>December 2018 – mid-2019</td>
</tr>
<tr>
<td>2. Consultation and engagement calendar rolled out</td>
<td>IRWG meeting TBC</td>
</tr>
<tr>
<td>3. Revise draft International Policy Framework based on feedback from consultations</td>
<td>SCDH Committee date TBC</td>
</tr>
<tr>
<td>4. Present revised draft to IR Working Group</td>
<td>Council date TBC</td>
</tr>
<tr>
<td>5. IR Working Group presents draft International Relations Policy Framework to Social, Community Development &amp; Housing Committee</td>
<td></td>
</tr>
<tr>
<td>6. IR Working Group presents draft International Relations Policy Framework to Council</td>
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</table>
The following suggested list of stakeholders seeks to inform the consultation process, specifically to what extent each stakeholder should be consulted. As a preliminary method of categorisation, stakeholders have been separated into Core Group, Wider Group and Foreign Partners.

**Core Group**
- International Relations Working Group
- Mayor and Elected Members
- ChristchurchNZ
- Development Christchurch Limited
- Christchurch International Airport Limited
- Ministry of Foreign Affairs and Trade
- New Zealand Trade and Enterprise
- Christchurch Sister City Committees
- Canterbury Employers’ Chamber of Commerce
- Tertiary education section
- Ngai Tahu

**Wider Group**
- Asia New Zealand Foundation
- Lyttelton Port Company
- Other Councils (particularly Selwyn, Waimakariri, Hurunui, Ashburton)
- Local Government New Zealand
- Sister Cities New Zealand
- Halswell Quarry Park
- Canterbury District Health Board
- Christchurch City Council teams (particularly Multicultural, Events, Smart Cities)
- Educational institutions (e.g. University of Canterbury, Ara Institute, Confucius Institute, Rewi Alley Chinese School)
- Christchurch Antarctic Office
- Antarctica New Zealand
- Australia New Zealand School of Government
- Department of Internal Affairs
- Ethnic community groups (e.g. Chinese associations, Japanese Society of Canterbury, Korean Society of Christchurch, American Club of Christchurch, Christchurch Indian Association)
- New Zealand China Council
- New Zealand China Friendship Society
- Regenerate Christchurch
- World Peace Bell Association, Mayors for Peace
- Ministry for Pacific Peoples
- Christchurch Multicultural Council
- Education NZ
- Tourism NZ
- The Christchurch Foundation

**Foreign Partners**
- Diplomatic posts to New Zealand (Embassies, Consulates-General, Consulates, Honorary Consuls)
- Foreign government offices of Sister Cities or friendly cities
- Seattle Christchurch Sister City Association
- Chinese People’s Association for Friendship with Foreign Countries
- Foreign companies & investors
17. Social, Community Development and Housing Committee Minutes - 4 July 2018

Reference: 18/687283
Presenter(s): Sarah Drummond, Committee and Hearing Advisor

1. Purpose of Report
The Social, Community Development and Housing Committee held a meeting on 4 July 2018 and is circulating the Minutes recorded to the Council for its information.

2. Recommendation to Council
That the Council receives the Minutes from the Social, Community Development and Housing Committee meeting held 4 July 2018.

Attachments

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<tr>
<td>A1</td>
<td>Minutes Social, Community Development and Housing Committee - 4 July 2018</td>
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</tr>
</tbody>
</table>

Signatories

| Author                          | Sarah Drummond - Committee and Hearings Advisor |
Social, Community Development and Housing Committee
OPEN MINUTES

Date: Wednesday 4 July 2018
Time: 1.30pm
Venue: Council Chamber, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Deputy Chairperson
Members

Councillor Phil Clearwater
Councillor Glenn Livingstone
Councillor Jimmy Chen
Councillor Anne Galloway
Councillor Yani Johanson
Councillor Aaron Keown
Councillor Tim Scandrett

29 June 2018

Principal Advisor
Andrew Rutledge
Head of Parks
Tel: 941 6862

Sarah Drummond
Committee and Hearings Advisor
941 6262
sarah.drummond@ccc.govt.nz
www.ccc.govt.nz

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www.ccc.govt.nz/Council/meetingminutes/agendas/index
The agenda was dealt with in the following order.

1. **Apologies**
   - **Part C**
     - **Committee Resolved SOC/2018/00041**
     - **Committee Decision**
     
     That the apologies from Councillors Scandrett and Johanson for lateness be accepted.

     Councillor Keown/Councillor Chen

     Carried

2. **Declarations of Interest**
   - **Part B**
     
     There were no declarations of interest recorded.

3. **Confirmation of Previous Minutes**
   - **Part C**
     - **Committee Resolved SOC/2018/00042**
     - **Committee Decision**
     
     That the minutes of the Social, Community Development and Housing Committee meeting held on Wednesday, 6 June 2018 be confirmed.

     Councillor Keown/Councillor Livingstone

     Carried

4. **Public Forum**
   - **Part B**
     
     There were no public forum presentations.

5. **Deputations by Appointment**
   - **Part B**
     
     There were no deputations by appointment.

6. **Presentation of Petitions**
   - **Part B**
     
     There was no presentation of petitions.
7. Housing Subcommittee Minutes - 6 April 2018
   Committee Resolved SOC/2018/00043
   That the Social, Community Development and Housing Committee receives the Minutes from the Housing Subcommittee meeting held 6 April 2018.
   Councillor Livingstone/Councillor Chen

   Committee Comment
   1. The Committee thanked Councillor Chen for presenting this report and for the work that has gone into the Strategy.

   Committee Decided SOC/2018/00044
   Part A
   That the Social, Community Development and Housing Committee recommend to Council to:
   1. Note that a review of the International Relations Policy 2013 and Sister Cities Strategy 2000 is planned to take place during the 2018/19 financial year.
   2. Agree that the International Relations Policy 2013 and Sister Cities Strategy 2000 be reviewed and replaced by a consolidated International Relations Policy Framework.
   3. Direct the International Relations Working Group to develop the International Relations Policy Framework for consideration by the Council.
   4. Note that the Working Group may invite external stakeholders to provide input in development of the Policy Framework. In this regard the Working Group will consider a preliminary list of stakeholders to be consulted.
   5. Request the International Relations Working Group to provide updates to the Committee on the Policy Framework development process.
   6. That Ngai Tahu be recognised as a Strategic Partner.

   Councillor Livingstone/Councillor Galloway

9. Multicultural Subcommittee Minutes - 25 June 2018
   Committee Resolved SOC/2018/00045
   That the Social, Community Development and Housing Committee receives the Minutes from the Multicultural Subcommittee meeting held 25 June 2018.
   Councillor Chen/Councillor Galloway

   Carried
10. Staff Briefing on the Direction for Heritage
   Staff provided a briefing to the Committee.

Councillor Scandrett arrived at 1.54pm.
Councillor Johanson arrived at 2.05pm

11. Christchurch Housing Initiative
   Committee Decided SOC/2018/00046
   Part A
   That the Social, Community Development and Housing Committee:
   1. Recommend to Council that in relation to the Christchurch Housing Initiative it:
      a. Seek a Trustee Company to act as a ‘Custodian’ of the Initiative’s funds in preference to a CCO as previously resolved by Council.
      b. Continue to utilise a Council Controlled Organisation to act as a ‘Custodian’ of the Initiative’s funds if a Trustee Company cannot be found.
   Councillor Clearwater/Councillor Livingstone  Carried
   Councillor Keown requested that his vote against the motion be recorded.

12. Hagley Park Reference Group Terms of Reference
   Committee Decided SOC/2018/00047
   Part A
   That the Social, Community Development and Housing Committee recommend to Council:
   1. Receive the information in the Hagley Park Reference Group report.
   2. To adopt the Terms of Reference for the Group.
   Councillor Livingstone/Councillor Galloway  Carried
13 Resolution to Exclude the Public
Committee Resolved SOC/2018/00048

Part C

That Cate Kearney of Otautahi Trust, be in attendance to answer questions after the public have been excluded for Item 16 of the public excluded agenda as she has knowledge that is relevant to that item and will assist the Council. She will not be present during discussion and decision.

AND

That at 3.06pm the resolution to exclude the public set out on pages 41 to 42 of the agenda be adopted.

Councillor Chen/Councillor Livingstone Carried

The public were re-admitted to the meeting at 4.34pm.

Meeting concluded at 4.34pm.

CONFIRMED THIS 1st DAY OF AUGUST 2018

COUNCILLOR PHIL CLEARWATER
CHAIRPERSON
1. **Purpose of Report**
   The Finance and Performance Committee held a meeting on 4 July 2018 and is circulating the Minutes recorded to the Council for its information.

2. **Recommendation to Council**
   That the Council receives the Minutes from the Finance and Performance Committee meeting held 4 July 2018.

**Attachments**

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<td>Minutes Finance and Performance Committee - 4 July 2018</td>
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**Signatories**

<table>
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<tr>
<th>Author</th>
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<tr>
<td>Aidan Kimberley - Committee and Hearings Advisor</td>
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</table>
Finance and Performance Committee
OPEN MINUTES

Date: Wednesday 4 July 2018
Time: 9.30am
Venue: Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

Present
Chairperson
Councillor Raf Manji
Deputy Chairperson
Deputy Mayor Andrew Turner
Councillor Vicki Buck
Councillor Jimmy Chen
Councillor Mike Davidson
Councillor Anne Galloway
Councillor Jamie Gough
Councillor Yani Johanson
Councillor Deon Swiggs
Mr Mike Rondel (Non-Voting Member)

3 July 2018

Principal Advisor
Carol Bellette
General Manager Finance and Commercial

Aidan Kimberley
Committee and Hearings Advisor
941 6566
aidan.kimberley@ccc.govt.nz
www.ccc.govt.nz

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The agenda was dealt with in the following order.

1. **Apologies**
   - Part C
   - Committee Resolved FPCM/2018/00043

   **Committee Decision**
   
   That the apology from Mayor Dalziel and apology for lateness from Councillor Swiggs and Davidson be accepted.
   
   Councillor Manji/Deputy Mayor

   **Carried**

2. **Declarations of Interest**
   
   - Part B
   
   There were no declarations of interest recorded.

3. **Confirmation of Previous Minutes**
   
   - Part C
   - Committee Resolved FPCM/2018/00044

   **Committee Decision**
   
   That the minutes of the Finance and Performance Committee meeting held on Wednesday, 6 June 2018 be confirmed.
   
   Councillor Chen/Deputy Mayor

   **Carried**

4. **Public Forum**

   - Part B
   
   There were no public forum presentations.

5. **Deputations by Appointment**

   - Part B
   
   There were no deputations by appointment.

6. **Presentation of Petitions**

   - Part B
   
   There was no presentation of petitions.
7. Asset Management Quarterly Report - Parks - Asset Valuation and Condition Assessment
Committee Resolved FPCM/2018/00045

Part C
That the Finance and Performance Committee:
1. Receive this report
2. Note that feedback is sought on the suitability of this template (see attachment) to provide information to the Finance and Performance Committee on Asset Valuations and Condition assessment.

Councillor Chen/Councillor Gough  Carried

8. Performance Reporting for May 2018
Committee Resolved FPCM/2018/00046

Part C
That the Finance and Performance Committee:
1. Receive the information in the report.

Councillor Davidson/Councillor Gough  Carried

9 Resolution to Exclude the Public
Committee Resolved FPCM/2018/00047

Part C
That at 10:23 am. the resolution to exclude the public set out on pages 38 to 39 of the agenda be adopted.

Councillor Manji/Councillor Davidson  Carried

The public were re-admitted to the meeting at 10:36am.

Meeting concluded at 10:36am.

CONFIRMED THIS 1ST DAY OF AUGUST 2018

COUNCILLOR RAF MANJI
CHAIRPERSON
19. Audit and Risk Management Committee Minutes - 18 June 2018

Reference: 18/616541
Presenter(s): Mark Saunders - Committee and Hearings Advisor

1. Purpose of Report
   The Audit and Risk Management Committee held a meeting on 18 June 2018 and is circulating the Minutes recorded to the Council for its information.

2. Recommendation to Council
   That the Council receives the Minutes from the Audit and Risk Management Committee meeting held 18 June 2018.

Attachments

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<td>Minutes Audit and Risk Management Committee - 18 June 2018</td>
<td>398</td>
</tr>
</tbody>
</table>

Signatories

| Author                  | Mark Saunders - Committee and Hearings Advisor |
Audit and Risk Management Committee
OPEN MINUTES

Date: Monday 18 June 2018
Time: 8:36am
Venue: Council Chambers, Level 2, Civic Offices, 53 Hereford Street, Christchurch

Present
Chair
Ms Sue Sheldon
Councillor Raf Manji
Councillor Vicki Buck
Councillor Phil Clearwater
Councillor Pauline Cotter
Mayor Lianne Dalziel
Councillor David East
Deputy Mayor Andrew Turner
Mr Mark Russell

18 June 2018
Principal Advisor
Carol Bellette
General Manager Finance and Commercial

Mark Saunders
Committee and Hearings Advisor
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www.ccc.govt.nz

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The agenda was dealt with in the following order.

1. **Apologies**
   - Part C
     - Committee Resolved ARCM/2018/00014
   - Committee Decision
     - That the apology from Member Rondel be accepted.
     - Chair Sheldon/Councillor Clearwater
     - Carried

2. **Declarations of Interest**
   - Part B
     - There were no declarations of interest recorded.

3. **Confirmation of Previous Minutes**
   - Part C
     - Committee Resolved ARCM/2018/00015
   - Committee Decision
     - That the minutes of the Audit and Risk Management Committee meeting held on Wednesday, 30 May 2018 be confirmed.
     - Chair Sheldon/Councillor East
     - Carried

4. **Public Forum**
   - Part B
     - There were no public forum presentations.

5. **Deputations by Appointment**
   - Part B
     - There were no deputations by appointment.

6. **Presentation of Petitions**
   - Part B
     - There was no presentation of petitions.
Audit and Risk Management Committee
18 June 2018

7 Resolution to Exclude the Public
Committee Resolved ARCM/2018/00016

Part C

That Andy Burns and Andrew Timlin of Audit New Zealand, David Seath of Deloitte and Chair-elect, Kim Wallace, remain after the public have been excluded for item 9 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND

That at 8:40am the resolution to exclude the public set out on pages 13 to 14 of the agenda be adopted.

Chair Sheldon/Deputy Mayor

Carried

The public were re-admitted to the meeting at 9:49am.

The Committee thanked Sue Sheldon for her service to the Committee as independent Chair, recognising this was her last meeting on the Committee.

Meeting concluded at 9:54am.

CONFIRMED THIS 31ST DAY OF AUGUST 2018

SUE SHELDON
CHAIRPERSON
20. Strategic Capability Committee Minutes - 19 June 2018

Reference: 18/619570
Presenter(s): Christopher Turner-Bullock, Committee Advisor

1. Purpose of Report
   The Strategic Capability Committee held a meeting on 19 June 2018 and is circulating the Minutes recorded to the Council for its information.

2. Recommendation to Council
   That the Council receives the Minutes from the Strategic Capability Committee meeting held 19 June 2018.

Attachments

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<td>Minutes Strategic Capability Committee - 19 June 2018</td>
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</tr>
</tbody>
</table>

Signatories

| Author                        | Christopher Turner-Bullock - Committee Advisor |
Strategic Capability Committee
OPEN MINUTES

Date: Tuesday 19 June 2018
Time: 1.03pm
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Mayor Lianne Dalziel
Deputy Chairperson
Deputy Mayor Andrew Turner
Members
Councillor Vicki Buck
Councillor Phil Clearwater
Councillor Pauline Cotter
Councillor David East
Councillor Raf Manji

19 June 2018
Principal Advisor
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General Manager Strategy & Transformation
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Christopher Turner-Bullock
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www.ccc.govt.nz

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The agenda was dealt with in the following order.

1. **Apologies**
   
   Part C
   
   Committee Resolved SCCM/2018/00017
   
   The apologies for lateness from The Mayor and Councillor Cotter be accepted.
   
   Deputy Mayor/Councillor Clearwater
   
   Carried

2. **Declarations of Interest**
   
   Part B
   
   There were no declarations of interest recorded.

3. **Confirmation of Previous Minutes**
   
   Part C
   
   Committee Resolved SCCM/2018/00018
   
   That the minutes of the Strategic Capability Committee meeting held on 23 May 2018 be confirmed.
   
   Councillor Buck/Councillor East
   
   Carried

4. **Deputations by Appointment**
   
   Part B
   
   There were no deputations by appointment.

5. **Presentation of Petitions**
   
   Part B
   
   There was no presentation of petitions.
6 Resolution to Exclude the Public
Committee Resolved SCCM/2018/00019

Part C

That Mike Jacka of Tonkin and Taylor and Kim Money, Linda Stewart and Councillor Livingstone, members of the Coastal-Burwood Community Board, remain after the public have been excluded for Item 8 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Committee.

That at 1.04pm the resolution to exclude the public set out on pages 8 to 9 of the agenda be adopted.

Deputy Mayor/Councillor Buck

Carried

The public were re-admitted to the meeting at 2.55pm at which time the meeting concluded.

CONFIRMED THIS 22\textsuperscript{ND} DAY OF AUGUST 2018

MAYOR LIANNE DALZIEL
CHAIRPERSON
Item 21

21. Enliven Places Projects Fund - Grant Approval - WHAKA Project 2

Reference: 18/668848
Presenter(s): Brindi Joy, Transitional Projects Advisor

1. Innovation and Sustainable Development Committee Recommendation to Council

Staff recommendation accepted without change.

Part A

That the Council:

1. Approve a grant of $37,140 from the Enliven Places Projects Fund to contribute toward the operational and capital costs associated with WHAKA: Public Programmes and Exhibitions (WHAKA Project 2) to be sited at 33 – 35 London Street, Lyttelton.

Attachments

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<td>1</td>
<td>Enliven Places Projects Fund - Grant Approval - WHAKA Project 2</td>
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</table>
1. Purpose and Origin of Report

Purpose of Report

1.1 The purpose of this report is for the Innovation and Sustainable Development Committee to seek Council approval for a grant of $37,140 from the Enliven Places Projects Fund to contribute toward the operational and capital costs of operating WHAKA: Public Programmes and Exhibitions Project (WHAKA Project 2).

1.2 This project will activate the vacant future Lyttelton Museum site at 33 - 35 London Street with a programme of public events and exhibition. The project actively engages the community in taonga from the Lyttelton Museum collection and artwork from local contemporary artists.

Origin of Report

1.3 Applications to the Enliven Places Projects Fund are considered by an interdisciplinary assessment panel (‘the Panel’) of Council staff and a representative of Life in Vacant Spaces Charitable Trust. Decisions over $15,000 require Council approval.

1.4 The current application, WHAKA: Public Programmes and Exhibitions (WHAKA Project 2), seeks funding of $37,140 to deliver a robust programme of activations until the end of the calendar year on a vacant site in Lyttelton.

2. Significance

2.1 The recommendations in this report are of low significance in relation to assessment of criteria in the Christchurch City Council’s Significance and Engagement Policy. It is considered that there will be a localised positive impact in the communities in the city affected by this decision; the implementation of the Enliven Places Projects Fund is delivered through existing operational budgets; and no adverse environmental or cultural impacts have been identified by staff.

3. Staff Recommendations

That the Innovation and Sustainable Development Committee endorse and recommend that the Council:

1. Approve a grant of $37,140 from the Enliven Places Projects Fund to contribute toward the operational and capital costs associated with WHAKA: Public Programmes and Exhibitions (WHAKA Project 2) to be sited at 33 – 35 London Street, Lyttelton.

4. Key Points

4.1 WHAKA: Public Programmes and Exhibitions (WHAKA Project 2) is a temporary project to engage Christchurch locals and visitors in a high quality, free public programme and exhibition series developed with support and collaboration from Te Hapū o Ngāti Wheke (Rāpaki Marae) on the vacant future Lyttelton Museum site at 33 - 35 London Street in Lyttelton. WHAKA Project 2 seeks funding from the Enliven Places Projects fund for $37,140.

4.2 WHAKA Project 1 received an Enliven Places Projects Fund grant of $14,800 in the 2017/2018 financial year to support both the operational and capital costs that included commissioning artworks from four Ngāi Tahu artists on themes of mahinga kai (food and natural resources) and...
manaakitanga (hospitality) to acknowledge the pre-colonial history of the area and welcome people back to the site alongside Matariki celebrations and the Lyttelton Harbour Festival of Lights in July 2018. WHAKA Project 1 also includes a series of hākari (feasts) serving traditional local Māori kai to the community on the site accompanied by video projections and storytelling evenings to engage the community with the mauri (life force) of the place.

4.3 The Panel reviewed the application for WHAKA Project 2 and recommends further funding in this financial year so the Project can continue activation on the site and the potential for added value, as reflected in paragraph 5.11 and 5.12.

5. Context/Background

Enliven Places Projects Fund

5.1 The Transitional City Projects Fund was established in 2012 to support the recovery by lowering barriers and encouraging light-touch projects that help bring life back into the city while development and tenancing decisions are made. Projects take place in vacant spaces. The Fund is unique to Christchurch and represents one of the successful recovery and regeneration investments initiated by Council following the earthquakes.

5.2 The Fund name changed in May 2017 to the Enliven Places Projects Fund to reflect the shift from recovery and transition to regeneration.

5.3 Since 2014, the fund has seen a shift in applications away from small projects that require less funding ($0-$5k). Applicants are now delivering higher quality projects with greater community outcomes, so funding requests often reflect this ($5-$15k+).

5.4 A budget of $150,000 was allocated to the Fund in the 2017/2018 financial year. The available balance of the fund for allocation at the time of this report is $87,820.

5.5 The total funding allocation recommended in this report is $37,140. As a result of funding this application the remaining balance of the Fund will be $50,680 for the 2017/18 year. Six additional applications are currently under consideration by the Panel totalling a value of $45,787.

5.6 Since inception the fund has been well utilised with total annual expenditure of 90% of available funds since 2012, supporting projects that have included Juliet Arnott’s Resourceful Ōtautahi, a Pacifica artists’ performance series from CoCA; the Sit In by Adam McGrath, and many artists, urban farms and theatre.

5.7 The Fund’s legacy is a wide range of projects that individually and collectively encourage a culture of creativity, innovation, experimentation and volunteering. This in turn means a wide range of short and long term outcomes for community wellbeing, our sense of place and the local economy.

WHAKA Project 2

5.8 WHAKA Project 2 looks to the taonga in the Lyttelton Museum collection and offers a high quality free public programme of events, workshops and contemporary artistic responses to items in the Museum’s collection. The Project is being developed alongside local runanga, Lyttelton Museum and local artists and will be situated on the future Lyttelton Museum site at 33 - 35 London Street, Lyttelton. The Project will build a community of interest around the upcoming Lyttelton Museum build (scheduled for early 2019) and the objects held in the collection that have been in storage since the 2011 earthquakes. The application to the Enliven Places Projects Fund is for assistance with operational and capital costs.

5.9 Council granted $14,800 (28.1% of the total project value) in the 2017/2018 financial year for WHAKA Project 1 for operational and capital costs associated with commissioning artworks from
four Ngāi Tahu artists, delivering four hākari (public feasts), site preparation and staff time. The Project will run late June – July 2018. The current application for WHAKA Project 2 identifies a need of $37,140 (48.7% of the application value) for continued activation of the site for the remainder of the calendar year. The applicant seeks funding for costs associated with site activation, public programme delivery, artists’ fees, equipment and staff time, digital technology, Eftpos capability, exhibition materials, opening costs and de-installation. Total Council contribution to projects on this site in the 2017/18 financial year would be $51,940 (40.3% of the total project value) if the current application was funded.

5.10 The current application is under consideration while WHAKA Project 1 is being delivered (end June – July 2018). WHAKA Project 2 is due to begin delivery in early August. The applicant seeks confirmation of financial support ahead of commencing WHAKA Project 2.

5.11 WHAKA Project 1 delivery begins in late June – July. This report is being submitted at this time for WHAKA 2 as the Project delivery is deliberately designed to begin in early August. The applicants seek a funding decision early, prior to the completion of WHAKA 1, to support project planning for WHAKA 2. Reporting on the deliverables of WHAKA 1 will occur after July.

5.12 The Panel supports the application for WHAKA 2 and recommended funding to support the project’s programme delivered from August – December 2018. The Project will expand on Project 1’s activation of the site and will be delivered in two parts in partnership with the Lyttelton Museum and Te Hapū o Ngāti Wheke (Rāpaki Marae):

- August: A free public programme of events including talks and workshops on four Sundays (range of activities on each day) in response to toanga from the Museum collection. Artefacts of significance will be made available via 3D and Virtual Reality.

- August – December: A temporary, pop-up art gallery will be installed on site and will be open 4 days per week, 8 hours per day. Twenty-five contemporary artists with connection to Banks Peninsula and Whakaraupō (Lyttelton Harbour) will produce works in response to local taonga from the Museum’s collection in four, month-long exhibitions. Currently there is no gallery in Lyttelton although the town is known for its vibrant artistic community.

Figures 1 & 2: Left: The vacant 33 - 35 London Street. Right: An artist’s impression of WHAKA onsite. The outdoor artwork by Ngāi Tahu artists will be on display 24/7 and the gallery will be open August – December and staffed by experienced curators 32 hours per week.
Figures 3 & 4: Museum artefacts in storage in Wigram will be made available through 3D and Virtual Reality during WHAKA. New artworks will also be created in response to items in the collection.

5.13 WHAKA is a precedent setting Project for the Enliven Places Projects Fund in two ways:

- for the relationship that was developed between Te Hapū o Ngāti Wheke (Rāpaki Marae) and the applicants, the commitment to cultural protocol, and Te Hapū o Ngāti Wheke’s commitment to the Projects through its duration
- for celebrating and showcasing Māori arts and enabling new works to be created by Ngāi Tahu artists

5.14 The Project also offers numerous opportunities for added value by:

- trialling Virtual Reality in a museum setting and the opportunity to test the method as an effective one to make museum artefacts more accessible
- gifting the Virtual Reality headsets to the Museum following Project completion which can then be used to take the toanga into other communities
- supporting a relationship between contemporary artists and the Museum which demonstrates how artists can work with broader cultural institutions and allow the Museum to consider how arts projects may be incorporated into Museum projects and displays in the future
- offering a space for artists who wish to run workshops on the site, which in turn adds another layer of activation to the site

5.15 The Panel noted the incorporation of tikanga is of value to this project as well as providing a space for art in the Lyttelton community. The Panel also noted that the programme meets the Enliven Places Projects Fund Terms of Reference and strongly aligns with the Lyttelton Master Plan and a number of actions within that Plan:

**Lyttelton Master Plan**

- (E5) Funding options and temporary support
- (M4) London Street public realm enhancements and public event opportunities
- (C2) Investigation for and use of Council property to accommodate community and cultural activities

**Lyttelton Master Plan Actions**

- (N5) Temporary landscapes
- (N6) Local landscapes and heritage interpretation
- (C7) Art in public spaces
5.16 While offering significant benefits to the community, WHAKA Project 2 also offers excellent return on Council investment. The total request for Project 2 ($37,140) to the Enliven Places Projects Fund represents 48.7% of the total estimated $76,274 to deliver the Project. Partnership is demonstrated with remaining requirements met through a mix of support from Project Lyttelton, the Lyttelton Museum, Lyttelton Engineering, a Creative Communities grant of $1,500 and the Council’s Rates Incentive for temporary projects in vacant spaces.

5.17 WHAKA Project 2 is co-led by Holly Cunningham and Sarah Amazinnia. Both have extensive experience with curating art exhibitions and events and are committed to supporting the arts and artists in Christchurch, and in this instance connecting the Museum and Māori artists.

5.18 Holly is the Project Curator with a background in Museum Management and has worked as a curator/manager for Tin Palace Arts Space and as a self-employed curator in the Harbour Basin.

5.19 Sarah is a Community Arts Advisor at the Christchurch City Council and will deliver this Project outside of her role and, if funded, a condition will be included in the Grant Funding Agreement to ensure this distinction.

33 - 35 London Street, Lyttelton

5.20 33 - 35 London Street, Lyttelton was acquired by the Council in 2008 for the purposes of a Service Centre.

5.21 The property has been vacant since 2011 as the buildings were substantially damaged in the earthquakes, and were subsequently removed.

5.22 Council initiated a new property disposal process in 2016, which would have included this site. Following an unsolicited proposal from the Lyttelton Historical Museum Society to acquire the land, the Council gave its support in principle.

5.23 On 13 April 2017 the Council resolved to gift 33 - 35 London Street, Lyttelton for nil value to the Lyttelton Historical Museum Society on the recommendation of the Banks Peninsula Community Board following public consultation.

5.24 The new museum will begin construction in January 2019.

Attachments

There are no attachments for this report.

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council’s significance and engagement policy.
## Signatories

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<thead>
<tr>
<th>Role</th>
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<tbody>
<tr>
<td>Author</td>
<td>Brindi Joy - Transitional Projects Advisor</td>
</tr>
<tr>
<td>Approved By</td>
<td>Carolyn Ingles - Head of Urban Regeneration, Design and Heritage</td>
</tr>
<tr>
<td></td>
<td>Brendan Anstiss - General Manager Strategy and Transformation</td>
</tr>
</tbody>
</table>
22. Innovation and Sustainable Development Committee Minutes - 2 July 2018

Reference: 18/668859
Presenter(s): Christopher Turner-Bullock, Committee Advisor

1. Purpose of Report
The Innovation and Sustainable Development Committee held a meeting on 2 July 2018 and is circulating the Minutes recorded to the Council for its information.

2. Recommendation to Council
That the Council receives the Minutes from the Innovation and Sustainable Development Committee meeting held 2 July 2018.

Attachments

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<td>A1</td>
<td>Minutes Innovation and Sustainable Development Committee - 2 July 2018</td>
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Signatories

| Author | Christopher Turner-Bullock - Committee Advisor |
Innovation and Sustainable Development Committee
OPEN MINUTES

Date: Monday 2 July 2018
Time: 9.01am
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Councillor Vicki Buck
Deputy Chairperson
Councillor Tim Scandrett
Members
Councillor Mike Davidson
Councillor Glenn Livingstone
Councillor Deon Swiggs
Councillor Sara Templeton
Deputy Mayor Andrew Turner

2 July 2018

Principal Advisor
Brendan Anstiss
General Manager Strategy & Transformation
Tel: 941 8472

Christopher Turner-Bullock
Committee Advisor
941 8233
christopher.turner@ccc.govt.nz
www.ccc.govt.nz

To view copies of Agendas and Minutes, visit:
www.ccc.govt.nz/Council/meetingminutes/agendas/index
The agenda was dealt with in the following order.

1. **Apologies**
   - Part C
   - Committee Resolved ISDC/2018/00020
     - That the apology from Councillor Gough be accepted.
     - Councillor Davidson/Councillor Livingstone
     - Carried

2. **Declarations of Interest**
   - Part B
   - There were no declarations of interest recorded.

3. **Confirmation of Previous Minutes**
   - Part C
   - Committee Resolved ISDC/2018/00021
     - That the minutes of the Innovation and Sustainable Development Committee meeting held on Friday, 1 June 2018 be confirmed.
     - Councillor Templeton/Councillor Swiggs
     - Carried

4. **Public Forum**
   - Part B
   - There were no public forum presentations.

5. **Deputations by Appointment**
   - Part B
   - There were no deputations by appointment.

6. **Presentation of Petitions**
   - Part B
   - There was no presentation of petitions.
7. City of Opportunity Project Update - Web Platform Launch
   
    Committee Comment
    
    The Committee received a demonstration of the new website and app showing the learning opportunities available in the city.

8. Update on Council's Internal Energy Resource Efficiency Initiatives
   
    Committee Resolved ISDC/2018/00022
    
    Part C
    
    That the Innovation and Sustainable Development Committee:
    
    1. Accept the report and note the work contributing to Council's Climate Change leadership.
    
    Councillor Scandrett/Councillor Davidson  Carried

9. Enliven Places Projects Fund - Grant Approval - WHAKA Project 2
    
    Committee Decided ISDC/2018/00023 Staff recommendation accepted without change.
    
    Part A
    
    That the Innovation and Sustainable Development Committee endorse and recommend that the Council:
    
    1. Approve a grant of $37,140 from the Enliven Places Projects Fund to contribute toward the operational and capital costs associated with WHAKA: Public Programmes and Exhibitions (WHAKA Project 2) to be sited at 33 – 35 London Street, Lyttelton.
    
    Deputy Mayor/Councillor Templeton  Carried

10. Resolution to Exclude the Public
    
    Committee Resolved ISDC/2018/00024
    
    Part C
    
    That at 10.06am the resolution to exclude the public set out on pages 53 to 54 of the agenda be adopted.
    
    Councillor Buck/Councillor Davidson  Carried
The public were re-admitted to the meeting at 11.21am at which time the meeting concluded.

CONFIRMED THIS 22nd DAY OF AUGUST 2018

COUNCILLOR VICKI BUCK
CHAIRPERSON
23. Long Term Plan Minutes of Meetings

Reference: 18/656244
Presenter(s):

1. Purpose of Report
   1.1 The Council held meetings to consider the Council’s Long Term Plan 2018-28 on 30 April, 1, 7, 8, 9, 12, 14, 15, 17, 19 and 22 May and 22 and 26 June 2018. Minutes of these meetings are attached and are required to be confirmed as an accurate record of proceedings.

2. Recommendation to Council
   That the Council confirms the Minutes of the Long Term Plan meetings held 30 April, 1, 7, 8, 9, 12, 14, 15, 17, 19 and 22 May and 22 and 26 June 2018.

Attachments

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Signatories

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<tbody>
<tr>
<td>Author</td>
<td>Elizabeth Hovell - Hearings Adviser</td>
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<tr>
<td>Approved By</td>
<td>Megan Pearce - Team Leader Hearings and Council Support</td>
</tr>
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## Open Minutes

**Date:** Monday 30 April 2018  
**Time:** 9.34am  
**Venue:** Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

### Present
- Mayor Lianne Dalziel  
- Deputy Mayor Andrew Turner  
- 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

---

**30 April 2018**

**Principal Advisor**  
Dr Karleen Edwards  
Chief Executive  
Tel: 941 8554

**Elizabeth Hovell**  
Hearings Adviser  
941 8637  
Elizabeth.Hovell@ccc.govt.nz  
www.ccc.govt.nz

Watch Council meetings live on the web:  
1. **Apologies**
   There were no apologies.

2. **Declarations of Interest**
   There were no declarations of interest recorded.

3. **Community Board Submissions**
   **Council Resolved CLTP/2018/00006**
   
   That the Council:
   
   1. Receive the Long Term Plan 2018-28 Community Board submissions. Carried

   Mayor/Deputy Mayor

   The following submitters presented to the Council:

   3.1 Fendalton-Waimairi-Harewood Community Board – Sam McDonald, Chairperson and Aaron Campbell, Deputy Chairperson presenting Submission Number 700.

   Councillor East joined the meeting at 9.37am.

   3.2 Halswell-Hornby-Riccarton Community Board - Ross McFarlane, Community Board Member presenting Submission number 693.

   3.3 Coastal-Burwood Community Board – Kim Money, Chairperson, Linda Stewart, Submissions Committee Chairperson and Tim Sintes, Deputy Chairperson presenting Submission Number 1029.

   Councillor East left the meeting at 10.19am and returned at 10.21am, during the Coastal-Burwood Community Board submission.

   The meeting adjourned at 10.45am and reconvened at 11.11am. Councillor’s Cotter and East were not present at this time.

   3.4 Papanui-Innes Community Board - Ali Jones, Chairperson and Emma Norrish, Deputy Chairperson presenting Submission Number 990.

   Councillor East returned to the meeting at 11.15am during the Papanui-Innes Community Board submission.

   3.5 Banks Peninsula Community Board -Pam Richardson, Chairperson and Tori Peden, Community Board Member presenting Submission Number 1071.

   Councillor Cotter returned to the meeting at 11.41am, during the Banks Peninsula Community Board submission.

   Councillor Gough left the meeting at 11.54am, during the Banks Peninsula Community Board submission.
The Mayor ruled a comment by Councillor Keown during the Banks Peninsula Community Board presentation to the Council as out of order as per Standing Order 21.2 (b). Councillor Keown apologised and retracted his comment.

3.6 Linwood-Central–Heathcote Community Board – Sally Buck, Chairperson, Jake McLellan, Deputy Chairperson, Darrell Latham and Tim Lindley, Community Board Members presenting Submission Number 1028.

Councillor Manji left the meeting at 11.56am and returned at 11.59am and Councillor Gough returned to the meeting at 11.57am, during the Linwood-Central-Heathcote Community Board submission.

3.7 Spreydon-Cashmere Community Board - Karolin Potter, Chairperson, Melanie Coker, Deputy Chairperson and Helene Mautner, Community Board Member presenting Submission Number 1025.

Meeting adjourned at 12.40pm and will reconvene at 9.30am on Tuesday 1 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018

MAYOR LIANNE DALZIEL
CHAIRPERSON
Christchurch City Council
OPEN MINUTES

Date: Monday 7 May 2018
Time: 1.01pm
Venue: Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

Present
Chairperson
Deputy Chairperson
Members

Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
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

7 May 2018

Principal Advisor
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Watch Council meetings live on the web:
1. Apologies
Council Resolved CLTP/2018/00009

That the apologies from Councillor East and Councillor Livingstone for early departure be accepted.
Councillor Scandrett/Mayor Carried

2. Declarations of Interest
There were no declarations of interest recorded.

3. Hearing of Verbal Submissions for the Draft Long Term Plan 2018-2028 -
Monday 7 May 2018
Council Resolved CLTP/2018/00010

That the Council:
1. Receive the Long Term Plan 2018-28 submissions for those wishing to be heard on 7 May
   2018.
Mayor/Deputy Mayor Carried

The following submitters presented to the Council:

3.1 Ian Luxford and Simon Martin of Orton Bradley Park presenting Submission number 1098.
3.2 Katrina Hill of the Anglican Parish of East Christchurch presenting Submission number 1108.
3.3 Rachael Fonotia of the Aranui Community Trust Inc. Society presenting Submission number 928.
3.4 Hayley Guglietta and Murray James of the Avebury House Community Trust presenting
Submission number 993.
3.5 Hayley Guglietta and Cathy Alden of the Richmond Community Garden presenting Submission
number 914.
3.6 Hayley Guglietta presenting Submission number 933.
3.7 Wayne Hawker of the Phillipstown Community Centre Charitable Trust presenting Submission
number 1084.
3.8 Neil Lancaster and Merrin Taylor of the Citizens Advice Bureau presenting Submission number
535.

Councillor Cotter left the meeting at 2.02pm and returned at 2.06pm during submission number 535.
The meeting adjourned at 2.23pm and reconvened at 2.33pm.

3.9 Lynda Goodrick and Hamish Flynn of the North West Collective presenting Submission number
570.
3.10 Simon Watts of the Christchurch Coastal Residents United (CCRE) presenting Submission number 1354.

3.11 Simon Brown of the Southshore Residents Association presenting Submission number 1367.

3.12 Michael McEvedy, Chairperson, Anthony Wright, Director and Nigel Tecofsky, Finance and Services Manager of the Canterbury Museum presenting Submission number 691.

3.13 Linda Sutherland and Peter Breightmeyer of the Comte De Paris Descendants Groups Incorporated presenting Submission number 901.

The meeting adjourned at 3.33pm and reconvened at 4.02pm. Councillor’s East and Livingstone left the meeting at this time.

3.14 Roger Davidson and Jane Budge of the Property Council New Zealand presenting Submission number 1249.

3.15 Richard McGowen of the Redson Corporation Ltd presenting Submission number 1294.

3.16 Marie Gray, Bill Woods and Jeremy Agal of the Summit Road Society presenting Submission number 849.

Councillor Scandrett declared an interest took no part in the discussion of submission number 713.

3.17 Grant Miller of the Summit Road Protection Authority presenting Submission number 713.

3.18 Joscelyne Silcock of the Central Riccarton Residents Association presenting Submission number 1075.

3.19 Stan Poole of the Spreydon Neighbourhood Network presenting Submission number 824.

Councillor Cotter left the meeting at 4.59pm and returned at 5.04pm during submission number 824.

3.20 Mr A Wilding and Wendy Carpenter of the Glandovey, Idris and Straven Residents Association presenting Submission number 437.

3.21 Mark Gerrard of Historic Places Canterbury presenting Submission number 1155.

The meeting adjourned at 5.33pm and reconvened at 5.49pm.

3.22 Tony Simons of the Riccarton Bush Kilmarnock Residents Association presenting Submission number 516.

3.23 Elissa Smith of the Parklands Residents Association presenting Submission number 357.

Councillor Scandrett left the hearing at 6.19pm and returned at 6.22pm, during submission number 357.

3.24 Irinka Britnell of the Englefield Residents Association presenting Submission number 1130.

Councillor Livingstone returned to the meeting at 6.29pm during submission number 1158.
3.25 Bebe Frayle of the Dallington Residents Association presenting Submission number 1158.

3.26 Rik Tindall of the Cashmere Residents Association presenting Submission number 1006.

The meeting adjourned at 6.49pm and will reconvene at 9.30am on Tuesday 8 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
Christchurch City Council
OPEN MINUTES

Date: Tuesday 1 May 2018
Time: 9.31am
Venue: Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

Present
Chairperson
Deputy Chairperson
Members
Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
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 May 2018
Principal Advisor
Dr Karleen Edwards
Chief Executive
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Elizabeth Hovell
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Watch Council meetings live on the web:

Item No.: 23
1. Apologies
Council Resolved CLTP/2018/00007

That the apology from Councillor Johanson for lateness be accepted.

Councillor Scandrett/Councillor Swiggs  
Carried

2. Declarations of Interest
There were no declarations of interest recorded.

3. Hearing of Verbal Submissions for the Draft Long Term Plan 2018-2028 - 
   Tuesday 1 May 2018
Council Resolved CLTP/2018/00008

That the Council:
   1. Receive the Long Term Plan 2018-28 submissions for those wishing to be heard on 1 May 2018.

Mayor/Councillor Chen  
Carried

Councillor Johanson joined the meeting at 9.33am.

The following submitters presented to the Council:

3.1 Sam Broughton, Mayor of Selwyn District Council presenting Submission number 1205.

3.2 Edward Challies, Senior Lecturer Water Policy and Management – Waterways Centre for Freshwater Management, University of Canterbury/Lincoln University presenting Submission number 380.

Councillor Gough left the meeting at 9.56am and returned at 9.58am, during submission number 380.

3.3 Leeanne Watson, Chief Executive of Canterbury Employers’ Chamber of Commerce and Phil De Joux, General Manager presenting Submission number 1171.

3.4 Paul Lonsdale, Manager of the Central City Business Association, Brendan Chase, Chairperson, Maureen Taane, Committee Member and Louise Sutherland, Committee Member presenting Submission number 647.

3.5 George Parker, Actor/Producer/Manager of Free Theatre Christchurch presenting Submission number 962.

3.6 Paul Deavoll, Head of South Island of Spark NZ Ltd presenting Submission number 1117.

Councillor Cotter left the meeting at 10.38am and returned at 10.40am, during submission number 1117.

3.7 Katie Symons presenting Submission number 453.
3.8 Derek Keenan, Secretary of the Christchurch Estuary Association Incorporated presenting Submission number 1068.

3.9 Josh Proctor, President of the University of Canterbury Students’ Association (UCSA), Harry Beaumont, Executive, Liam Donnelly, Executive and Emma McConne, Executive presenting Submission number 987.

3.10 Sam Newton, Advocacy Manager of the New Zealand Recreation Association presenting Submission number 276.

The meeting adjourned at 11.24am and reconvened at 11.40am. Councillor’s Buck, Cotter, Galloway, Gough and Livingstone were not present at this time.

3.11 Garry Moore presenting Submission number 1079.

Councillors Buck, Cotter, Gough and Livingstone returned to the meeting at 11.43am, during submission number 1079.

Councillor Galloway returned to the meeting 11.45am, during submission number 1079

3.12 Garry Moore, the Tuesday Club presenting Submission number 1081.

3.13 David Close presenting Submission number 422.

3.14 Michael Patterson, Chairman of the TIA Christchurch Hotel Sector presenting Submission number 518.

Councillor East left the meeting at 12.20pm and returned at 12.22pm, submission number 518.

3.15 Peter Morrison and Bob Pringle of the Hospitality NZ Canterbury Branch presenting Submission number 1295.

The meeting adjourned at 12.39pm and reconvened at 1.40pm. Councillor’s East and Johanson were not present at this time.

3.16 Nick Clark, Manager General Policy of the North Canterbury Federated Farmers (NCFF), Hamish Craw and Edward Aitken presenting Submission number 1340.

Councillor Johanson returned to the meeting at 1.43pm and Councillor East returned to the meeting at 1.49pm, during submission number 1340.

3.17 Sharon Torstonson, KaiTuiora of the Social Equity and Wellbeing Network (SEWN) presenting Submission number 1038.

3.18 Amy Hartnell, Projects Facilitator of the Earthquake Disability Leadership Group and Ruth Jones, Chairperson presenting Submission number 425.

3.19 Mike Button, Chairperson of the Christchurch Botanic Gardens Trust presenting Submission number 668.

3.20 Jim Harland, Director of Regional Relationships, New Zealand Transport Agency (NZTA) and Andrew Washington, Investment Advisor – Partnerships Investments presenting Submission number 1188.
The meeting adjourned at 2.56pm and reconvened at 3.17pm.

3.21 Dave West, 1948 presenting Submission number 1255.

3.22 Peter Beck, Convenor of the Eastern Vision and Evan Smith presenting Submission number 1288.

3.23 Dr Kit Doudney, Vice Chair of the Avon Heathcote Estuary Ihutai Trust and Bill Simpson presenting Submission number 1309.

3.24 Evan Smith, Spokesperson of the Avon-Otakaro Network, Peter Beck and Teoti Jardine presenting Submission number 1238.

3.25 Denise Ford, Chairperson of the Avon-Otakaro Forest Park presenting Submission number 1392.

3.26 Rex Gibson, Executive Member of the NZ Federation of Freshwater Anglers Incorporated presenting Submission number 196.

Councillor East left the meeting at 4.18pm and returned at 4.22pm, during submission number 196.

3.27 Piper Pengelly and Kendra Burgess-Naude of the Christchurch Youth Council presenting Submission number 1217.

Councillor Cotter left the meeting at 4.37pm and returned at 4.41pm, during submission number 1217.

3.28 Bruce Garrett, Managing Director of Brook Serene & Co Ltd presenting Submission number 1200.

Councillor Swiggs left for the remainder of the meeting at 4.38pm, during submission number 1200.

Councillor Gough left the meeting at 4.38pm and returned at 4.42pm, during submission number 1200.

The meeting adjourned at 4.49pm and will reconvene at 1pm on Monday 7 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
Christchurch City Council
OPEN MINUTES

Date: Tuesday 8 May 2018
Time: 9.33am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Deputy Chairperson
Members
Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
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

8 May 2018

Principal Advisor
Dr Karleen Edwards
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Elizabeth Hovell
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www.ccc.govt.nz

Watch Council meetings live on the web:
1. **Apologies**
   
   **Council Resolved CLTP/2018/00009**
   
   That the apologies from Councillor Clearwater and Councillor Swiggs for early departure be accepted.
   
   Councillor Buck/Deputy Mayor  
   
   **Carried**

2. **Declarations of Interest**

   There were no declarations of interest recorded.

3. **Hearing of Verbal Submissions for the Draft Long Term Plan 2018-28 - Tuesday 8 May 2018**

   **Council Resolved CLTP/2018/00010**
   
   That the Council:
   
   1. Receive the Long Term Plan 2018-28 submissions for those wishing to be heard on 8 May 2018.

   Mayor/Councillor Cotter  
   
   **Carried**

   The following submitters presented to the Council:
   
   3.1 Dean White of Awa-iti Reserve Management presenting Submission number 909.
   
   3.2 Stephen Howard and Murray Horton of Keep Our Assets Canterbury presenting Submission number 1325.
   
   3.3 Mark Christensen and Amy Carter of the Banks Peninsula Conservation Trust presenting Submission number 1307.
   
   3.4 Paul Milligan of the Black Cat Group presenting Submission number 1037.
   
   3.5 James Enser, Robert Eaton (Ocell), Eden Husband and Roger Allen of Boat Safety at Naval Point presenting Submission number 584.

   Councillor Gough left the meeting at 10.18am and returned at 10.21am during submission number 584.
   
   3.6 Charles Drace of 350.org Christchurch presenting Submission number 1186.
   
   3.7 Geoff Maxwell and Mrs Maxwell presenting Submission number 447.

   Councillor Cotter left the meeting at 10.41am and returned at 10.43am during submission number 447.

   The meeting adjourned at 10.48am and reconvened at 11.01am. Councillors Gough, Manji and Scandrett were not present at this time.
   
   3.8 Richard Suggate of the Diamond Harbour Community Association presenting Submission number 1181.
Councillor Gough returned to the meeting at 11.05am, during submission number 1181. Councillor Scandrett returned to the meeting at 11.07am, during submission number 1181. Councillor Manji returned to the meeting at 11.08am, during submission number 1181.

3.9 Hugo Kristinsson and Seamus O’Crrotch of the South Brighton Residents Association (SBRA) presenting Submission number 984.

3.10 Nikki Clarke and Anna Sculion of Breezes Intermediate School presenting Submission number 391.

Councillor East left the meeting at 11.25am and returned at 11.30am, during submission number 391.

3.11 David Hawke presenting Submission number 902.

3.12 Jason Eager presenting Submission number 1048.

3.13 Paul De Latour and Pam Richardson of the Akaroa Community Health Trust Fundraising Committee presenting Submission number 521.

3.14 Steffan Krabeger of the Garden of Tane Reserve Management Committee presenting Submission number 1189.

3.15 Ian Richardson presenting Submission number 1259.

3.16 Simon Mortlock and Louisa Eades of the Governors Bay Jetty Restoration Trust presenting Submission number 658.

3.17 Lindsay Carswell presenting Submission number 1148.

The meeting adjourned at 12.33pm and reconvened at 1.31pm. Councillor Cotter was not present at this time.

3.18 John Wright of the Akaroa Fisherman’s Association presenting Submission number 1220.

Councillor Cotter returned to the meeting at 1.33pm, during submission number 1220.

3.19 Murray Kiely presenting Submission number 1374.

3.20 Jo Rolley of the Le Bons Bay Reserve Management Committee presenting Submission number 1190.

3.21 Paul Cragg presenting Submission number 925.

3.22 William Oborne presenting Submission number 1252 via telephone conference.

3.23 Ian Chesterman presenting Submission number 1065.

3.24 Denis Mowbray, Emily Riley and John Buraston of the Naval Point Club presenting Submission number 747.

3.25 Sam Hampton, Nigel Hampton and Mark Revington of Paihure Geopark presenting Submission number 1219.
The hearing adjourned at 2.37pm and reconvened at 3.11pm. Councillor Chen was not present at this time.

3.26 Pam Richardson of the Robinsons Bay Reserve Management Committee presenting Submission number 1187.

Councillor Chen returned to the hearing at 3.14pm, during submission number 1187.

3.27 Karena Brown and Jo Mclean of E Tu presenting Submission number 872.

3.28 Ray Maw and Denise Ford of the Waihora Elesmere Trust presenting Submission number 1355.

Councillor Clearwater left for the remainder of the meeting at 3.32pm, during submission number 1355.

3.29 Richard Boleyn, Chairperson, Peter Te Rangihiroa Ramsden, Ngai Tahu and Koukourarata representative of the Okains Bay Reserve Management Committee presenting Submission number 1161.

3.30 Rosemary Neave presenting Submission number 310.

3.31 Hollie Hollander and Andrew Dalglish of Akaroa District Promotions presenting Submission number 725.

3.32 Marnie Kent presenting Submission number 332.

Councillor Swiggs left for the remainder of the hearing at 4.12pm, during submission number 332.

3.33 Jeanette Christensen, Don Bell and Allan Jolliff of the Friends of Christchurch Botanic Gardens presenting Submission number 762.

Councillor Cotter left the meeting at 4.20pm and returned at 4.23pm, during submission number 762.

3.34 Connie Christensen presenting Submission number 1063.

Councillor Gough left the meeting at 4.24pm and returned at 4.29pm, during submission number 1063.

3.35 Ian Locheed presenting Submission number 787.

3.36 Daniela Bagozzi of Canterbury WEA presenting Submission number 941.

3.37 Daniela Bagozzi presenting Submission number 1035.

The meeting adjourned at 4.57pm and will reconvene at 9.30am on Wednesday 9 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
Christchurch City Council
OPEN MINUTES

Date: Wednesday 9 May 2018
Time: 9.33am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Deputy Chairperson
Members
Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
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

9 May 2018

Principal Advisor
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Watch Council meetings live on the web:
1. **Apologies**

   Council Resolved CLTP/2018/00009

   That the apologies from Councillor Cotter and Councillor Galloway for partial absence during the meeting be accepted.

   Councillor Templeton/Councillor Davidson

   **Carried**

2. **Declarations of Interest**

   There were no declarations of interest recorded.


   Council Resolved CLTP/2018/00010

   That the Council:


   Mayor/Councillor Galloway

   **Carried**

The following submitters presented to the Council:

3.1 Mike Fowler, Surinder Tandon, Alia Afzali and Thi Phan of Hagley College presenting Submission Number 734 and 99.

3.2 Beth Knowles and Sigrid Yammit of Christchurch International Leadership Accord presenting Submission number 1235.

3.3 Beth Knowles, Sigrid Yammit and Stewart Broughton of Christchurch Educated presenting Submission number 946.

Deputy Mayor Turner left the meeting at 10.45am and returned at 10.46am, during submission number 946.

The meeting adjourned at 10.48am and reconvened at 11.02am. Councillor Galloway left the meeting at this time and Councillor’s Keown and Manji were not present at this time.

3.4 Shane Cole and Anne Jamieson of the Christchurch Children’s Christmas Parade Trust presenting Submission number 203.

Councillors Keown and Manji returned to the meeting at 11.03am during submission number 203.

3.5 Geoff Bone of the Canterbury Agricultural Pastoral Association presenting Submission number 892.

3.6 Linda Rutland and Jackie Maurice of the Linwood College Community Partnership Group presenting Submission number 949.
3.7 Rik Tainui and Phillipa Lynch of the Onuku Runanga, Wairewa Runanga, the Akaroa Taiapure Management Committee and Te Runanga o Ngai Tahu presenting Submission number 904.

3.8 Joanna Norris and Robyn Andrews of ChristchurchNZ presenting Submission number 1368.

3.9 Michael Esposito of the Wood Scenic Line Ltd presenting Submission number 800.

The meeting adjourned at 12.08pm and reconvened at 1.01pm, Councillor Cotter was not present at this time and Councillor Galloway returned to the meeting at this time.

3.10 Francesca Bradley, Chris Stinson and Shan Gilmour of Generation Zero presenting Submission number 972.

3.11 Steve Lowndes and Katherine Trought of Environment Canterbury presenting Submission number 427.

Councillor Cotter returned to the meeting at 1.20pm, during submission number 427.

3.12 Don McAra of the Tramway Historical Society presenting Submission number 1087.

3.13 Julie Greenwood with students Francis and Jacob presenting Submission number 920.

Councillor Livingstone left the meeting at 1.49pm, during submission number 920.

3.14 Paul Lonsdale and Rebecca Tavete of the New Brighton Business and Landowners Association presenting Submission number 707.

Councillor Livingstone returned to the meeting at 1.54pm, during submission number 707.

3.15 David Stock and Neil Cox of the Isaac Theatre Royal Foundation presenting Submission number 1518.

3.16 Deborah McCormick and Paul Lonsdale of the Christchurch City Council Public Art Advisory Group presenting Submission number 1258.

Councillor Swiggs left the meeting at 2.22pm and returned at 2.25pm, during submission number 1258. Councillor Cotter left the meeting at 2.24pm and returned at 2.29pm, during submission number 1258.

3.17 Deborah McCormick and Carolyn Grant of the SCAPE Public Art Trust presenting Submission number 1168.

Councillor East left the meeting at 2.32pm and Councillor Gough left the meeting at 2.35pm, during submission number 1168.

3.18 Rob Beechey presenting Submission number 25.

Councillor Gough returned to the meeting at 2.40pm, during submission number 25.

3.19 Teoti Jardine presenting Submission number 432.

Councillor East returned to the meeting at 2.43pm, during submission number 432.
The meeting adjourned at 2.47pm and reconvened at 2.56pm, Councillors Chen, Keown, Manji, Scandrett and Deputy Mayor Turner were not present at this time.

3.20 Susan McKenna and Jack Radford presenting Submission number 502.

Councillors Chen, Keown, Manji, Scandrett and Deputy Mayor Turner returned to the meeting at 2.58pm, during submission number 502.

3.21 Cameron Bradley presenting Submission number 636.

3.22 Sophie Allan of the Christchurch Enviro Hub presenting Submission number 1257.

3.23 Sophie Allan of the Working Waters Trust presenting Submission number 1263.

3.24 Sophie Allan presenting Submission number 1278.

The meeting adjourned at 3.38pm and will reconvene at 10am on Saturday 12 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
## Christchurch City Council

### OPEN MINUTES

**Date:** Saturday 12 May 2018  
**Time:** 10.00am  
**Venue:** Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

### Present
- Chairperson: Mayor Lianne Dalziel  
- Deputy 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

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12 May 2018  

**Principal Advisor**  
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Watch Council meetings live on the web:  

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1. **Apologies**

   Council Resolved CLTP/2018/00011

   That the apology from Councillor Gough for lateness and the apology from Councillor Davidson for a period of absence be accepted.

   Councillor Scandrett/Councillor Livingstone  
   **Carried**

2. **Declarations of Interest**

   There were no declarations of interest recorded.

3. **Hearing of Verbal Submissions for the Draft Long Term Plan 2018-2028 - Saturday 12 May 2018**

   Council Resolved CLTP/2018/00012

   That the Council:


   Mayor/Deputy Mayor  
   **Carried**

The following submitters presented to the Council:

3.1 Murray James presenting Submission number 338.

Councillor Gough joined the meeting at 10.02am, during submission number 338.

3.2 Gillian Sheard presenting Submission number 454.

3.3 Jennifer Dalziel presenting Submission number 458.

Councillor Davidson left the meeting at 10.20am, during submission number 458.

3.4 David Duffy presenting Submission number 549.

3.5 Joanna Gould presenting Submission number 638.

3.6 Jane Hopkins presenting Submission number 811.

3.7 Robert Beasley, Tony Beasley and Vicki Parker presenting Submission number 49.

3.8 Esther Perriam presenting Submission number 1027.

The meeting adjourned at 10.54am and reconvened at 11.08am.

3.9 Jean Bell presenting Submission number 1142.
Councillor Buck returned to the meeting at 11.10am, during submission number 1142.

3.10 Miriam Mallinder presenting Submission number 1230.

Councillor Johanson returned to the meeting at 11.14am, during submission number 1230.

3.11 Megan Roulston presenting Submission number 1361. (Presentation)

Councillor Davidson returned to the meeting at 11.25am, during submission number 1361.

3.12 Elizabeth O’Dell presenting Submission number 72.

3.13 Timothy Lawrence of CTC Cleaning This Country presenting Submission number 56.

The meeting adjourned at 11.49am and reconvened at 12.35pm.

3.14 Colin Meurk and Bruce White of Waitakiri Eco Sanctuary presenting Submission number 1008.

3.15 Jan Burney presenting Submission number 1396, Barry Robertson presenting Submission number 1407 and Marina Wylaars.

3.16 Jan Burney presenting Submission number 1021.

3.17 Marina Wylaars presenting Submission number 321.

3.18 Mathew Brosnahan of The Living Memorial Trust presenting Submission number 964.

Councillor East left the meeting at 1.26pm and returned to the meeting at 1.28pm, during submission number 964.


3.20 Jamie Stevenson and Jenny Smith of Te Whare Roimata Trust presenting Submission number 1242.

Councillor Cotter left the meeting at 1.48pm and returned to the meeting at 1.50pm during submission number 1242.

3.21 Simon Mortlock and Benita Wakefield of Te Kete O Wairewa Limited presenting Submission number 1267.

3.22 William Stewart presenting Submission number 371.

The meeting adjourned at 2.18pm and will reconvene at 1pm on Monday 14 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
# Christchurch City Council

## OPEN MINUTES

**Date:** Monday 14 May 2018  
**Time:** 1.04pm  
**Venue:** Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

### Present
- Chairperson  
- Deputy Chairperson  
- Members  
  - Mayor Lianne Dalziel  
  - Deputy Mayor Andrew Turner  
  - 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

14 May 2018

**Principal Advisor**  
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Watch Council meetings live on the web:  
1. Apologies
   Council Resolved CLTP/2018/00011

   That the apologies for lateness from Deputy Mayor Turner and Councillor East be accepted.  
   Councillor Chen/Councillor Gough  
   Carried

2. Declarations of Interest
   There were no declarations of interest recorded.

   Council Resolved CLTP/2018/00012

   That the Council:
   Carried

   Mayor/Councillor Manji

   3.1 Lynn Anderson, Mike Wall and David Balker of the Orana Wildlife Trust presenting Submission number 1316.
   Councillor East joined the meeting at 1.06pm, during submission number 1316.

   3.2 Gavin Holley of the Church Property Trustees presenting Submission number 711.

   3.3 Victoria Henstock, Peter Guthrey and Tim Carter of the Christ Church Cathedral Reinstatement Trust presenting Submission number 1156.
   Councillor East left the meeting at 1.33pm, during submission number 1156.

   Deputy Mayor Turner joined the meeting at 1.34pm, during submission number 1156.

   3.4 Gary Jackson and Mark Christensen of the Committee for Canterbury presenting Submission number 1175.
   Councillor East returned to the meeting at 1.47pm, during submission number 1175.

   3.5 Katherine Peet and Kathy Duncan of the Network Waitangi Otautahi presenting Submission number 395.

   3.6 Tim Seay presenting Submission number 1357.

   3.7 Kathy Duncan presenting Submission number 644.
   Councillor Cotter left the meeting at 2.28pm and Councillor Gough left the meeting at 2.29pm, during submission number 644.

   3.8 Raviv Carasuk presenting Submission number 33.
   Councillor Cotter returned to the meeting at 2.31pm, during submission number 33.

   3.9 Kirsten Price of the Toimata Foundation presenting Submission number 1298.

   3.10 Leith Cooper, Anzac Gallate and Josh McKernan of the Cashmere High School Sustainability Council presenting Submission number 1147.
Councillor Gough returned to the meeting at 2.41pm, during submission number 1147.

3.11 Vicki Southworth presenting Submission number 1053.

Councillor Scandrett left the meeting at 2.55pm and returned at 3.08pm, during submission number 1053.

Councillor Keown left the meeting at 2.55pm and returned at 2.57pm, during submission number 1053.

Councillor Livingstone left the meeting at 2.55pm and returned at 2.59pm, during submission number 1053.

3.12 Rex Harrison presenting Submission number 1342.

3.13 Anouk Minnaar presenting Submission number 597.

3.14 Tim Chesney of the Make Collective presenting Submission number 269.

The meeting adjourned at 3.23pm and reconvened at 3.58pm. Councillors Gough, Livingstone and Manji were not present at this time.

3.15 Dave Sanders of the Lyttelton Recreation Ground Reserve Management Committee presenting Submission number 1197.

Councillor Manji returned to the meeting at 4.06pm and Councillor Livingstone returned to the meeting at 4.11pm, during submission number 1197.

3.16 Annabelle Hasselman of the Opawaho Heathcote River Network presenting Submission number 865.

Councillor Gough returned to the meeting at 4.19pm, during submission number 865.

3.17 Hugh Thorpe of the Styx Living Laboratory Trust presenting Submission number 1157.

3.18 Jono Campbell, Tatiana Moana, Rosie Garland, Arquead Marsden, Sala Tiatris, Wiremu Relords, Walker Williams and Alex of Te Ora Hou Otautahi presenting Submission numbers 1136 and 1177.

3.19 Don Babe presenting Submission number 760.

3.20 Bailey Perryman presenting Submission number 793.

3.21 Michelle Lomax presenting Submission number 1321.

3.22 David Miller presenting Submission number 580.

3.23 Lara McMurray presenting Submission number 32.

Councillor Cotter left the meeting at 5.28pm and returned at 5.31pm, during submission number 32.

3.24 David Lawrence presenting Submission number 1202.

The meeting adjourned at 5.38pm and reconvened at 5.52pm. Deputy Mayor Turner was not present at this time.

3.25 Dale McEntee presenting Submission number 786.

Deputy Mayor Turner returned to the meeting at 5.53pm, during Submission number 786.

3.26 Bronwen Summers presenting Submission number 776.

3.27 Anne Scott presenting Submission number 765.

3.28 Jane and Graeme Mitchell of the Shirley Community Trust presenting Submission number 435.

3.29 Samuel Stockwell presenting Submission number 363.

3.30 Rory Jones presenting Submission number 135.
The meeting adjourned at 6.36pm and will reconvene at 9.30am on Tuesday 15 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
Christchurch City Council
OPEN MINUTES

Date: Tuesday 15 May 2018
Time: 9.34am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Mayor Lianne Dalziel
Deputy 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

15 May 2018

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Watch Council meetings live on the web:
1. **Apologies**  
   Council Resolved CLTP/2018/00011  
   That the apology from Councillor Cotter for lateness be accepted and the apology from Councillors Galloway and Johanson for early departure be accepted.  
   Mayor/Councillor Buck  
   **Carried**

2. **Declarations of Interest**  
   There were no declarations of interest recorded.

   Council Resolved CLTP/2018/00012  
   That the Council:  
   Mayor/Deputy Mayor  
   **Carried**

The following submitters presented to the Council:

3.1 Ken Ching of Action Bicycle Club presenting Submission number 929.

Councillor Gough joined the meeting at 9.36am, during submission number 929.

3.2 Peter Cox, Mark Beatson and Kate Tuohore of Canterbury Hockey presenting Submission number 1223.

Councillor Cotter joined the meeting at 9.48am, during submission number 1223.
Councillor Gough left the meeting at 9.53am and returned at 9.55am, during submission number 1223.

3.3 Nathan Godfrey, Grace Brooker and Sam Darry of Canterbury Rugby Football Union presenting Submission number 1176.

3.4 Grant Jarrold, Scott Robertson, Hamish Riach and Keiran Reid of Crusaders Limited Partnership presenting Submission number 386.

3.5 Marc Featherstone and Ian Lamb of the Canterbury Sport Shooting Complex presenting Submission number 988.

3.6 John Cullens and Willy Newton of the Canterbury Trailer Yacht Squadron presenting Submission number 1097.

The meeting adjourned at 10.45am and reconvened at 11.01am. Councillors Buck, Cotter, Gough, Livingstone and Swiggs were not present at this time.
3.7 David Millar of the Pest Free Banks Peninsula Working Group presenting Submission number 1304.

Councillors Cotter and Livingstone returned to the meeting at 11.04am, Councillor Buck returned to the meeting at 11.05am and Councillor Gough returned to the meeting at 11.07am, during submission number 1304.

3.8 Ken Couling, Judith Millar, Clare McKenzie and Colin Meurk of the Christchurch 360 Trail (Inc) presenting Submission number 1388.

3.9 Bill Skews and Dave Henshaw of the Christchurch Archery Club presenting Submission number 1228.

3.10 Megan McLay and Julian Bowden of Christchurch Netball Centre/Mainland Football presenting Submission number 235.

Councillor East left the meeting at 11.35am and returned at 11.36am, during submission number 235.

3.11 Kevin Lamb presenting Submission number 709.

3.12 Sue Carbines presenting Submission number 930.

3.13 Connie Christensen of Go Cycle Christchurch presenting Submission number 1086.

Deputy Mayor Turner left the meeting at 11.54am and returned at 11.56am and Councillor East left the meeting at 11.57am and returned at 11.59am, during submission number 1086.

3.14 Caleb Harrison of Canterbury Rams presenting Submission number 932.

3.15 Dirk De Lu of Spokes Canterbury presenting Submission number 875.

3.16 Ian Wells of Solstice Night Light Bike Ride presenting Submission number 1129.

The meeting adjourned at 12.27pm and reconvened at 1.49pm. Councillors Galloway and Swiggs were not present at this time.

3.17 Nigel Cass of New Zealand Rugby presenting Submission number 387.

3.18 Kevin Collier and Julian Falloon of Sport Canterbury presenting Submission number 1017.

3.19 Brian Gardner of St Albans Swimming Club presenting Submission number 483.

3.20 Paul Somerville of St Albans Pavilion and Pool (Edgeware Pool Group) presenting Submission number 991.

3.21 Mary Hamilton presenting Submission number 906.

3.22 Rata Ingram presenting Submission number 853.

3.23 Eddie Simon presenting Submission number 117.

3.24 Drucilla Kingi Patterson presenting Submission number 152.
3.25  Julie Tobbell presenting Submission number 1318.
3.26  Roydon Smart presenting Submission number 191.
3.27  Michael Sheppard presenting Submission number 1281.
3.28  Michael Mautner presenting Submission number 474.
3.29  Hugh Eaton presenting Submission number 489.
3.30  Anthony Dale presenting Submission number 495.

Councillor Gough left the meeting at 3.30pm and Councillor Cotter left the meeting at 3.31pm, during submission number 495.

3.31  Philippa Rutledge presenting Submission number 913.

Councillor Gough returned to the meeting at 3.35pm and Councillor Cotter returned to the meeting at 3.39pm, during submission number 913.

3.32  John Patterson and Peter Beck presenting Submission number 908.

The meeting adjourned at 3.49pm and will reconvene at 11am on Thursday 17 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
## Christchurch City Council

### OPEN MINUTES

**Date:** Thursday 17 May 2018  
**Time:** 11.01am  
**Venue:** Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

### Present
- **Chairperson:** Mayor Lianne Dalziel  
- **Deputy 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 Ralf Manji  
  - Councillor Tim Scandrett  
  - Councillor Deon Swiggs  
  - Councillor Sara Templeton

### 17 May 2018

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Watch Council meetings live on the web:  
1. Apologies

Council Resolved CLTP/2018/00013

That the apologies from Councillor Swiggs and Councillor Keown, and apology for lateness from Councillor Manji be accepted.

Mayor/Deputy Mayor Carried

Councillor’s Gough, Johanson, Keown, Manji, and Swiggs were not present at this time.

2. Declarations of Interest

There were no declarations of interest recorded.

3. Hearing of Verbal Submissions for the Draft Long Term Plan 2018-2028 - Thursday 17 May 2018

Council Resolved CLTP/2018/00014

That the Council:

1. Receive the Long Term Plan 2018-28 submissions for those wishing to be heard on 17 May 2018.

Mayor/Deputy Mayor Carried

Councillor Gough and Manji joined the meeting at 11.02am.

Councillor Johansen joined the meeting at 11.03am.

The following submitters presented to the Council:

3.1 Chris Ansley presenting submission number 322.
3.2 Geoff C Olds presenting submission number 66.
3.3 Stewart Mc Neice, Esther Perriam and Gavin Badger of New Brighton Pier and Foreshore Promotion Society presented submission number 1234.
3.4 Tim Shannahan and Lauren Sample of Christchurch Stadium Trust Inc presented submission number 967.

Councillor East declared that he is a trustee of the Christchurch Stadium Trust Inc and took no part in the discussion.

3.5 Simone Reddington and Tania Didham of Greening the Red Zone presented submission number 311.
3.6 Michael Patterson and Felicity Black of Commodore Airport Hotel presented submission number 524.
3.7 Stephen Anderson of Edgware Business Association presenting submission number 1159.

Councillor Swiggs joined the meeting at 12.05pm.
Council Long Term Plan 2018 - 2028
17 May 2018

3.8 Andy Thompson and Rachel Brown of Department of Conversation presenting submission number 1236.

3.9 Craig Mason presenting submission number 280.

3.10 Dianna Harrison presenting submission number 730.

3.11 Don Gould presenting submission number 266.

The meeting adjourned at 12.45pm and reconvened at 3.13pm.

Councillor Cotter was not present at this time.

3.12 Frances Wall, Hugh Thorpe and Ainslie Talbott of Forest and Bird North Canterbury presented submission number 1414.

3.13 Raewyn Tudor and Jimmy McKay of Canterbury Waitaha ANZASW presenting submission number 1145.

Council Clearwater declared he is a member of this Association.

3.14 Paul McMahon, Jessica Alaifea and Paddy Dawson of Community Action on Youth and Drugs (CAYAD) presenting submission number 905.

3.15 Laila Aldridge of The Harbour Equine Community presenting submission number 232.

3.16 Wendy Duggan of Living springs presenting submission number 531.

3.17 John Minto and Sina Dison of Christchurch Progressive Network presented submission number 222.

Councillor East left the meeting at 4.16pm.

3.18 Andrew Everist of Apple Commercial Limited presenting submission number 547.

Councillor Clearwater left the meeting at 4.19pm and returned at 4.24pm.

Councillor East returned to the meeting at 4.24pm.

3.19 Jenny Healey of Cass Bay Reserves Management Committee presenting submission number 1213.

Councillor Templeton left the meeting at 4.26pm and returned at 4.26pm.

3.20 Julie Comfort of Danna Mora Holdings Limited presenting submission number 272.

Councillor Gough left at 4.38pm and returned at 4.41pm.

The meeting adjourned at 4.41pm and reconvened at 5pm. Councillor’s Cotter and Manji were not present at this time.

3.21 David Goodman, Sophie Strachan, Helen Rutter and Nathan Cohen of East Lake Trust presented submission number 1356.

Councillor Manji arrived back to the meeting at 5.03pm.

Meeting adjourned at 5.20pm until 10am Saturday 19th May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
# OPEN MINUTES

**Date:** Saturday 19 May 2018  
**Time:** 10.01am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

### Present
- Chairperson: Mayor Lianne Dalziel  
- Deputy 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

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19 May 2018

**Principal Advisor**  
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Watch Council meetings live on the web:  
1. Apologies
There were no apologies.

Council Resolved CLTP/2018/00015
That the apology from Councillor Scandrett for lateness be accepted.
Councillor Davidson/Deputy Mayor  Carried

2. Declarations of Interest
There were no declarations of interest recorded.

3. Hearing of Verbal Submissions for the Draft Long Term Plan 2018-2028 - Saturday 19 May 2018
Council Resolved CLTP/2018/00016
That the Council:
1. Receive the Long Term Plan 2018-28 submissions for those wishing to be heard on 19 May 2018.
Mayor/Councillor Johanson  Carried

The following submitters presented to the Council:

3.1 Jan Buckland presenting Submission number 1260.
3.2 Robin Macfarlane Loader presenting Submission number 122.
3.3 Aaron Campbell presenting Submission number 921.
3.4 Dora Roimata Langsby presenting Submission number 565.
3.5 Celeste Marie Donovan presenting Submission number 1454.
3.6 Myles Mackintosh presenting Submission number 1043.
3.7 Jocelyn Paprill presenting Submission number 957.
3.8 Chrys Horn presenting Submission number 1260.
3.9 Caroline Syddall presenting Submission number 1113.
3.10 Kathryn Snook presenting Submission number 1151.
3.11 Lesley Shand presenting Submission number 1100.
3.12 Tony Ineson presenting Submission number 927.
3.13 Barbara Stewart presenting Submission number 1004.
3.14 Andrew Craw presenting Submission number 1426.
3.15 Alice Terrien presenting Submission number 174.
3.16 Shireen May Helps presenting Submission number 1016.
3.17 Angela Brett presenting Submission number 1115.
3.18 Lee Robinson presented via telephone conference Submission number 1265.
3.19 Liza Sparrow presenting Submission number 1261.

Councillor Cotter left the meeting at 11.56am and returned to the meeting at 11.58am during submissions numbers 1261 and 1164.

3.20 Steve Hanahan of Tourism Industry Aotearoa presented via telephone conference Submission number 1164.

Councillor Scandrett joined the meeting at 12.05pm during the presentation by Mike Percasky and Kris Inglis.

3.21 Mike Percasky and Kris Inglis of Northcote Entertainment and Sport Terminus (NEST).

The meeting adjourned at 12.15pm and reconvened at 1.28pm with all members present expect for Councillor Gough.

3.22 Chris Abbott presented Submission number 1380.

Councillor Gough joined at meeting at 1.31pm during the presentation by Chris Abbott.

3.23 James Ridpath of Youth Alive Trust presented Submission number 1401.
3.24 Ian McKendry presenting Submission number 977.
3.25 Richie Connell presenting Submission number 1433.
3.26 Hugh Mould of Te Waka Aroho St Faiths New Brighton presented Submission number 1033.
3.27 Bree Loverich presenting Submission number 1170.
3.28 John Thacker presenting Submission number 1191.
3.29 Pubudu Senanayake presenting Submission number 857.
3.30 Scott Babbington of Christchurch Coastal Pathway presenting Submission number 1428.
3.31 Alisdair Hutchison presenting Submission number 958.
3.31 John O’Dowd resenting Submission number 1268.
Meeting adjourned at 2.49pm and will reconvene at 9.30am Tuesday 22 May 2018.

CONFIRMED THIS 12th DAY OF JULY 2018.

MAYOR LIANNE DALZIEL
CHAIRPERSON
Christchurch City Council
OPEN MINUTES

Date: Tuesday 22 May 2018
Time: 9.33am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Mayor Lianne Dalziel
Deputy 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

22 May 2018

Principal Advisor
Dr Karleen Edwards
Chief Executive
Tel: 941 8554

Elizabeth Hovell
Hearings Adviser
941 8637
Elizabeth.Hovell@ccc.govt.nz
www.ccc.govt.nz

Watch Council meetings live on the web:
1. Apologies

Council Resolved CLTP/2018/00017

That the apology from Councillor Cotter and Councillor Johanson for lateness be accepted.

Mayor/Councillor Clearwater  
Carried

2. Declarations of Interest

There were no declarations of interest recorded.

3. Hearing of Verbal Submissions and Receiving the Not Heard Submissions for the Draft Long Term Plan 2018-2028 and the Proposal to Extend the One Hour Free Parking Offer - Tuesday 22 May 2018

Council Resolved CLTP/2018/00018

That the Council:

1. Receive the Long Term Plan 2018-2028 submissions and the proposal to extend one hour free parking submissions for those wishing to be heard on 22 May 2018.

2. Receive the Proposal to extend the one hour free parking offer submissions of those who did not wish to be heard.

3. Receive the Draft Long Term Plan 2018-2028 submissions of those who did not wish to be heard.

4. Receive all late submissions that have been received on the Draft Long Term Plan 2018-2028.

Mayor/Councillor Templeton  
Carried

The following submitters presented to the Council:

3.1 Jeremy Dixon of CCNZ Canterbury presenting submission number 1093.

Councillor Johanson joined the meeting at 9.40am during submission number 1093.

Councillor Cotter joined the meeting at 9.41am during submission number 1093.

3.2 Caroline Mason, Lisa Young and Bill Cowen of Cashmere Technical Football Club (Inc) presenting submission number 1173.

3.3 Jan Cook of Friends of Banks Peninsula presenting submission number 842.

3.4 Maureen McCloy, Simon Mortlock and Suky Thompson of Rod Donald Banks Peninsula Trust presenting submission number 845.

3.5 Adrienne Carmichael and Cheryl Battwell of Te Whare Roopu o Oterepo Waltham Community Cottage presenting submission number 533.
3.6 Ian McLennan of The Otamahua/Quail Island Ecological Restoration Trust presenting submission number 871.

The meeting adjourned at 10.37am and reconvened at 11.01am

3.7 Kieran Sutherland of Sydenham Quarter Inc presenting submission number 1199.

3.8 Erin Jackson, Jane Parfitt and Olivia Egerton of The Arts Centre presenting submission number 1178.

3.9 Marcus Puente of Banks Peninsula Community Development Group presenting submission number 974.

3.10 Peter Tuffley of Beckenham Neighbourhood Association presenting submission number 1404.

3.11 Joy Burt presenting submission number 1056.

3.12 Penelope Ann Hargreaves presenting submission number 1096.

3.13 Julie Tobbell presenting submission number 15178.

3.14 Barry Robertson presenting submission number 1407.

3.15 Diana Shand presenting submission number 995.

The meeting adjourned at 12.33pm and reconvened at 1.33pm, Councillors and Chen and Keown were not present at this time

3.16 Michael de Hamel presenting submission number 1169.

Councillors Chen and Keown both arrived at the meeting at 1.35pm during submission number 1169.

3.17 Monica Beaumont submission number 1002.

3.18 Ian Burn of Delta Community Support Trust presenting submission number 1055

Councillor Cotter left the meeting at 1.56 p.m.

3.19 Barry Maister, Natalie Thain and Brian Viceli of Multi Purpose Arena Trust presenting submission number 385.

3.20 Connie Christensen presenting submission number 15406.

3.21 Francesca Bradley of Generation Zero presenting submission 15400.

3.22 Paul Lonsdale of the Christchurch Central City Business Association presenting submission 15323.

3.23 Margo Perpick of Apollo Power Yoga Limited presenting submission number 15386.

3.25  Jillian Frater presenting submission number 1233.

3.26  Vince Eichholtz presenting submission Number 1036.

Councillor Cotter returned to the meeting at 3.00pm during submission number 1036.

3.27  Richard Pebbles of Pebbles Group presenting submission Number 1412.

3.28  Janet Begg presenting submission number 1099.

**Meeting concluded at 3.24pm.**

**CONFIRMED THIS 26TH DAY OF JUNE 2018.**

MAYOR LIANNE DALZIEL
CHAIRPERSON
Christchurch City Council
OPEN MINUTES

Date: Friday 22 June 2018 and Tuesday 26 June 2018
Time: 9.37am and 9.34am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Deputy Chairperson
Members
Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
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

Watch Council meetings live on the web:

22 June 2018
Principal Advisor
Dr Karleen Edwards
Chief Executive
Tel: 941 8554

Elizabeth Hovell
Hearings Adviser
941 8637
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www.ccc.govt.nz
Minutes silence in Memory of Ruby Fowler

Ruby Fowler served as a Christchurch City Councillor from 1986-1989. She was 98 years old when she passed away peacefully on Wednesday 13th June. Ruby led a long and eventful life, having been a teacher by profession. I knew her very well through the Sydenham Labour Electorate Committee and a stalwart of the NZ Labour Party.

The time she served as a councillor was a period of significant change as the city prepared itself for amalgamation with the other local bodies operating in the city at that time. During this time, she worked on the South Christchurch Community Board and at the Sydenham community centre.

Ruby was a strong supporter of libraries, their role in the community, and the need for services to be accessible to all. In 1988 she facilitated the formation of the Friends of the Library after there was some talk of the library becoming user-pays, which she bitterly opposed. Ruby remained an active member of the Friends of the Library until her health declined in her later years.

At age 90, she called for a rates revolt in protest over the government’s sacking of ECAN councillors. Ruby Fowler made a wonderful contribution to her city. Hers was a life well-lived. May she Rest In Peace.

1. Apologies
   Council Decision
   There were no apologies.

2. Declarations of Interest
   There were no declarations of interest recorded.

Report from Audit and Risk Management Committee - 18 June 2018

3. Audit and Risk Management Committee Consideration of the Long Term Plan 2018-28

   Council Decided CLTP/2018/00015

   That the Council:
   1. Receive the information included in and attached to the staff report.
   2. Notes the recommendations of the Council’s Audit and Risk Management Committee at its meeting on 18 June 2018, referred to in the staff report.
   3. Confirms the authority of the Mayor and Chief Executive to sign the letter of representation to Audit New Zealand.

   Councillor Manji/Deputy Mayor Carried

Temporary Suspension of Standing Orders

Council Resolved CLTP/2018/00016
That pursuant to Standing Order 3.5 (Temporary Suspension of Standing Orders) the following
Standing Orders be suspended to enable more informal discussion:

17.5 Members may speak only once.
17.6 Limits on the number of speakers.
18.1 General procedure for speaking and moving motions.
18.8 Foreshadowed amendments.
18.9 Lost amendments.

Mayor/Deputy Mayor

Carried

Mayor’s Recommendations

Council Resolved CLTP/2018/00017

That the Council adopt the Mayor’s Recommendations as set out in Attachment B of the agenda as
follows:

1. Retain the cap for average rates at 5.5%
   a. That the Council approves the rates’ increases set out below:

<table>
<thead>
<tr>
<th>2018/19</th>
<th>2019/20</th>
<th>2020/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average rate increase for existing ratepayers (%)</td>
<td>5.5%</td>
<td>5.5%</td>
</tr>
<tr>
<td>(plus $6.52 per property for the Special Heritage (Cathedral Grant))</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Councillor Davidson, Johanson and Keown requested that their vote against 1.a be recorded.

2. Getting the Basics Right
   a. That the Council requests that when delivery of capital projects is being scheduled,
      that consideration is given to opportunities to achieve synergies with related
      projects in the same or nearby vicinity, in order to deliver greater cost effectiveness
      and timely delivery across projects.

3. Prioritising work to ensure Christchurch’s drinking water supply is safe, secure and
   unchlorinated
   a. That the Council brings forward $25.0 million capital expenditure into the first three
      years of the LTP ($8.5 million in 2018/19, $8.7 million in 2019/20 and $7.8 million in
      2020/21) from the same funding that has been programmed across the ten-year
      Plan, for making secure and maintaining the network of drinking water wellheads.
      This will ensure there is sufficient funding for the programme of work required to
      enable Council to consider reverting to unchlorinated drinking water within the 12
      month period allowed for chlorination.

4. Maintain and renew wastewater infrastructure
   a. That the Council approves $48.0 million additional capital expenditure to the first
      three years of the LTP, to prevent further degradation of the wastewater network,
reduce the occurrence of pipe blockages, ground water inflow and infiltration of the stormwater system.

b. That the Council brings forward $10.0 million capital expenditure for the development of a wastewater system for Wainui area, moving this into years 2026/27 and 2027/28 (from outside the 2018-2028 LTP).

5. **Prioritising work to improve our roads and footpaths**

a. That the Council gives high and immediate priority for increased road maintenance and road safety (intersections and school safety) improvements in areas raised in submissions by allocating an additional capital expenditure of $5.1 million in 2018/19, $5.6 million in 2019/20 and $6.1 million in 2020/21; this will be enabled by re-phasing other programmes of work, such as the master plan programme, and deferring some central city work outside the 10 year programme.

b. That the Council affirms that footpath renewal funding for year 8, 9 and 10 of the LTP is increased by a total of $4 million over the three years; noting the programme will be reprioritised following the confirmation of the National Land Transport Programme 2018-2021 which may enable bringing this additional funding forward in the LTP period.

c. That the Council brings forward additional capital expenditure of $13 million to the final two years of this LTP (2026/27 and 2027/28) to enable completion of the Moncks Bay section of the Coastal Pathway.

d. That the Council re-phases the timing of delivery of parts of the programmed work on central city transport projects (An Accessible City), namely Park Terrace, Montreal Street, Madras Street and Worcester Street. This reduces the overall capital expenditure on this programme by $6.3 million over the 10 years of the LTP period.

e. That the Council requests staff to:

   i) report back to the Infrastructure, Transport and Environment Committee by 31 October with advice on the impact that the National Land Transport Programme 2018-2021 (to be announced in late August 2018) will have on budgets and programmes of work, including recommendations for consequential reprioritisation of programmes.

   ii) report back to the Council by 30 November 2018 on the establishment of a working group comprising Banks Peninsula Community Board representatives, community representatives and Council staff that will be tasked with prioritising road maintenance projects, within budgets, on the rural unsealed roads of the Peninsula; and to advise on the appropriateness and practicality of using such a working group model for prioritising road maintenance projects in other parts of the City.

   iii) Amend 5 e iii to read: report back to the Fendalton-Waimairi-Harewood Community Board by 30 September with options (including traffic lights as one of the options), within LTP budgets, for improving safety at the intersection of Breens Road, Gardiners Road and Harewood Road. If the best solution cannot be achieved within LTP budgets, then a further report needs to come to Council by the end of October 2018.

6. **Prioritising work on cycleways**

a. That the Council brings forward proposed LTP funding to enable earlier construction of sections of both the Quarryman’s Trail Major Cycle Route and the Nor’West Arc
Major Cycle Routes (total of $12.2 million capital expenditure brought forward into the first three years of the LTP, 2018/19, 2019/20 and 2020/21).

Councillors East, Gough, Johanson and Swiggs requested that their vote against 6.a be recorded.

7. **Prioritising work to maintain and improve our parks and riverbanks, open spaces, and marine structures**
   a. That the Council brings forward its funding for upgrading and repair of the Diamond Harbour jetty to 2021/22 (from 2024/25); and notes the funding for renewal to Akaroa Wharf will commence in 2018/19 to enable consultation, design and consenting to be undertaken.
   b. That the Council extends the current funding provision for developments at Naval Point across a longer period in the LTP, through to 2024/25 (rather than completing work by 2022/23); noting that priority is given to undertaking safety-related works first within the scheduled programme of work.
   c. That the Council provides additional operational expenditure (up to $80,000 per annum) and a capex funding of $50,000 for extra Park Ranger staffing, noting that the role will support community partnership initiatives and Reserve Management Committees on the Peninsula;
   d. That the Council provides an additional operational expenditure of $80,000 per annum to develop the internship opportunities in Council operational actives, including Parks.
   e. That the Council approves funding of $50,000 operational expenditure per annum for each of the first three years of the LTP (2018/19, 2019/20 and 2020/21) to further support the EnviroSchools programme; to be funded from the Capital Endowment Fund.
   f. That the Council brings forward $490,000 capital expenditure to 2018/20 (from 2023/26) for development works at Thomson Park, including car parking, basketball, safety improvements and general park renewals; noting that this is enabled by deferring some of the scheduled budget at Horseshoe Lake Reserve, which will be deferred until 2023/25 pending the completion of the Regeneration Plan for the Ōtakaro Avon River Corridor.
   g. That the Council notes that staff will continue to work with the Christchurch 360 Trail group and provide support, through existing operating expenditure to assist with the likes of signage and fencing, and provide one point of contact within the Regional Parks Team.
   h. That the Council notes that the Regional Park Rangers will provide support and advice, within existing budgets and work programmes, to the developers of the Banks Peninsula Geopark/Te Pātaka o Rākaihautū.
   i. That the Council agrees to $143,000 additional operational expenditure for undertaking necessary technical work such as surveying, to inform a proposal for resolution of the issues being considered by the Taylors Mistake Working Party.

Councillor Davidson requested that their vote against 7.b be recorded.

Councillor Gough requested that their vote against 7.d and e be recorded.

8. **Funding new and existing community facilities**
   a. That the Council requests staff to complete the Community Facilities Network Plan as soon as practicable; and approves an additional $170,000 operational
expenditure in 2018/19 to expedite this, inform next year’s and future years’ annual plans. Potential developments include but are not limited to; the Shirley Community Centre, a Multicultural Centre, a Centre for Avondale, Burwood and Dallington area and an Okains Bay Community Centre.

b. That the Council re-phases the existing capital and operational budgets for building the Metro Sports Facility.

c. That the Council retains the current budget provision for the Linwood Pool and acknowledges the submissions from the local community in support of this project.; and requests that staff consider opportunities for partnerships and value improvement in delivery of this project as early as possible; and that the Council requests a report enabling consideration of the Linwood Park reinstatement, upgrading the sports field, and the replacement of the pavilion to be progressed in synergy with the development of the Linwood Pool.

[Secretariat Note] The Council resolved through resolution CLTP/2018/00026 (as per Standing Order 19.5) to amend the wording of the original resolution of 8.d, which read “2019/20 and 2020/21” to the following wording:

d. That, to reflect the present rate of progress in developing the South West Leisure Centre and Library, the Council re-phases the existing capital and operational expenditure in the LTP by moving it out by two years; and an additional $225,000 operational expenditure is added to the project budget in both 2018/19 and 2019/20 (total $450,000), to enable work on the project to continue, whether for the existing proposal or for developing a re-scoped proposal.

e. That the Council approves an additional $44,000 per annum operational expenditure to enable Matuku Takotako: Sumner Centre to open from 10.00am – 4.00pm on Saturdays and Sundays, to provide better community use of the centre at the heart of Sumner.

f. That the Council continues its support of the Green Prescription and encouragement for preschoolers’ use of Council swimming pools by enabling holders of the Green Prescription and pre-schoolers (and an accompanying adult) free access to Council pools between the hours of 9.00am and 3.00pm on school days, with an anticipated loss of revenue or $80,000 per annum.

g. That the Council grants the Edgeware Pool Group $1.25 million capital expenditure, payable in or later than 2022/23 on confirmation that the Group has matched the Council funding 1:1 and has funded the remainder of the agreed project’s capital and operational costs, subject to receiving advice from staff on the variation of the original sale and purchase agreement and any other relevant matters including former Council resolutions.

h. That the Council notes that although it is not increasing its Strengthening Communities funding, it will reconsider this matter once the current review of funding is completed.

Councillors Davidson and Gough requested that their vote against 8.c be recorded. Councillor Gough requested that their vote against 8.f be recorded.

9. **Maintaining momentum in the city**

   a. That the Council brings forward funding in the LTP by two years to 2020/21-2023/24 (from 2022/23-2024/25) to hasten building a multi-use Stadium.
b. That the Council works collaboratively with the Crown on the development of the business case to provide clarity about the form, size and function of a roofed facility.

c. That the Council affirms its support for ChristchurchNZ by providing additional operational expenditure of $1.26 million per annum for 2018/19, 2019/20 and 2020/21 ($150,000 for attracting film industry investment, $60,000 for supporting international education, $750,000 for events and $300,000 for large business events and conventions); noting that funding in 2018/19 will include $750,000 from the Capital Endowment Fund and that funding in future years will be subject to a review of baseline costs by ChristchurchNZ.

d. That the Council provides VBase with an operational expenditure grant of $1.0 million per annum for two years (2018/19 and 2019/20) and a one-off $2.5 million capital expenditure to carry out repair works at Hornycastle Arena.

e. That the Council makes a one-off grant in 2018/19 from the Capital Endowment Fund of $50,000 to the Events Seeding Fund, to foster community-led events.

f. That the Council continues to support the Central City Business Association’s implementation of its strategic plan, by providing additional operational expenditure of $80,000 in the years 2019/20 and 2020/21.

g. That the Council continues to offer one hour’s free parking at Council-owned and operated parking buildings until 31 January 2019; noting an anticipated net loss of revenue of $260,000 over that period.

h. That the Council continues developing options for the completion of the tram network, aiming to align with adjacent central city transport projects and to complete this work as soon as practicable.

i. That the Council extends its loan of $2.0 million to the Isaac Theatre Royal, on existing terms, for up to a maximum of five years.

j. That the Council notes its endorsement of progressing public realm improvements to Cathedral Square, acknowledging the need for a coordinated and prioritised approach within existing budgets; the Council will be progressing public realm improvements to the southern area of Cathedral Square to tie in with planned private sector developments.

k. That the Council, following the progress of the ‘barrier sites’ programme in the central city, requests staff to report back by 30 September 2018 on how to develop a programme of work for responding to abandoned or derelict commercial buildings in suburban centres where regeneration needs to occur.

l. Request the Development Forum to develop a work programme to ensure that momentum continues to occur in the CBD, with a particular focus on land banking practices, and incentives for the development of inner city residential properties.

Councillor Davidson requested that their vote against 9.c and g be recorded.

Councillor Johanson requested that their vote against 9.a, c and f be recorded.

Councillor Swiggs requested that their vote against 9.d be recorded.

Councillor Templeton requested that their vote against 9.a and c be recorded.

The Mayor declared a conflict of interest in Item 9.i and took no part in the discussion and voting on the matter.

Councillor Scandrett declared a conflict of interest in Item 9.c and d and took no part in the discussion and voting on the matters.

Deputy Mayor Turner declared a conflict of interest in Item 9.c and took no part in the discussion and voting on the matter.
10. Other proposals in response to views expressed by the community Housing
   a. That the Council makes provision for a $30 million financing facility (repayable on a
      ‘rates neutral’ basis) to support the building of additional social housing in the city
      from 2018/2019 and requests staff to report back on the proposal for a decision and
      the options for utilising this facility.
   b. That the Council requests staff to provide additional information on the Build Back
      Smarter programme to support an application for funding from the Capital
      Endowment Fund.

Councillor East requested that their vote against 10.a and b be recorded.
Councillor Gough requested that their vote against 10.a be recorded.

11. Heritage
   a. Note that the Council is developing a heritage strategy (together with Ngai Tahu),
      and request staff to consider whether elements of the Christchurch District Plan
      could better align with the strategy through the development of a Regeneration
      Plan.
   b. That the Council agrees to continue the Central City Landmark Heritage Grant
      scheme for a further three years, by adding $1.5 million funding for each of years
      2018/19, 2019/20 and 2020/21 in the LTP.
   c. That the Council brings forward $300,000 capital expenditure to 2018/19 (from
      2021/22) for immediate repairs to the Old Municipal Chambers; and note that on 7
      June 2018 it authorised staff to complete a further EOI process for the future use of
      this building.
   d. That the Council brings forward funding in the LTP to 2018/19 (from 2021/22) for
      undertaking repairs to Coronation Hall; noting that this is enabled by splitting
      programmed budget for the Thomas Edmonds Band Rotunda over two years
      (2018/20) (as decided by the Council on 7 June 2018).
   e. Notes that the Council in June 2018 instructed staff to complete an urgent weather-
      tightness improvement project on the Robert McDougall Art Gallery to prevent
      further deterioration of the building; and that the process of considering
      Expressions of Interest (EOIs) for future use of the Robert McDougall Art Gallery is
      continuing and that consideration of all EOIs will be assessed against the defined
      uses for the building in the Christchurch City Council (Robert McDougall Gallery)
   f. Note that the Special Heritage (Cathedral) Grant will be made available in the
      timeframe requested by submitters. It is specifically to support the heritage
      components of the main cathedral building restoration (not for funding stage 2, the
      tower and ancillary buildings). Councillors expect that any funding raised from the
      targeted rate not expended on the Special Heritage (Cathedral) Grant will be made
      available for other heritage projects.

Councillors Davidson and Templeton requested that their vote against 11.b and f be recorded.
Councillor Johanson requested that their vote against 11.f be recorded.

12. Alternative sources of funding
   a. Request the Chief Executive to report back to the Council by 30 December 2018 on
      alternative mechanisms to source alternative and additional funding contributions
      towards building and maintaining facilities where there are or will be beneficiaries
from outside this Council’s rating area; and report back on alternative revenue options that could be applied to road users as a means of supporting sustainable and active travel options.

b. That the Council requests staff to report back to the Banks Peninsula Community Board by 30 August 2018 with advice on carrying out an appropriate, formal consultation on a proposal to impose a targeted rate from 1 July 2019 to raise funds to go towards the proposed Akaroa Health Hub.

Councillors East, Gough and Swiggs requested that their vote against 12.a be recorded.

13. Strategic framework

That the Council adopts its Strategic Framework, which includes a Vision for the City, Principles, Community Outcomes and Strategic Priorities; and

a. Requests six-monthly reporting to the Strategic Capability Committee on progress towards implementing actions in support of the Strategic Priorities, and that this progress is also reported in meaningful way to the community;

b. Requests that as part of any reviews of Levels of Services, there is consideration given to how they can drive progress on giving effect to the Strategic Priorities.

14. Governance and decision-making processes

a. That the Council notes that the Mayor will report back by 31 August 2018 with a proposal for adjustments to the Committee and Council meeting structure, in order to facilitate the establishment of a Capital Programme Review Committee.

b. That the Council instructs the Chief Executive to report back by 30 September 2018 on options for a revised Council report template, taking into account the need to comply with Section 76-81 of the Local Government Act 2002. Priority is to be given to ensuring that the template:

i) promotes ready understanding by decision makers and citizens;

ii) prompts reference to accessibility considerations;

iii) requires consideration of alignment of options and recommendations with the Council’s strategic framework;

iv) where relevant addresses opportunities to demonstrate climate change leadership; and

v) requires timely inclusion of relevant environmental and cultural impact assessments in the decision-making process.

15. Reviewing Levels of Service

a. That the Council, noting the recommendation of the Mayor’s External Advisory Group, requests the Chief Executive to report back by 31 August 2018 with a plan for undertaking a review of Levels of Service, noting priority areas such as relating to safe and secure drinking water, roads, footpaths and active travel, and citizens’ participation in decision making. Also noting that changes to Levels of Service that were made in the draft LTP and confirmed as part of the adoption of the LTP will also be part of that review.

16. That the Council notes the matters being, or to be, progressed by staff as set out in the Chief Executive’s Memorandum to the Mayor with the following amendments:

SCAPE/CAB funding requests

- Staff note that CAB and SCAPE made specific funding requests in their submissions on the draft LTP and have also made applications to the Strengthening Communities Metropolitan Fund. Council will consider the applications as part of Strengthening
Metropolitan Funding deliberations and should it be required, staff can provide advice for other funding options after those decisions have been made.

DC’s policy workshop
- Staff will present a workshop with Mayor and Councillors before 30 October, to discuss the mechanisms of the Development Contributions Policy and its application.

Woolston Playground
- Staff will report back by 30 September on options for how to resource and address the land drainage issues at Woolston Park.

Linwood Park
- Staff will attend to the pathways in Linwood Park within the existing hard surface renewal programme.

Carbon sequestration
- Staff will continue to explore opportunities for carbon sequestration by way of tree planting, including working collaboratively with Regenerate Christchurch regarding the Green Spine in the Residential red zone, and in other suitable areas in the city and district.

Mayor/Deputy Mayor

Council Resolved CLTP/2018/00018

[Secretariat Note] The Council resolved through resolution CLTP/2018/00026 (as per Standing Order 19.5) to amend the wording of the original resolution which read “Bring forward funding by one year for section 2 of the Heathcote Expressway to the 2024/25 financial year.” to the wording below.

Councillor Sara Templeton moved by way of amendment that the Council:

Bring forward the funding for section 2 of the Heathcote Expressway by one year, from 2024/25 and 2025/26 to 2023/24 and 2024/25.

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

Councillor Templeton/Councillor Swiggs

Council Resolved CLTP/2018/00019

Councillor Mike Davidson moved by way of amendment that the Council:

On the adoption of the National Land Transport Programme that staff report back to Council on the cycleway connection between the Christchurch Northern Corridor and Papanui Parallel, including risks and proposed programme.

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

Councillor Davidson/Councillor Cotter
Council Resolved CLTP/2018/00020

[Secretariat Note] The Council resolved through resolution CLTP/2018/00026 (as per Standing Order 19.5) to amend the wording of the original resolution which read “where relevant addresses the impacts of decisions on our Climate Change Commitments; and” to the wording below.

Councillor Sara Templeton moved by way of amendment that:

Resolution 15. b. iv. above be amended to read:

addresses the impacts of decisions on our Climate Change Commitments; and

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

Councillor Templeton/Councillor Buck Carried

Council Resolved CLTP/2018/00021

Councillor Glenn Livingstone moved by way of amendment that the Council:

Explore with the Government opportunities for Carbon Sequestration, by way of tree planting, including but not limited to the Green Spine in the Residential Red Zone, the Banks Peninsula, the Worsleys/Cracroft area and other suitable areas in the Christchurch City District.

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

Councillor Livingstone/Councillor Clearwater Carried

Council Resolved CLTP/2018/00022

Councillor Mike Davidson moved by way of amendment that the Council:

Request staff to report back to the Council by December 2019 in the Playground and Recreation Facilities Network Plan, including options for youth facilities in the Papanui Ward.

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

Councillor Davidson/Councillor Clearwater Carried

Council Resolved CLTP/2018/00023

Councillor Yani Johanson moved by way of amendment:

Noting that the Council is currently consulting on the Woolston Village Masterplan WL1 project and that depending on the outcome of that consultation, that consideration is given to aligning the Heathcote and Oak Street projects for cost efficiency and synergy by bringing forward the budget.

The amendment was seconded by Deputy Mayor Andrew Turner and on being put to the meeting was declared carried.

Councillor Johanson/Deputy Mayor Carried
Councillor Yani Johanson moved by way of amendment that:

The words “value improvement” in resolution 8.c. above regarding the Linwood Pool be amended to “enhanced value”.

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

Councillor Johanson/Councillor Templeton Lost

Following Councillor amendments to the Mayor’s recommendations, the Mayor put the motion and it was declared carried.

Attachments

A  Tabled Chief Executive Memo - Matters arising from submissions that are being responded to

Resumption of Standing Orders

Council Resolved CLTP/2018/00024

1. That the Council reinstates the Standing Orders suspended earlier in the meeting as follows:
   17.5 Members may speak only once.
   17.6 Limits on the number of speakers.
   18.1 General procedure for speaking and moving motions.
   18.8 Foreshadowed amendments.
   18.9 Lost amendments.

Mayor/Councillor Davidson Carried

4. 2018-28 Long Term Plan

Council Resolved CLTP/2018/00025

That the Council:

1. Adopts the summary of the rates impact and net debt ratio impact of the Mayor’s recommendations set out in updated Attachment C, tabled at the meeting.
2. Adopts the proposed changes to the Council’s capital programme set out in Attachment D.
3. Adopts the proposed changes to the Council’s operating expenditure set out in Attachment E.
4. Adopts the Revenue and Financing Policy set out in Attachment F.
5. Adopts the Funding Impact Statement and Financial Strategy set out in Attachments G and H.
6. Adopts the minor changes and errors set out in Attachment L.
Mayor/Deputy Mayor
Councillor Johanson requested that his vote against resolution 2 be recorded.

Attachments
A Table Modified Attachment C

The meeting adjourned at 11.51am and will reconvene at 9.30am on Tuesday 26 June 2018.

The meeting reconvened at 9.34am on Tuesday 26 June 2018.

Apologies
Council Decision
There were no apologies.

Alteration by Resolution at Same Meeting
Council Resolved CLTP/2018/00026
That alterations are made to earlier resolutions passed at the meeting, under Standing Order 19.5, as follows:

CLTP/2018/00018 – replace “Bring forward the funding for section 2 of the Heathcote Expressway by one year, from 2024/25 and 2025/26 to 2023/24 and 2024/25”.

The Mayor’s Recommendations (paragraph 8(d)) – regarding South West Leisure Centre and Library, replace 2019/20 and 2020/21 with 2018/19 and 2019/20 respectively.

CLTP/2018/00020 – amend to read “addresses the impacts of decisions on our Climate Change Commitments; and”
Mayor/Deputy Mayor
Carried

That the Council:

Council Resolved CLTP/2018/00027

7. Adopts the Infrastructure Strategy set out in Attachment I (incorporating the amendments made since publication of the Agenda);
Mayor/Councillor Templeton
Carried

Council Resolved CLTP/2018/00028

8. Receives the Audit report required by s.94(1) of the LGA 2002;
9. Adopts the Long Term Plan 2018-28 comprising:
a. the information and underlying documents adopted by the Council on 21 February 2018 (the draft Long Term Plan),
b. the Mayors recommendations in attachment B, as amended by resolution CLTP/2018/00017 and CLTP/2018/00026 above

c. attachments C (as tabled at the meeting) D, E, F, G, H and L.

d. attachment I; and

e. including the audit report referred to in resolution 8 above.

f. Add to the Chief Executive’s memorandum “Support the establishment of the Banks Peninsula GeoPark”.

Mayor/Councillor Davidson  Carried

Council Resolved CLTP/2018/00029

10. Authorises the Chief Financial Officer to make the amendments required to ensure the published Long Term Plan 2018-28 aligns with the Council’s resolutions of 22 June 2018 and Audit report, and to make any other non-material changes that may be required;

Mayor/Deputy Mayor  Carried

Council Resolved CLTP/2018/00030

11. Authorises the Chief Financial Officer and the Head of Financial Management (jointly) to borrow in accordance with the Liability Management Policy sufficient funds to enable the Council to meet its funding requirements as set out in the long term Plan 2018-28;

12. Grants an exemption under s.7 of the LGA 2002 in respect of the Council-Controlled Organisations referred to in Attachment M;

13. Allocates funding from the Capital Endowment Fund, as set out in Attachment N;

Mayor/Deputy Mayor  Carried

Councillor’s Johanson and Templeton recorded their vote against the allocation to ChristchurchNZ from the Capital Endowment Fund.

Council Resolved CLTP/2018/00031

14. Having set out rates information in the revenue and financing policy and funding impact statement contained in the Long Term Plan 2018-28 (adopted by the above resolutions) resolves to set the following rates under the Local Government (Rating) Act 2002 for the 2018-19 financial year, commencing on 1 July 2018 and ending on 30 June 2019 (all statutory references are to the Local Government (Rating Act 2002).

a. a uniform annual general charge under section 15(1)(b) of $117.56 (incl. GST) per separately used or inhabited part of a rating unit;

b. a general rate under sections 13(2)(b) and 14 set differentially based on property type, as follows:

<table>
<thead>
<tr>
<th>Differential Category</th>
<th>Basis for Liability</th>
<th>Rate Factor (incl. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>Capital Value</td>
<td>0.290650</td>
</tr>
<tr>
<td>Business</td>
<td>Capital Value</td>
<td>0.493233</td>
</tr>
<tr>
<td>Remote Rural (Farming and Forestry)</td>
<td>Capital Value</td>
<td>0.217987</td>
</tr>
</tbody>
</table>
c. a water supply targeted rate under section 16(3)(b) and 16(4)(b) set differentially depending on whether a property is connected or capable of connection to the on-demand water reticulation system, as follows:

<table>
<thead>
<tr>
<th>Differential Category</th>
<th>Basis for Liability</th>
<th>Rate Factor (incl. GST) (cents/$ of capital value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connected (full charge)</td>
<td>Capital Value</td>
<td>0.057897</td>
</tr>
<tr>
<td>Serviceable (half charge)</td>
<td>Capital Value</td>
<td>0.028949</td>
</tr>
</tbody>
</table>

d. a restricted water supply targeted rate under sections 16(3)(b) and 16(4)(a) on all rating units with one or more connections to restricted water supply systems of $183.60 (incl. GST) for each standard level of service received by a rating unit;

e. a land drainage targeted rate under sections 16(3)(b) and 16(4)(a) on all rating units in the serviced area of 0.043489 cents per dollar of capital value (incl. GST);

f. a sewerage targeted rate under sections 16(3)(b) and 16(4)(a) on all rating units in the serviced area of 0.078180 cents per dollar of capital value (incl. GST);

g. a waste minimisation targeted rate under sections 16(3)(b) and 16(4)(b) set differentially depending on whether a full or partial service is provided, as follows:

<table>
<thead>
<tr>
<th>Differential Category</th>
<th>Basis for Liability</th>
<th>Rate Charge (incl. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full service</td>
<td>Per separately used or inhabited part of a rating unit</td>
<td>$146.24</td>
</tr>
<tr>
<td>Partial service</td>
<td>Per separately used or inhabited part of a rating unit</td>
<td>$109.68</td>
</tr>
</tbody>
</table>

Note:
The full service charge is assessed on every separately used or inhabited part of a rating unit in the serviced area. The partial service charge is assessed on every separately used or inhabited part of a rating unit outside the kerbside collection area, where a limited depot collection service is available (75% of the full rate).

h. a water supply fire connection targeted rate under sections 16(3)(b) and 16(4)(a) on all rating units receiving the benefit of a water supply fire connection of $111.75 (incl. GST) per connection;

i. an excess water supply volumetric targeted rate under section 19(2)(a) set for all rating units which receive a commercial water supply as defined in the Water Supply, Wastewater and Stormwater Bylaw 2014, plus land under single ownership on a single certificate of title and used for three or more household residential units, boarding houses, motels, rest homes, and residential properties identified as using significantly in excess of ordinary residential use, of $0.94 (incl. GST) per m3 or any part of a m3 for consumption in excess of that assessed by the water supply targeted rate for each rating unit, provided that all properties will be entitled to a minimum consumption of 0.6986 cubic metres per day;

For example, if a rating unit is assessed $940 for the water supply targeted rate, that rating unit’s consumption allocation is 1,000m3 ($940 divided by 0.94c/m3). Liability for the excess water supply volumetric targeted rate commences when consumption commences of the 1,001st cubic metre by that rating unit.
j. an active travel targeted rate under section 16(3)(a) and 16(4)(a) of $20.00 (incl. GST) per separately used or inhabited part of a rating unit;

k. a Special Heritage (Cathedral) targeted rate under section 16(3)(a) and 16(4)(a) of $6.52 (incl. GST) per separately used or inhabited part of a rating unit;

Councillors Davidson, Johanson, Swiggs and Templeton requested that their vote against 14.k be recorded.

15. Resolves that all rates be due in four instalments, and set the following due dates for payment:

<table>
<thead>
<tr>
<th>Instalment</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1</td>
<td>15 August 2018</td>
<td>15 November 2018</td>
<td>15 February 2019</td>
<td>15 May 2019</td>
</tr>
<tr>
<td>Area 2</td>
<td>15 September 2018</td>
<td>15 December 2018</td>
<td>15 March 2019</td>
<td>15 June 2019</td>
</tr>
<tr>
<td>Area 3</td>
<td>31 August 2018</td>
<td>30 November 2018</td>
<td>28 February 2019</td>
<td>31 May 2019</td>
</tr>
</tbody>
</table>

Where the Instalment Areas are defined geographically as follows:

<table>
<thead>
<tr>
<th>Area 1</th>
<th>Area 2</th>
<th>Area 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes generally the Central City and the suburbs of St Albans, Merivale, Mairehau, Papanui, Riccarton, Addington, Spreydon, Sydenham, Beckenham, Opawa and Banks Peninsula.</td>
<td>Includes generally the suburbs of Shirley, New Brighton, Linwood, Woolston, Mt Pleasant, Sumner, Cashmere and Heathcote.</td>
<td>Includes generally the suburbs of Belfast, Redwood, Parklands, Harewood, Avonhead, Bishopdale, Ilam, Fendalton, Hornby, Templeton and Halswell.</td>
</tr>
</tbody>
</table>

16. Resolves to add the following penalties to unpaid rates:

a. a penalty of 10 per cent will be added to any portion of an instalment not paid on or by the due date, to be added on the following dates:

<table>
<thead>
<tr>
<th>Instalment</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1</td>
<td>18 August 2018</td>
<td>18 November 2018</td>
<td>20 February 2019</td>
<td>18 May 2019</td>
</tr>
<tr>
<td>Area 2</td>
<td>20 September 2018</td>
<td>20 December 2018</td>
<td>20 March 2019</td>
<td>20 June 2019</td>
</tr>
<tr>
<td>Area 3</td>
<td>05 September 2018</td>
<td>05 December 2018</td>
<td>03 March 2019</td>
<td>06 June 2019</td>
</tr>
</tbody>
</table>

b. an additional penalty of 10 per cent will be added on 01 October 2018 to any rates assessed, and penalties added, before 1 July 2018 and which remain unpaid on 01 October 2018;

c. a further penalty of 10 per cent will be added if any rates to which a penalty has been added under (b) above remain unpaid on 01 April 2019.

Mayor/Deputy Mayor
Councillor Keown requested his vote against the rates increase be recorded.

Meeting concluded at 9.56am.

CONFIRMED THIS 12TH DAY OF JULY 2018

MAYOR LIANNE DALZIEL
CHAIRPERSON

Page 16
24. Canterbury Mayoral Forum mid-term review May 2018

Reference: 18/554179
Presenter(s): Mayor Lianne Dalziel

1. Purpose of Report

1.1 The purpose of this report is for the Council to be informed of the progress and achievements of the Canterbury Mayoral Forum during 2017 and 2018, summarised in the attached mid-term review.

2. Staff Recommendations

That the Council:

1. Receive the information in the Canterbury Mayoral Forum mid-term review report.

3. Key Points

3.1 The Local Government Act 2002 requires local authorities to conclude a triennial agreement shortly after the local body elections setting out how they will work together over the three years until the next election. In our region, this agreement is currently set out in the Canterbury Local Authorities Triennial Agreement 2017-19.

3.2 The Triennial Agreement mandates the work of the Canterbury Mayoral Forum and a mid-term review of progress against the Agreement is attached. As Chair of the Forum, I have been closely involved in a number of initiatives carried out by the Forum, including advocating for our region with new Ministers late last year and in 2018 participating in discussions on immigration and international education policy.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Canterbury Mayoral Forum mid-term review May 2018</td>
<td>478</td>
</tr>
</tbody>
</table>

Signatories

| Authors                     | Elizabeth Wilson - Senior Policy Analyst  |
|                            | Sarah Hemmingsen - Senior Advisor        |
| Approved By                | Ariana Smith - Chief of Staff            |
Canterbury Mayoral Forum mid-term review, May 2018

Purpose

1. This report provides a mid-term summary of progress and achievements in implementing the Canterbury Local Authorities’ Triennial Agreement 2017–19.

Triennial Agreement

2. As required by the Local Government Act 2002 (S.15), local authorities within the Canterbury region concluded a Triennial Agreement in February 2017. The purpose of the Triennial Agreement is to ensure appropriate levels of communication, co-ordination and collaboration between local authorities within a region.

3. The Triennial Agreement mandates the work of the Canterbury Mayoral Forum, Chief Executives Forum, Policy Forum and other regional and sub-regional forums and working groups.

4. Specific commitments in the Triennial Agreement for 2017–19 include:
   • continuing to implement the Canterbury Water Management Strategy (CWMS)
   • continuing to develop and implement the Canterbury Regional Economic Development Strategy (CREDS)
   • developing and giving voice to a shared vision and joint advocacy for Canterbury
   • integrated transport planning for the region
   • investigating options for delivery of 3 Waters services in Canterbury
   • implementing a collaborative planning and decision-making process, including integrated RMA planning
   • ensuring effective resilience and response to civil defence and emergency management, and natural hazard risk management.

Regional forums

5. The Mayoral Forum and regional forums that support its work meet quarterly. In 2017, the Chief Executives Forum established two additional regional forums (Corporate Forum, Operations Forum), to co-ordinate the activities of regional working groups and ensure that together we can drive efficiencies and better provide for the needs of our communities through
the provision of good quality local infrastructure, local public services and performance of regulatory functions (Local Government Act 2002, S.10).

6. As agreed in the Mayoral Forum Charter of Purpose, the five regional forums are supported by a permanent secretariat hosted by Environment Canterbury: 2 FTE staff (funded through the regional general rate) and a CREDS Project Manager (fixed term, funded by the Regional Growth Programme).

7. In this local government term, the Mayoral Forum has extended standing invitations to attend its meetings to:
   - Helen Wyn, Senior Regional Official for Canterbury (Department of Internal Affairs)
   - Lisa Tumahai, Kaiwhakahaere, Te Rūnanga o Ngāi Tahu
   - Joanna Norris, Chief Executive, ChristchurchNZ.

8. In February 2017, the Mayoral Forum approved a three-year work programme. The Chief Executives Forum oversees implementation of the work programme, and reports quarterly to the Mayoral Forum. The CREDS Project Manager reports bi-monthly to MBIE on the implementation of projects funded by central government, and quarterly to the Chief Executives and Mayoral Forums.
Canterbury Water Management Strategy (CWMS)

9. The Mayoral Forum continues to oversee the implementation of the CWMS, which it initiated and adopted in 2009. Environment Canterbury collates a quarterly update report on the CWMS to the Chief Executives and Mayoral Forums.

10. The Forum is currently developing intermediary targets (2025, 2030) for the period 2020–2040, to ensure the CWMS continues to be ‘fit for the future’. An initial report was considered by the Mayoral Forum in May 2018, with a final report to be presented in April 2019.

Leading regional development in Canterbury

Refreshing the CREDS


Leveraging central government funding

12. Between local body elections in October 2016 and May 2018, the Mayoral Forum has leveraged, or helped leverage, $7,267,239 in central government funding for regional development projects in Canterbury.

<table>
<thead>
<tr>
<th>Project</th>
<th>Funding received</th>
</tr>
</thead>
<tbody>
<tr>
<td>CREDS ‘accelerator projects’, June 2017</td>
<td>$2,185,000</td>
</tr>
<tr>
<td>Additional CREDS projects, April 2018</td>
<td>$200,000</td>
</tr>
<tr>
<td>Tourism infrastructure co-funding, November 2016</td>
<td>$988,335</td>
</tr>
<tr>
<td>Tourism infrastructure co-funding, June 2017</td>
<td>$1,194,254</td>
</tr>
<tr>
<td>Tourism infrastructure co-funding, December 2017</td>
<td>$2,699,650</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$7,267,239</td>
</tr>
</tbody>
</table>

13. Through its partnership with the Regional Growth Programme, the Mayoral Forum secured central government funding of $2,185m for 11 ‘accelerator projects’ to kick start implementation of the refreshed CREDS launched in June 2017.¹

<table>
<thead>
<tr>
<th>Project</th>
<th>Funding received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strategic policy analysis and advice, regional transport</td>
<td>$100,000</td>
</tr>
<tr>
<td>2. Cell phone and broadband coverage mapping</td>
<td>$80,000</td>
</tr>
<tr>
<td>3. Encouraging rural broadband uptake and use</td>
<td>$65,000</td>
</tr>
<tr>
<td>4. Youth transitions</td>
<td>$130,000</td>
</tr>
<tr>
<td>5. Job Ready Programme</td>
<td>$40,000</td>
</tr>
<tr>
<td>6. Improve productivity (contract over five years with ChristchurchNZ)</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

¹ As at May 2018, contracts have been let and work is underway on projects 1–7, and 9–11; work is complete on project 10; project 8 is being pursued through conversations with KiwiRail, NZTA, the Ministry of Transport, Treasury, the Ministry of Business, Innovation and Employment (MBIE) and ChristchurchNZ.
<table>
<thead>
<tr>
<th>Project</th>
<th>Funding received</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. High-value manufacturing (contract over four years with University of Canterbury)</td>
<td>$450,000</td>
</tr>
<tr>
<td>8. Rail passenger services south of Christchurch – feasibility study</td>
<td>$50,000</td>
</tr>
<tr>
<td>9. CREDS project management</td>
<td>$150,000</td>
</tr>
<tr>
<td>10. CREDS indicators reporting</td>
<td>$10,000</td>
</tr>
<tr>
<td>11. Canterbury brand story</td>
<td>$110,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2,185,000</strong></td>
</tr>
</tbody>
</table>

12. In addition, central government funding has been sought and provisionally obtained (May 2018) for:
   - seed funding for an Agritech Pavilion at the NZ Agricultural Show in Christchurch in November 2018 ($50,000)
   - development of a web-based shared major events calendar for Canterbury and the South Island ($150,000).

   - In November 2016, the Kaikōura, Mackenzie and Timaru District Councils secured a total of $988,335 from round one of the Regional Mid-sized Tourism Facilities Grant Fund – 32% of the total distribution of $3,050,000.
   - In June 2017, the Ashburton, Hurunui, Mackenzie and Waitaki District Councils secured a total of $1,194,254 from round two of the Regional Mid-sized Tourism Facilities Grant Fund – 23% of the total allocation of $5,233,336.
   - In December 2017, the Hurunui, Selwyn and Mackenzie District Councils secured a total of $2,699,650 from the Tourism Infrastructure Fund – 19% of the total allocation of $14,222,594.

14. The Forum has similarly supported member councils with applications to the 2018 funding round for the Tourism Infrastructure Fund.

15. The Chief Executives Forum and Regional Forums Secretariat provide co-ordination, advice and support to Canterbury expressions of interest in and applications to the Government’s Provincial Growth Programme and 1b Trees Programme.

**Understanding our changing population**

16. In 2017, the regional forums secretariat supported CREDS partner, the Committee for Canterbury, with analysis of population change and projected trends. This informed the Committee’s project, [Canterbury @ 1.5M](#), which seeks to stimulate and facilitate public debate on population policy for Christchurch and Canterbury.

17. Data and analysis of population change in Canterbury is hosted on the regional council’s website at [https://www.ecan.govt.nz/population](https://www.ecan.govt.nz/population)

**Supporting global awareness, tourism and trade**

18. For the last two years, the Mayoral Forum has supported the University of Canterbury with applications to the Prime Minister’s Scholarship for Asia for a programme in which students
visit China undertake research projects there. This has delivered research reports for the Mayoral Forum on:
- the different ways young Chinese ‘free and independent’ travellers hear about and find information on New Zealand and Canterbury, and the online channels they prefer to use
- migration intentions of young, highly skilled Chinese students.

19. Education partnerships are in place between Canterbury and Nagano Prefecture, Japan. In this term, the Mayoral Forum is investigating options to develop and extend Canterbury’s relationship with Nagano Prefecture, ‘region-to-region’.

Standing together for Canterbury


21. The following table summarises Mayoral Forum engagement and advocacy since October 2016.

<table>
<thead>
<tr>
<th>Date</th>
<th>Audience</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct 2016</td>
<td>Commerce Select Committee</td>
<td>Telecommunications (Property Access and Other Matters) Amendment Bill</td>
</tr>
<tr>
<td>Nov 2016</td>
<td>Minister of Economic Development</td>
<td>• refresh of CREDS – and transitioning away from a rebuild economy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• regional transport planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Canterbury brand story</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• visitor strategy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• value-added production and advocacy for the Lincoln Hub</td>
</tr>
<tr>
<td>Jan 2017</td>
<td>Health Select Committee</td>
<td>Health (Fluoridation of Drinking Water) Amendment Bill</td>
</tr>
<tr>
<td>Feb 2017</td>
<td>Minister for Tertiary Education, Skills and</td>
<td>Funding to secure the Lincoln Hub</td>
</tr>
<tr>
<td></td>
<td>Employment; Minister of Finance</td>
<td></td>
</tr>
<tr>
<td>May 2017</td>
<td>Ministry for the Environment</td>
<td>Submission on Clean Water Consultation 2017</td>
</tr>
<tr>
<td>May 2017</td>
<td>Lyttelton Port of Christchurch</td>
<td>Welcoming investment in a cruise ship berth</td>
</tr>
<tr>
<td>May 2017</td>
<td>Crown Fibre Holdings Ltd</td>
<td>Meeting to discuss fast broadband in rural Canterbury</td>
</tr>
<tr>
<td>Jun 2017</td>
<td>Minister of Local Government</td>
<td>Government inquiry into Havelock North drinking water contamination</td>
</tr>
<tr>
<td>Jun 2017</td>
<td>Prime Minister; Minister of Immigration</td>
<td>Immigration policy</td>
</tr>
<tr>
<td>Jun 2017</td>
<td>Political party leaders</td>
<td>Immigration and the 2017 General Election</td>
</tr>
<tr>
<td>Jul 2017</td>
<td>Canterbury Regional Transport Committee</td>
<td>Timing of National Land Transport Programme</td>
</tr>
<tr>
<td>Aug 2017</td>
<td>Local Government Commission</td>
<td>Informal discussion of the work of the LGC</td>
</tr>
<tr>
<td>Date</td>
<td>Audience</td>
<td>Subject</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Oct 2017</td>
<td>Electorate and List MPs in Canterbury</td>
<td>Congratulations and introducing the Mayoral Forum, its work and priorities</td>
</tr>
<tr>
<td>Nov 2017</td>
<td>Incoming Ministers</td>
<td>Briefing letters introducing the Mayoral Forum, its work and priorities</td>
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<tr>
<td>Mar 2018</td>
<td>Minister for Government Digital Services</td>
<td>Informal discussion with Mayoral Forum and stakeholders of priorities and opportunities in the CREDS digital connectivity work programme</td>
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<tr>
<td>Mar – May 2018</td>
<td>Minister of Agriculture</td>
<td>Mycoplasma bovis response</td>
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<tr>
<td>Apr 2018</td>
<td>Minister of Immigration</td>
<td>Government policies on immigration and international education</td>
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<td>May 2018</td>
<td>Governance and Administration Committee</td>
<td>Submission on Local Government (Community Well-being) Amendment Bill</td>
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<tr>
<td>May 2018</td>
<td>Ministry of Business, Innovation &amp; Employment</td>
<td>Letter of support for applications to the Tourism Infrastructure Fund 2018 funding round from Christchurch City Council and the Kaikōura, Waimakariri, Selwyn, Timaru and Waitaki District Councils</td>
</tr>
<tr>
<td>May 2018</td>
<td>New Zealand National Commission for UNESCO</td>
<td>Letters of support for the Waitaki Whitestone and Banks Peninsula Geoparks to become members of the UNESCO Global Geoparks Network</td>
</tr>
<tr>
<td>May 2018</td>
<td>Minister of Tourism</td>
<td>Development of a tourism destination management strategy, and design and implementation of the proposed international visitor tourism and conservation levy</td>
</tr>
<tr>
<td>May 2018</td>
<td>Minister of Health</td>
<td>Release of Government Response to the Havelock North Drinking Water Inquiry</td>
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22. In December 2017, the Mayoral Forum identified central government policies on immigration and international education as a priority for its analysis and advocacy in 2018. The Mayoral Forum is working with the Canterbury Employers’ Chamber of Commerce, BusinessNZ, ChristchurchNZ and international education providers to engage with central government officials and Ministers on policy options that will work for regional New Zealand (particularly the South Island), as well as for the country as a whole.

### Better local services

23. Through its regional forums, Canterbury local authorities are investigating and/or working together on:
- options for delivering valuation and rating services
- 3 Waters managed by Canterbury local authorities
- engineering services and subdivision standards
- regulatory co-ordination – supported by a Compliance, Monitoring and Enforcement regional working group of senior regulatory managers established in February 2018
- contaminated land shared services
- managing natural hazards
- climate change adaptation
- infrastructure as a service – and common technology platforms
- public records management.
Collaborative RMA planning and decision making

24. The Canterbury Planning Managers Group reports to the Policy Forum and is a mechanism for co-ordination and collaboration on local government planning in Canterbury.

25. In February 2018, the Chief Executives Forum established a regional working group of senior regulatory managers (reporting to the Policy Forum) to support regulatory co-ordination across Canterbury local authorities.

26. Regional council planning staff are involved in three initiatives with territorial authorities:
   - co-location with colleagues in the Waimakariri, Selwyn and Timaru District Councils to support planning co-ordination and collaboration – with a planned extension to the Mackenzie and Waitaki District Councils
   - supporting alignment between Land Information New Zealand, the Department of Conservation and the Mackenzie and Waitaki District Councils in the Mackenzie Basin
   - working with the Greater Christchurch Partnership (the Selwyn and Waimakariri District Councils and the Christchurch City Council) to ensure that future settlement patterns nest with public transport and other infrastructure and provide sufficient growth and development opportunities post-quakes.
25. Draft Submission of the Christchurch City Council on the Review of Insurance Contract Law

Reference: 18/622640

Presenter(s): Adrian Seagar – Senior Insurance Specialist
Chris Gilbert – Special Counsel Commercial
Jenny Hughey – Principal Advisor Policy

1. Purpose of Report
   1.1 The purpose of this report is for the Council to approve its submission on the Review of Insurance Contract law.

2. Staff Recommendations
   That the Council:
   1. Approve the draft submission on the Review of Contract Insurance Law.

3. Key Points
   3.1 Insurance plays an important social and economic role in providing compensation for losses that consumers and businesses can face when an unexpected, harmful event occurs. Insurance also encourages innovation and supports productivity by transferring the risk of loss from one business to another. Having insurance also means that consumers and businesses have less need to hold reserve funds for dealing with emergencies, thereby freeing up money for more productive uses.

   3.2 Given the importance of insurance, it is in the public interest to ensure that insurance provides the compensation that it is intended and expected to provide. Insurance contract law is the law that governs insurance contracts and consists of various pieces of legislation and case law. There are six Acts governing insurance contracts in New Zealand (two of which date back to 1908) and numerous issues have been raised with this legislation.

   3.3 The Ministry of Business, Innovation and Employment (MBIE) is reviewing New Zealand’s insurance contract law with input from the Financial Markets Authority (FMA), the Treasury, the Commerce Commission and the Reserve Bank of New Zealand. The terms of reference for the review are to:
      • Assess a number of discrete issues that have been raised with insurance contract law
      • Develop recommendations on any legislative changes needed to address those issues
      • Modernise New Zealand’s insurance contract law and consolidate it into one Act

   3.4 The following issues are within the scope of the review, which covers all types of insurances as many of the issues are common across various insurance products.
      • The law is fragmented and would benefit from consolidation
      • disclosure obligations for policyholders and remedies for non-disclosure are seen as onerous
there are a range of technical issues that have been identified by the Law Commission and industry

the International Monetary Fund’s Financial Sector Assessment Programme has identified areas where there is inadequate conduct regulation of insurers and intermediaries

the precise scope of those terms defined to be not “unfair contract terms” under the Fair Trading Act 1986 may need to be considered and whether these could be moved to insurance specific legislation

some consumers may find it hard to find and compare prices and policies.

3.5 Legislation specifically included in the review is the Marine Insurance Act 1908, the Life Insurance Act 1908, the Law Reform Act 1936, the Insurance Law Reform Act 1977, the Insurance Law Reform Act 1985, and the Insurance Intermediaries Act 1994.

3.6 The review has been tightly scoped by MBIE so that progress can be made on the issues identified above. The following areas are out of scope for this review:

- concerns about “underinsurance” – for instance, whether consumers are underestimating the level of cover needed under “sum-insured” home insurance policies

- any competition issues related to the structure of insurance markets, such as the number and market share of insurance companies as these issues are the responsibility of the Commerce Commission

- the prudential regulation of insurers which is being considered by the Reserve Bank in its review of the Insurance (Prudential Supervision) Act 2010

- earthquake insurance as governed by the Earthquake Commission Act 1993 and accident compensation insurance as governed by the Accident Compensation Act 2001. Treasury has been reviewing the Earthquake Commission Act 1993 and an inquiry into EQC’s claims management process has recently been completed.


3.7 Further details of the review, including the terms of reference, can be found at the following web link http://www.mbie.govt.nz/info-services/business/business-law/insurance-contract-law-review

3.8 A copy of the draft submission will be separately circulated for comment by Councillors prior to the Council meeting.

Attachments

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<tr>
<td>A</td>
<td>Draft Submission on Review of Insurance Contract Law (Under Separate Cover prior to the meeting)</td>
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</table>
### Signatories

| Authors          | Adrian Seagar - Senior Insurance Specialist  
|                 | Chris Gilbert - Special Counsel Commercial  
|                 | Jenny Hughey - Principal Advisor Policy     |
| Approved By     | Brendan Anstiss - General Manager Strategy and Transformation |
26. Draft Christchurch City Council Submission on the Zero Carbon Bill Discussion Document

Reference: 18/656126
Presenter(s): Kevin Crutchley - Resource Efficiency Manager

1. Purpose of Report

1.1 The purpose of this report is for the Council to approve a submission on the Zero Carbon Bill Discussion Document.

2. Staff Recommendations

That the Council:

1. Approve the attached submission on the Zero Carbon Bill Discussion Document.
2. Decide if it wishes to appear in support of its submission, and if so, nominate a councillor or councillors to appear on behalf of the Council before the Select Committee.

3. Key Points

3.1 The Minister for Climate Change has launched a six week public consultation (closing on 19 July 2018) on the Zero Carbon Bill Discussion Document. Following the closure of the current consultation the Government will consider the submissions and the Bill will be drafted (July-September 2018). The Minister proposes to introduce the Bill to the House by October 2018 with select committee hearings on the Bill between October 2018 and March 2019. The aim is to have a Zero Carbon Act in force in April 2019.

3.2 The Minister proposes that “The Bill puts a new target in legislation that gives us certainty about our long-term goals. It creates the institutions to help us get there and to hold us to account. It can also put in place the plans we need to respond to the growing impacts of climate change”.

3.3 The key questions that the Minister is seeking feedback on are included in the following publication: [https://www.mfe.govt.nz/publications/climate-change/our-climate-your-say-consultation-zero-carbon-bill](https://www.mfe.govt.nz/publications/climate-change/our-climate-your-say-consultation-zero-carbon-bill)

3.4 At a Council workshop on the 29 June 2018, Councillors and staff discussed the document (above); and the draft submission (attached) includes the feedback from Councillors. The attached draft submission is now for Council’s consideration.

Attachments

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## Council
12 July 2018

### Item 26

**Signatories**

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
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<tbody>
<tr>
<td>Author</td>
<td>Kevin Crutchley - Resource Efficiency Manager</td>
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</table>
| Approved By| Emma Davis - Acting Head of Strategic Policy  
              Brendan Anstiss - General Manager Strategy and Transformation |
Submissions form

We seek your feedback on the specific proposals in the Zero Carbon Bill.

Either email this submission to ZCB.Submissions@mfe.govt.nz (Microsoft Word document (2003 or later) or PDF) or post to Ministry for the Environment, PO Box 10362, Wellington, 6143.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) may be published on the Ministry for the Environment’s website, www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to website posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission, including commercially sensitive information, and in particular which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Personal / organisation details

You must provide either a company name or given name(s)

Company name: Christchurch City Council
Given names: Brendan
Surname: Anstiss
Contact person: Kevin Crutchley
Address: PO Box 73012, Christchurch 8154
Region: Christchurch
Country: New Zealand
Phone: 03 941 8209
Email: kevin.crutchley@ccc.govt.nz
2050 target

1. What process should the Government use to set a new emissions reduction target in legislation?
   Pick one:
   - the Government sets a 2050 target in legislation now ✓
   - the Government sets a goal to reach net zero emissions by the second half of the century, and the Climate Change Commission advises on the specific target for the Government to set later.

   Optional comment
   The Government should set the 2050 target now in legislation to prevent unnecessary delays and uncertainty.

2. If the Government sets a 2050 target now, which is the best target for New Zealand?
   Pick one:
   - net zero carbon dioxide: Reducing net carbon dioxide emissions to zero by 2050
   - net zero long-lived gases and stabilised short-lived gases: Long-lived gases to net zero by 2050, while also stabilising short-lived gases
   - net zero emissions: Net zero emissions across all greenhouse gases by 2050. ✓

   Optional comment
   We need to include all emissions, because New Zealand’s ability to deal with all greenhouse gases in a timely manner is still unknown. An example would be if average global temperatures rapidly increase faster than expected then there will be a call to mitigate emissions faster than is currently being asked for. It would therefore be better for New Zealand to be at the forefront rather than struggling to catch up, which is likely to result in greater economic stress.

   Setting the target now creates more certainty and makes it clearer in the direction of travel New Zealand is aiming for.

   The way long lived and short lived gases are dealt with could be further investigated in the emissions budget setting requirement process through advice from the Climate Change Commission.
3. How should New Zealand meet its targets?

Pick one:
- domestic emissions reductions only (including from new forest planting)
- domestic emissions reductions (including from new forest planting) and using some emissions reductions from overseas (international carbon units) that have strong environmental safeguards. ✓

Optional comment
There needs to be a strong intent to maximise domestic emissions reductions first.

Council’s preference is for domestic emissions reductions only (including from new forest planting) but understands that we need to have flexibility and multiple options to reducing and off-setting greenhouse gas emissions as this will make it easier for New Zealand’s economy to adjust.

A timeframe for when international carbon credits could be used should be considered.

Clear guidelines and requirements need to be set for when and what type of international carbon credits can be used.

It is important to clearly define what “strong environmental safeguards” means.

4. Should the Zero Carbon Bill allow the 2050 target to be revised if circumstances change?

Pick one:
- Yes ✓
- no.

Optional comment
We need to have the flexibility to adjust the target to suit future greenhouse gas emission reduction requirements but any adjustment to the 2050 target should be through a process that is rigorous, transparent, involves consultation and includes advice from the Climate Change Commission.

The focus and intent of any revision of the 2050 target should be setting a more aggressive target rather than loosening the target. Technology in the future may allow for a more aggressive approach to emissions reduction.
Emissions budgets

5. The Government proposes that three emissions budgets of five years each (ie, covering the next 15 years) be in place at any given time. Do you agree with this proposal?

Pick one:
- Yes ✓
- no.

Optional comment
Having emissions budgets set each five years will give flexibility to set budgets to suit future greenhouse gas emission reduction requirements but setting the budgets should be through a process that is rigorous, transparent, involves consultation and includes advice from the Climate Change Commission. The five year length of setting the budget would align with New Zealand’s Nationally Determined Contributions under the Paris Agreement.

It is better not to align setting emissions budgets with the political cycle so there would be better certainty and consistency to the process of setting emissions budgets.

6. Should the Government be able to alter the last emissions budget (ie, furthest into the future)?

Pick one:
- yes, each incoming Government should have the option to review the third budget in the sequence
- Yes, the third emissions budget should be able to be changed, but only when the subsequent budget is set ✓
- no, emissions budgets should not be able to be changed.

Optional comment
We have no way of knowing today that what is put into the third budget needs to be adjusted before it becomes operable. It is highly likely that over time there is demand for tighter regulation and targets, especially given the number of unknowns with climate change issues.

Changes may be required resulting from the international policy environment at the time requiring tighter restrictions on emissions and technology changes that allow more aggressive emissions reduction.
7. Should the Government have the ability to review and adjust the second emissions budget within a specific range under exceptional circumstances?

Pick one:

- Yes ✓
- No.

Optional comment

The exceptional circumstances that are required to trigger a review and adjustment of the second emissions budget within a specific range should be clearly defined.

The overall focus and intent of any revision of the second emissions budget should be to still meet the target of net zero emissions across all greenhouse gases by 2050.

Technology in the future may allow a more aggressive approach to emissions reduction.

8. Do you agree with the considerations we propose that the Government and the Climate Change Commission take into account when advising on and setting budgets?

Pick one:

- Yes ✓
- No.

Optional comment

Government response

9. Should the Zero Carbon Bill require Governments to set out plans within a certain timeframe to achieve the emissions budgets?

Pick one:

- Yes ✓
- No.
Optional comment

It is essential that the Government sets out plans within timeframes to achieve the emissions budgets.

10. What are the most important issues for the Government to consider in setting plans to meet budgets? For example, who do we need to work with, what else needs to be considered?

Comment

GDP may not be the best economic measure to indicate how the New Zealand economy might be impacted by various actions to meet greenhouse gas emission reduction targets.

Instead, it might be worth understanding the natural capital (economic value), associated with various forms of land use. Natural capital covers natural resources that form an asset class comparable to man-made physical and financial assets, and less tangible assets of human capital and social (and/or institutional) capital. It is primarily a stock measure, but it generates flows of goods and services of use to people and it both supplies current consumption and can be degraded by it. [https://treasury.govt.nz/publications/dp/start-conversation-value-new-zealands-natural-capital-dp-18-03](https://treasury.govt.nz/publications/dp/start-conversation-value-new-zealands-natural-capital-dp-18-03)

By measuring and monitoring changes in natural capital, over time, it could provide a better understanding of how shifts in land use impact on the New Zealand economy. If GDP is flat or has risen minimally over time, then the state of natural capital over the same period may show a different and more accurate story of how the economy is shifting in response to climate change mitigation measures.

After the earthquakes in Canterbury, it was widely stated that this had resulted in an increase in New Zealand’s GDP. Similarly, recovery from climate extremes such as major storm events are expected to see increases in GDP. So using this to model the economic performance of the New Zealand economy through to 2050 cannot indicate how robust or stressed the economy is. Modelling should look for other economic indicators that will be able to account for changes imposed by climate extremes or responses to legislative requirements imposed by the Zero Carbon Bill.

The Treasury’s Living Standards Framework which uses a four capitals approach; Natural Capital, Human Capital, Social Capital and Financial/Physical Capital, may be a better measure to use than just GDP.

Councils are an important collaborative partner for Government in the development of the plans that will affect their local communities. Councils should be a key stakeholder for Government to work with on the development of the plans to meet the emissions budgets.

Councils are important for Government to partner with because they are close to and understand their local communities, they develop and operate transport systems and generally have space to potentially plant trees for off-setting. The
majority of people in New Zealand live in urban settings so cities will be significantly affected by the plans to meet the emissions budgets. Therefore it is crucial Councils are collaboration partners with Government with the development of the plans and the implementation of the plans.

Christchurch City Council wants to collaborate with the Government on these plans.

Climate Change Commission

11. The Government has proposed that the Climate Change Commission advises on and monitors New Zealand’s progress towards its goals. Do you agree with these functions?

Pick one:

- Yes ✓
- no.

Optional comment

The Climate Change Commission would be the best agency to do this with the assistance of technical experts. The Commission needs to be a transparent and independent agency.

Council recommends that appropriate mechanisms are developed that hold the Government to account for decisions made.

12. What role do you think the Climate Change Commission should have in relation to the New Zealand Emissions Trading Scheme (NZ ETS)?

Pick one:

- advising the Government on policy settings in the NZ ETS ✓
- makes decisions itself, in respect of the number of units available in the NZ ETS.

Optional comment

It is important that the Climate Change Commission has a strong advisory role to the Government and that the Government is required to respond to the Commission’s advice. The Government’s response reports should be published and made publically available.

The decision on the NZ ETS needs to be made through the democratic process.

Council recommends that appropriate mechanisms are developed that hold the Government to account for decisions made.
13. The Government has proposed that Climate Change Commissioners need to have a range of essential and desirable expertise. Do you agree with the proposed expertise?

Pick one:
- Yes ✓
- no.

Optional comment
The Commission needs a wide range of technical experts to achieve its intended aims.

Council recommends that social health expertise is included on the Commission. It is also important to include diversity of thought in the expertise represented on the Commission and having the ability/expertise to bring the community along with the Zero Carbon Act programme of work.

Adapting to the impacts of climate change

14. Do you think the Zero Carbon Bill should cover adapting to climate change?

Pick one:
- Yes ✓
- no

Optional comment
It is essential that the Zero Carbon Bill includes adapting to climate change to ensure there are Government climate adaption plans that include actions, delivery timeframes, responsibilities and the support required for implementation.

Council is supportive of including adaptation in the Zero Carbon Bill. It is essential to connect the mitigation and adaptation conversations nationally, providing the context for New Zealand’s response to climate change. The reference to both mitigation and adaptation is consistent with the Paris Agreement and the UK Climate Change Act.

15. The Government has proposed a number of new functions to help us adapt to climate change. Do you agree with the proposed functions?

Pick one:
- Yes ✓
- no.
Optional comment

It is essential that a Government co-ordinated national approach is taken on climate change adaptation based on up-to-date scientific information.

The Council supports the proposed new functions to develop a national climate change risk assessment and national adaptation plan. The benefits of assessing risks and having an adaptation plan at a national level provides clear strategy and priorities for all levels of Government, local government, businesses and for all New Zealanders. There needs to be a regular review of progress towards implementing the national adaptation plan. The review reports should be published and made publically available.

It is essential that local government is involved in the development of both the risk assessment and national adaptation plan, given its role in adaptation alongside communities and the need to ensure there are not inconsistencies at different levels of governance. The adaptation plan should provide clarity around expected roles and responsibilities for adaptation and recognise the need for local communities to retain flexibility and decision making. It will provide a useful tool for co-ordination and building capacity in adaptation.

The Council supports the proposal that the Government holds responsibility for the national adaptation plan with the Climate Change Commission providing a review function.

16. Should we explore setting up a targeted adaptation reporting power that could see some organisations share information on their exposure to climate change risks?

Pick one:

- Yes ✓
- no.

Optional comment

Sharing information is critical as it enables organisations to learn from each other and subsequently adapt their activities more rapidly without all having to undertake costly research investigations.

Requiring selected organisations to provide information to the Climate Change Commission on their exposure to climate change risks is important. The Commission would need to develop and provide a standardised methodology reporting tool for organisations to use to report on their exposure to climate change risks.

The Commission would also need to provide advice to the organisations on how to report and how frequently. Reporting timeframe requirements need to be defined, e.g. reporting required every two years.

The Commission would need to involve and consult with organisations, that are required to report to the Commission, on what the level of detail will be required for the reporting and can the reporting align with existing reporting methods where possible.
DRAFT

It is recommended that all organisations that have a significant exposure to climate change risks report to the Commission, e.g.

- Insurance companies
- Banks
- Businesses with significant exposure
- Government agencies – e.g. NZTA, Housing, Defence etc
- District Health Boards
- Councils

The Council supports setting up an adaptation reporting power. It would provide transparency and clarity around climate change risks and inform Government on what priorities to focus on. The reporting from organisations should be published and made publically available.

**Climate Change Adaptation Funding**

The Council is supportive of the establishment of an anticipatory adaptation fund at the national level to improve local level and community participation in responding to climate change. This would assist with the cost and affordability for communities, business and Councils in adapting.

Consideration should be given as to whether it is appropriate to include the establishment of such a fund within the Zero Carbon Bill, although it is recognised that the Climate Change Adaptation Technical Working Group has recommended initial work is needed before decisions are made around funding. However, local government is already working with communities on adaptation. The existence of funding for adaptation as soon as possible would assist with these conversations and planning for the future.
Additional Information

Christchurch City Council Climate Change Commitments

Christchurch City Council welcomes the opportunity to provide a submission on the Zero Carbon Bill Discussion Document. Council has recognised the need to transition to a low emissions economy and has implemented the following initiatives.

Council will be developing a Climate Change:

- Policy Statement.
- Mitigation Strategy and Mitigation Action Plan.

Council has agreed to Climate Change commitments including:

- Signing-up to the Global Covenant of Mayors for Climate and Energy in December 2017 which requires a Climate Action Plan and Adaptation Plan to be developed for the city.
- Setting a target to be net carbon neutral by 2030 for its activities.

Christchurch City Council Climate Change Mitigation Initiatives

Council has implemented a range of greenhouse gas emission reduction programmes of work including:

*Resource efficiency and greenhouse gas emission programme for Council’s activities*

This programme includes the implementation of:

- An internal Council Policy.
- A Management Team and Programme Team Structure to deliver on the policy.
- Measurement and management framework for energy use, GHG emissions, solid waste generation and water use from Council activities.

*Council’s Target Sustainability services for businesses*

Council provides advice to Christchurch businesses on energy efficiency, renewable energy, GHG emission reduction, solid waste reduction, water efficiency, battery electric vehicles and charging infrastructure.

*Council initiatives - Electric vehicles and charging infrastructure*

- Christchurch 100% battery electric car sharing scheme – Council initiated, researched and developed this city-wide scheme for Christchurch businesses and the public.
- Battery electric buses – Council worked with Red Bus on researching available battery electric bus technology. Three battery electric buses will provide the bus service between the CBD and the Airport by March 2019.
- Council will launch an electric vehicle outreach programme for Christchurch businesses and residents.
- Council designed the New Zealand electric vehicle charging symbol and worked with NZTA to gazette this symbol for use as signage.
- Council has a programme of work rolling out electric vehicle charging infrastructure on Council parking sites.
- Council is working with businesses, with a Christchurch Agency for Energy grant programme, to install electric vehicle charging infrastructure in their public car parks and for them to use the correct electric vehicle charging vertical and horizontal signage in their car parks.
- Christchurch was awarded by EVworld: The 2017 Most EV Friendly Town of the Year Award.
- Council has worked with Conferenz to bring to Christchurch an EVworld South event which will be on the 23rd and 24th November 2018.
Major Cycle Routes/Walking/Public Transport

Council is building a network of Major Cycle Routes connecting suburbs, shopping areas, businesses and schools. Christchurch was awarded the inaugural 2017 New Zealand’s Favourite Places to Ride Top Cycling Town award.

Encouraging residents to walk, cycle and use public transport is one of the key actions required to reduce greenhouse gas emissions from transport.

Government Climate Change Commitments

Christchurch City Council has and is undertaking a number of climate change initiatives and commitments. Council would welcome working closely alongside Government in the development of the mitigation and adaptation plans because of the impact these plans will have on the local community and because collaboration between Council and Government should provide a better outcome for the Christchurch community.

Council encourages the Government to urgently address climate change mitigation opportunities and recommends that Government:

- Supports a significant increase in the uptake of zero tailpipe emission vehicles in New Zealand.
- Supports a significant increase in the investment in public transport and in cycleways.
- Addresses the building code to include industry best practice energy efficient requirements in the code.

Thank you for receiving the Christchurch City Council submission recommendations and we welcome any opportunity to provide further comment to the Government.
1. **Purpose and Origin of Report**

   **Purpose of Report**
   
   1.1 The purpose of this report is to update the Council on the Canterbury Earthquakes Symposium being held on the 29\textsuperscript{th} and 30\textsuperscript{th} November 2018.

   **Origin of Report**
   
   1.2 This report is staff generated following the recent confirmation by the Mayor and Minister that the event will occur.

2. **Significance**

   2.1 The decision in this report is of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

   2.1.1 The level of significance was determined by the project being relatively low cost and not adversely affecting any particular group of residents. While the event is invite only, it will be live streamed or made available online for the public to watch.

3. **Staff Recommendations**

   That the Council:

   1. Notes this report which sets out the key points for the joint delivery of the Canterbury Earthquakes Symposium

4. **Key Points**

   4.1 In late 2017, the Mayor and Minister for Greater Christchurch Regeneration agreed in principle, to reinstate a lessons learned symposium to ensure that we understand, learn, and share the lessons from the recovery and regeneration of Christchurch following the 2010/11 earthquakes. This was subject to the symposium being a shared event (between the City and the Crown) that truly and honestly sought to learn from both our mistakes and our successes. New Zealand is a country susceptible to natural and man-made hazards, and the Mayor and Minister wanted to ensure that future responses – regardless of where in New Zealand they may occur - would build on the successful aspects of our recovery, while avoiding the mistakes. The purpose is to learn, not to ascribe blame.

   4.2 Following joint planning by City (including the Council, CDHB, ECan, Waimakariri Council and CNZ) and Crown officials (DPMC [including MCDEM]), confirmation of the Symposium and a small number of pre-symposium workshops, was made by the Mayor and Minister on 13 June 2018. The Symposium is booked in for 29 and 30 November 2018. It will be held at the University of Canterbury. At this stage, five pre-symposium workshops will be held between August and November, allowing more detailed discussion, with report backs from the workshops being included in the Symposium event.

   4.3 The project sponsors are the Chief Executives of the Christchurch City Council and Department of Prime Minister and Cabinet and the Vice Chancellor of the University of Canterbury.
4.4 Venues, planning and other associated logistics are being suitable resolved by a project team comprising DPMC, CCC, WDC, CDHB, ECan, CNZ & MCDEM.

4.5 Regular written briefings have been provided to the Mayor and Minister during the planning phase.

4.6 The Mayor and Minister have agreed that the Symposium (and workshops) would be jointly delivered by DPMC and the Council. This will see costs shared equally between DPMC and CCC, including the contribution of staff time and other support (such as venues or facilitation for example). A professional and welcoming event is planned, however, officials are equally conscious to ensure prudence in spending. A preliminary budget of $217k for the two day Symposium, and four single day workshops, has been developed. The major costs are for catering (lunch and tea breaks) during the events (no breakfasts or dinners are being provided), administrative and event organising support (including AV and at-cost venue hire), and travel and accommodation costs for invited keynote speakers only. Officials are working hard to ensure costs are minimised for both the Council and Crown.

5. Context

5.1 Background

- The recovery from the 2010 and 2011 Canterbury earthquakes has been a long and complex journey, but one that we now believe can provide much-needed insight into how we as New Zealanders can better prepare for and respond to any future event.

- On 29 and 30 November this year, in collaboration with the Department of the Prime Minister and Cabinet (DPMC), we will be hosting a symposium on the lessons learned from the Canterbury earthquakes at the University of Canterbury.

- The purpose of the Symposium is to discuss and share lessons learned with approximately 250 people from throughout the country. The target audience is those individuals (or agency representatives) who are likely to take a lead role in future recoveries, and who will be best able to ensure New Zealand is ready, more resilient and better prepared for recovery from future disasters. Expected attendees will cover Local Government, Central Government, volunteer sector, community organisations, bespoke recovery organisations including community groups, Civil Defence, and business and insurance representatives. Christchurch City and Greater Christchurch are expected to have a large number of attendees across all of the above sectors.

- The Symposium will be an invitation only event with a Canterbury and then national focus. This reflects the objective of assisting leaders for any future event and recovery. To ensure the greatest possible coverage and availability of information all material is being pre-loaded onto the Symposium website (along with a large number of pre-existing lessons learned studies), and officials will either live-stream or record and make available, the full Symposium.

5.2 Workshop and Symposium planning

- Five pre-symposium workshops are expected to be delivered, likely focusing on Social Recovery; Mental Health and Wellbeing (both led by the CDHB); Business Recovery (led by the Canterbury Employers Chamber of Commerce); Recovery Leadership and Governance (lead to be confirmed); and possibly a workshop on Procurement Delivery Models or alternatively, Building Standards / Assessments and Quality Assurance. Officials are working to confirm the interest in, and appropriate leadership of potential workshops.

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2 250 is the approximate and reasonable conference venue limit (plus other ancillary support staff).
• The workshops will occur prior to the Symposium and likely take the form of half day interactive sessions. Each of the workshops will be facilitated by a lead agency, although full support is being provided by the project team. Summarised feedback from each of the workshops will be a component of the Symposium. These workshops will allow more detailed consideration and debate about the lessons learned, with summarised reporting up to the Symposium event.

• Requests for abstracts for the Symposium have been issued to academic and research institutions, Central and Local Government (including Civil Defence staff), and advertised on the Lessons Learned website. We would welcome research and presentations from all sectors, including community groups.

• The Mayor and Minister have provided recent feedback on potential keynote speakers for both the workshops and the Symposium. We are seeking keynote speakers who can genuinely share lessons learned (not just report on what happened).

• A draft run sheet for the Symposium has been produced and once decisions are made on invited keynote speakers, and abstracts for presentation selected, this will be populated and finalised.

• Planning is also underway for ancillary city events to occur at the same time as the Symposium – this will be similar to the LGNZ events with tours focused on key recovery issues.

• Finally, officials are also working on opportunities for public and non-traditional input into the events. Options include a parallel “un-conference” or open space drop-in event.

5.3 Budget

• The Mayor and Minister have agreed that the Symposium (and workshops) would be jointly delivered by DPMC and the Council, and the project team have worked to develop a joint budget. The main costs for the Symposium and workshops are venue hire, in-event catering, AV equipment, and the engagement of the conference organisers, Conference Innovators. Conference Innovators are also delivering the LGNZ conference and will ensure that a professional conference experience is provided.

• Council costs will be split across the 2018 and 2019 financial years and will be funded out of the Strategy and Transformation group opex budget for recovery planning. Through reprioritisation and efficiencies, no additional funding is required and this opex expenditure is within existing delegations.

• As the Symposium and workshop events are invitation only, no charge for attendance will be applied. Attendees will cover their own travel and accommodation costs.

5.4 Reporting

• Regularly and joint reporting has and will continue to be provided to the Mayor and Minister. A further formal report to Council will be provided closer in time to the Symposium event and officials will continue to provide relevant information to Elected Members as requested.

Attachments

There are no attachments to this report.
Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Mike Gillooly - Chief Resilience Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Brendan Anstiss - General Manager Strategy and Transformation</td>
</tr>
</tbody>
</table>
28. Vbase Ltd - Transition plan

Reference: 18/637820
Presenter(s): Linda Gibb

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Council to note tasks and timing for completing the transition of the current Vbase Ltd into two Council-controlled organisations (CCOs).

Origin of Report
1.2 This report is staff generated to meet Resolution 6 of the report entitled Vbase Future Direction considered by Council on 28 June 2018 (refer CNCL/2018/00001) to: Develop and report back to Council on a transitional plan by 12 July 2018.

2. Significance
2.1 The decisions in this report are of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy. The level of significance was determined by assessing the extent to which the decisions may have an impact on the community.

3. Staff Recommendations

That the Council:
1. Notes the summary transitional plan for separating the current Vbase facilities’ ownership and event management activities into two Council-controlled organisations;

4. Key Points
4.1 At its meeting on 28 June 2018, the Council confirmed its intent to separate Vbase’s facilities’ ownership (asset management) from event operations (attraction, hosting and venue management) (CNCL/2018/00001 refers). Resolution 6 required Council staff to develop and report back to Council on a transitional plan by 12 July.

4.2 The key deliverables, and expected timing to establish the new CCOs are set out in summary form in the table on the following page. As work progresses, and milestones are achieved, staff will report to Councillors, and seek decisions and guidance where required.
## Vbase restructuring – Transition plan

<table>
<thead>
<tr>
<th>CCO</th>
<th>Deliverables July/August</th>
<th>Deliverables September/October</th>
<th>Future Deliverables November – January</th>
</tr>
</thead>
</table>
| Facilities’ Co | **Strategy**<br>Confirm strategic objectives.  
Identification of preferred delivery option.  
Functions, staff, corporate office requirements.  
**Financial**<br>Confirm forecast costs, revenues and projected profitability. | **Legal**<br>Constitution.  
Letter of Shareholders’ Expectations.  
Board appointments.  
Corporate operating requirements.  
Asset/contract transfers between entities. | **Establishment**<br>Appoint directors.  
Statement of Intent.  
Asset management plans. |
| Events’ Co | **Strategy**<br>Confirm strategic objectives.  
Business outlook based on market indicators and expert advice if necessary.  
**Financial**<br>Review and confirm forecast costs, revenues and projected profitability.  
Identify options for, and implications of the company delivering non-commercial (social) outputs on behalf of the community. | **Legal**<br>Constitution.  
Letter of Shareholders’ Expectations.  
Board appointments.  
Asset/contract transfers between entities. | **Establishment**<br>Appoint directors.  
Statement of Intent. |

### Whole of project - stakeholder engagement

As required for all stakeholders, including community consultation and media.
Attachments

There are no attachments for this report.

Confirmation of Statutory Compliance

<table>
<thead>
<tr>
<th>Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) This report contains:</td>
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</tr>
</tbody>
</table>

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Linda Gibb - Performance Monitoring Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Len Van Hout - Manager External Reporting &amp; Governance</td>
</tr>
<tr>
<td></td>
<td>Mary Richardson - General Manager Citizen and Community</td>
</tr>
</tbody>
</table>
29. Outreach worker - Capital Endowment Fund

Reference: 18/683672
Presenter(s): Mary Richardson

1. Purpose and Origin of Report

   Purpose of Report
   1.1 The purpose of this report is to recommend to the Council that it provides a grant from the Capital Endowment Fund to support an outreach service to work with those living and begging on the streets.

   Origin of Report
   1.2 This report was requested by Councillor Galloway, Chair of Safer Christchurch, on behalf of the stakeholder forum.

2. Significance

   2.1 The decision in this report is low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

   2.1.1 The level of significance was determined with reference to the Significance and Engagement Policy.

   2.1.2 The community engagement and consultation outlined in this report reflect the assessment.

3. Staff Recommendations

   That the Council:

   1. Fund $70,000 from the Capital Endowment Fund to support the additional social-work outreach services hosted by the Christchurch City Mission for 12 months.

   2. Note that on 10 May 2018, the Council agreed to utilise all income from the Capital Endowment Fund for the three years 2018/19 to 2020/21.

   3. Agree that due to the decision 10 May 2018 to utilise all the income in the Capital Endowment Fund that the Council will waive the process of only allocating fund as part of the annual plan process and after six months.

4. Key Points

   4.1 There has been an increase in the number of people street begging or sleeping rough in the central city and suburban surrounds. Many of these people have high and complex needs.

   4.2 Council has received calls from the public and central city businesses raising concerns about these people’s activities.

   4.3 In response to this growing concern, Council convened a stakeholder forum to focus on a range of solutions. This forum was hosted and lead Councillor Galloway and included Councillors Clearwater, Livingstone and Swiggs. It included representatives from the Central City Business Association, City Mission, Drug Arm, Te Putahitanga, Work and Income, Police, Durham Street Parish, Mental Health Resource and Education Centre, Prisoners Aid and Rehabilitation. Agencies, such as Otautahi Housing Trust and Pegasus Health, have also been involved.
4.4 This multiagency group met on several occasions to scope the issue and identify possible solutions. It identified regulatory and non-responses. Council enforcement staff have been working closely with the Police on regulatory responses. The Police have a dedicated team in the central city and will be increasing their foot patrols. They will be committing more officers to the central city within the next three to six months to help address the issues.

4.5 Another key response identified by the group was an outreach service. This is not a service that Council is equipped to provide. People living or begging on the streets need a lot of support to become healthy, deal with their issues, and maintain stable accommodation. Often, they are experiencing multiple complex issues.

4.6 The Christchurch City Mission has agreed to partner with Council on this response. The Mission will host two outreach social workers and will fund one of these roles. These outreach social workers will walk the streets, making contact with people sleeping rough or begging on the street. The team will support people to access services and benefit entitlements. They will help them to find day programmes and refer them to other services and support programmes. The workers will work with other social service agencies to provide appropriate support. This service will complement and refer to the Housing First initiative.

4.7 It is proposed that Council contributes $70,000 toward this programme from the Capital Endowment Fund. The Mission will make a similar contribution.

4.8 This work will coordinate with the additional work the Police are doing regarding community safety.

5. Capital Endowment Fund Allocation

5.1 The Council agreed at its meeting on Thursday 12 April 2018 that all consideration of projects or activities to be funded by the Capital Endowment fund must include:

5.1.1 An assessment of the proposal against the agreed assessment criteria for the category of funding to be drawn from; and

5.1.2 A clear statement about the effect of the proposed funding on the balance of funds for the category to be drawn from for the period funded.

5.2 The assessment criteria for proposals in the category of Civic and community projects and activities are as follows:

5.2.1 Evidence that the proposal is for a specific project or activity of projects;

5.2.2 Evidence that the project demonstrates a benefit for the City of Christchurch, or its citizens, or for a community of people living in Christchurch; and

5.2.3 Evidence that the benefits will be experienced now and in the future.
Assessment of Outreach Social-work Service

5.3 This service would be funded under the Civic and community projects and activities category:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Assessment</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>A specific project or activity of projects</td>
<td>✓</td>
<td>Outreach service to work with people living or begging on the streets. The service will collaborate with other service providers, Police and Council.</td>
</tr>
<tr>
<td>Benefit for the City of Christchurch, or its citizens, or for a community of people living in Christchurch</td>
<td>✓</td>
<td>Will help support those how are on the streets. Will also help provide a sense of safety and security for members on the public who are in the central city and feel intimidated.</td>
</tr>
<tr>
<td>Benefits will be experienced now and in the future</td>
<td>✓</td>
<td>Increase health and wellbeing for those on the street. Increase sense of safety for the public.</td>
</tr>
</tbody>
</table>

5.4 Council agreed (12 April 2018) that proposals requesting financial support from the Capital Endowment Fund would considered by the Council as part of the annual plan process and after six months if there are unallocated funds available in the current financial year. At the time of making that decision the Fund was fully committed for the next three years.

5.5 On 10 May 2018 the Council resolved to utilise all income from the Capital Endowment Fund for the three years 2018/19 to 2020/21, i.e. not use part of the income to inflation protect the fund in this period. No decision was made regarding the timing for the distribution of this additional income. There was limited time between this decision and the adoption of the Long Term Plan (LTP) to fully consider the allocation of funds as part of that process. It was unclear if the additional funding was to have the same allocation timing.

5.6 Section 80 of the Local Government Act allows councils to make decisions that are inconsistent with a policy adopted if the Council identifies the inconsistency; the reasons for the inconsistency; and any intention amend the policy to accommodate the decision.

5.7 This report suggests that the Annual Plan process and after six months timing could be waivered in this situation due to the fact that:

5.7.1 No decision was made regarding the timing for the distribution of this additional income at the 10 May 2018 meeting and therefore it was unclear if the Council intended that the additional funding was to use the same allocation timing.

5.7.2 There was limited time between this decision and the adoption of the LTP to fully consider the allocation of funds as part of that process.

5.7.3 This situation is critical at this point and cannot wait for six months.

Allocation Breakdown if this is funded

5.8 Allocation should meet the 60/40 category split the Council reaffirmed at the 12 April 2018 Council meeting. The report on 10 May noted that “currently all allocations from the fund are in the innovation, economic development and environment category with none in the civic and community category, which does not align with the council resolution of a 60/40 split. Making the inflation protection available for allocation would address this over the next three years if the majority of the funds were allocated to civic and community projects.”
Attachments
There are no attachments to this report.

Confirmation of Statutory Compliance
Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:
   (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
   (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

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<tr>
<th>Author</th>
<th>Mary Richardson - General Manager Citizen and Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Mary Richardson - General Manager Citizen and Community</td>
</tr>
</tbody>
</table>
30. Resolution to Exclude the Public


I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.
Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

(a) Shall be available to any member of the public who is present; and
(b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</th>
<th>SECTION</th>
<th>SUBCLAUSE AND REASON UNDER THE ACT</th>
<th>PLAIN ENGLISH REASON</th>
<th>WHEN REPORTS CAN BE RELEASED</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>PUBLIC EXCLUDED COUNCIL MINUTES - 28 JUNE 2018</td>
<td></td>
<td></td>
<td>REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>PUBLIC EXCLUDED COUNCIL MINUTES - 5 JULY 2018</td>
<td></td>
<td></td>
<td>REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>CAREY STREET REDEVELOPMENT (LURP EXEMPLAR) UPDATE REPORT TO COUNCIL</td>
<td>S7(2)(B)(II), S7(2)(H), S7(2)(I)</td>
<td>PREJUDICE COMMERCIAL POSITION, COMMERCIAL ACTIVITIES, CONDUCT NEGOTIATIONS</td>
<td>TO PROTECT THE COUNCILS COMMERCIAL POSITION IF THE PROJECT RETURNS TO MARKET</td>
<td>THE CHIEF EXECUTIVE WILL DIRECT THE REPORT AND ANY MINUTES TO BE RELEASED TO THE COUNCIL WEBSITE. ONCE THE COUNCIL HAS CONSIDERED AND MADE ITS DECISION IN RESPECT OF ANY RECOMMENDATIONS.</td>
</tr>
<tr>
<td>34</td>
<td>ANDREWS CRESCENT REDEVELOPMENT (LURP EXEMPLAR) UPDATE REPORT TO COUNCIL</td>
<td>S7(2)(B)(II), S7(2)(H), S7(2)(I)</td>
<td>PREJUDICE COMMERCIAL POSITION, COMMERCIAL ACTIVITIES, CONDUCT NEGOTIATIONS</td>
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<td>THE CHIEF EXECUTIVE WILL DIRECT THE REPORT AND ANY MINUTES TO BE RELEASED TO THE COUNCIL WEBSITE. ONCE THE COUNCIL HAS CONSIDERED AND MADE ITS DECISION IN</td>
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<tr>
<td>Item</td>
<td>Description</td>
<td>Section</td>
<td>Confidentiality</td>
<td>Note</td>
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<tr>
<td>35</td>
<td>Financing option, new social housing</td>
<td>S7(2)(G)</td>
<td>Maintain legal professional privilege</td>
<td>Respect of any recommendations. A decision by council.</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Public excluded social, community development and housing committee minutes - 4 July 2018</td>
<td></td>
<td></td>
<td>Refer to the previous public excluded reason in the agendas for these meetings.</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Provision of infrastructure as a service (IAAS) IT services</td>
<td>S7(2)(H), S7(2)(I)</td>
<td>Commercial activities, conduct negotiations</td>
<td>Contains confidential information that if release will compromise the council's ability to A) complete the procurement process and B) once contract for the services is entered into, hinder the ability for the services to be delivered. A redacted version of the report will be made publicly available once new supply arrangements are entered into by the council.</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Rod Donald Banks Peninsula Trust - Appointment of trustees</td>
<td>S7(2)(I)</td>
<td>Conduct negotiations</td>
<td>To enable discussions to be held regarding the appointment terms and conditions without undue interference of third parties. After the Rod Donald Banks Peninsula Trust has announced the new appointments.</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Public excluded finance and performance committee minutes - 4 July 2018</td>
<td></td>
<td></td>
<td>Refer to the previous public excluded reason in the agendas for these meetings.</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Section(s)</td>
<td>Reason</td>
<td>Notes</td>
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<tr>
<td>40</td>
<td>PUBLIC EXCLUDED AUDIT AND RISK MANAGEMENT COMMITTEE MINUTES - 18 JUNE 2018</td>
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<td>REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.</td>
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<tr>
<td>41</td>
<td>INNOVATION AND SUSTAINABILITY FUND</td>
<td>S6(A)</td>
<td>MAINTENANCE OF THE LAW</td>
<td>POINTS TO BE DISCUSSED ARE COMMERCIAL SENSITIVE</td>
<td>ONCE THERE IS NO LONGER ANY COMMERCIAL SENSITIVITY RELATING TO ANY OF THE APPLICATIONS</td>
</tr>
<tr>
<td>42</td>
<td>PUBLIC EXCLUDED INNOVATION AND SUSTAINABLE DEVELOPMENT COMMITTEE MINUTES - 2 JULY 2018</td>
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<td>REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.</td>
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<tr>
<td>43</td>
<td>SOUTH NEW BRIGHTON EARTHQUAKE RELATED ISSUES AND OPTIONS</td>
<td>S7(2)(A), S7(2)(I)</td>
<td>PROTECTION OF PRIVACY OF NATURAL PERSONS, CONDUCT NEGOTIATIONS</td>
<td>TO ENABLE DISCUSSIONS WITH AFFECTED LANDOWNERS</td>
<td>TIMED FOR RELEASE WITH RELEVANT PHASE IN THE ENGAGEMENT PLAN FOR THE SOUTHSHORE AND SOUTH NEW BRIGHTON REGENERATION STRATEGY.</td>
</tr>
<tr>
<td>44</td>
<td>PUBLIC EXCLUDED STRATEGIC CAPABILITY COMMITTEE MINUTES - 19 JUNE 2018</td>
<td></td>
<td>REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.</td>
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