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

Date: Thursday 11 April 2019
Time: 9.30am
Venue: Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

Membership
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

5 April 2019

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.

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Strategic Framework
The Council’s Vision – Christchurch is a city of opportunity for all.
Open to new ideas, new people and new ways of doing things – a city where anything is possible.

Whiria ngā whenu o ngā papa
Honoa ki te maurua tāukiuki
Bind together the strands of each mat
And join together with the seams of respect
and reciprocity.

The partnership with Papatipu Rūnanga
reflects mutual understanding and respect,
and a goal of improving the economic,
cultural, environmental and social
wellbeing for all.

Overarching Principle
Partnership - Our people are our taonga
– to be treasured and
encouraged. By working
together we can create
a city that uses their
skill and talent, where
we can all participate,
and be valued.

Supporting Principles
Accountability
Affordability
Agility
Equity
Innovation

Community Outcomes
What we want to achieve together as our city evolves

Strong communities
Strong sense of
community
Active participation in
civic life
Safe and healthy
communities
Celebration of our
identity through arts,
culture, heritage and
sport
Valuing the voices of
children and young
people

Liveable city
Vibrant and thriving
central city, suburban
and rural centres
A well connected and
accessible city
Sufficient supply of, and
access to, a range of
housing
21st century garden city
we are proud to live in

Healthy environment
Healthy waterways
High quality drinking
water
Unique landscapes and
indigenous biodiversity
are valued
Sustainable use of
resources

Prosperous economy
Great place for people,
business and investment
An inclusive, equitable
economy with broad-
based prosperity for all
A productive, adaptive
and resilient economic
base
Modern and robust
city infrastructure and
community facilities

Strategic Priorities
Our focus for improvement over the next three years and beyond

Enabling active citizenship and connected
communities

Maximising opportunities to develop a vibrant,
prosperous and sustainable 21st century city

Climate change
leadership

Informed and proactive
approaches to natural
hazard risks

Increasing active, public
and shared transport
opportunities and use

Safe and sustainable
water supply and
improved waterways
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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.

   3.1. **Extinction Rebellion**
   Extinction Rebellion representatives will present to the Council regarding item 21. Climate Change Programme Update.

   3.2. **Christchurch School Strike 4 Climate Team**
   Christchurch School Strike 4 Climate Team representatives will present to the Council regarding item 21. Climate Change Programme Update.

4. **Presentation of Petitions**
   There were no Presentation of Petitions at the time the agenda was prepared.
5. Council Minutes - 28 March 2019

Reference: 19/360801
Presenter(s): Jo Daly, Council Secretary

1. Purpose of Report
For the Council to confirm the minutes from the Council meeting held 28 March 2019.

2. Recommendation to Council
That the Council confirm the Minutes from the Council meeting held 28 March 2019.

Attachments

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Signatories

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

Date: Thursday 28 March 2019
Time: 9.36am
Venue: Council Chambers, Civic Offices, 53 Hereford Street, Christchurch

Present
Chairperson
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 Jamie Gough
Councillor Yani Johanson
Councillor Aaron Keown
Councillor Glenn Livingstone
Councillor Raf Manji
Councillor Tim Scandrett
Councillor Deon Swiggs
Councillor Sara Templeton

28 March 2019

Principal Advisor
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Watch Council meetings live on the web:
Acknowledgement

The Meeting acknowledged the tragic events that occurred in our City on Friday 15 March 2019 with the words below from the Mayor.

It is with a heavy heart that I stand to record the atrocity that was perpetrated on our city on March 15, 2019, and to invite all of us as the elected leadership of Ōtautahi Christchurch to record our condemnation for this attack, which may have targeted our Muslim communities, but which was an attack on us all - an attack on our values - and our way of life. This act, which was inspired by hatred and was designed to divide us and tear us apart; it has instead united us with all our communities and embraced us in compassion and love. An injury to one is an injury to all. We are one.

On March 15 2019, as school students handed over their open letter to city and government leaders demanding that we take action on climate change, a white supremacist opened fire on a group of people who had gathered in prayer at Al Noor Mosque. He then went to the Linwood Islamic Centre and opened fire once more. His plans were disrupted by the courage of a man, who took action, and then by the two police officers who rammed his car and brought his rampage to a halt. The lives that were saved by the actions of these three men are incalculable. Other stories of heroism are emerging every day as we come to terms with the enormity of what has occurred.

This man, who is entitled to a fair legal process, is entitled to nothing more. No name. And no voice to his extremist views.

He came to our city with hatred in his heart and his intention to kill already formed in his mind. His hate was not born here nor nurtured here.

However, we all have a responsibility to ask the hard questions of ourselves about what comfort any of us might give to people who harbour these extremist views, through anything we might say or do.

In 2017, we as a council endorsed the Christchurch Multicultural Strategy Te Rautaki Mātāwaka Rau – Our Future Together - I have reflected on its words since Friday the 15th, and I have asked myself whether we fully appreciated their significance before now.

The strategy’s vision is:

- Aroha ki te whenua, te tūpapa o te manaaki. Kia atawhai ki te iwi.
- Love and respect to the land, which is the foundation of hospitality. Care for the people.
- Ōtautahi Christchurch is an inclusive multicultural and multilingual city that honours Te Tiriti o Waitangi and values our environment – a city where all people belong.

Our Future Together was developed in partnership with community leaders and seeks three outcomes:

1. Ngā Pou Haumaru – The sheltering mountains – the land
   A safe place that people are welcomed into, where each person is cared for and Rangatiratanga is respected.

2. Te Wairua Rāhiri – The welcoming spirit – the home people
   A commitment to welcoming all who arrive to Ōtautahi with aroha and manaakitanga. A commitment to reciprocity when given such a welcome.
3. **Te Waka Eke Noa – A purpose and model – the canoe we all are part of**
   An environment we can access where we can achieve common goals and understand the importance of working together.

I ask colleagues to reaffirm our commitment to ensuring those words are translated into reality.

And finally I ask that we collectively express our gratitude and thanks to all those who have played such an extraordinary role in our city since this atrocity occurred, acknowledging the impact it has had.

We know from our experience that placing the community at the heart of all that we do, ensures our purpose and direction will be true.

We will not be defined by what happened on the 15th of March 2019, we are defined by what followed - the unity, the love, the compassion and the kindness - they are who we are, and we commit to ensuring that this moment in our history defines a future committed to social change for good. That’s our history and that’s our future.

I formally move the motion, which has been seconded by Cr Jimmy Chen who led the work on the Christchurch Multicultural Strategy:

**Council Resolved CNCL/2019/00059**

That as a Council:

1. We condemn the attacks on our Muslim brothers and sisters as they worshipped at the Al Noor Mosque and Linwood Islamic Centre on March 15, 2019, and extend our deepest sympathy to the families of those whose lives were so cruelly taken and express our heartfelt sorrow to those who were injured and to the members of all our Muslim communities. Your pain is our pain, we are united in our shared grief; none of us stands alone, we stand together as one;

2. We affirm our commitment to Ōtautahi Christchurch being a city of peace and a city that honours human rights, by truly living up to being a city of inclusion that embraces diversity, as declared in the Christchurch Multicultural Strategy Te Rāutaki Matarau Rau – Our Future Together, and we are thankful to all the people of Christchurch, who have demonstrated their commitment to its vision by coming together as one to offer support and care for each other at this time and into the future;

3. We express our gratitude for the extraordinary efforts of our first responders including the New Zealand Police, St John and the members of the community at the mosques and passers-by, and honour those who went above and beyond the call of duty;

4. We express our thanks to all the hospital staff, who worked tirelessly to save lives and offer care to those who were injured and their families, and to the coroner’s, Council, City Care and funeral director teams, and members of the Muslim community, who all worked together to ensure the families could bury their loved ones with dignity and respect;

5. We express our thanks to the teachers, who looked after our schoolchildren yet again, providing reassurance at a time when little was known of what was happening, and we acknowledge the impact on residents and businesses affected by the lockdown and the cordons around the mosques in Riccarton and Linwood;

6. We honour the Imams for their inspiring leadership and for inviting us to attend their Call to Prayer, and we honour the Muslim Community Leadership Group for their
dedication and thank all those that have provided cultural advice and ensured decision-making has had the community at its heart;

7. We acknowledge the support provided by the Prime Minister and the government to our city and to our Muslim communities; and thank them for taking urgent action to strengthen New Zealand’s gun laws; and resolve that the Council will make a submission in support, delegating authority to sign off the submission to the Mayor and Deputy Mayor if necessary;

8. We call upon the social media platforms to take responsibility for ensuring that such atrocities cannot be live-streamed and that messages of hate cannot be shared;

9. We thank all the Council staff who have built on their existing relationships with our local communities and partner agencies to ensure a well-coordinated response with the community at the heart of all we do, and for their absolute commitment to ensuring our communities jointly lead the recovery process;

10. We thank all those who organised opportunities for different parts of the Christchurch community to gather together, so we could pay our respects in ways that were meaningful to us all;

11. And we thank everyone who has sent tributes, messages of support, offers of help and financial contributions, along with all of those who have attended vigils in cities and towns across New Zealand and around the world.

Mayor/Councillor Chen
Carried

Ahmed Mohamed acknowledged the Council for their support to the Muslim Community.

The agenda was dealt with in the following order.

1. Apologies

Council Resolved CNCL/2019/00060

That the apologies from Councillor Galloway for absence and the Mayor for early departure be accepted.

Deputy Mayor/Councillor Keown
Carried

2. Declarations of Interest

- The Mayor declared an interest in public excluded Item 32. Christchurch Preforming Arts Precinct – Court Theatre Business Case

4. Presentation of Petitions

There was no presentation of petitions.
33 Resolution to Include Supplementary Report

Council Resolved CNCL/2019/00061

That the report to be received and considered at the Council meeting on Thursday 28 March 2019.

Open Item

1. Community Funding

Mayor/Councillor Clearwater Carried

34 Community Funding

Council Resolved CNCL/2019/00062

That the Council:

1. Grant delegated authority to the General Manager Citizen and Community to approve grants of up to $25,000 from the Community Resilience and Partnerships Fund for eligible community initiatives proposed in response to the 15 March 2019 terrorist attack.

   b. Any decisions made under this delegated authority, will be discussed with the Deputy Mayor, the Chairperson of the Social, Community Housing Committee and the Chairperson of the Multicultural Subcommittee, and reported to Council on a monthly basis.

Mayor/Councillor Livingstone Carried

5. Council Minutes - 28 February 2019

Council Resolved CNCL/2019/00063

That the Council confirm the Minutes from the Council meeting held 28 February 2019.

AND

That the Council confirm the Minutes from the Council meeting held 14 March 2019

AND

That the Council receives the Minutes from the Social, Community Development and Housing Committee meeting held 6 March 2019

AND
That the Council receives the Minutes from the Regulatory Performance Committee meeting held 6 March 2019

AND

That the Council receives the Minutes from the Audit and Risk Management Committee meeting held 8 March 2019

AND

That the Council receives the Minutes from the Infrastructure, Transport and Environment Committee meeting held 25 February 2019

AND

That the Council receives the Minutes from the Infrastructure, Transport and Environment Committee meeting held 13 March 2019

AND

That the Council receives the Minutes from the Innovation and Sustainable Development Committee meeting held 27 February 2019.

Councillor Davidson/Councillor Cotter

Carried

6. Council Minutes - 14 March 2019
   Council Decision
   Refer to Item 5.

9. Social, Community Development and Housing Committee Minutes - 6 March 2019
   Council Decision
   Refer to Item 5.

10. Regulatory Performance Committee Minutes - 6 March 2019
    Council Decision
    Refer to Item 5.

13. Audit and Risk Management Committee Minutes - 8 March 2019
    Council Decision
    Refer to Item 5.
16. Infrastructure, Transport and Environment Committee Minutes - 25 February 2019
Council Decision
Refer to Item 5.

17. Infrastructure, Transport and Environment Committee Minutes - 13 March 2019
Council Decision
Refer to Item 5.

18. Innovation and Sustainable Development Committee Minutes - 27 February 2019
Council Decision
Refer to Item 5.

Report from Social, Community Development and Housing Committee - 6 March 2019

7. Heritage Incentive Grant for 58 Rue Lavaud, Akaroa
Council Resolved CNCL/2019/00064

That the Council:
1. Approves the removal of the limited conservation covenant on the property located at 58 Rue Lavaud, Akaroa;
2. Notes that the cost of removing the covenant is covered by Council as no grant has been disbursed to this property.

Councillor Clearwater/Deputy Mayor

Carried
8. Monarch Butterfly Overwintering Sites in Response to Likely Predation
   Council Resolved CNCL/2019/00065

   That the Council:
   1. Endorse the following protection measures:
      a. That monarch butterfly overwintering trees at Abberley Park and Burnside Park be banded within seven days of butterflies beginning their overwintering behaviour.
      b. That staff monitor butterfly mortality at Abberley Park and Burnside Park and other sites to determine the effectiveness of tree banding.

   Councillor Clearwater/Councillor Keown
   Carried

Report from Audit and Risk Management Committee - 8 March 2019

11. Audit New Zealand - 2018/19 Audit Plan
   Council Resolved CNCL/2019/00066

   That the Council:
   1. Receives the Audit Plan for Christchurch City Council and Consolidated Group from Audit New Zealand, and:
      a. Notes that property, plant and equipment will again be a focus for the audit team in 2019;
      b. Notes that internal controls to prevent fraud and the compliance with continuous disclosure requirements will also be reviewed in-depth as part of the 2019 audit; and
      c. Notes the timetable for deliverables to ensure the audit proceeds smoothly.

   Councillor Manji/Councillor Swiggs
   Carried

Report from Audit and Risk Management Committee - 8 March 2019

   Council Resolved CNCL/2019/00067

   That the Council:

   Councillor Manji/Councillor Cotter
   Carried
14. Cathedral Square Improvement Works

Council Resolved CNCL/2019/00068

That the Council:

1. Approve Option 1 – Proceed with the design proposals for the Cathedral Square public realm improvement project (phases 1-3). Refer to attachments A and B.

2. Note further updates will be provided at key stages of the design progression; namely at developed and detailed design stages.

3. Delegates to the Chief Executive authority to enter into a contract/s for phases 1-3 of the Cathedral Square public realm improvements.

4. Notes that Phase 4 works (which seek to prioritise pedestrian activity and safety in Cathedral Square) will follow a separate piece of work that will consider the transport network in the north of the CBD as well as key facilities in the immediate area. This phase will have the appropriate engagement process associated with any changes that might be proposed.

Councillor Cotter/Councillor Templeton

Councillor Johanson requested that his vote against the resolutions be recorded.

15. Cabbage Trees outside 222 High Street

Council Resolved CNCL/2019/00069

That the Council:

1. Approves the preferred option set out in the officers’ report, which is to remove the existing cabbage trees outside 222 High Street and plant temporary low plantings or grasses such as tussocks until a permanent landscape design is developed and further consultation carried out as part of the High Street (Cashel – St Asaph) project scheduled to be delivered in Financial Year 2020.

Councillor Cotter/Councillor Keown
Council Resolved CNCL/2019/00070

That the Council:
1. Approve a grant of $80,000 from the 2018/19 Capital Endowment Fund to Living Springs Trust towards a new water treatment system, and
   a. require reporting to be submitted 12 months following payment or completion of the new water treatment system, whichever comes first.
2. Approve a grant of $87,850 from the 2018/19 Capital Endowment Fund to the Parks Unit for a modular pump track initially located at the Shirley Community Reserve, and,
   a. require reporting to be submitted 12 months following payment or once the pump track is operational whichever comes first.
3. Approve a grant of $117,000 from the 2018/19 Capital Endowment Fund to the Recreation, Sports and Events Unit towards production and delivery of an addition to the Botanic D’Lights event for 2020, and
   a. require reporting to be submitted three months following Botanic D’Lights 2020.

Councillor Scandrett/Councillor Templeton  
Councillor Swiggs requested that his votes against resolution 3. be recorded.  

Carried

21. 2019 Christchurch City Council Elections - Order of Candidates' Names on Voting Documents
Council Resolved CNCL/2019/00071

That the Council:
1. Approve that the names of candidates at the 2019 Christchurch City Council elections be arranged in random order.

Councillor Keown/Councillor Templeton  

Carried

22. Resolution to Exclude the Public
Council Resolved CNCL/2019/00072

That at 10.48am the resolution to exclude the public set out on pages 211 to 214 of the agenda be adopted.

Mayor/Deputy Mayor  

Carried

The meeting returned to open session at 11.08am.

The meeting adjourned 11.08am, the Mayor left the meeting at this time.
The meeting reconvened in open session at 11.20am with Deputy Mayor Turner in the Chair. Councillors Chen, East, Gough and Manji were not present at this time.

Councillor Chen returned to the meeting at 11.22am during consideration of item 19.

Councillors East and Manji returned to the meeting at 11.24am during consideration of item 19.

Councillor Gough returned to the meeting at 11.25am during consideration of item 19.

19. Water Management Zone Committees - Annual Reports and updates

- Allen Lim, (Chairperson) Selwyn Waihora Water Management Zone Committee presented the Zone Committee’s Annual Report and update. The meeting acknowledged that Allen Lim was stepping down from the role of Chairperson after four years in the position.
- Gina Waibl (Deputy Chairperson) Banks Peninsula Water Management Zone Committee presented the Zone Committee’s Annual Report and update.
- Arapata Rueben (Chairperson) Christchurch West Melton Water Management Zone Committee presented the Zone Committee’s Annual Report and update.

Council Resolved CNCL/2019/00073

That the Council:

1. Receive the information in the zone committees’ annual reports (Attachments A, B and C).
2. Request a briefing to the Infrastructure Transport and Environment Committee by relevant parties on the proposed dry land biodiversity hub.

Councillor Davidson/Councillor Cotter Carried

22 Resolution to exclude the Public

Council Resolved CNCL/2019/00074

That at 11.59am the resolution to exclude the public set out on pages 211 to 214 of the agenda be adopted.

Deputy Mayor/Councillor Templeton Carried

The meeting returned to open session at 12.09pm.

The meeting adjourned at 12.09pm, Councillors Chen and Gough left the meeting at this time.

The meeting reconvened at 2.04pm.
3. Public Participation

3.1 Public Forum

3.1.1 Michael Bell of Little Adromeda presented to the Council by video conference on the Christchurch Performing Arts Precinct.

3.1.2 Barbara George, CEO, Ross Gumbley, Artistic Director, and Steven van de Pol, Trust Chair of the Court Theatre presented to the Council on the Christchurch Performing Arts Precinct.

3.2 Deputations by Appointment

There were no deputations by appointment.

22. Resolution to Exclude the Public

Council Resolved CNCL/2019/00075

That Barbara George, CEO, Ross Gumbley, Artistic Director, Steven van de Pol, Trust Chair and Ian Douthwaite of The Court Theatre be permitted to remain after the public have been excluded for Item 32. Christchurch Performing Arts Precinct of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND

That Craig Jones of Visitor Solutions and Rob McDonald of Deloittes be permitted to remain after the public have been excluded for Item 32. Christchurch Performing Arts Precinct of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND

That at 2.18pm the resolution to exclude the public set out on pages 211 to 214 of the agenda be adopted.

Deputy Mayor/Councillor Clearwater

Carried

The public were re-admitted to the meeting at 3.37pm.

Meeting concluded at 3.37pm.

CONFIRMED THIS 11TH DAY OF APRIL 2019

MAYOR LIANNE DALZIEL
CHAIRPERSON

Reference: 19/224260
Presenter(s): Sam MacDonald, Chairperson, Waimāero/Fendalton-Waimairi-Harewood Community Board

1. Purpose of Report
The purpose of this report is to provide the Council with an overview of Part A matters requiring a Council decision and of initiatives and issues considered by the Community Board.

2. Community Board Recommendations
That the Council:

3. Community Board Decisions Under Delegation
3.1 The Waimāero/Fendalton-Waimairi-Harewood Community Board held a meeting on 4 March 2019. Decisions made under delegation were:
- George Bellew Road and Ron Guthrey Road Proposed Roundabout: The Board resolved to approve that the intersection of George Bellow Road and Ron Guthrey Road be controlled by a roundabout and for the installation of associated no stopping restrictions

3.2 A Joint meeting of the Waimāero/Fendalton-Waimairi-Harewood Community Board and the Waipuna/Halswell-Hornby-Riccarton Community Board was held on 4 March 2019. The decision from that meeting was:
- Kahu Road – Proposed Safety and Parking Changes at Christchurch Boys' High School: The Boards resolved to adopt Option 2 as shown in the Inset of the agenda report.

4. Part A Recommendations to Council
There are no Part A Board recommendations in this agenda for the Council's consideration

5. Significant Council Projects in the Board Area
5.1 Strengthening Communities Fund Projects
5.1.1 The 2019-20 Strengthening Communities Fund opened for applications on 4 March 2019 and closed at midnight on Tuesday 9 April 2019.

5.2 Establishment of the Waimāero/Fendalton-Waimairi-Harewood Emergency Response Fund
5.2.1 At its meeting on 1 April 2019 the Board will be invited to consider the establishment of an Emergency Response Fund to support immediate and emerging needs, following the tragic events of 15 March 2019.

The purpose of the fund would be to support and catalyse initiatives such as connectedness events and other projects that promote the five essential elements of response and recovery.
5.3 Community Facilities (Updates and Future Plans)

5.3.1 Roto Kohatu Reserve
Feedback has been sought from stakeholders and the community on the proposed new toilets and road changes at Roto Kohatu Reserve.

A report will be presented back to the Board for a recommendation to the Council, in due course.

5.3.2 Jeffreys Reserve Suction Tank
Upgrading of Wellhead 6 to remove chlorination by end May 2019 - The design work is now 95 percent complete and the intent is to award the contract by early April 2019. A copy of the construction plan will be provided to Board members by the end March 2019. It is expected that construction work will be completed by the end of May 2019 and chlorination will then be removed from the pump station.

Jeffreys Suction Tank - The Preliminary Design is 85 percent complete. Over the past few months, designers have been engaged in additional site investigation works, design of suction tank internals dimensions, access and maintenance issues. The tank height is still four metres (with cladding sloping to 4.5 metres) above ground.

It is intended to present the Preliminary Design to the Board by early to mid-April 2019, before commencement on the Detail Design.

6. Significant Community Issues, Events and Projects in the Board Area

6.1 Community Pride Garden Awards
The Board hosted the Community Pride Garden Awards function on Wednesday 27 March 2019 at the Russley Golf Club and Function Centre on Memorial Avenue, starting at 4.30pm. Ninety-five certificates were presented, as well as a Certificate of Appreciation to Rangi Ruru Preschool for their edible garden project which encourages children to learn more about eating food that they have grown. While in lockdown at the preschool on 15 March, the children were able to eat some of the produce from the garden for their dinner.

Five trophies were also given out, including two trophies to Brian and Janet Lovelock who won the Sweethearts Restaurant Premier and the Board's Choice trophy. Our presenters included Steve Bush from Trees for Canterbury and Ron Andrew from the Christchurch Beautifying Association. Trees for Canterbury also donated a variety of trees to give to each of the award recipients. The presentation finished with a lucky prize draw and refreshments.
7. Progress Report Against the Community Board Plan

7.1 Updates are presented quarterly (April and September) to the Board throughout 2019 on its Community Plan 2017-19 to measure progress against the Board’s approved outcomes and priorities.

Attachments

There are no attachments to this report.
### Signatories

#### Authors
- Maryanne Lomax - Manager Community Governance, Fendalton-Waimairi-Harewood
- Bronwyn Frost - Support Officer
- Margaret Henderson - Community Board Advisor
- Lisa Gregory - Community Recreation Advisor

#### Approved By
- Maryanne Lomax - Manager Community Governance, Fendalton-Waimairi-Harewood
- Matthew McLintock - Manager Community Governance Team
- John Filsell - Head of Community Support, Governance and Partnerships
1. **Purpose of Report**
The purpose of this report is to provide the Council with an overview of Part A matters requiring a Council decision and of initiatives and issues considered by the Community Board.

2. **Community Board Recommendations**

   That the Council:


3. **Community Board Decisions Under Delegation**

   The Waipuna/Halswell-Hornby-Riccarton Community Board held ordinary meetings on 12 March and 26 March 2019. Decisions made under delegated authority included:

   - Approval of the West Broken Run Reserve Landscape Plan
   - Approval of four new road names in the Kennedys Landing Subdivision, Halswell
   - Approval of ten new road names in the Yaldhurst Park Subdivision, Yaldhurst
   - Allocations from the 2018-19 Discretionary Response Fund to a local organisation
   - Allocations from the 2018-19 Youth Development Fund to five local recipients
   - A Local Response Fund was established through the allocation of up to $10,000 from the Board's 2018-19 Discretionary Response Fund to respond to the immediate and emerging local needs arising from the tragic events of 15 March 2019.
   - The holding of a Joint Extraordinary Meeting of the Waipuna/Halswell-Hornby-Riccarton and Waimāero/Fendalton-Waimairi-Harewood Community Boards on Tuesday 30 April 2019 to make decisions on proposed bus stops in Waimairi Road and Greers Road arising from changes made to the Orbiter bus service.

   The Waipuna/Halswell-Hornby-Riccarton Community Board also held a Joint Extraordinary Meeting with the Waimāero/Fendalton-Waimairi-Harewood Community Board on 4 March 2019 and decisions were made regarding safety and parking changes on Kahu Road in the vicinity of Christchurch Boys' High School.

4. **Part A Recommendations to Council**

   There are no Part A Board recommendations in this agenda for the Council to consider.
5. Significant Council Projects in the Board Area

5.1 Strengthening Community Fund Projects

5.1.1 The 2019-20 Strengthening Communities Fund opened for applications on 4 March 2019 and closed at midnight on Sunday 14 April 2019.

Over 275 stakeholders in the Board’s area were sent notification about the funding round along with an invitation to attend a drop-in session held on Monday 11 March 2019. This included every organisation that has received funding from the Community Board over the past six years.

Staff have also been following up on offers to meet or speak with organisations individually, and have met with over 30 organisations over the past few weeks.

5.1.2 An accountability report for the 2017-18 Strengthening Communities Funding round has been compiled.

End of project reports have been received for most of the 49 organisations funded. The information will be circulated to Board members.

5.2 Other partnerships with the community and organisations

5.2.1 A Community Governance Team staff member has been working with the Hornby Community Care Trust for the last 18 months to secure funding for a Hornby Community Activator position.

The Trust and the Governance Team have worked together to shape this role and will support each other to maximise the outputs from having this position exclusively working in Hornby.

Satali Auvae has been appointed to the position and joined the Trust team on 18 March 2019. She has extensive community work experience in Auckland and spent her teenage years at Hornby High School.

5.3 Community Facilities (updates and future plans)

5.3.1 Riccarton Community Centre

The contractor is now established on site.

A significant dewatering requirement has been encountered and this is being undertaken as quickly as possible to enable the commencement of excavation.
5.4 Infrastructure projects underway

5.4.1 Riccarton Road Upgrade - Stage Two
Fulton Hogan has commenced holding regular drop-in sessions at local venues for stakeholders along the Stage 2 section of Riccarton Road.

5.4.2 Quarryman’s Trail Major Cycle Route – Section 2
Construction is progressing on section two of the cycle route between Victors Road and Te Hāpua: Halswell Centre, including through Halswell Domain and the Sparks Road/Hendersons Road area.

5.4.3 Clarence/Dilworth Reserve - Picnic Table
The picnic table for the reserve has been ordered with installation expected over the coming weeks.

The table will be positioned to ensure that all reserve maintenance can be undertaken by the contractor.

6. Significant Community Issues, Events and Projects in the Board Area

6.1 Response to events of Friday 15 March 2019
On Sunday 17 March, available members of the Community Board met with local leaders to discuss a community response to the tragic events of Friday 15 March 2019.

It was noted that:

- Everyone caught up in an event such as happened on Friday will be affected psychosocially. For some the psychosocial effects will be more pronounced than others, but everyone is affected.

- People directly affected (the Muslim community, immediate responders, those in the area and children and young people who were locked down with no information) will take time to come to terms with what has happened.

- The events of that Friday will have widespread impacts that extend beyond those ‘directly’ affected. A broad audience will have communication and information needs as we begin to process what has happened. This will extend well beyond the geographic location of the events.

It was agreed that:

- Those present would use relevant channels to promote five essential elements of safety, calm, connectedness, self-efficacy and hope.

- Staff would provide a memorandum to the Board proposing the idea of the establishment of a Local Response Fund that could be used to respond to immediate and emerging needs, criteria based on promoting the principles of safety, calm, connectedness, self-efficacy and hope. The kaupapa of the fund being it could assist such things as connectedness events etc. for those that need them.

At its meeting on 26 March 2019, the Board subsequently resolved to allocate up to $10,000 from its Discretionary Response Fund 2018-19 to establish and operate this Local Response Fund.
6.2 **Halswell Disability Survey**

In September 2018, the Halswell Community Project and Community Governance Team staff took on a project to survey people with intellectual disabilities and a stocktake of the facilities in the area.

This initiative was driven by the Halswell Community Project’s strategic planning, and recognising that Halswell has a high number of agencies and activities catering for people with a disability.

The project resulted in a report being produced that outlined recommendations to improve the activities and events in the local area for people with disabilities. It also summarised the facility usage in Halswell.

The report has been distributed to the Community Board, the Halswell Residents' Association and the Board of Halswell Community Project as well as the Council’s Disability Advisory Group.

It is hoped that a disability focus can be applied to projects to ensure that Halswell is the best place for people with a disability in the city.

6.3 **Halswell Commons Subdivision – Site Visit**

The developers for the Halswell Commons subdivision had extended an invitation to the Board to visit the subdivision.

Members available were hosted at the Spreydon Lodge building on 8 March 2019 and received a briefing on the main features of the development and its progress so far.

The subdivision, being an exemplar development under the provisions of the Land Use Recovery Plan, has a land area of 19 hectares for its first stage on a part of the site being the former Spreydon Lodge property.

Key criteria for the development, as set by the Council in 2014, are:

- Medium density
- Innovation within the housing market
- Appropriate to the locality
- Diversity and affordability of housing products
- Showcasing and sharing of exemplar experience
- Well built and energy efficient
- High quality, safe and accessible neighbourhood residential environment
6.4  Local Events - Reports Back

6.4.1  Hello Hornby

The second Hello Hornby Community Party in the Park, took place successfully at Wycola Park on Saturday 9 March 2019 from 12 noon to 3pm.

With over forty stalls from local businesses, groups and organisations, a baking competition, potato growing competition, lots of fun activities, performances from local groups and a talent quest as the finale, the event attracted over 1,500 people who enjoyed the festivities and celebrated all things Hornby.

6.4.2  Connect 2019

Due to the inclement weather on 10 March 2019, Connect 2019 was postponed to Sunday 17 March 2019.

7.  Progress Report Against the Community Board Plan

7.1  Updates are being presented quarterly (April and September) to the Board throughout 2019 on its Community Plan 2017-19 to measure progress against the Board’s approved outcomes and priorities.

Attachments

There are no attachments to this report.
**Signatories**

<table>
<thead>
<tr>
<th>Authors</th>
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<tbody>
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<td>Karla Gunby - Community Development Advisor</td>
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<tr>
<td>Matthew McLintock - Manager Community Governance Team</td>
<td>John Filsell - Head of Community Support, Governance and Partnerships</td>
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8. Waikura/Linwood-Central-Heathcote Community Board Report to Council - March 2019

Reference: 19/331280
Presenter(s): Sally Buck, Chairperson
Arohanui Grace, Community Governance Manager

1. Purpose of Report
The purpose of this report is to provide the Council with an overview of Part A matters requiring a Council decision and of initiatives and issues considered by the Community Board.

2. Community Board Recommendations
That the Council:

3. Community Board Decisions Under Delegation
The Linwood-Central-Heathcote Community Board held meetings on 4 and 20 March 2019. Decisions made under delegation were:
3.1 Parking Restrictions in:
   - Hereford Street at Arts Centre.
3.2 The Board approved a lease be granted to Risingholme Community Centre at 22 Cholmondeley Avenue.
3.3 The Board recommended to the Chief Executive, acting as the Minister of Conservation delegate, to grant an easement for the right to convey electricity over part of the Robert McDougall Art Gallery.
3.4 The Board approved funding from the Board’s 2018/19 Discretionary Response Fund for:
   3.4.1 Topping up the Board’s 2018/19 Youth Development Fund by $3,000.
3.5 The Board approved contributory funding from the Board’s 2018/19 Youth Development Fund for youth to attend:
   3.5.1 The Five Schools Educational and Cultural Exchange in Japan.
   3.5.2 Youth America Grand Prix (YAGP) Ballet Competition in New York.

4. Part A Recommendations to Council
The following reports presenting Part A recommendations from the Board are included in this agenda for Council consideration:
4.1 140 Main Road, Redcliffs – Name and Landscape Plan for New Park.

5. Significant Council Projects in the Board Area

Lyttelton Harbour Wastewater Project
5.1 The Council’s Lyttelton Harbour/Whakaraupo Waste Water Project has been underway since about 2015. The project is driven by the expiry of existing resource consents for the discharge of wastewater into the Lyttelton Harbour basin under an Environment Court decision.
5.1.1 To date, work has largely been within the harbour basin itself, but this is about to change with the award shortly of the last major Work Package #4. This covers the section of pipeline from the Heathcote Road Tunnel portal, along Bridle Path Road, Port Hills Road, Mauger Drive and Scruttons Road, under the Heathcote River and down Ferry Road to Pump Station 15 in Alport Place, Woolston.

6. Significant Community Issues, Events and Projects in the Board Area

Public Forum
6.1 Valerie Campbell, local resident, addressed the Board and requested support for a proposal of a community planting effort to turn 5 Clarendon Terrace, (which was recently purchased by Council as part of the Land Drainage Programme), into an indigenous eco-hub that becomes part of the stepping stones to facilitate the movement of small biota across the city.

Ōpāwaho to Ihutai (Ōpāwa to Estuary) Project –
6.2 The Board held a workshop mid-March to determine an initial purpose and scope for this project. The Board is planning to hold a community workshop on 30 April 2019.

Greening the East Project
6.3 The Board held a workshop in mid-March confirming the kaupapa of this Board long term project to have green space and trees planted within Inner City East.

Community Meeting Around City Fringe Planning and Development Issue Update
6.4 As report last month the Board have postponed the meeting that was to be held on 27 March 2019. A new date will be advised once confirmed.

Local Community Recovery following 15 March
6.5 Community organisations in the Greater Linwood Area met with staff, Elected Members and other agencies to create the first steps towards a local community-led recovery process.

7. Progress Report Against the Community Board Plan
7.1 Edible Garden Awards 2019 – the award ceremony was held on Thursday 7 March 2019. Twenty-five entries were received (9 residential houses, 4 residential units, 3 schools/ECEs, 9 community gardens/businesses). Eighteen certificates were presented including six special awards for best tomatoes, best first time garden, best sustainability features, best organic garden and two best yield.
8. Community Board Matters of Interest

8.1 Bromley Odours – The Board held a seminar with Environment Canterbury on the issue of Bromley Odours. Environment Canterbury outlined to the Board the recent survey identifying odours producing businesses within the Bromley area. Odours are being produced from five key groups: food, grinding, paint and solvents, organics and solid waste & wastewater.

8.1.1 Environment Canterbury are beta testing a phone app that the community can use to report odour and also a “dashboard” that will advise the community of odour occurrences.

8.1.2 Environment Canterbury next steps included but are not limited to:

- Develop process to engage industry management and compliance transparency.
- Ongoing communication with the Bromley residents as to mitigations and actions.

**Attachments**

There are no attachments to this report.

**Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Liz Beaven - Community Board Advisor</th>
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<tr>
<td>Approved By</td>
<td>Arohanui Grace - Manager Community Governance, Linwood-Central-Heathcote Matthew McLintock - Manager Community Governance Team John Filsell - Head of Community Support, Governance and Partnerships</td>
</tr>
</tbody>
</table>
9. Waipapa/Papanui-Innes Community Board Report to Council

Reference: 19/291495
Presenter(s): Ali Jones, Chairperson

1. Purpose of Report
The purpose of this report is to provide the Council with an overview of Part A matters requiring a Council decision and of initiatives and issues considered by the Community Board.

2. Community Board Recommendations
That the Council:


3. Community Board Decisions Under Delegation
The Waipapa/Papanui-Innes Community Board held meetings on 8 and 22 March 2019. Decisions made under delegation were:

- Approved Option One (install a set of bus stops on Innes Road near Thames Street and another set near Nancy Avenue) to provide access to public transport required as a result of the alteration to the Orbiter route due to the changes to the intersection of Philpotts Road and QEII Drive as part of the Christchurch Northern Corridor project.

- Approved an easement for the right to drain water over part of the Janet Stewart Reserve, a Council-owned Recreation Reserve, as the result of major intersection improvements at the junction of Hawkins, Lower Styx and Marshland Roads which involves piping stormwater run-off from the road to a swale to be constructed in the adjacent reserve.

The report will also go to the Waitai/Coastal-Burwood Community Board as part of the necessary work is on their side of the ward boundary on Lower Styx Road.

- Approved an easement for the right to convey telecommunications over parts of the Havana Gardens Reserve.

- Approved the initiation of the Reserves Act processes to:
  (a) Reclassify part of MacFarlane Park from Recreation Reserve to Local Purpose (Community Buildings) Reserve; and
  (b) Accommodate the new Shirley Community Trust building (the relocated Lions transitional community facility building now known as the MacFarlane Centre), and legalise the occupation of the existing KidsFirst Kindergarten building.

- Approved the following grants:
  - $300 from its 2018/19 Positive Youth Development Fund to Angus Hammett towards the costs of attending the AFL New Zealand National combined fitness programme to be held in Auckland 5-8 April 2019.

4. Part A Recommendations to Council
There were no Part A recommendations from the Board.
5. Significant Council Projects in the Board Area

5.1 Christchurch Northern Corridor – Waimakariri Bridge Third Lane

Good progress is being made with widening the Waimakariri Bridge. The steel beams to carry the extra lanes are being lifted into place during the evening/night when traffic is light. A total of 34 spans (25 metre 25 tonne steel beams) will need to be placed during off peak hours and this is expected to take nine months to complete.

5.2 Christchurch Northern Corridor Traffic Mitigation

The Cranford Street: Downstream Effects Management Draft Plan is currently out for consultation with the public, closing on 15 April 2019.

The Downstream Effects Management Plan that is out for comment covers the impacts on all streets in the St Albans, Edgeware and Mairehau area south of McFaddens Road. The Plan looks at ways to manage additional traffic and to mitigate the impacts of this additional traffic that will enter the local network at Cranford Street.

Previous feedback from the community in 2018 helped shaped the Management Plan which was the result of an Environment Court ruling when the Christchurch Northern Corridor was approved. The Council must work to implement the plan before the opening of the Christchurch Northern Corridor.

Following the closure of the consultation there will be a submissions process (i.e. hearing those members of the public who wish to support their written submission with a verbal presentation) and a joint consideration of the resulting report by the Papanui-Innes and Linwood-Central-Heathcote Community Boards before the community board recommendation/s are presented to the Council for consideration in June 2019.

Four drop-in sessions were held at the St Albans School and Scottish Society Halls late March and early April which were well attended.
5.3 Community Facilities (updates and future plans)

5.3.1 St Albans Community Facility

The final floor plan has been agreed by a working party consisting of Board members and community representatives from St Albans, including the St Albans Residents Association (SARA) that was set up in 2017 to consider the options for the new facility.

The artist’s impressions of how the final frontages on Colombo Street and Caledonian Road will look are laid out below together with the floor plan for what we hope will become a comprehensive and welcoming community hub for the St Albans residents.
6. Significant Community Issues, Events and Projects in the Board Area

Projects

6.1 Richmond Research Project

Sarah Wylie, Social Researcher, was contracted by the Papanui-Innes Community Governance Team in late 2018 to provide Council staff with a comprehensive guide to current provisions and future needs in the Richmond area. The research is to assist in the identification of gaps in service provision as well as identify future demands.

The research project investigates community strengths and assets, gaps and barriers and makes recommendations for consideration accordingly.

6.2 Papanui Bush – Bridgestone Reserve

Papanui Rotary, with permission from the Parks team, has organised a noticeboard for the Bridgestone Reserve. The noticeboard has been repurposed with City Care refurbishing and installing it at no cost on Tuesday 12 March 2019.

The Papanui Heritage group is working on a map and narrative on the history of Papanui Bush to go into the noticeboard.

Papanui Rotary and Papanui-Innes community development staff are working with the Head of
Department Arts and Arts History and the Student Visual Arts Council at Papanui High School on a mural of native fauna to be attached to the fence running parallel to Langdon Road – this art work is currently in the design phase.

Community Engagement/Events

6.3 Papanui-Innes Community Pride Garden Awards 2019

The Papanui-Innes Community Pride Garden Awards 2019 function was held on Thursday 21 March 2019.

The event attracted 43 guests despite the recent sad events and it was heartening to see the guests well supported by friends and family.

Also in attendance were five members of the Papanui-Innes Community Board, five governance staff and six representatives of the Christchurch Beautifying Association.

The President of the Christchurch Beautifying Association made comment on the new gardens that have flourished since the 2018 awards and praised the work of the excellent team of judges who gave their time and expertise so willingly.

6.4 Papanui-Innes Edible Garden Awards 2019

The Board’s Edible Garden Awards event was held on Monday 21 March 2019 at the Village Centre, Papanui. Over 100 attendees ensured the evening was a huge success with the awards, prizes and catering getting excellent reviews from the guests.

This year saw a plethora of beautiful and edible gardens in the annual Waipapa/ Papanui-Innes Edible Garden Awards with 33 entrants in the categories of Residential House, Residential Unit, Schools and Early Learning Centres and Community Gardens.

This event is a partnership between the community board and the Canterbury Horticultural Society. This year we were also
honoured to have the support of Mitre 10 Mega Papanui and Ray White Real Estate Papanui in providing some lovely prizes.

6.5 Celebrate St Albans Park Opening

The celebration of the re-opening of St Albans Park and Pavilion following the rebuild of the pavilion and the upgrade of the playing field surfaces happened in conjunction with the St Albans Skate Jam on Sunday 31 March 2019.

A number of the local residents attended the speeches, sausage sizzle and planting of a kowhai tree by descendants of John Beanland, former Mayor and City Councillor, who sold the original tract of land to the Council for the purposes of creating a park.

Norah Southorn (left) and Marie Haughey (far right), granddaughters of John Beanland who originally sold the land for the St Albans Park to the Christchurch City Council, planted the kowhai tree at the re-opening celebration.

6.6 Ward School Principals Meeting – Term One

The Board held the first term meeting with the Ward School Principals for this year on 15 March 2019. The Principal of Belfast School provided an update to her colleagues and Board members on the preparation and planning of the proposed new educational facility in Belfast.

Other topics discussed were the Draft Annual Plan, the current measles outbreak and recommended measures by the Ministry of Education, school zonings and traffic issues.

7. Progress Report Against the Community Board Plan

7.1 The Waipapa/Papanui-Innes Community Board Plan can be found at the following link:
Waipapa/Papanui-Innes Community Board Plan

7.2 The Board’s ongoing decisions are being included as measures against the Outcomes and Priorities contained in the 2017–2019 Community Board Plan.

8. Community Board Matters of Interest

8.1 Nil to report

Attachments

There are no attachments to this report.
<table>
<thead>
<tr>
<th>Signatories</th>
<th>Authors</th>
<th>Approved By</th>
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</table>
|             | Christine Lane - Manager Community Governance, Papanui-Innes  
Lyssa Aves - Governance Support Officer  
Elizabeth Hovell - Community Board Advisor | Christine Lane - Manager Community Governance, Papanui-Innes  
Matthew McLintock - Manager Community Governance Team  
John Filsell - Head of Community Support, Governance and Partnerships |
10. Waihoro/Spreydon-Cashmere Community Board Report to Council

Reference: 19/269527
Presenter(s): Karolin Potter, Community Board Chairperson
Melanie Coker, Community Board Deputy Chairperson

1. Purpose of Report
The purpose of this report is to provide the Council with an overview of Part A matters requiring a Council decision and of initiatives and issues considered by the Community Board.

2. Community Board Recommendations
That the Council:

3. Community Board Decisions Under Delegation
The Spreydon Cashmere Community Board held a meeting on 15 March 2019. Decisions made under delegation were:

- Allocating $2,000 from the Board’s 2018/19 Discretionary Response Fund to the Board’s 2018/19 Youth Achievement and Development Scheme.
- Approving a grant of $250 from its 2018/19 Youth Achievement and Development Scheme to Lucy Mae Damen-Horrill towards participation in the Volleyball Nationals Tournament in Palmerston North – 24 March to 30 March 2019.
- Approving a grant of $500 from its 2018/19 Youth Achievement and Development Scheme to Sophie Briar Yarham towards participation in the Softball International Little League Qualifiers in Jakarta – 17 to 22 June 2019.
- Approving a grant of $250 from its 2018/19 Youth Achievement and Development Scheme to Lucie Chretien towards participation in the Volleyball Nationals Tournament in Palmerston North 24 March to 30 March 2019.

4. Part A Recommendations to Council
The following reports presenting Part A recommendations from the Board are included in this agenda for Council consideration:

4.1 There were no Part A recommendations from the Board to the Council in March 2019.

5. Significant Council Projects in the Board Area
5.1 Quarryman’s Trail Stage 2 (Victors Road to Halswell Domain) Update
Contractors have advised that Quarryman’s Trail Cycleway Stage 2 construction is progressing well. Construction through Milns Drain Reserve is complete with asphalting, as is the construction of speed humps and shared pathway through James Hight Drive.
The section of cycleway on Sparks Road between Victors Road and Hendersons Road is mostly complete.
A new water main at the intersection of Hendersons Road and Sparks Road has been installed along with the traffic light ducting. The majority of the street lights on Sparks Road have been relocated or replaced.

New asphalt was laid at the intersection of Sparks Road and Hendersons Road in mid-March with new kerb and channel at this intersection. Asphalting of the cycleway on Sparks Road between Victors Road and Hendersons Road was scheduled to take place around mid-March.

Construction of the cycleway along Sparks Road between Hendersons Road and Milns Drain Reserve was scheduled to start around the end of March with an expected completion date of the end of May. Prior to its construction, new drainage will be laid.

5.2 Wastewater upgrade works on Colombo Street.

Wastewater upgrade works on Colombo Street are continuing. Work Notices were hand delivered to all affected business prior to construction starting with follow-up Start Work Notice – updates being delivered one to two weeks prior to work starting in front of affected properties. Concerns raised by stakeholders have been incorporated into the construction methodology.

Two lanes of traffic in Colombo Street is being maintained throughout the construction stage. Staff have advised that construction is on schedule with a scheduled completion date of 5 June 2019.

6. Significant Community Issues, Events and Projects in the Board Area

6.1 Community Pride Garden Awards

The 29th Spreydon-Cashmere Community Pride Garden Awards evening was held on 27 March 2019 at the Cashmere Club to acknowledge local residents who have contributed to Christchurch’s garden city image by beautifying their streets and gardens. Judging of the gardens was undertaken by the Christchurch Beautifying Association.

In total 135 awards were made for outstanding gardens. 66 awards were presented at the ceremony and 69 awards were posted to recipients who were unable to attend.

Among the recipients were 10 ‘first-timers’. The Chairperson also acknowledged at the ceremony the ‘long-timers’ those seven recipients who have won awards annually for 20 or more years and five award recipients who are in the 90 to 99 age bracket and continuing to tend their gardens to an exceedingly high standard.

Together with their awards all recipients received a gardening book and an “original weeder’ gardening tool. In addition there was a lucky drawer for a number of lovely prizes kindly donated by local businesses. As always a substantial supper was provided.

The ceremony was thoroughly enjoyed by all.
7. **Progress Report Against the Community Board Plan**

7.1 Work continues on the priority actions identified at the last Board workshop held on 31 August 2018.

7.2 Age-friendly Spreydon-Cashmere.

7.3 The Community Board Plan recognises that the development of an Age Friendly Spreydon-Cashmere Action Plan would contribute to a strong community one of the outcomes identified in the Plan.

An Age-friendly Spreydon-Cashmere Steering Group was formed on 21 August 2018 and has met regularly since. The Steering Group recently asked to informally meet the Board and discuss the group's progress to date and its ongoing interaction with the Board. A workshop is to be arranged in the near future.

7.4 Local Groups “Meet and Greet” Workshop

7.5 The Spreydon Cashmere Community Board plan identifies the importance of strong communities. The Board recognises the work that Residents' Associations and other local groups do on behalf of their residents and decided to host a “Meet and Greet” workshop for local groups on Wednesday 20 March 2019, 5:30pm to 7:30pm.

7.6 The aim of the workshop was for representatives of local groups to get to know each other and share recent experiences on a range of matters. There were a couple of speakers and an opportunity for groups to share experiences by speaking for a couple of minutes followed by some time for participants to just informally mix and mingle and get to know one another.

7.7 The workshop was well attended and very well received with some good connections being made.

8. **Community Board Matters of Interest**

8.1 Residents Associations Emergency Preparation

Local residents associations are actively involved in planning a response to an emergency that affects their neighbourhood and or the city as a whole.

The Addington Neighbourhood Association is currently developing an emergency response plan for its residents.

CREST, the Cashmere community emergency response group continues to meet regularly at the Cashmere Presbyterian Church.

The Lower Cashmere and Somerfield Residents Associations have formed an alliance as SCERT- Somerfield Community Emergency Response Team that has its own Facebook page.

SCERT hosted the South Christchurch Project AF8 Expo at the Somerfield School Hall on 28 March 2019. The interactive Expo concentrated on the potential for an Alpine Fault rupture producing an earthquake of magnitude 8 or more on the Richter scale. There was a guest speaker to explain the likely effects of such an event and there were opportunities to discuss community preparedness. A variety of Community Support groups had displays at the Expo.

**Attachments**

There are no attachments to this report.
### Signatories

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<thead>
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<th>Author</th>
<th>Faye Collins - Community Board Advisor</th>
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<tbody>
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<td>Matthew McLintock</td>
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<td>John Filsell</td>
<td>Head of Community Support, Governance and Partnerships</td>
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</tbody>
</table>
11. Te Pātaka o Rākaihautū/Banks Peninsula Community Board
Report to Council

Reference: 19/340881
Pam Richardson, Community Board Chairperson
Joan Blatchford, Community Governance Manager
Penelope Goldstone, Community Governance Manager

1. Purpose of Report
The purpose of this report is to provide the Council with an overview of Part A matters requiring a Council decision and of initiatives and issues considered by the Community Board.

2. Community Board Recommendations
That the Council:
1. Receive the Community Board report for February and March 2019.

3. Community Board Decisions Under Delegation
The Banks Peninsula Community Board held meetings on 18 February and 4 March 2019. Decisions made under delegation were:

- **Election of New Deputy Chairperson**
The Board elected a new Deputy Chairperson, Tyrone Fields, following the resignation of Jed O'Donoghue from this role. The Board thanked Member O'Donoghue for his strong advocacy for Banks Peninsula communities, and welcomed Deputy Chairperson Fields.

- **Conservation Covenant for Diamond Harbour Gullies**
The community has been planting native vegetation in two gullies in Diamond Harbour for some time. Following the community's request, the Board decided to request that staff enter into a covenant to enhance and preserve the natural environment, landscape and wildlife habitat of these areas.

The Board also requested that the roles and responsibilities for the day to day management of these areas be incorporated in the Terms of Reference (or similar documentation) for the Diamond Harbour Reserves Management Committee when it is next reviewed.

- **Akaroa Design and Appearance Committee**
The Board received the minutes of its Akaroa Design and Appearance Advisory Committee meeting, and noted the Committee’s comments regarding the proposal for temporary toilets in Akaroa.

The Board requested an update from staff regarding the use of the Tourism Infrastructure Fund for toilets in Akaroa and options for a permanent solution to toilet issues. The Board noted that the demand for toilet facilities in Akaroa will be driven by the expected increase in the number of visitors.
Item 11

- **State Highway Signage**
  The Board received correspondence from the New Zealand Transport Agency (NZTA) regarding State Highway signage.
  The Board decided to write to NZTA advising that it generally welcomed the proposal for electronic signage. However the Board remained concerned that a number of issues it had repeatedly raised had not been addressed, including passing opportunities, road surface, road traffic safety signs and reminders to pull over.
  The Board requested that a representative from NZTA meet with the Board regarding State Highway 74 and State Highway 75 issues.

- **Lyttelton Public Toilets**
  The Board received correspondence from Mr E C Venes regarding his view on the lack of fit for purpose public toilet facilities in Lyttelton.
  The Board decided to forward the letter to staff to question whether some improved facilities could be provided in light of cruise ships returning to Lyttelton, and request that staff investigate increasing the regularity of cleaning of Lyttelton’s public toilets in the summer period.

- **Children’s Bay Walkway in Akaroa**
  The Board received correspondence from the Takamatua Ratepayers Association regarding inundation of the Walkway during high tides.
  The Board decided to refer the letter back to its Akaroa Issues Working Party to gain its endorsement. The Board also decided to refer the letter to Parks staff to report back to the Board to confirm how this matter could be addressed, including opportunities for a community partnership.

- **Whakaraupō Community Advisory Group**
  The Board appointed Tyrone Fields as the Board representative to the Whakaraupō Community Advisory Group.

- **Reserve Management Committees**
  The Board received the minutes of meetings of three of its fifteen Reserve Management Committees (RMC), Le Bons Bay RMC, Awa-iti RMC and Okains Bay RMC.

- **Community Boards’ Conference**
  The Board approved the attendance of Felix Dawson and Tori Peden at the 2019 Community Boards’ Conference in New Plymouth.

- **Board Projects Funding**
  The Board decided to fund any Community Board Projects it identifies for the 2019/20 year through its 2019/20 Discretionary Response Fund.

4. **Part A Recommendations to Council**
   No reports presenting Part A recommendations from the Board are included in this agenda.
**Significant Council Projects in the Board Area**

**Network Plans**

5.1 The Board provided feedback on the Draft Sports Facilities Network Plan and Draft Parks Play Spaces Network Plan, which will assist the Council with long term planning.

**Naval Point Development Plan**

5.1 Staff provided the Board with an update on the planning and consultation process for the Naval Point Development Plan.

**Lyttelton Retaining Walls**

5.1 The Board provided feedback on prioritisation of the capital programme for retaining walls in Lyttelton.

**Lyttelton Reserves**

4.1 Brian Downey spoke regarding illegal tracks in reserves in Lyttelton and his belief that there is a lack maintenance on tracks in Urumau Reserve. Mr Downey believed this had resulted in people cutting the grass because of fire risk and destroying plantings in the process. Mr Downey noted the community had spent considerable time and effort in planting and looking after these areas.

4.2 The Board was concerned that the good work carried out by volunteers over many years was being undone through lack of maintenance and the illegal cutting of tracks. The Board requested that staff discuss these issues with the Board.

**Maintenance Issues in Lyttelton**

4.1 Ann Joliffe spoke regarding her view on the lack of maintenance on roads and reserves in Lyttelton. She believes the area from Corsair Bay to Magazine Bay has been neglected for years and asked for improvements to the maintenance schedule for these areas, including grass verges, footpaths, fences, roads, and road markings.

4.2 The Board was disappointed to hear that these issues were still not addressed despite numerous requests. The Board noted it would like to receive a map showing all areas on Banks Peninsula that are currently included in maintenance contracts in order to highlight any gaps.

4.3 The Board requested that staff report back on the agreed Levels of Service for maintenance contracts for these areas, and if they are being met by contractors.

5. **Significant Community Issues, Events and Projects in the Board Area**

**Hector's Dolphins**

5.1 Professor Liz Slooten gave a presentation regarding her concerns about the pile driving operations being carried out by Lyttelton Port Company, and the impact she believed they had on Hector's Dolphins. She suggested that screw piling would be a viable alternative that would not create as much disturbance.

5.2 The Chairperson reported that the Lyttelton Port Company (LPC) had committed to providing information on the recorded noise levels by mid-April 2019. The Board requested that staff circulate the information from LPC to those who had attended Board meetings on this matter.
6. Progress Report Against the Community Board Plan

6.1 The Council received an update on the Community Board Plan in the March 2019 Report to Council. The next update will be compiled as at 30 June 2019 and presented to the Council the following month.

7. Community Board Matters of Interest

7.1 Visitor Planning for Lyttelton

The Board noted that there were a number of issues to investigate and progress before cruise ships started to return to Lyttelton in larger numbers, such as a shuttle service to Lyttelton from the port, facilities for seafarers and infrastructure.

The Board supported the formation of a Community Working Group to plan for cruise ships returning to Lyttelton, with membership from the Community Board, ChristchurchNZ, Lyttelton Business Association, Lyttelton Information Centre, Lyttelton Seafarers Centre and other interested groups.

Attachments

There are no attachments to this report.

Signatories

| Authors | Penelope Goldstone - Manager Community Governance, Banks Peninsula/Akaroa  
| Joan Blatchford - Manager Community Governance, Banks Peninsula/Lyttelton |
| Approved By | Penelope Goldstone - Manager Community Governance, Banks Peninsula/Akaroa  
| Joan Blatchford - Manager Community Governance, Banks Peninsula/Lyttelton  
| Matthew McLintock - Manager Community Governance Team  
| John Filsell - Head of Community Support, Governance and Partnerships |
12. Waitai/Coastal-Burwood Community Board Report to Council

Reference: 19/274754
Presenter(s): Kim Money, Chairperson Waitai/Coastal-Burwood Community Board

1. Purpose of Report
The purpose of this report is to provide the Council with an overview of Part A matters requiring a Council decision and of initiatives and issues considered by the Community Board.

2. Community Board Recommendations
That the Council:

3. Community Board Decisions Under Delegation
The Coastal-Burwood Community Board held meetings on 4 and 18 March. Decisions made under delegation were, the Board:

- Approved the transfer of $3,000 from its 2018-19 Discretionary Response Fund to the 2018-19 Youth Development Fund.
- Approved the accumulative grant of $1,300 from its 2018/19 Youth Development Fund to three young people to attend events such as Visual Arts trip to Europe, International Tennis Federation Junior Tournaments in Malaysia and the 2019 Te Waipounamu Māori Netball National Tournament in Invercargill.
- Endorsed the contents of the ‘Pre-adaptation in South New Brighton and Southshore’ document from Christchurch Coastal Residents United (CCRU) (primarily addressed to Regenerate Christchurch and the Council) and requested a joint briefing of the Board, Council and CCRU to discuss the topic further.
- Declined to hold Coastal-Burwood Community Board Community Pride Garden Awards in 2019, noting that certificates will be posted out to recipients. The Board also requested staff contact the Christchurch Beautifying Association in relation to Community Pride Garden Awards, including clarifying guidelines to be followed if a Community Board elects not to hold the awards in any particular year.
- Decided to convene the Coastal-Burwood Community Board Submission Committee to consider preparation of a submission on the Council’s Draft Annual Plan 2019/20 prior to 1 April 2019.
- Requested staff organise a seminar on the condition of the sections of New Brighton Road between the Wainoni Road roundabout and the Pages Road roundabout.
- Requested staff organise an update briefing on midge management at the Christchurch wastewater treatment plant oxidation ponds.
- Requested staff organise a briefing on the Prestons/Clare Park stormwater treatment facilities and upgrade of Snellings drain.
4. **Part A Recommendations to Council**

The following reports presenting Part A recommendations from the Board are included in this agenda for Council consideration:

4.1 **Recently vested reserves through subdivisions - names and classifications**

The Board’s consideration and recommendation of recently vested reserves through subdivisions - names and classifications will be considered by the Council at its meeting on 11 April 2019.

5. **Significant Council Projects in the Board Area**

5.1 **Parklands Library**

Parklands Library closed in November 2018 to undergo routine earthquake repairs. These repairs are now complete, and the library has re-opened on Friday 29 March 2019, ahead of schedule.

6. **Significant Community Issues, Events and Projects in the Board Area**

6.1 **Southshore South New Brighton Regeneration Strategy**

At the time of writing, the Coastal-Burwood Community Board have an upcoming Seminar with Regenerate Christchurch to bring the Board up to date with the Southshore South New Brighton Regeneration project. The Community Board is concerned about the length of time it is taking to develop the Regeneration Strategy, particularly as earthquake repairs are tied into the requirement of the development of a Regeneration Strategy. It is real concern to the Community and Board that delays are impacting community wellbeing. The community has been asking for earthquake repairs in the area since the earthquakes so a process to get to outcomes and decisions is needed urgently. To address this, the Board suggests separating the earthquake repairs and the development of a long term Adaptation Plan/ Regeneration Strategy.
6.2 **Duck Down to the River - Riverside Festival**

This first time festival was held on Saturday 30 March from 1pm to 4pm at Kerrs Reach, where it featured a duck race, water activities, music and food.

This event was organised by Avondale, Burwood East and Dallington Residents Association, Dallington Community Trust, All Saints Anglican Church and Burwood Christian Centre with support from local governance staff.

Cheering on the ducks from the river bank during the duck race
6.3 **The Ray White New Brighton Duke Festival of Surfing**

The Ray White New Brighton Duke Festival of Surfing is an annual event that celebrates the sport of surfing under the name of legendary Hawaiian waterman and Olympic swimmer Duke Kahanamoku. This year the event was held from March 10 – 17 with surfers from the length of the country heading to New Brighton to take part. Auckland-based couple Paul Culpan and Sasha Brownlie claimed the premier Men's and Women's Longboard Divisions at the event, together surging to the top of the national rankings.

6.4 **Coastal-Burwood Residents Association Forum**

Residents’ Associations came along to a Forum held at All Saints Church, Burwood on 11 March. The focus for the forum was the Draft Annual Plan 2019-20. All groups had been asked to consider matters relevant to their communities and these were discussed at the forum. Two groups, Prestons Residents’ and Avondale Neighbours, attended for the first time and were welcomed. Both are new groups that have recently been established.

7. **Progress Report Against the Community Board Plan**

7.1 The Board approved the Coastal-Burwood Community Board Plan for 2017-19 on 16 October 2017. The Plan can be found at the following link:


7.2 The Board’s ongoing decisions are being included as measures against the Outcomes and Priorities contained in the 2017 – 2019 Community Board Plan.

8. **Community Board Matters of Interest**

8.1 A local resident spoke to the Board during a public forum on his concerns about dog control in his area. The Board held a closed seminar with the Team Leader of Animal Management on Dog control with the Coastal-Burwood ward and various site visits have been held to discuss dog signage.
8.2 The Board received correspondence and a deputation from a resident of Parklands regarding Taiora:QEII. The resident spoke on the need for toilet facilities closer to the hydrotherapy pool at Taiora:QEII and voiced reasons as to why she believes it necessary and important to investigate the probability of having such a facility. The Board requested urgent advice from staff on how toilet facilities can be added in close proximity to the hydrotherapy pool at Taiora:QEII, with the advice including feedback from the New Zealand Spinal Trust and the Disabled Persons Assembly.

8.3 The Coastal-Burwood Community Board’s agenda of 4 March 2019 included correspondence from Christchurch Coastal Residents United (CCRU), primarily addressed to Regenerate Christchurch and the Council. CCRU were seeking the Board’s endorsement of their request to both bodies to consider eight recommendations in classes that mostly fall cleanly into either:

• earthquake repair/pre-adaptation
• support for future adaptation process

As noted in section 3, the Board’s meeting, the Board endorsed the contents of the Pre-adaptation in South New Brighton and Southshore document from Christchurch Coastal Residents United (CCRU) and requested a combined briefing of the Board, Council and CCRU.

8.4 A blessing ceremony with Ngāi Tahu was held at the Avonside Girls' High School, Shirley Boys' High School and Ferndale Satellite Unit site Ōrua Paeroa on Saturday 23 March. The blessing signifies the end of the building process, and the handover of the site to the schools for use.

8.5 At the Coastal-Burwood Community Board meeting on 18 March 2019, in respect of the Long Term and Annual Plans, the Board asked for information on the practice of consolidating individual line items into programme budgets. Advice is being sought on this.

8.6 The Board requested an update on the condition of road surfacing on New Brighton Road – between Wainoni road roundabout and Pages road roundabout. Staff are currently preparing this information for the Board.

8.7 The Board are scheduled to receive an update on the Midge Management at the Christchurch wastewater treatment plant oxidation ponds from Staff on 15 April at the Community Board meeting.

8.8 Kyle Sutherland, community facilitator and Evan Smith representing Avon-Ōtākaro Network spoke to the Board during a public forum on interim transitional use and activation of the Ōtākaro Avon River Corridor.

8.9 The Board requested a briefing on the Prestons/Clare park stormwater treatment facilities and upgrade of Snellings drain. The Snellings drain matter will be dealt with by way of memorandum to the Board. On 15 April the Board will receive a briefing on the Clare Park Wetlands.

8.10 The Board received a presentation from members of the Queenspark Community Trust where they spoke about the work of the trust, and how this year they plan on fixing and rebuilding their core host building.

8.11 In response to a request from the Board, staff undertook to organise a briefing on the Cygnet Street/Marine Parade stormwater outfall. The purpose being to obtain information on what the issue is, is there a timeline for repair and what is the catchment area.

8.12 The Board hosted a stall at the New Brighton Market to promote submissions to the Draft Annual Plan and obtain public feedback.
## Attachments

There are no attachments to this report.

## Signatories

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<tr>
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<tr>
<td>Ann Furlong</td>
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Report from Linwood-Central-Heathcote Community Board – 20 March 2019

13. 140 Main Road, Redcliffs - Name and Landscape Plan for New Park

Reference: 19/331468
Presenter(s): Kelly Hansen, Team Leader Parks Recreation & Planning, CIPA Parks & Recreation Planning

1. Linwood-Central-Heathcote Community Board Consideration

The Board took into consideration the deputation from Mr David Miller (Item 5.1 of the Board minutes refers) and the tabled correspondence from the Redcliffs Community Shed (Item 7 of the Board minutes refers).

Currently the landscape plan does not provide vehicle access to the community building located in the southern part of the new park. The Board considered the potential of the Land Information New Zealand owned property in Raekura Place could provide such access to the new park. The Board request the Council to liaise with Land Information New Zealand regarding the potential of land in Raekura Place providing vehicle access to the community building in the southern part of the new park.

2. Staff Recommendations

That the Waikura/Linwood-Central-Heathcote Community Board:

1. Recommend to the Council the adoption of the name Te Papa Kura Redcliffs Park for the new park on the site of the former Redcliffs School.
2. Approve the amended landscape plan (Attachment A) for the new park on the site of the former Redcliffs School.
3. With regards to the existing building located in the southern corner of the new park, instruct staff to progress an open Expressions of Interest process, followed by a closed Request for Proposals process, with results and final lease recommendation reported back to the Community Board for decision in due course.

3. Linwood-Central-Heathcote Community Board Decisions Under Delegation

Part C

That the Waikura/Linwood-Central-Heathcote Community Board:

2. Approve the amended landscape plan (Attachment A) attached to the agenda for this meeting for the new park on the site of the former Redcliffs School, with the sports fields be marked as generic sports fields.
3. With regards to the existing building located in the southern corner of the new park, request that staff progress an open Expressions of Interest process, followed by a closed Request for Proposals process, with results and final lease recommendation reported back to the Community Board for decision in due course.
4. Linwood-Central-Heathcote Community Board Recommendation to Council

Part A

That Council:

1. Adopt the name Te Papa Kura Redcliffs Park for the new park on the site of the former Redcliffs School, 140 Main Road, Redcliffs.

2. To liaise with Land Information New Zealand regarding the potential of residential red zone” land in Raekura Place with the view of providing vehicle access to the community building in the southern part of the new park.

Attachments

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1. **Purpose and Origin of Report**

   **Purpose of Report**
   1.1 The purpose of this report is for the Linwood-Central-Heathcote Community Board to approve the name and landscape plan for the new park in Redcliffs that has arisen from the land swap with Redcliffs School, and to instruct staff to initiate an Expression of Interest (EOI) process for use of the community building in the park.

   **Origin of Report**
   1.2 This report is staff generated.

2. **Significance**

   2.1 The decision in this report is of low-medium 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 scope of the project and potential impacts on the local community.

   2.1.2 The community engagement and consultation outlined in this report reflect the assessment.

3. **Staff Recommendations**

   That the Waikura/Linwood-Central-Heathcote Community Board:

   1. Recommend to the Council the adoption of the name Te Papa Kura Redcliffs Park for the new park on the site of the former Redcliffs School.

   2. Approve the amended landscape plan (Attachment A) for the new park on the site of the former Redcliffs School.

   3. With regards to the existing building located in the southern corner of the new park, instruct staff to progress an open Expressions of Interest process, followed by a closed Request for Proposals process, with results and final lease recommendation reported back to the Community Board for decision in due course.

4. **Key Points**

   4.1 This report supports the [Council's Long Term Plan (2018 - 2028)]:

   4.1.1 Activity: Parks & Foreshore

      - Level of Service: 6.8.1.1 Parks are provided managed and maintained in a clean, tidy, safe, functional and equitable manner- (Provision) - Community Parks:5.9 ha/1000 people

   4.2 The following feasible options have been considered:

      - Option 1 – approve the proposed name for recommendation to the Council to adopt, approve the amended draft landscape plan for the new park in Redcliffs,
and instruct staff to progress an Expressions of Interest (EOI) process for use of the community building (preferred option).

- Option 2 – recommend an alternative park name to the Council, approve an alternative landscape plan for the new park in Redcliffs, and do not progress an Expressions of Interest (EOI) process for use of the community building.

**4.3 Option Summary - Advantages and Disadvantages (Preferred Option)**

4.3.1 The advantages of this option include:

- Cultural values and the former park are recognised in the name of new park.
- Levels of service from former Redcliffs Park are replaced.
- Retains assets identified by the Community Board.
- Is responsive to community feedback.

4.3.2 The disadvantages of this option include:

- None identified.

**5. Context/Background**

**Redcliffs School – Redcliffs Park ‘Land Swap’**

5.1 On 7 September 2017, following a public consultation and hearing process, the Council resolved to proceed with a series of property transactions, giving effect to a ‘swap’ of land between the Council and the Ministry of Education. Redcliffs School is being rebuilt on the former Redcliffs Park site and a new park is to be developed on the former School site.

5.2 At its meeting on 14 February 2018, the Linwood-Central-Heathcote Community Board resolved:

5.2.1 In response to the Ministry of Education’s offer, recommend to the Council’s Chief Executive, the following assets on the current Redcliffs School site be retained for use within the new Redcliffs Park:

a. The building located in the southern corner of the site, known as ‘Blocks 20, 21 & 22’

b. The car park.

c. The children’s playground, sand pit, shade sails and decking.

d. Garden adjacent to the car park and trees.

e. In-built furniture.

f. Sealed path to playground.

g. Boundary fencing.

h. Services.

5.2.2 Instruct staff to investigate ‘Heritage Option 3’, outlined within Section 5.22, being interpretation signage and/or artwork for the school buildings which hold heritage significance.

5.3 These recommendations were subsequently approved by the Chief Executive.
5.4 At its meeting on 3 August 2018, the Waikura/Linwood-Central-Heathcote Community Board resolved to request staff to initiate a process to determine the use for the former Redcliffs School buildings that are going to be retained on site.

New Park Name

5.5 A name for the new park is required.

5.6 Raekura/Redcliffs, along with Te Ihutai (Avon-Heathcote Estuary), is a significant Māori cultural landscape. This area is of immense cultural and historical importance to manawhenua Te Ngāi Tūāhuriri Rūnanga and wider Ngāi Tahu Whanui being a place of significant settlement and food gathering by Waitaha, Ngāti Māmoe and Ngāi Tahu for over 650 years. The area’s numerous caves and rock shelters formed by overhanging coastal cliffs were utilised by Māori for shelter. The area offered the bounty of the estuary and provided access to the fishing grounds of Te Tai o Mahaanui (Pegasus Bay) via the estuary mouth. The Raekura/Redcliffs area is among the most nationally significant archaeological areas (2017: Cultural Values Report: Raekura/Redcliffs School site and Redcliffs Park, Mahaanui Kurataio Ltd.)

5.7 The Māori name of Te Papa Kura School Park was gifted to the Council by Te Ngāi Tūāhuriri Upoko Te Maire Tau. In English, papa means park. Kura means school and is also another word for red.

5.8 At a seminar on 13 August 2018, the Community Board indicated a willingness to accept the Māori component of the name but requested community consultation on the English component of the name.

5.9 The Ngāi Tūāhuriri Kaitiaki Portfolio Committee requested the addition of the word Rēhia (rēhia means recreation) to make the park name Te Papa Kura Rēhia and this was included as an option for consultation.

5.10 Five name options were consulted on, including an option for people to provide their own suggestion. Te Papa Kura Redcliffs Park was supported by almost half of the submitters as the preferred name.

Landscape Plan

5.11 A draft landscape plan for the new park, incorporating the assets to be retained, replacement sports fields and toilets, a new perimeter path, and future recreation spaces was presented to the Community Board at a seminar on 13 August 2018.

5.12 The draft landscape plan (Attachment B) was circulated in the community in November 2018.

5.13 In response to community feedback (Attachment C and D), the draft landscape plan has been amended (Attachment A) as follows:

- Relocate seat in north west corner away from neighbours
- Planting added behind goal of intermediate field to prevent balls rolling down driveway to road.
- Recreation area near Main Road earmarked for interpretation/history boards consistent with the Community Board’s previous resolution, with implementation subject to funding availability.
- Recreation area near community building earmarked for picnic and BBQ area with some toddler play equipment and petanque, with implementation subject to funding availability.
- Seating by playground to be two directional for watching both play and sport.
- Cycle stands added near car park and community building.
- Perimeter planting to be mostly native consistent with community feedback and the cultural values report.
- Trees added near playground for shade.

**Community Building**

5.14 The building located in the southern corner of the park has been retained as a potential community space. The building is modern, largely undamaged and includes functioning spaces and toilets.

5.15 The building has minor cosmetic damage and work required to the piles of the structure. The future use of this building is yet to be determined.

5.16 A network plan for the Council’s community facilities is currently under preparation, due for completion in September this year. There is no known need for a community facility in this area. Council-lead community research undertaken for the Redcliffs Community Facility identified a number of churches, organisations and clubs that own venues that can be hired by individuals and groups in the community. Five facilities were described. Some concern was expressed by research participants about potential oversaturation of facilities in such a small community, especially since none of the existing facilities are currently used to capacity.

5.17 Ferrymead Bays Football Club are the main sports users of Redcliffs Park and are likely to continue to be the main users of the new sports fields. They are not seeking clubrooms on the site and it is beyond the Council’s Level of Service to provide changing rooms for junior fields.

5.18 Use of the building needs to be consistent with the Reserves Act classification of the park which is currently a recreation reserve. This means it should be used for recreation and sporting activities, particularly outdoor recreation in the park. Any other use of the building may require a change of reserve classification.

5.19 Submitters to the landscape plan were able to indicate their interest for use of the community building on the park and responses are listed in Attachment C.

5.20 Some feedback from submitters was received on the need for vehicle access and car parking for the community building. Formal vehicle access across the park has not been included as it would conflict with the trees, sports fields, or playground. The building is less than 100m from Main Road.

5.21 Red zoned land to the rear of the building at 30 Raekura Place was suggested by some submitters for vehicle access and car parking. This land is within that part of the Port Hills/ Southshore/ Brooklands red zoned land agreed in 2017 to be transferred from the Crown to the Council. At this stage it is not known when that land will be transferred to the Council. It is not available as a car park as the Council has approved it for sale (CNCL/ 2017/00001) to fund the project costs associated with the Port Hills/ Southshore/ Brooklands red zone land.

5.22 It is proposed to initiate an open process inviting Expressions of Interest (EOI) to use the building followed by a closed and more detailed Request for Proposals (RFP) with selected groups. Ideally, the building would be leased to a combination of collaborating groups, with one overarching governing body as the key tenant who take responsibility for the ongoing management of the facility, including making it available for community use. These parameters can be included in the EOI process.
6. **Option 1 - Approve the proposed name and amended draft landscape plan for the new park in Redcliffs and progress an EOI for the building (preferred)**

**Option Description**

6.1 Approve and recommend to the Council adoption of the name ‘Te Papa Kura Redcliffs Park’

6.2 Approve the amended landscape plan for the park (Attachment A).

6.3 Instruct staff to progress an Expressions of Interest (EOI) process for use of the community building

**Significance**

6.4 The level of significance of this option is low-medium, consistent with section 2 of this report.

6.5 Engagement requirements for this level of significance is consultation with local and interested residents and groups.

**Impact on Mana Whenua**

6.6 This option does involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions. The Te Ngāi Tūāhuriri Kaitiaki Portfolio Committee raised no concerns in regards to the draft landscape plan.

**Community Views and Preferences**

6.7 Consultation ran from 19 November 2018 to 17 December 2018 and we received 53 submissions on ‘Have Your Say’ and via consultation leaflets, which provided feedback on additional items for the park, items not wanted in the park and the park name.

6.8 Leaflets were delivered to residents living adjacent to the park, absentee owners and local libraries and service centres.

6.9 Local stakeholders and submitters on the Redcliffs Park / Redcliffs School land swap, were emailed directly.

6.10 The opportunity to provide feedback was promoted on social media.

6.11 A combined drop in session on 27 November for both this and the school transport project was attended by 15 local residents.

6.12 Submitters most commonly asked for:
- Play equipment for pre-schoolers.
- A BBQ.
- Vehicle access to the community building.

For a full list of requests see Attachment C.

6.13 Submitters most commonly asked for a skate park not to be included (6 mentions)

6.14 Those who provided feedback on the park name (51) preferred the name Te Papa Kura Redcliffs Park (24, 47%). Other names were as follows:
- An English name (8, 16%)
- Te Papa Kura Park (5, 10%)
- Te Papa Kura School Park (5, 10%)
- Te Papa Kura (2, 4%)
- Te Papa Kura – Other (7, 14%, see Attachment C for a list of suggested names)
6.15 Submitters were also able to indicate their interest for use of the community building on the park and responses are listed in Attachment C.

6.16 Full submissions are available in Attachment D.

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

Financial Implications
6.18 Cost of Implementation – The cost of implementing the plan will be determined once detailed design is complete.

6.19 Maintenance / Ongoing Costs – Estimated $12,000 maintenance costs per annum

6.20 Funding source – $1.2million is available for development of the new park from the sale of the former Redcliffs Park and a contribution by the Ministry of Education. Maintenance costs will be transferred from former Redcliffs Park operational budget.

Legal Implications
6.21 There is not a legal context, issue or implication relevant to this decision

6.22 This report has not been reviewed and approved by the Legal Services Unit

Risks and Mitigations
6.23 There is a risk that archaeological investigations may uncover artefacts and items of interest. This may result in a need for extensive and expensive excavations or require design changes.

6.23.1 Residual risk rating: The residual rating of the risk after the below treatment is implemented will be medium.

6.23.2 Planned treatment includes filling rather than excavating the site to create level playing fields and minimising digging.

Implementation
6.24 Implementation dependencies - plan approval.

6.25 Implementation timeframe – 18 months.

Option Summary - Advantages and Disadvantages
6.26 The advantages of this option include:

- Cultural values and the former park are recognised in the name of new park.
- Levels of service from former Redcliffs Park are replaced.
- Retains assets identified by the Community Board.
- Is responsive to community feedback.

6.27 The disadvantages of this option include:

- None identified.
7. **Option 2 - Approve an alternative park name and an alternative landscape plan for the new park in Redcliffs and do not progress an EOI for the building**

**Option Description**

7.1 Approve an alternative park name to ‘Te Papa Kura Redcliffs Park’ for the new park in Redcliffs.

7.2 Approve an alternative landscape plan for the new park in Redcliffs.

7.3 Do not progress an Expressions of Interest (EOI) process for the existing community building.

**Significance**

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

7.5 Engagement requirements for this level of significance is consultation with local and interested residents and groups.

**Impact on Mana Whenua**

7.6 This option does involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions.

**Community Views and Preferences**

7.7 As in Option 1. If the plan was to be altered significantly, further consultation may be required.

**Alignment with Council Plans and Policies**

7.8 This option is consistent with Council’s Plans and Policies.

**Financial Implications**

7.9 Cost of Implementation – Costs would depend on the approved plan.

7.10 Maintenance / Ongoing Costs – Costs would depend on the approved plan.

7.11 Funding source – As in Option 1.

**Legal Implications**

7.12 There is not a legal context, issue or implication relevant to this decision.

7.13 This report has not been reviewed and approved by the Legal Services Unit.

**Risks and Mitigations**

7.14 There is a risk that archaeological investigations may uncover artefacts and items of interest. This may result in a need for extensive and expensive excavations or require design changes.

7.14.1 Residual risk rating: The residual rating of the risk after the below treatment is implemented will be medium.

7.14.2 Planned treatment includes filling rather than excavating the site to create level playing fields and minimising digging.

**Implementation**

7.15 Implementation dependencies - dependent on an alternative plan being approved.

7.16 Implementation timeframe – once an amended plan is approved.

**Option Summary - Advantages and Disadvantages**

7.17 The advantages of this option include:
• None identified.

7.18 The disadvantages of this option include:
• Potential community dissatisfaction and delays.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Amended Landscape Plan for New Park in Redcliffs</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Draft Landscape Plan for New Park in Redcliffs</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Summary list of requests for New Park in Redcliffs</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Submissions table on Landscape Plan for New Park in Redcliffs</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.

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Kelly Hansen - Team Leader Recreation &amp; Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Andrew Rutledge - Head of Parks</td>
</tr>
<tr>
<td></td>
<td>Mary Richardson - General Manager Citizen and Community</td>
</tr>
</tbody>
</table>
Attachment A

Additional items requested (*most common):

- A BBQ*
- Play equipment for pre-schoolers*
- Vehicle access to the community building*

- Information / history boards
- Plants / barriers to prevent balls reaching Main Road
- High fencing
- Shade cloth over the playground
- More seating / move seating
- Water fountain near road (dog accessible)
- More trees

- Native plants
- Flower beds
- Additional paths
- Rubbish bins
- Picnic tables
- Cycle parking
- More car parking
- Good lighting

- Hamster wheel for kids
- Giant jumping pillow
- Obstacle course
- A flying fox
- Spiral spinning top
- Slides - spiral, covered spiral or metal
- Rope swing and other swings
- Playground roundabout /merry go round
- Ground level trampoline

- Monkey bars that spin
- Young cycle course
- Fitness equipment
- Pump track
- Skate area
- Hockey pitch
- Cricket wicket
- Petanque / boules
- Half court (basketball, netball, tennis)
- Dog exercise area

Suggested additions to the the name ‘Te Papa Kura (other)’

- Réhia
- Wai Pataki
- Community Park

- Redcliffs Old School Park
- Old School Park
- Tony Ineson Par

Groups interested in using the community building on the park:

- Redcliffs Resident Association
- Redcliffs Community Shed
- Sumner Redcliffs Church
- Ferrymead Rotary Club
- Mount Pleasant Netball Club

- Original Scripts Theatre School
- Sumner Art Society
- Sumner Silver Band
- Pottery clubs (local and Lyttelton)
### Submissions for Redcliffs Park Landscape Plan 2018

<table>
<thead>
<tr>
<th>ID</th>
<th>Item Description</th>
<th>What should the new park be called?</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>20634</td>
<td>No, we will build our own wooden garden boundaries</td>
<td>Te-Papa Kura Redcliffs Park</td>
<td>Fletcher Stanton</td>
</tr>
<tr>
<td>20633</td>
<td>More trees planted around the playing fields to provide shade</td>
<td>Please describe rock protection bund at the cliff side of the park</td>
<td>Te-Papa Kura - Other</td>
</tr>
<tr>
<td></td>
<td>Drinking fountain by playground, A cricket strip</td>
<td>What does Te-Papa Kura mean?</td>
<td>DIS School</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rio Wayne</td>
</tr>
<tr>
<td>20625</td>
<td>No. However, the Summer Cricket Club has a junior section of fourteen teams. Their home games are currently spread around St Leonards Square, Barnett Park, Summer School and Van Asch Deaf Education Centre. St Leonards Square is often unavailable because of the demands of the club's adult men's Championship side. Ideally the club would like an artificial wicket at the new park but the obvious location between the two winter sports fields is precluded by the existing heritage trees. Accordingly the club would like the use of the winter sports fields for grass wickets during the summer. Children's grass wickets do not require specialist pitch blocks as for adult cricket. All that is required is the mowing and rolling of a couple of strips in the out field as happens at St Leonards and Barnett. The club undertakes this work at its own cost and would be happy to do the same at the new park. In summary what we are seeking is the ability to access the park for junior cricket during the summer months. This could well be of benefit to the new Redcliffs School if no cricketing facilities are available there because the club would be happy for them to use the wickets during the school week.</td>
<td>Te-Papa Kura Redcliffs Park</td>
<td>Summer Cricket Club Inc</td>
</tr>
<tr>
<td>20619</td>
<td>Not in agreement with the proposal of possible future skate park - noise pollution risk shaying off surrounding cliffs</td>
<td>Te-Papa Kura Redcliffs Park</td>
<td>Daphne Robson</td>
</tr>
<tr>
<td>20618</td>
<td>Imperative to retain all existing trees including those up the driveway which were donated by local families. Large oak and elm are irreplaceable - they MUST stay. + Picnic tables? A BBQ? (as at Barnett Park) Need plenty of rubbish bins and for them to be cleared regularly.</td>
<td>No. Important to make it a place for families to play, relax, and be involved in outdoor activities</td>
<td>Te-Papa Kura - Other</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Redcliffs Park. That has always been the name of the park in the area. Why change it? <em>Redcliffs</em> MUST be part of the name</td>
<td>DIS School</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Jan McLachlan</td>
</tr>
<tr>
<td>20617</td>
<td>What a great park design with sports fields, impressive playground and a new community hall. Just perfect, if this was 1985. Spokes is not in support of this plan. Council has made numerous statements in support of cycling. Yet these plans and the Redcliffs Transport Project fail to provide for, or even mention cycling. Plans show a park and a new community centre with no cycle parking. This undermines faith in Council's commitment to supporting people centred neighbourhoods and providing for active transport. Spokes asks that cycle parking be provided to the south of the car parking, east of the playground and near the community hall. This allows CPTED and personal observation of bicycles where people are likely to be.</td>
<td>Te-Papa Kura School Park</td>
<td>Spokes - Canterbury Cyclists Association</td>
</tr>
<tr>
<td>20616</td>
<td>Parking. Minimal parking is available on site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20608</td>
<td>There is not enough onsite parking for soccer teams, players/families/supporters. Everyone will have to park on the Main Rd, a major thoroughfare, it will be chaotic and will create traffic congestion. Just look at the traffic congestion at Barnett Park when soccer is playing there, and there is far more available parking there. You need to allocate more onsite parking, area 2 beside toilets would be ideal. There is limited parking. Area 2 beside toilets should be more parking. Just look at the parking chaos at Barnett Park when there is a soccer game and there is more permanent parking there than what you are planning for Te-Papa Kura Park. Main Rd is going to be chaotic when games are on, and the public/players/families/supporters will be parking both sides of a major highway. It will be chaotic.</td>
<td>Te-Papa Kura Park</td>
<td>Jackie Jones</td>
</tr>
<tr>
<td>20613</td>
<td>Please ensure that additional playground equipment for very little children 1-3 years is included. The existing primary school age play equipment is all too high and too hard for this age group. There is very little</td>
<td>The gate to the playground should be removed or fixed now. It is broken and sueing into the pavement. I favour fixing it as it is good</td>
<td>Te-Papa Kura Redcliffs Park</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Christine Tonir</td>
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<tr>
<td>ID</td>
<td>If funds allow, are there any low-cost additional items you would like in the park?</td>
<td>Are there any items you would like removed or not included in the park?</td>
<td>What should the new park be called?</td>
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<tr>
<td></td>
<td>at Barnett Park for a 1-2 year old (only swings and a rocking horse). So Redcliffs at present has no safe welcoming play area for tiny tots. The coloured ‘kota’ type playground at the old Redcliffs Park (which was somewhat ok for smaller children) has been removed so please at least replace this in the new playground. Please don’t say this will be added “in future”. We have had to drive some distance to take our children to a safe playground for nearly two years already. 2. Please provide shade cloth over the playground and in other areas in the park. Many trees have been removed now that used to provide shade. 3. Please ensure that there is drive-on access to the Community building for people with disabilities and for loading and unloading. Ideally this would be indicated with subtle signage to prevent people just driving across gardens and sports fields. 4. Please ensure that there is very secure high fencing between the park and all the residential properties and not zone land all the way around the boundary. 5. Please ensure that the special high tension rock fall protection fencing (built by the MUE in the 1990s and effective in the 2011 rock fall event) is repaired where it has been breached by a gate, and regularly checked to ensure that it remains a safe barrier. 6. I would like to see an off road drop off pick up zone along the front of the school, or to have the car parking area as a drive through so that Redcliffs school children can be safely dropped off. Sidestreet drop off pick up has always been hazardous and it interferes with traffic flow on Main Road. 7. It would be great to see much more seating around the park and alongside the sports fields. In addition to my other submission 20613, please can you ensure that the stone walls at the existing entrance are retained as a kind of memorial to the old school. These walls were built at the time of the 100 year celebrations. Is there any other acknowledgement planned to remember the old school? If so could we consult the ex pupils of the school. I have a list of about 300 names from the Centenary - many will be extinct by now but then there will be hundreds more on the school database since then. It may be possible to ask ex pupils to contribute to a memorial thing a sculpture, photo book, or a plaque. It would be important to have more extensive memorial stuff in the Community building and perhaps appropriate for the school to arrange.</td>
<td>to have a barrier there to slow down a tiny runway and since there is a fence along the front, there may as well be a working gate.</td>
<td>Te Papa Kura sounds as though this is an Auckland park. Can you reconfigure the contextual to reo to sound like a local place name,</td>
</tr>
<tr>
<td>20611</td>
<td>A Hockey Pitch Redcliffs has a great history of star hockey players, even a half turf would be amazing. And a skate area would be great! We already a decent number of football fields in the area, so swapping one for a hockey turf wouldn’t be a loss to the community.</td>
<td>swap one of the football spaces for a hockey turf</td>
<td>Te Papa Kura Rahia (Rahia means ‘recreation’)</td>
</tr>
<tr>
<td>20610</td>
<td>Good Lighting for all of the perimeter pathways. Two seats are noted beside playground but for watching football seating would be appreciated North-west and South-east sides of the sports fields.</td>
<td>Re-site the toilets: Toilets at the main entrance would not be at all attractive. Ideally the toilets could be sited between the Community building (T) and possible future recreation space (2) on the southern corner of the park. They would be more accessible for users of the playground and Community building assuming not all of the Community building will be open 24/7.</td>
<td>Te Papa Kura Redcliffs Park</td>
</tr>
<tr>
<td>20600</td>
<td>Cycle parking. When a sports game is played there is a home and an away team. There would be more car parks available to the away team families if they local children and their parents had somewhere to secure their bikes. Then maybe when there is proven demand for cycling as a form of transport the cycle lane on Main Street can be upgraded from two white lines inside the door zone of parked cars to one appropirate to a city the size of Christchurch. Also please make the drinking fountain one of the ones where it is easy to fill a drink bottle as well as have a drink.</td>
<td>Nothing speedy or noisy on wheels e.g. Skateboard ramps and Lime scooters</td>
<td>Te Papa Kura - Other Redcliffs Old School Park</td>
</tr>
<tr>
<td>20593</td>
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<tr>
<td>20564</td>
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<tr>
<td>Item No.: 13</td>
<td>Page 2</td>
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</tr>
<tr>
<td>ID</td>
<td>If funds allow, are there any (low cost) additional items you would like in the park?</td>
<td>Are there any items you would like removed or not included in the park?</td>
<td>What should the new park be called?</td>
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<tr>
<td>20562</td>
<td>What allowance for cyclists? I cannot see anything marked. How do cyclists exit / enter towards the estuary, and to Celia Street please? On the map, please make the location of bike lanes clearer - suggest a different colour please. I assume that the park will be well signposted from Main Rd and Beachville Rd?</td>
<td>Where is the cycle parking pls?</td>
<td>Te Papa Kura Redcliffs Park. I don’t mind. “Redcliffs” will help many find the park more easily</td>
</tr>
<tr>
<td>20577</td>
<td>A playground for toddlers. Suggested vehicle access (across grass) to community building for servicing and disabled access. Flower beds and more seats. Possum and rat traps at the boundary to the rear as part of the Predator Free Redcliffs project.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20571</td>
<td>The proposed name “Te Papa Kura”. The park should be named for its history as the Redcliffs School site - Redcliffs School Park. Te Ngaia Tushunirangi are based at Tushunirangi in North Canterbury - any connection to Redcliffs are tenuous at best.</td>
<td></td>
<td>Te Papa Kura - Other Redcliffs School Park</td>
</tr>
<tr>
<td>20553</td>
<td></td>
<td></td>
<td>Te Papa Kura - Other None of the above. Having lived in Redcliffs since 1948. I have a strong love of the area and have played a very active role in the community over this period. I object to the moneys gifted of the name and would like to see the park named Redcliffs Park. Bearing in mind that a land swap should also be a name swap. Along with many other people of my vintage, we have a strong tie to the area and do not buy in on the Māori claptrap.</td>
</tr>
<tr>
<td>20560</td>
<td></td>
<td></td>
<td>Redcliffs Park</td>
</tr>
<tr>
<td>20541</td>
<td></td>
<td></td>
<td>Te Papa Kura School Park</td>
</tr>
<tr>
<td>20535</td>
<td></td>
<td></td>
<td>Te Papa Kura Redcliffs Park Just Redcliffs Park will do.</td>
</tr>
<tr>
<td>20534</td>
<td></td>
<td></td>
<td>Te Papa Kura Redcliffs Park This is supposed to be a consultation, see Local Govt Act 2002. There are legal requirements. Redcliffs Park please</td>
</tr>
<tr>
<td>20555</td>
<td>Plan-good for under 5’s Please keep the established trees - as many as possible</td>
<td>Please don’t include skate park</td>
<td></td>
</tr>
<tr>
<td>20436</td>
<td>This site was unsuitable to remain as a school due to future possible earthquakes &amp; classified as being unsafe. If the proposed new plan proceeds then surely it remains a risk to all public.</td>
<td></td>
<td>Te Papa Kura School Park</td>
</tr>
<tr>
<td>ID</td>
<td>If funds allow, are there any (low cost) additional items you would like in the park?</td>
<td>Are there any items you would like removed or not included in the park?</td>
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</tr>
<tr>
<td>20426</td>
<td>NOT SAFE FOR A SCHOOL THEN NOT SAFE FOR A PARK. If the area is deemed to be safe then rebuild the new school on the same site.</td>
<td>Please leave all the trees.</td>
<td>Te Papa Kura Park</td>
</tr>
<tr>
<td>20417</td>
<td>I’d like to see a couple of gas BBQ’s with table like the ones you see on the Sunshine coast. While over there they are free and people respect them and clean up after using them, we could have a small charge of $2 coin to use the gas.</td>
<td>Just wondering if any other sport will be able to use the playing fields like junior hockey or touch rugby etc..</td>
<td>Te Papa Kura Redcliffs Park I have to say that I am struggling to understand why anything we build now in this city has to have a Maori name first??? I didn’t want to put Te Papa Kura Redcliffs park above but it wouldn’t let me leave it blank. This doesn’t allow for people who oppose to the name Te Papa Kura an option to express this. I’m very clever by giving all these different names around the city so they have a dominance over all these new facilities. I don’t have a problem with the Maori names of buildings but given English is still the most used language in NZ why can’t the English word be first??</td>
</tr>
<tr>
<td>20403</td>
<td>Some adult exercising equipment</td>
<td></td>
<td>Te Papa Kura - Other Redcliffs Old School Park, I would like to gift to the Council the name “Redcliffs old school park” And below that name “Te Papa Kura”</td>
</tr>
<tr>
<td>20313</td>
<td>Yes outdoor area for hangi and bbq preparation close to community building, eg bench and sink with water supply, seating and fixed sun shade. Area for patau pit with seating, close to community building. Add a linking pathway from car park to community building between the sports fields going around the existing trees. Install an information display board showcasing the previous uses of this park at the entrance, consult local historians for content matter, eg (Moari, world war 2 and school use over the years. I believe these enhancements will add greatly to our cultural community events and support the diverse character of the peoples that make up Redcliffs.</td>
<td>Exclusion of the above suggested name. Use either Redcliffs park or Redcliffs school park as commonly referred to by locals.</td>
<td>Redcliffs community shed</td>
</tr>
<tr>
<td>20401</td>
<td>It would be great to see some basketball or netball hoops (on a half-court maybe?). How about the classic under-black wall for hitting tennis balls/ kicking balls handball etc are?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20364</td>
<td>All existing fencing and trees to be retained. At least one dog drinking fountain. Several rubbish bins. An information board with information regarding the history of the land being the School for over a hundred years, the Moa Caves nearby, the school being used as a hospital during the 1918 Flu epidemic etc, the earthquakes causing generations to miss out on attending the school in Redcliffs, using the Redcliffs (te Rawaka) Moa motif.</td>
<td></td>
<td>Te Papa Kura Redcliffs Park, Te Papa Rawaka - which means Redcliffs Park. Redcliffs needs to retain a Redcliffs Park</td>
</tr>
<tr>
<td>ID</td>
<td>If funds allow, are there any (low cost) additional items you would like in the park?</td>
<td>Are there any items you would like removed or not included in the park?</td>
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</tr>
<tr>
<td>20341</td>
<td>skate ramp</td>
<td></td>
<td>Te Papa Kura Redcliffs Park</td>
</tr>
<tr>
<td>20331</td>
<td>An area to play petanque or boules - the play areas pictured are for very active pursuits. This suggestion is for those who are not so active or family groups looking to enjoy a shared recreational activity. Learners' cycle/tricycle area - with areas to learn about the road rules thinking of the under 5 year olds here that we want to get cycling. I saw outside the velodrome in Cambridge North Island a very much used space that had stop signs and even traffic lights teaching beginners how to navigate safely on real roads. Bringing back native birds such as tuī, kākāriki and kaka to this side of the Port Hills. Planting natives attracts native insects, and honey rich flowers which in turn attracts native birds. Every bit of native planting helps. CCC must lead by example of ensuring plants are eco-sourced and appropriate for this area. Plant exotics and we get exotic invertebrates and exotic birds. So keen to have as much native planting as possible to be part of the corridor linking to the Green Spine in the Red Zone.</td>
<td>Te Papa Kura Park The vision for the Petri Free Port Hills and Pest Free Banks Peninsula is to</td>
<td>Sandra Tully</td>
</tr>
<tr>
<td>20315</td>
<td>Parking on the vacant land at the rear of the School site close to the Building. All Community groups need to know what are acceptable activities for the buildings. The CCC have the opportunity with this area to make it a model for future community buildings and parks, to be used to their full extent by multiple community groups in the area. Please note: We do not need another community meeting room in the Redcliffs area as some of the already existing ones have little or no use. Make lease cost, terms and conditions of the lease to be able to make an informed decision on affordability prior to submitting an application for use of the buildings. Perhaps an open day for interested groups and discussion between them to ensure the buildings and area are used to their full extent and no become another park with facilities used two days a week.</td>
<td>The design and layout of the park does not allow for any vehicle access to the buildings by persons with disabilities or age movement restrictions. Parking close by would ensure that the facilities are used to their full extent and accessible in all weather by all persons. My Preference of the park name is only Redcliffs Park.</td>
<td>Te Papa Kura - Other (select this option and write your suggestion below)</td>
</tr>
<tr>
<td>20314</td>
<td>Totara trees for tuī return.</td>
<td></td>
<td>Te Papa Kura - Other (select this option and write your suggestion below)</td>
</tr>
<tr>
<td>20296</td>
<td>A gate into the ‘hazardous’ area behind the school in the former back field of the school property, with appropriate warning signage, of course.</td>
<td></td>
<td>Te Papa Kura Redcliffs Park</td>
</tr>
<tr>
<td>20281</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ID</td>
<td>20980</td>
<td>20271</td>
<td>20566</td>
</tr>
<tr>
<td>-----</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td></td>
<td>On behalf of Room 5 and 6 - we are Year 3 and 4 students at Redcliffs School (38 students), here are our suggestions (1): Trampoline set at ground level. Monkey bars that spin. Hamster wheel for kids. Giant jumping pillow. Obstacle course. A new flying fox. Spiral spinning top. Slides - spiral, covered spiral or metal. Rope swing and other swings. Playground roundabout/merry go round. A dogs’ playground/exercise area with ramps etc.</td>
<td>Te Papa Kura Redcliffs Park</td>
<td>Te Papa Kura Park</td>
</tr>
<tr>
<td></td>
<td>20566</td>
<td>20271</td>
<td>20980</td>
</tr>
<tr>
<td>Name</td>
<td>Redcliffs School (Room 5 and 6)</td>
<td>(Isabel) Patricia Cloather-Murray</td>
<td>Watsonville Park</td>
</tr>
<tr>
<td></td>
<td>20223</td>
<td>20194</td>
<td>20184</td>
</tr>
<tr>
<td></td>
<td>Te Papa Kura Redcliffs Park</td>
<td>Te Papa Kura Park</td>
<td>Te Papa Kura Redcliffs Park</td>
</tr>
<tr>
<td></td>
<td>David Barrick</td>
<td>Sue Cooke</td>
<td></td>
</tr>
<tr>
<td>ID</td>
<td>Item No.: 13</td>
<td>Page 7</td>
<td></td>
</tr>
<tr>
<td>----</td>
<td>--------------</td>
<td>--------</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ID</th>
<th>If funds allow, are there any (low cost) additional items you would like in the park?</th>
<th>Are there any items you would like removed or not included in the park?</th>
<th>What should the new park be called?</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>20172</td>
<td>I would love to see some fitness equipment placed around the park - like North Hagley Park. It could create a fitness circuit that runs around the perimeter of the park. This could be used by children, adults and CrossFit boot camp groups. While people are using the equipment, they could provide a watchful eye that would increase the security of the park.</td>
<td>See above</td>
<td>Te-Papa Kura School Park</td>
<td>Wayne Simmons</td>
</tr>
<tr>
<td>20171</td>
<td>Is the pathway to the Community building wide enough for all service and vehicles for disabled folk to be delivered to attend a function? Is there information boards other than the existing one in the middle of the Main Rd frontage. Is others maybe of the eastern entrance and near the carpark. What about a space for a community BBQ to be installed - a Community Service group(s) might be interested in providing one. Perhaps the seats by the eastern entrance and the Main road could be placed in a space better suited for watching activity, in parallel to the main road and on the western boundary of the grounds. What provisions have been given to public events being held at the park like Fairs etc. Is there provision for flood lighting for evening sport or events. Maybe a drink fountain by the existing play area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20166</td>
<td>I am opposed to a skate park being introduced to the park. If there HAS to be a skate park introduced it should be placed near the busy main road, so as to be easily seen and accessible to those who would use it, and to keep those who might use it away from housing.</td>
<td>I am opposed to a skate park being introduced to the park. If there HAS to be a skate park introduced it should be placed near the busy main road, so as to be easily seen and accessible to those who would use it, and to keep those who might use it away from housing.</td>
<td>Te-Papa Kura Park</td>
<td>Gabrielle Mayer</td>
</tr>
<tr>
<td>20165</td>
<td>No, proposal appears sensible</td>
<td>Please stay within the allocated funds provided as CCC has issues in fiscal restraint. Remember lots of pensioners live close by and are on fixed incomes.</td>
<td>Te-Papa Kura Redcliffs Park</td>
<td>Phil Smith</td>
</tr>
<tr>
<td>20153</td>
<td>In area 2 “possible future recreation space”, I suggest a play park/structure that is suitable for pre-schoolers or younger children. The retained park in area 5 is lovely but too advanced for young pre-schoolers. Any additional funding to add structures to balance out the playing age would be great. Also, please consider fencing off the play areas.</td>
<td>Please leave the fencing. It is a relief when playing at the park with young kids to know they can’t easily run off the road.</td>
<td>Te-Papa Kura - Other Just “Te Papa Kura”</td>
<td>Maria-Claude Hebert</td>
</tr>
<tr>
<td>20143</td>
<td>Community amenities for meetings/functions etc.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20140</td>
<td>1. I would like the proposed seat location of the seat in the NW section next to the path to be removed. I believe that people should not be invited to congregate next to the immediate neighbours. This seat could be located to a more suitable location away from direct neighbours. Maybe further south where the land is Red Zoned and not next to houses that are inhabited. 2. What is the plan/restrictions that will be put in place to deter late night annoyances? (boys racers, anti-social groups etc.) Will the gate be locked at a certain time? My house is directly next to the car park and will be subject to increased noise and disturbances. 3. Planting / barriers should be put in place to prevent soccer balls from reaching the Main Road. 4. Other than that the plans look GOOD!</td>
<td></td>
<td>Te-Papa Kura Redcliffs Park</td>
<td>Matt Cockcroft</td>
</tr>
<tr>
<td>20134</td>
<td>I’m in full support of creating a Bays Area Skate and scooter Park, also a low cost dirt pump track should be considered for young children learning to ride their bikes.</td>
<td>No, it’s a good looking design and an excellent use of this land.</td>
<td>Te-Papa Kura Redcliffs Park</td>
<td>George Langridge</td>
</tr>
<tr>
<td>20132</td>
<td></td>
<td></td>
<td>Te-Papa Kura Redcliffs Park</td>
<td>Anna Coppins</td>
</tr>
</tbody>
</table>
1. Coastal-Burwood Community Board Recommendation to Council

(Original staff recommendation accepted without change)

Part A

That the Council:

1. Approve the proposed names as listed below

<table>
<thead>
<tr>
<th>Proposed Name</th>
<th>Legal Description</th>
<th>Reserve Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aopori 1 Drainage Reserve</td>
<td>Lot 3002 DP 486184</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Split 2 DP 486184</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aopori 2 Drainage Reserve</td>
<td>Lot 3086 DP 520200</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Split 2 DP 520200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aopori Reserve</td>
<td>Lot 3105 DP 520200</td>
<td>Recreation Reserve</td>
</tr>
<tr>
<td>Arokehe Reserve</td>
<td>Lot 3106 DP 520200</td>
<td>Recreation Reserve</td>
</tr>
<tr>
<td>Georgina 1 Drainage Reserve</td>
<td>Lot 3031 DP 500584</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Georgina 2 Drainage Reserve</td>
<td>Lot 3008 DP 500854</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Goodmans Drain</td>
<td>Lot 3 DP 488684</td>
<td></td>
</tr>
<tr>
<td>Inanga 1 Drainage Reserve</td>
<td>Lot 3097 DP 520200</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Inanga 2 Drainage Reserve</td>
<td>Lot 3080 DP 520200</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Karere Drainage Reserve</td>
<td>Lot 101 DP 509577</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Kowaro Drainage Reserve</td>
<td>Lot 3098 DP 520200</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Split 2 DP 520200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kowaro Reserve</td>
<td>Lot 3081 DP 520200</td>
<td>Recreation Reserve</td>
</tr>
<tr>
<td>Split 2 DP 520200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leader Drainage Reserve</td>
<td>Lot 3071 DP 512762</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Split 2 DP 512762</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mara Drainage Reserve</td>
<td>Lot 3092 DP 509330</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Split 2 DP 509330</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. Approve the proposed classification of the reserves in accordance with the Reserves Act 1977 section 16(2A), as specified above.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Report Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Recently vested reserves through subdivisions - names and classifications</td>
<td>81</td>
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</table>

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Proposed names and classifications</td>
<td>88</td>
</tr>
</tbody>
</table>
Recently vested reserves through subdivisions - names and classifications

Reference: 19/49117
Presenter(s): Russel Wedge – Team Leader Parks Policy and Advisory, Sarah Blows – Parks Planner

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Waitai/Coastal-Burwood Community Board to:
   1.1.1 Recommend to the Council to approve the proposed reserve names as listed in Attachment A, and;
   1.1.2 Recommend to the Council to approve the proposed classification of reserves in accordance with the Reserves Act 1977, section 16(2A), specified in Attachment A.

1.2 The Council Policy Register: Naming of Reserves and Facilities, outlines the procedure for the naming of reserves, which is for the proposed reserve names to be referred to the Community Board in the first instance and then to the Council for adoption.

1.3 Under section 16(2A) of the Reserves Act 1977, any land vested with the Council can declare that land to be a reserve providing it has been given a classification through Council resolution.

Origin of Report
1.4 This report has been generated by council staff to ensure the naming and classification of reserves follows the Council's Policy Register.

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 completing the significance assessment.
   2.1.2 The community engagement and consultation outlined in this report reflect the assessment.

3. Staff Recommendations

That the Waitai/Coastal-Burwood Community Board recommend that the Council:

1. Approve the proposed names as listed below

<table>
<thead>
<tr>
<th>Proposed Name</th>
<th>Legal Description</th>
<th>Reserve Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aopori 1 Drainage Reserve</td>
<td>Lot 3002 DP 486184</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td></td>
<td>Lot 3503 DP 495865</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Aopori 2 Drainage Reserve</td>
<td>Lot 3086 DP 520200</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td></td>
<td>Lot 3032 DP 494177</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Reserve Name</td>
<td>Lot Number</td>
<td>Reserve Type</td>
</tr>
<tr>
<td>------------------------------</td>
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<td>---------------------------</td>
</tr>
<tr>
<td>Aopori Reserve</td>
<td>Lot 3105 DP 520200</td>
<td>Recreation Reserve</td>
</tr>
<tr>
<td>Arokehe Reserve</td>
<td>Lot 3106 DP 520200</td>
<td>Recreation Reserve</td>
</tr>
<tr>
<td>Georgina 1 Drainage Reserve</td>
<td>Lot 3031 DP 500584</td>
<td>Local Purpose (Utility) Reserve</td>
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<tr>
<td>Georgina 2 Drainage Reserve</td>
<td>Lot 3008 DP 500854</td>
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</tr>
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<td>Goodmans Drain</td>
<td>Lot 3 DP 488684</td>
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<tr>
<td>Inanga 1 Drainage Reserve</td>
<td>Lot 3097 DP 520200</td>
<td>Local Purpose (Utility) Reserve</td>
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<tr>
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<td>Lot 3080 DP 520200</td>
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</tr>
<tr>
<td>Karere Drainage Reserve</td>
<td>Lot 101 DP 509577</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Kowaro Drainage Reserve</td>
<td>Lot 3098 DP 520200</td>
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<tr>
<td>Kowaro Reserve</td>
<td>Lot 3081 DP 520200</td>
<td>Recreation Reserve</td>
</tr>
<tr>
<td>Leader Drainage Reserve</td>
<td>Lot 3071 DP 512762</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Mara Drainage Reserve</td>
<td>Lot 3092 DP 509330</td>
<td>Local Purpose (Utility) Reserve</td>
</tr>
<tr>
<td>Mara Reserve</td>
<td>Lot 3096 DP 512762</td>
<td>Recreation Reserve</td>
</tr>
<tr>
<td>Marshland Domain (extension)</td>
<td>Lot 3502 DP 495865</td>
<td>Recreation Reserve</td>
</tr>
</tbody>
</table>

2. Approve the proposed classification of the reserves in accordance with the Reserves Act 1977 section 16(2A), as specified above.

4. Key Points

4.1 This report supports the Council’s Long Term Plan (2018 - 2028):

4.1.1 Activity: Parks & Foreshore
- Level of Service: 6.0.1.0 Parks are provided managed and maintained in a clean, tidy, safe, functional and equitable manner (Maintenance) - Maintenance plan Key performance indicators = 90% achieved.

4.2 The following feasible options have been considered:
- Option 1 - Proposed reserve names and classifications are recommended to the Council (preferred option)
- Option 2 - The reserves are not named or classified

4.3 Option Summary - Advantages and Disadvantages (Preferred Option)

4.3.1 The advantages of this option include:
- The reserve has an official name that can be used in locating and promoting the reserve.
- The reserve can be entered into the Council’s database enabling it to be given a park identifier and added to a maintenance contract.
- The classification of the reserve confirms the vested purpose and use of the reserve in accordance with the Reserves Act 1977.

4.3.2 The disadvantages of this option include:
- There are no disadvantages identified.

5. Context/Background

Background

5.1 A number of new reserves have been vested in the Christchurch City Council as part of subdivision developments in the Burwood Ward. The Council Policy Register: Naming of Reserves and Facilities, states that all reserves vested in or under the control of the Council shall be given an appropriate name. New reserves are required to be allocated a name before they can be entered into the Council’s maintenance contracts.

5.2 Under the Reserves Act 1977, section 16 (2A), any land that has been vested with the Council can be declared a reserve providing it has been given a classification through a Council resolution. The classification of the reserve will provide the basis as to how the reserve should be managed and administered, for example, a recreation reserve compared to a drainage reserve.
6. **Option 1 - Proposed reserve names and classifications are recommended to the Council (preferred)**

**Option Description**

6.1 The proposed names are for reserves that have been vested with the Council at the time of the development of the subdivision. The classification of the reserve through a Council resolution complies with the Reserves Act for providing the basis of how the reserve is managed and administered.

**Significance**

6.2 The level of significance of this option is low consistent with section 2.

6.3 Engagement requirements for this level of significance are appropriate.

**Impact on Mana Whenua**

6.4 Mana Whenua were consulted and recommended the proposed name for the recreation reserves which has been incorporated in Attachment A.

**Community Views and Preferences**

6.5 The reserve land has been vested in the Council at the time of the development of the subdivision. The naming of the reserves usually commences before the land titles have been issued both for the proposed reserve and any adjoining prospective residential land owners, which has meant it has not been possible to consult with adjoining residents, neighbourhood or residential groups.

6.6 The location of the reserve and often the draft landscape plans with the subdivision’s proposed reserve name (originated by the developer) are available to prospective property buyers.

6.7 The naming of reserves in subdivisions follows a similar process to the Community Board consideration of appropriating names for public roads within a subdivision.

**Alignment with Council Plans and Policies**

6.8 This option is consistent with Council’s Plans and Policies.

**Financial Implications**

6.9 Cost of Implementation - There are no direct financial implications associated with the allocation of reserve names or the classification of a reserve, which are administrative processes undertaken as an operational expense.

6.10 Maintenance / Ongoing Costs – There is a requirement for reserves to be named before they can be entered into the Council’s database and allocated to the maintenance contract. Once the parks have been included in the maintenance contract the annual cost to maintain these 15 new parks is $140,127 per annum.

6.11 Funding source - Funding to maintain these new parks will be sourced from the Parks Operational budget. No budget provision have been made in the current 2018-2028 Long Term Plan period for annual maintenance cost.

**Legal Implications**

6.12 There are no negative legal implications to the naming and classification of the Council land as a reserve. The land has already been vested under the Reserves Act 1977 as a reserve. The classification of the land endorse the purpose the land was acquired in accordance with section 16(2A) of the Reserves Act 1977. The naming of the reserve complies with the Council Policy Register: Naming of Reserves and Facilities.
Risks and Mitigations
6.13 There are minimal, if any risks as the name of the reserves complies with the Council Policy Register: Naming of Reserves and Facilities.

Implementation
6.14 Implementation dependencies - no know dependencies.
6.15 Implementation timeframe - approximately one month after the names have been approved by Council.

Option Summary - Advantages and Disadvantages
6.16 The advantages of this option include:
- The reserve has an official name that can be used in locating and promoting the reserve.
- The reserve can be entered into the Council’s database enabling it to be given a park identifier and added to a maintenance contract.
- The classification of the reserve confirms the vested purpose and use of the reserve in accordance with the Reserves Act 1977.

6.17 The disadvantages of this option include:
- There are no disadvantages.

7. Option 2 - The reserves are not named or classified

Option Description
7.1 The Community Board may determine they will not name the parks or recommend to the Council the classification of the reserves.

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 appropriate.

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 The community are specifically affected by this option as there would be no maintenance of the parks carried out under the negotiated contract rates. Maintenance of the parks would be at a higher financial cost to the community and ratepayers than if the park was part of a maintenance contract. The parks would not be able to be entered in the Council SAP system and could therefore not be given a park identifier or entered into the parks maintenance contract.

7.6 The community views are for the parks to be maintained and at a reasonable financial rate.

Alignment with Council Plans and Policies
7.7 This option is inconsistent with the Council's Plans and Policies.
7.7.1 Inconsistency – the Council's Level of Service is to maintain Council parks to the specified standard.
7.7.2 Reason for inconsistency – the parks would not be able to be entered into SAP and could not therefore be added to the parks maintenance contract.

7.7.3 Amendment necessary – to name the parks to enable them to be entered into SAP, given a park identifier and added to the parks maintenance contract.

Financial Implications
7.8 Cost of Implementation - If the reserves cannot be maintained under the parks maintenance contact the Council is charged a much higher rate for them to be maintained as a one-off activity.

7.9 Maintenance / Ongoing Costs - the Council is charged a much higher rate to maintain reserves if they are not included in the Council’s negotiated parks maintenance contracts.

7.10 Funding source - parks operational budget.

Legal Implications
7.11 The Council is obliged to maintain the Council reserves in accordance with the Levels of Service, notified to the public through the Long Term Plan (LTP) process as required by the Local Government Act 2002 (LGA).

Risks and Mitigations
7.12 To not name the reserves is high risk as the reserves cannot be maintained under the parks maintenance contracts and if they are not maintained to the specified Levels of Service, there could be a conflict with the Council’s Long Term Plan and the Local Government Act. Or the parks are maintained to the specified Levels of Service but the Council is charged a higher rate to maintain the parks as they are not part of the negotiated parks maintenance contract.

Implementation
7.13 Implementation dependencies - no known dependences.

7.14 Implementation timeframe - not applicable if reserve names not approved.

Option Summary - Advantages and Disadvantages
7.15 The advantages of this option include:
   - There are no advantages for not naming the reserves.

7.16 The disadvantages of this option include:
   - The reserves cannot be entered into the Council’s database, provided with a park identifier.
   - The reserves cannot be added to the parks maintenance contract.
   - The maintenance of the reserves would be charged at a higher rate.
   - If the reserves are not maintained, they would not comply with the Levels of Service, Long Term Plan or Local Government Act.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Proposed names and classifications</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.

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarah Blows - Parks Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Andrew Rutledge - Head of Parks</td>
</tr>
<tr>
<td></td>
<td>Mary Richardson - General Manager Citizen and Community</td>
</tr>
</tbody>
</table>
## Attachment A: Proposed Names and Classifications

<table>
<thead>
<tr>
<th>Proposed Name</th>
<th>Street Address</th>
<th>Legal Description</th>
<th>Area (ha)</th>
<th>Reserve Classification</th>
<th>Additional Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prestons Park Subdivision</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Aopori 1 Drainage Reserve</td>
<td>20R Prestons Park Drive</td>
<td>Lot 3002 DP 486184</td>
<td>0.5745</td>
<td>Local Purpose (Utility) Reserve</td>
<td>Named after native fish - Shortfin Eel.</td>
</tr>
<tr>
<td></td>
<td>22R Lambies Street</td>
<td>Lot 3503 DP 495865</td>
<td>0.0366</td>
<td>Local Purpose (Utility) Reserve</td>
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</tr>
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<td>81R Aviemore Drive</td>
<td>Lot 3086 DP 520200</td>
<td>0.9027</td>
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<td>Named after native fish - Shortfin Eel.</td>
</tr>
<tr>
<td></td>
<td>25R Ellesmere Street</td>
<td>Lot 3032 DP 494177</td>
<td>0.0465</td>
<td>Local Purpose (Utility) Reserve</td>
<td></td>
</tr>
<tr>
<td>Aopori Reserve</td>
<td>48R Prestons Park Drive</td>
<td>Lot 3105 DP 520200</td>
<td>0.6607</td>
<td>Recreation Reserve</td>
<td>Named after native fish - Shortfin Eel.</td>
</tr>
<tr>
<td>Arokehe Reserve</td>
<td>83R Aviemore Drive</td>
<td>Lot 3106 DP 520200</td>
<td>0.1017</td>
<td>Recreation Reserve</td>
<td>Named after native fish - Longfin Eel.</td>
</tr>
<tr>
<td>Georgina 1 Drainage Reserve</td>
<td>24R Ellesmere Street</td>
<td>Lot 3031 DP 500584</td>
<td>0.0643</td>
<td>Local Purpose (Utility) Reserve</td>
<td>Named after adjoining road.</td>
</tr>
<tr>
<td>Georgina 2 Drainage Reserve</td>
<td>35R Alexandrina Street</td>
<td>Lot 3008 DP 500854</td>
<td>0.0663</td>
<td>Local Purpose (Utility) Reserve</td>
<td>Named after adjoining road.</td>
</tr>
<tr>
<td>Goodmans Drain</td>
<td>3 Te Korari Street</td>
<td>Lot 3 DP 488684</td>
<td>1.2849</td>
<td>For sewage and water</td>
<td>Continuation of drain.</td>
</tr>
<tr>
<td>Inanga 1 Drainage Reserve</td>
<td>44R Cameo Grove</td>
<td>Lot 3097 DP 520200</td>
<td>0.035</td>
<td>Local Purpose (Utility) Reserve</td>
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</tr>
<tr>
<td>Inanga 2 Drainage Reserve</td>
<td>24R McKerrow Street</td>
<td>Lot 3080 DP 520200</td>
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</tr>
<tr>
<td>Karere Drainage Reserve</td>
<td>25R Karere Avenue</td>
<td>Lot 101 DP 506957</td>
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</tr>
<tr>
<td>Kowaro Drainage Reserve</td>
<td>75R Prestons Park Drive</td>
<td>Lot 3098 DP 520200</td>
<td>0.3139</td>
<td>Local Purpose (Utility) Reserve</td>
<td>Named after native fish - Canterbury Mudfish.</td>
</tr>
<tr>
<td>Kowaro Reserve</td>
<td>74R Prestons Park Drive</td>
<td>Lot 3087 DP 520200</td>
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<td>12R Leader Street</td>
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<td>Address/Reference</td>
<td>Area (ha)</td>
<td>Purpose</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------</td>
<td>-----------</td>
<td>--------------------------</td>
<td>--------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Marshland Domain</td>
<td>42R Lambies Street Lot 3502 DP 495865</td>
<td>0.025</td>
<td>Recreation Reserve</td>
<td>Extension to existing park.</td>
<td></td>
</tr>
</tbody>
</table>
15. Art in Public Places: Installation of artwork in Rauora Park

Reference: 19/376306
Presenter(s): Brent Smith, Principal Advisor Citizens and Community

1. Social, Community Development and Housing Committee Consideration

The Committee discussed the importance of confirming that the Tongan Community support the sculpture, and it was noted that this support was illustrated at the recent launch.

2. Staff Recommendations

That the Social, Community Development and Housing Committee recommend that Council:

1. Agree to the permanent installation of *Vaka ʻA Ahina* subject to the following:
   
a. All necessary consents and approvals are obtained and provided by SCAPE Public Art.
   
b. SCAPE Public Art confirms that all funding is in place, including funding for the first 12 months maintenance period.
   
c. Future maintenance costs for *Vaka ʻA Ahina* are included for consideration in the draft 2019/20 Annual Plan
   
d. A condition report and long term maintenance and engineering plans are provided.
   
e. As part of the gifting process, Council’s requirements shall be addressed in a 3 way contract agreement between SCAPE, the Artist and Council.

3. Social, Community Development and Housing Committee Recommendation to Council

Part A

That Council:

1. Agree to the permanent installation of *Vaka ʻA Ahina* subject to the following:
   
a. All necessary consents and approvals are obtained and provided by SCAPE Public Art.
   
b. SCAPE Public Art confirms that all funding is in place, including funding for the first 12 months maintenance period.
   
c. Future maintenance costs for *Vaka ʻA Ahina* are included for consideration in the draft 2019/20 Annual Plan
   
d. A condition report and long term maintenance and engineering plans are provided.
   
e. As part of the gifting process, Council’s requirements shall be addressed in a 3 way contract agreement between SCAPE, the Artist and Council.
   
f. Note that the Tongan Community were involved at the launch.
**Attachments**

<table>
<thead>
<tr>
<th>No.</th>
<th>Report Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Art in Public Places : Installation of artwork in Rauora Park</td>
<td>95</td>
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<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Project Working Party report for SCAPE public artwork Vaka A Ahina by Semisi Potauaine</td>
<td>101</td>
</tr>
</tbody>
</table>
Art in Public Places: Installation of artwork in Rauora Park

Reference: 18/1217005
Presenter(s): Brent Smith – Principal Advisor Citizens and Community

1. Purpose of Report
   1.1 The purpose of this report is to seek approval from the Social, Community Development and Housing Committee for the permanent installation and maintenance of a public artwork to be installed on Council land. Vaka ‘A Ahina is an artwork by sculptor Sēmisi Potauaine to be permanently installed in Rauora Park.

Origin of Report
   1.2 This report is staff generated to seek approval from Council for the installation and maintenance of the artwork.

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 The level of significance was determined by this project being consistent with the Artworks in Public Places Policy and positive recommendations and support from the Public Arts Advisory Group. The artwork has been planned as part of the SCAPE Public Art 20th Anniversary.

3. Staff Recommendations
   That the Social, Community Development and Housing Committee recommend that Council:
   1. Agree to the permanent installation of Vaka ‘A Ahina subject to the following:
      a. All necessary consents and approvals are obtained and provided by SCAPE Public Art.
      b. SCAPE Public Art confirms that all funding is in place, including funding for the first 12 months maintenance period.
      c. Future maintenance costs for Vaka ‘A Ahina are included for consideration in the draft 2019/20 Annual Plan
      d. A condition report and long term maintenance and engineering plans are provided.
      e. As part of the gifting process, Council’s requirements shall be addressed in a 3 way contract agreement between SCAPE, the Artist and Council.

4. Key Points
   4.1 Council is being requested to approve the permanent installation and maintenance of Vaka ‘A Ahina in Rauora Park.
   4.2 The permanent installation of the artwork is supported by the Public Arts Advisory Group.
   4.3 The artwork is consistent with the Council’s Artworks in Public Places Policy
   4.4 Community Outcomes: Supports Strong Communities: Celebration of our identity through arts, culture, heritage and sport.
4.5 This report supports the Council’s Long Term Plan (2018 – 2028)

4.6 Activity: Recreation, Sports, Community Arts & Events

   Level of Service: Support community based organisations to develop, promote and deliver community events and arts in Christchurch

4.7 Activity: Heritage

   Level of Service: To manage and maintain Public Monuments, Sculptures, Artworks and Parks Heritage Buildings of significance.

5. Vaka ‘A Ahina

5.1 The Artist

   5.1.1 The artist is Sēmisi Fetokai Potauaine. He works as a multi-media artist, across a number of disciplines, notably architecture, sculpture, tattooing, painting, weaving and computer graphic designing. His research concentrates on time and space, culture and language, theory and practice and art and literature amongst others. He has co-authored a book, written journal articles, and is the principal illustrator of a new Pacific children’s book series.

5.2 The Artwork

   5.2.1 The project is titled Vaka- `a-Hina and can be translated into English as the ‘Vessel of Hina’, which evokes an imagery of a medium of travel, motion or movement. Hina, an ancient Tongan goddess, dwells within her abode at the moon above in the langi sky and in the vāvā or outer space, where she travels back and forth to maama or earth. Vaka-‘a-Hina is a vessel or receptacle of Hina, it is also her vaka.

   5.2.2 Vaka- `a-Hina is also a style or technique of carrying people between spaces/places or from one space/place to another, as in a child carried by her mother by sitting on her shoulders. And as a concept and practice, Vaka-‘a-Hina, points to the intersection or connection and separation of tā or time and vā or space as a means of transportation, transformation or projection. This results in experiencing a sense of flight into the realm of vāvā or outer space.

   5.2.3 Rauora Park within the East Frame has been chosen as the preferred site. A range of sites were explored within Rauora Park along the East frame in consultation with Ōtākaro Ltd, the artist and the SCAPE project team. This preferred site, south-side of Worcester Street, was selected based on accessibility to the sculpture, low maintenance, impact of the design, layout of the park and low impact on the surrounding residential land future development.

   5.2.4 The lighting system for the 16 metre tall artwork has the ability to be programmed to run different colours via a remote control system, in a similar way that we can control the lighting on ‘Fanfare”. This allows different colours to be programmed in for special events.
5.3 **Assessments**

5.3.1 An assessment has been carried out by the Council’s Public Arts Advisory Group (PAAG) at their meeting of 5 November 2018 and they comment as follows:

“Resolved that the Public Art Advisory Group is unanimously positive and supportive of the VAKA ‘A HINA sculpture by Semisi Potauaine for Rauora Park in the East Frame being gifted to the Council by SCAPE Public Art. The group considered all technical aspects of the design as well as the installation plan and are happy that these have been appropriately considered. The group don’t believe it appropriate that the copyright in the artwork is gifted to, or vested in, the Council, but that it should be retained by the artist and request that Christchurch City Council be consistent with the three-way commission agreements used for other Public Art Advisory Group artworks and leave the copyright interest vested in the artist.”

5.3.2 Letters or messages of support have been received from Matapopore Charitable Trust, The Christchurch Club and Fletcher Living.

5.3.3 A staff assessment has been carried out by a Project Working Party as per the Artworks in Public Places – Operational Procedures (ATTACHMENT A)

5.3.4 This assessment outlines the criteria for assessment, issues, maintenance requirements and finance implications.

5.3.5 The site is not identified in the Artwork in Public Places Five Year Plan 2004 as the site was formed post-earthquake 2010.

5.4 **Issues**

5.4.1 The artwork is made of Corten Steel. The design needs to ensure that no galvanic corrosion occurs.
5.4.2 Full engineering detail and condition assessment to be supplied at handover.

5.4.3 Confirmation of a water supply required for wash down purposes.

5.4.4 The draft Maintenance plan needs to be finalised and agreed.

5.4.5 This is a proposed gift to Council. The Project working party advice is that if accepted, Council would seek to gain clear title and intellectual property rights (including copyright) in the artwork through the gifting procedure. Council ideally needs to hold the title and own the intellectual property rights to ensure that it can (amongst other things) reproduce images of the artwork in various mediums, use (and allow others to use) the artwork or images of the artwork, and/or carry out maintenance work on the artwork, without the need to obtain the artist's permission each time.

5.4.6 When the work is gifted and Council is to own the intellectual property (including copyright), then the gifting document will need to provide for the assignment of all intellectual property in the work to the Council. If appropriate the Council should also seek a waiver of the artist’s moral rights (as these cannot be assigned). This will enable the Council to have full ownership of the work and use it as it chooses (i.e. in photographs, promotional material, reproduce as a drawing etc.).

5.4.7 This advice is not consistent with the comments from the Public Arts Advisory Group. As set out above, the Public Arts Advisory Group “don’t believe it appropriate that the copyright in the artwork is gifted to, or vested in, the Council, but that it should be retained by the artist”.

5.4.8 Legal opinion has been sought regarding this copyright issue and is as follows:

Where an artwork is commissioned then legally Council will (and should) own the copyright, unless agreed otherwise. The commissioning agreement for that artwork will formally record the Council’s ownership of copyright and all other intellectual property rights.

Where an artwork is already created and gifted to the Council (i.e. not subject to a commissioning agreement) then legally the author of the artwork will own the copyright in the artwork unless agreed otherwise:

For a gifted artwork that is not covered by a commissioning agreement, if the Council is to have ownership of copyright and related intellectual property rights in the artwork then these rights will need to be transferred (assigned) to Council as part of the gifting process.

Where the artist is to retain ownership of the intellectual property then the gifting documents will need to record that the artist grants the Council a licence to use the artwork as it chooses without the need to obtain consent in advance.

For a gifted artwork the current operations procedures require that the Council must determine if it is appropriate for it to own the copyright – Appropriateness will depend on the circumstances, background, future use requirements, maintenance obligations, terms of the gifting etc.

For both commissioned and gifted artworks, the Council should ensure that the artwork is installed on Council land and that Council can maintain the artwork without any encumbrances.

5.4.9 For a gifted artwork that is not covered by a commissioning agreement and, where the artist is to retain ownership of the copyright then a 3 way contract between the Artist,
SCAPE and Council is needed to ensure that Council is granted the following rights in respect of the artwork:

- The artist cannot replicate the artwork which is being provided for Christchurch in the same size and exact form and must seek permission from the Council for similar replications;
- The Council will own the artwork outright (i.e. with the exception of the copyright/intellectual property rights);
- The Council will have the freedom to move, reposition, and maintain the artwork as required without the need to obtain consent from the artist, subject to any moral rights of the artist;
- The Council is free to use images of the artwork in promotional materials or for related commercial purposes, or to provide such images to members of the public.

5.4.10 It should be noted here that in recent times the Council’s three-way commissioning agreements record Council ownership of the copyright (which is consistent with the Commissioning provisions of the Copyright Act 1994) and do not allow for copyright to be vested in the artist unless this is specifically requested.

5.5 Financial Implications

5.5.1 The sculpture has a value of $275,000 including installation costs.

5.5.2 The artwork is a gift to Council and is funded and commissioned by SCAPE Public Art.

5.5.3 Maintenance has been estimated to cost $1500 per year for cleaning the artwork (if required) cleaning of the grate and sump and an annual engineering inspection of the fixings.

5.5.4 The first 12 months maintenance costs are covered by SCAPE Public Art. Further maintenance costs are currently unbudgeted.

5.5.5 Future maintenance costs for Vaka ‘A Ahina have been included in the draft 2019/20 Annual Plan to go Council in February in 2019.

5.6 Recommendations

5.6.1 A condition report and long term maintenance and engineering plans are provided to Council.

5.6.2 All necessary consents and approvals are obtained and provided by SCAPE Public Art.

5.6.3 SCAPE Public Art confirms that all funding is in place for the installation and commissioning of the artwork, including funding for the first 12 months maintenance period.

5.6.4 Future maintenance costs for Vaka ‘A Ahina are included for consideration in the draft 2019/20 Annual Plan.

5.6.5 As part of the gifting process, Council’s requirements shall be addressed in a 3 way contract agreement between SCAPE, the Artist and Council.
## Attachments

<table>
<thead>
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<td></td>
</tr>
</tbody>
</table>

## Signatories

**Author**: Brent Smith - Principal Advisor Citizens & Community

**Approved By**: Andrew Rutledge - Head of Parks  
Mary Richardson - General Manager Citizen and Community
## PROJECT WORKING PARTY REPORT

<table>
<thead>
<tr>
<th>Project Working Party Meeting Date</th>
<th>Tuesday 23 October 2018; 9am.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal Name And Image</td>
<td>VAKA ‘A HINA by Sēmisi Potauaine</td>
</tr>
<tr>
<td>Applicant</td>
<td>SCAPE</td>
</tr>
<tr>
<td>Community Board Area</td>
<td>Linwood-Central-Heathcote Community Board</td>
</tr>
</tbody>
</table>
| Project Working Party Membership  | Sarah Amazinnia - Arts Advisor  
|                                   | Maria Adamski - Asset Engineer - Parks  
|                                   | Nicky Brown - Team Leader Heritage Gardens & City Centre  
|                                   | Diana Saxton - Community Recreation Advisor Linwood Central Heathcote |
| Funding                           | The artwork is proposed to be gifted to Council. CCC have not funded this artwork.  
|                                   | Gifts are:  
|                                   | - Deemed unconditional  
|                                   | - CCC are not obliged to accept any artwork gift offered  
|                                   | - Council, where appropriate, gain clear title  
|                                   | - And copyright in the artwork gifted  
|                                   | - A deed of gift would be required |
| Background                        | New legacy public artwork by artist Sēmisi Potauaine for SCAPE Public Art's 20th Anniversary is proposed for siting in Rauora Park, East Frame. The artwork has not yet been fabricated. |
| Proposal                          | SCAPE Public Art project team, Sēmisi Potauaine and GHD propose to deliver a public artwork that will add a distinctive character to Rauora Park, East Frame Christchurch Central City. The artwork would provide a distinctive marker and meeting place within Rauora Park. The artwork is envisaged to have a presence both day and night that celebrates Pacific Island Tongan Culture tā (time) and vā (space) |

### PROJECT WORKING PARTY SUMMARY

The artist, Sēmisi Fetokai Potauaine, works as a multi-media artist, across a number of disciplines, notably architecture, sculpture, tattooing, painting, weaving and computer graphic designing. His research concentrates on time and space, culture and language, theory and practice and art and literature amongst...
others. He has co-authored a book, written journal articles, and is the principal illustrator of a new Pacific children’s book series.

The East Frame is an area of post-quake development by Ččakaro and therefore is not included in any management plans or the Art in Public Places priority sites. The Council technical support team have not identified any issues with the location or the proposed artwork. The artwork appears robust and easy to maintain. Water supply at the site would be beneficial.

The artwork will provide an additional cultural dimension to the City Council’s collection of outdoor works.

| The following are recommended if the artwork is to become permanent and owned by Council: |
|---|---|
| **Maintenance** | A long term Maintenance Plan is provided. That a water supply is available on site. That Council approve additional funding in the maintenance budget to maintain the artwork. |
| **Consents** | That SCAPE obtain all necessary consents. |
| **Engineering** | As-buils and engineering details are supplied |
| **Gift** | That the artwork is transferred to CCC through a Deed of Gift. The Deed of Gift to incorporate the following: Accepted as unconditional Copyright is vested in Council Title is vested in Council |
| **Artwork fabrication** | That SCAPE facilitate visits with CCC Asset Management staff during the fabrication process to view and document the work as it develops. |

**Supporting information**

**Artist**

Sēmisi Potauaine

Sēmisi Fetokai Potauaine works as a multi-media artist, across a number of disciplines, notably architecture, sculpture, tattooing, painting, weaving and computer graphic designing. His research concentrates on time and space, culture and language, theory and practice and art and literature amongst others. He has co-authored a book, written journal articles, and is the principal illustrator of a new Pacific children’s book series.

**Artwork Description/Artist Statement**

**VAKA ‘A HINA**

The project is titled Vaka-‘a-Hina and can be translated into English as the ‘Vessel of Hina’, which evokes an imagery of a medium of travel, motion or movement. Hina, an ancient Tongan goddess, dwells within her abode at the moon above in the langi sky and in the vāvā or outer space, where she travels back and forth to marema or earth. Vaka-‘a-Hina is a vessel or receptacle of Hina, it is also her vaka

Vaka-‘a-Hina is also a style or technique of carrying people between spaces/places
or from one space/place to another, as in a child carried by her mother by sitting on her shoulders. And as a concept and practice, Vaka’a-Hina, points to the intersection or connection and separation of tā or time and vā or space as a means of transportation, transformation or projection. This results in experiencing a sense of flight into the realm of vāvā or outer space.

**Location**

**Proposed site**  
Rauora Park within the East Frame. A range of sites were explored within Rauora Park along the East Frame in consultation with Ītakaro, the artist and the SCAPE project team. This preferred site, south-side of Worcester Street, was selected based on accessibility to the sculpture, low maintenance, impact of the design, layout of the park and low impact on the surrounding residential land future development. The site is not included as a priority site in Appendix 4 Artworks Location Prioritisations of the Artworks in Public Places Policy as the site did not exist at the time the prioritisations were undertaken and consulted on. The area is part of a wider planning process (East Frame) and therefore approval of the site is required by the Social, Community Development and Housing Committee and Council.

**Site Map**

**Consents**  
SCAPE are required to obtain all necessary consents and/or exemptions by liaising with the Duty Planner Resource Consents and Duty Planner Consent officer.

**Proposed Ownership**  
A proposed gift to Council. If accepted Council would seek to gain clear title and copyright in the artwork through the gifting procedure.

**Materials**  
Corten steel sheet treated, internal steel frame structure. Design needs to ensure no galvanic corrosion occurs.

**Fabricators**  
John Jones Steel
<table>
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<tr>
<th>Scale/Dimensions</th>
<th>16m high, 1.5m width and 3m long</th>
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<tbody>
<tr>
<td>Artwork value</td>
<td>TBC</td>
</tr>
<tr>
<td>Life of Artwork</td>
<td>50 years min</td>
</tr>
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### Art in Public Places Policy considerations for Project Working Party:


**Urban Designer**
 Josie Schroeder - Principal Advisor Urban Design

The proposed site has been assessed from various potential vantage points, and considered how it might look with the future built form of the surrounding blocks. I think it will strengthen the legibility of the area particularly when viewed from the south – reinforcing the traditional landscape concept of the vista. I support the retention of the Totara already in place, as they will provide a further dimension in respect to the journey and cultural understanding of the site, while grounding the work in the context.

**Parks and/or Transport planners**
 Streets / Lighting  Geoff English Asset Management - Transport

Confirmed his happy will responses provided by SCAPE in relation to Streets and Lighting. See appendix 2.

It is Council's preference that the proposed lighting control system can be changed remotely. Other sites within the central city using colour control have used the Pharos system.

Traffic Safety / Operational Considerations: Mike Thomson Traffic Engineer

Noted that the preferred site appears fine. It is situated mid-block on Worcester. This street is a narrow, low volume road with a speed limit of 30 km/h. There is no signage that would unduly distract a passing motorist.

**Storm Water and land Drainage**
 Paul Dickson – Drainage Engineer

In which the matter or potential concern to the storm water network is iron runoff: I foresee no water quality issues because iron is not considered to be a contaminant of storm water. Iron in storm water and natural water is not monitored, for that reason. Any effects would be aesthetic, which is not of direct concern to the 3 Waters Unit.

**Heritage Planner**
 Brendan Smyth – Team Leader Heritage

The proposed sculpture will be located close to a number of heritage buildings particularly the Christchurch Club and the Trinity Church on the corner of Manchester Street. However, I do not believe that these buildings are close enough to the proposed location of the sculpture to be adversely impacted by it. The heritage components of the Christchurch Club are located adjacent to Latimer Square and separated by the tennis courts and other newer components of the Club. The Trinity Church is also separated by a space which is earmarked for new buildings which will eventually separate the sculpture visually from the church.

**Architect or Landscape Architect**
 Dennis Preston – Team Leader Technical Service and Design

From a landscape perspective the preferred site for location of artwork is appropriate and will provide drama and interest in its Raoura Park setting.

**Events**
 Sina Multito – Events Partnerships and Development Advisor

No concerns raised. Artwork does not impact on event delivery in Raoura Park.
| Attachment A | Item 15 |

| Council 11 April 2019 |

<table>
<thead>
<tr>
<th>Item No.:</th>
<th>15</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCC staff contact for event activity scheduled in Rauora Park - Sina Mulitalo Events Partnerships &amp; Development Advisor CCC <a href="mailto:sina.mulitalo@ccc.govt.nz">sina.mulitalo@ccc.govt.nz</a></td>
<td></td>
</tr>
<tr>
<td>Mana Whenua</td>
<td>Letter of support from Matapopore Charitable Trust: See appendix 3.</td>
</tr>
<tr>
<td><strong>Art in Public Places Policy Appendix 11 considerations:</strong></td>
<td></td>
</tr>
<tr>
<td>Practicalities</td>
<td>Confirmation of a water supply required. Access is good and there is space to work around the artwork as long as it is positioned with lifter and pedestrian space away from Worcester Street. There are no identifiable vulnerabilities that would cause damage out of the normal. There are trees on either side – may need to check what genera they are and what their size at maturity is. Infrastructure conflicts will be the responsibility of SCAPE to site so the artwork does not affect them. Cost of installation is the responsibility of SCAPE.</td>
</tr>
<tr>
<td>Relationship to Surrounding Spaces</td>
<td>See Pools of Knowledge comments – summary (there appears to be no issue with the relationship to the surrounding spaces)</td>
</tr>
<tr>
<td>Health and Safety</td>
<td>See Pools of Knowledge comments – summary (there appears to be no potential Health and Safety issue)</td>
</tr>
<tr>
<td><strong>Policy and Strategy Considerations:</strong></td>
<td></td>
</tr>
<tr>
<td>Artworks in Public Places Five Year Plan November 2004</td>
<td>The site is not identified in the Artwork in Public Places Five Year Plan 2004 as the site was formed post-earthquake 2010. Either the Social, Community Development and Housing Committee and Council will need to approve the location given it is part of a wider planning process? or If not a priority site or part of a wider planning process then two GM can make a decision about the proposed site?</td>
</tr>
<tr>
<td>Management Plans or Conservation Plans</td>
<td>No management or conservation plans for this area.</td>
</tr>
<tr>
<td>Community Board Plan 2017-19</td>
<td>Waikura/Linwood-Central-Heathcote Community Board Plan 2017-19  Strong Communities Advocate for and support improvement of Central City residential areas to bring about a vibrant centre that people are drawn to live in. <strong>Prosperous Economy</strong> Promotion of Christchurch as tourist destination for active lifestyles in a stunning natural setting. <a href="https://ccc.govt.nz/assets/Documents/The-Council/Community-Boards/Linwood-Central-Heathcote-Community-Board-Plan.pdf">https://ccc.govt.nz/assets/Documents/The-Council/Community-Boards/Linwood-Central-Heathcote-Community-Board-Plan.pdf</a></td>
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<tr>
<td><strong>Technical</strong></td>
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<tr>
<td>Structural engineering</td>
<td>21/09/18 Mark Humphery confirmed he is happy will all responses provided by SCAPE in relation to Structural Engineering, wind loading and foundation development. See appendix 2.</td>
</tr>
<tr>
<td>Hazards/Risks</td>
<td>Risk Assessment provided by GHD in proposal report prepared by SCAPE for Christchurch City Council. See appendix 1.</td>
</tr>
<tr>
<td><strong>Maintenance</strong></td>
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<tr>
<td>Maintenance plan</td>
<td>Draft maintenance plan provide. See appendix 2.</td>
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</table>
| **Parks Estimated Maintenance costs** | Estimated cost of maintenance:  
Stey, by Anthony Gormley some parts of the plan would not be applicable in this instance. This will need to be reviewed and agreed |
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<td><strong>Reporting Notes</strong></td>
<td>PWP report goes to Blair Jackson to progress through the Public Art Advisory Group (PAAG) and report to standing committee, PAAG would co-opt someone from the Linwood-Central Heathcote Community Board to consider the proposed gift.</td>
</tr>
</tbody>
</table>
| **Report Sign-Offs**               | Brent Smith - Principal Advisor Citizens & Community to write report for Council.  
Brent Smith - Principal Advisor Citizens & Community to manage through to Mary Richardson – General Manager Citizens and Community. |
Appendix 1: TRIM Link to Artwork proposal from SCAPE 18/1020286

Appendix 2: TRIM Link to SCAPE response to technical questions 18/1020392

Appendix 3: Support Letters

30th August 2018

Deborah McCormick
Executive Director
SCAPE Public Art Trust
PO Box 763
Christchurch 8140

Kia ora Deborah

RE: LETTER OF SUPPORT FOR THE PROPOSED ARTWORK TITLED MAKA'A HINA WITHIN RAUORA PARK.

The Matapopore Charitable Trust is the organisation that has been established by Ngāi Tūhuriri to work with Otākaro Ltd, Regenerate Christchurch and Christchurch City Council (CCC) to provide cultural advice on Ngāi Tūhuriri (Ngāi Tahu) values, narratives and aspirations, and to weave these into the fabric of the anchor projects and other projects associated with the recovery of greater Christchurch.

Ngāi Tūhuriri is the local Ngāi Tahu sub-triβe [hapū] that holds mana whenua [traditional rights and responsibilities] over the Christchurch CBD.

Many thanks for your recent approach to Matapopore to support a Mana Whenua consultation process with regards to the proposed legacy public artwork titled Velea ‘a Hina by artist Sénni Potauaere.

The proposed instalation site is Rauora Park (Worcester Blvd Intersection), the artwork will be a vertical sculpture, 36m high from ground made of corten steel. SCAPE Public Art have provided the following text to explain the meaning of the form:

Velea ‘a Hina and can be translated into English as the ‘Vessel of Hina’, which evokes an imagery of a medium of travel, motion or movement. Hina, an ancient Tongan goddess, dwells within her abode

Matapopore Charitable Trust
PO Box 12446, Christchurch 8244
at the moon above in the kōhe sky and in the wāki or outer space, where she travels back and forth to meso or earth. Vaka ‘a Hina is a vessel or receptacle of Hina, it is also her waka or canoe.

Vaka ‘a Hina is also a style or technique of carrying people between spaces/places or from one space/place to another, as in a child carried by her mother by sitting on her shoulders. And as a concept and practice, Vaka ‘a Hina, points to the intersection or connection and separation of ‘a or time and ‘a or space as a means of transportation, transformation or projection. This results in experiencing a sense of flight into the realms of ‘a or outer space.

SCAPE Executive Director Deborah McCormick recently presented the proposal to the Mataopone General Manager Debbie Tiaos, who has sought support from Aroha Reriti-Crofts, the Chairperson for the Mataopone Charitable Trust. Mataopone have noted that the meaning of Vaka ‘a Hina aligns with the story arc within Tākaro a Pūi which includes designs of a double-hulled waka and the Honu (turtle) to highlight our ocean voyaging traditions and connection to the Pacific.

On behalf of Mataopone Charitable Trust we fully support Vaka ‘a Hina and SCAPE Public Art’s efforts to site this permanent sculpture within Reaera Park.

We look forward to supporting this as a legacy artwork for Orautahi.

Should you have any questions please give me a call.

Noho ora mai.

Aroha H. Reriti-Crofts CBE, JP
Chairperson
MATAOPONE

Mataopone Charitable Trust
PO Box 3348, Christchurch 8244
Consultation feedback provided from Fletcher Living

From: Mark Doyle (Fletcher Living) <m.doyle@fli.co.nz>
Sent: Tuesday, 21 August 2018 1:41 p.m.
To: Deborah McCormick <deborah@scapepublicart.org.nz>
Cc: Russell Pyne (Fletcher Living) <r.pyne@fli.co.nz>
Subject: RE: Fletcher Living Consultation Sculpture

Hi Deborah,

All good from Fletcher Living’s perspective.

Looking forward to seeing it!

Regards,

Mark

Mark Doyle
Community and Stakeholder Manager - Canterbury
Consultation feedback provided from The Christchurch Club

From: Ben Bridge <ben.bridge@mcap.co.nz>
Sent: Friday, 24 August 2018 10:04 a.m.
To: Deborah McCormick <deborah@scapepublicart.org.nz>
Cc: Michelle Callingham <michelle@scapepublicart.org.nz>
Subject: RE: SCAPE Legacy Artwork for The Christchurch Club

Hi Deborah,

Thanks for sending the information through. The Club’s committee met on Monday and I had previously circulated the information you had provided. No one had any objections and the general consensus is the sculpture will be an impressive asset for the City.

We wish you all the best with the process and look forward to seeing completed artwork.

Regards,

Ben

BEN BRIDGE
Director

+64 21 989 296
+64 3 355 4244
16. Social, Community Development and Housing Committee
Minutes - 3 April 2019

Reference: 19/380545
Presenter(s): David Corlett, Committee and Hearings Advisor

1. Purpose of Report
   The Social, Community Development and Housing Committee held a meeting on 3 April 2019 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 3 April 2019.

Attachments

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Signatories

<table>
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<tr>
<th>Author</th>
<th>David Corlett - Committee and Hearings Advisor</th>
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Social, Community Development and Housing Committee
OPEN MINUTES

Date: Wednesday 3 April 2019
Time: 9.32am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Councillor Phil Clearwater
Deputy Chairperson
Councillor Glenn Livingstone
Members
Councillor Jimmy Chen
Councillor Yani Johanson
Councillor Mike Davidson
Councillor Aaron Keown
Councillor Tim Scandrett

3 April 2019

Principal Advisor
Brent Smith
Principal Advisor Citizens & Community
Tel: 941 8645

David Corlett
Committee and Hearings Advisor
941 5421
david.corlett@ccc.govt.nz
www.ccc.govt.nz

To view copies of Agendas and Minutes, visit:
www.ccc.govt.nz/the-council/meetings-agendas-and-minutes/
The agenda was dealt with in the following order.

1. **Apologies**
   - Part C
   - Committee Resolved SOC/2019/00019
   - **Committee Decision**
     That the apology from Councillor Anne Galloway and that an apology from Councillor Yani Johanson for lateness be accepted.
     Councillor Livingstone/Councillor Scandrett  
     **Carried**

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

3. **Confirmation of Previous Minutes**
   - Part C
   - Committee Resolved SOC/2019/00020
   - **Committee Decision**
     That the minutes of the Social, Community Development and Housing Committee meeting held on Wednesday, 6 March 2019 be confirmed.
     Councillor Keown/Councillor Livingstone  
     **Carried**

4. **Public Forum**
   - Part B
   - 4.1 **The Toy Collector Museum**
     Ruth Fisher spoke on behalf of The Toy Collector Museum regarding their operations and invited Committee members to visit the museum.

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. Approval of an extension of time for the uptake of a Heritage Incentive Grant for works to 64 Opawa Road
Committee Resolved SOC/2019/00021

Part C (Original Staff Recommendation Accepted without Change)

That the Social, Community Development and Housing Committee:

Approve an extension of time of one year for the uptake of the Heritage Incentive Grant previously approved for 64 Opawa Road. The completion date for uptake of the grant would be 6 June 2020.

Councillor Keown/Councillor Livingstone

Carried

8. Approval of an extension of time for the uptake of a Heritage Incentive Grant for works at Wood Brothers Mill, 14 Wise Street, Addington, Christchurch
Committee Resolved SOC/2019/00022

Part C (Original Staff Recommendation Accepted without Change)

That the Social, Community Development and Housing Committee:

Approve an extension of time of one year for the uptake of the Heritage Incentive Grant previously approved for 14 Wise Street, Addington. The completion date for uptake of the grant would then be 3 April 2020.

Councillor Chen/Councillor Keown

Carried

Councillor Johanson joined the meeting at 10:01 a.m. during the consideration of agenda item 9

9. Covenant Consent Approval for 20 Templar Street, William Sutton House
Committee Resolved SOC/2019/00023

Part C (Original Staff Recommendation Accepted without Change)

That the Social, Community Development and Housing Committee:

1. Approve a covenant consent to undertake the works associated with the replacement of the interconnecting garage door at 20 Templar Street, the Sutton House.

Councillor Livingstone/Councillor Keown

Carried
11. Art in Public Places: Installation of artwork in Rauora Park

Committee Comment

1. The Committee discussed the importance of confirming that the Tongan Community support the sculpture, and it was noted that this support was illustrated at the recent launch.

Staff Recommendations

That the Social, Community Development and Housing Committee recommend that Council:

1. Agree to the permanent installation of Vaka 'A Ahina subject to the following:
   a. All necessary consents and approvals are obtained and provided by SCAPE Public Art.
   b. SCAPE Public Art confirms that all funding is in place, including funding for the first 12 months maintenance period.
   c. Future maintenance costs for Vaka 'A Ahina are included for consideration in the draft 2019/20 Annual Plan.
   d. A condition report and long term maintenance and engineering plans are provided.
   e. As part of the gifting process, Council’s requirements shall be addressed in a 3 way contract agreement between SCAPE, the Artist and Council.

Committee Decided SOC/2019/00024

Part A

That the Social Committee recommend that Council:

1. Agree to the permanent installation of Vaka 'A Ahina subject to the following:
   a. All necessary consents and approvals are obtained and provided by SCAPE Public Art.
   b. SCAPE Public Art confirms that all funding is in place, including funding for the first 12 months maintenance period.
   c. Future maintenance costs for Vaka 'A Ahina are included for consideration in the draft 2019/20 Annual Plan.
   d. A condition report and long term maintenance and engineering plans are provided.
   e. As part of the gifting process, Council’s requirements shall be addressed in a 3 way contract agreement between SCAPE, the Artist and Council.
   f. Note that the Tongan Community were involved at the launch.

Councillor Keown/Councillor Davidson

Carried
10. Establishment of a Disability Issues Working Group

Committee Comment

1. The Committee agreed that an additional Councillor be added to the Working Group and that the Terms of Reference proposed by staff be approved subject to an amendment to the second and fifth bullet points.

Staff Recommendations

That the Social, Community Development and Housing Committee:

1. Establishes a Disability Issues Working Group.

Committee Resolved SOC/2019/00025

Part C

That the Social, Community Development and Housing Committee:

1. Establishes a Disability Issues Working Group.
2. Appoints Councillors Johanson and Davidson as additional members of the Disability Issues Working Group.
3. Adopts the Terms of Reference for the Disability Issues Working Group as proposed by staff but with the following amendments to bullet points two and five:
   - Providing a point of engagement for the Council with individuals with disabilities or groups or organisations who actively advocate for the disability community people with disabilities.
   - Requesting information from Council Officers to support the search for best practice around disability issues to identify opportunities for implementing and creating best practise around disability issues.

Councillor Keown/Councillor Davidson

Carried

Meeting concluded at 10.52am.

CONFIRMED THIS 5th DAY OF JUNE 2019

COUNCILLOR PHIL CLEARWATER
CHAIRPERSON
17. Proposed Temporary Alcohol Bans at Rugby League Playing Fields for the 2019 Season

Reference: 19/373593
Ruth Littlewood, Senior Policy Analyst
Evangeline Emerenciana, Policy Analyst
Angela Leatherby, Sports Services Activation Advisor

1. Regulatory Performance Committee Consideration

1.1 George Lajpold, Capability and Game Manager for Canterbury Rugby League, attended the Regulatory Performance Committee in support of the proposed temporary alcohol bans at rugby league playing fields for the 2019 season.

2. Regulatory Performance Committee Recommendation to Council

Original Staff Recommendations Accepted Without Change

That the Council:

1. Notes that the temporary ban will complement the local clubs non-regulatory alcohol management measures designed to ensure the safety of park users including spectators, players, and volunteer officials during rugby league games and training.

2. Resolves to impose under clause 5 of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 temporary alcohol ban areas for designated playing fields and associated car parks, changing sheds, and playground areas (see Attachment 2 – List of proposed ban areas) as follows:
   a. The temporary alcohol ban areas will apply during the periods that the fields are being used for rugby league training and games.
   b. Between 3pm to 8.30 pm Monday to Friday and between 9am to 6pm on Saturday and Sunday of each week from the date of the decision of Council] to 31st August 2019.

3. Resolves that it is satisfied that:
   a. With respect to the areas to which the proposed temporary alcohol ban will apply, there is a high level of crime or disorder that has been caused or made worse by alcohol consumption; and
   b. the alcohol ban areas:
      i. Are appropriate and proportionate in the light of the evidence; and
      ii. Can be justified as a reasonable limitation on people’s rights and freedoms.

4. Requests that Sports and Recreation staff work with Canterbury Rugby League to ensure that the conditions on alcohol-free playing fields referred to in Council and CRL agreements are communicated to all member clubs.
5. Requests policy staff review the effectiveness of the temporary alcohol ban area and to report back to the Council by December 2019 with recommendations as to whether (or not) the Alcohol Restrictions in Public Places Bylaw 2018 should be amended to include a permanent ban area for designated fields during the rugby league season.

Attachments

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<td>B</td>
<td>Attachment 2 - List of proposed alcohol ban areas</td>
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<td>C</td>
<td>Attachment 3 - CRL Alcohol Management Process</td>
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Proposed Temporary Alcohol Bans at Rugby League Playing Fields for the 2019 Season

Reference: 19/198811
Ruth Littlewood, Senior Policy Analyst
Evangeline Emerenciana, Policy Analyst
Angela Leatherby, Sports Services Activation Advisor

1. Purpose of Report
1.1 The purpose of this report is to recommend a temporary alcohol ban on the playing fields allocated for rugby league for the 2019 season (April to August).

2. Executive Summary
2.1 In 2018 Canterbury Rugby League (CRL) made a submission to the Council requesting that alcohol bans be put in place for rugby league playing fields during the rugby league season. (Attachment 1 – CRL submission on the proposed Alcohol Restrictions in Public Places Bylaw in 2018). The Council resolved that staff further investigate the matters raised in the CRL submission and this report is the result of the staff investigations.

2.2 The Council allocates playing fields on 17 parks to CRL and CRL asked for an alcohol ban to cover those playing fields together with immediately adjoining car parks, changing sheds, and playground areas. The current proposal is for a temporary ban to be in force for five months from April to August 2019 which would apply for the rugby league fields only during the time that games and training are taking place. The maximum period for the ban to apply would be from 3pm to 8.30pm Monday to Friday each week for training and from 9am to 6pm on Saturday and Sunday each weekend for matches.

2.3 CRL have embarked on a broad programme to change an unhealthy alcohol related culture within some sections of the rugby league community and the request for alcohol bans sits alongside a range of other initiatives; CRL have sought the bans because of ongoing problems associated with spectators and club members drinking on the side-lines or in adjacent areas. CRL consider that by creating alcohol bans for the rugby league fields, the clubs will be able to intervene early and prevent alcohol-fuelled incidents. At present the clubs have no control over people involved in incidents who are not club members and volunteer administrators have been abused when they attempt to talk to ‘offenders’.

2.4 Before making an alcohol ban the Council must be satisfied that there is sufficient evidence of alcohol related harm to justify a ban and, that having regard to the rights and freedoms of people under the Bill of Rights Act 1990, that a ban is a proportionate response to alcohol related disorder and crime.

2.5 The Police have considered the issues referred to by CRL, and support the proposed temporary alcohol bans. The Council Parks and Sports and Recreation staff also support the proposed alcohol ban on playing areas allocated to rugby league and consider that the initiative provides a safer environment for park users e.g. players, spectators, volunteer officials, including children.
2.6 If the Council approves the ban, the Council will publicly notify the alcohol restrictions while CRL will take responsibility for erecting and removing signage e.g. teardrop ‘Alcohol-Free Zone’ or alcohol ban signs at the beginning and end of training and games.

3. **Staff Recommendations**

   That the Regulatory Performance Committee recommend that the Council:

   1. Note that the temporary ban will complement the local clubs non-regulatory alcohol management measures designed to ensure the safety of park users including spectators, players, and volunteer officials during rugby league games and training.

   2. Resolves to impose under clause 5 of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 temporary alcohol ban areas for designated playing fields and associated car parks, changing sheds, and playground areas (see Attachment 2 – List of proposed ban areas) as follows:
      
      a. The temporary alcohol ban areas will apply during the periods that the fields are being used for rugby league training and games.
      
      b. Between 3pm to 8.30 pm Monday to Friday and between 9am to 6pm on Saturday and Sunday of each week from the date of the decision of Council to 31st August 2019.

   3. Resolves that it is satisfied that:
      
      a. With respect to the areas to which the proposed temporary alcohol ban will apply, there is a high level of crime or disorder that has been caused or made worse by alcohol consumption; and

      b. the alcohol ban areas:
         
         i. Are appropriate and proportionate in the light of the evidence; and

         ii. Can be justified as a reasonable limitation on people’s rights and freedoms.

   4. Requests that Sports and Recreation staff work with Canterbury Rugby League to ensure that the conditions on alcohol-free playing fields referred to in Council and CRL agreements are communicated to all member clubs.

   5. Requests policy staff review the effectiveness of the temporary alcohol ban area and to report back to the Council by December 2019 with recommendations as to whether (or not) the Alcohol Restrictions in Public Places Bylaw 2018 should be amended to include a permanent ban area for designated fields during the rugby league season.

4. **Context/Background**

   **Issue or Opportunity**

   4.1 In 2018, antisocial and inappropriate behaviour displayed by spectators and incidents associated with side-line drinking of alcohol within the rugby league community were reported by the local clubs to Canterbury Rugby League (CRL). These incidents include abuse of officials and spectators, confrontational challenges to volunteers, threats including those involving a weapon, and three assaults. CRL reports that 70 percent of the local clubs indicated they are dealing with alcohol-related behavioural issues on a weekly basis.

   4.2 CRL considers that alcohol bans (in association with a range of non-regulatory measure) are necessary to reduce harm, disorder and crime associated with alcohol consumption and to provide for the safety of people watching rugby league games and other park users.
The proposed alcohol bans

4.3 The CRL request is for alcohol bans to apply on the playing fields allocated to rugby league and to adjoining public spaces such as children’s play areas, car parks, and changing rooms. The proposed ban will apply only during the periods when the fields are in use for rugby league.

4.4 The current staff proposal for temporary alcohol ban areas would apply for the 2019 Rugby League season commencing in April and ending in August, between 3pm to 8.30pm on Monday to Friday each week; and between 9am to 6pm on weekends.

4.5 The clubs will take responsibility for erecting and removing the ban signage at the beginning and end of each training session and game.

Alcohol-related problems

4.6 This proposal was initiated by local rugby league clubs concerned about the ongoing impact of alcohol-related misbehaviour on spectators, players, officials and the wider community. The clubs are concerned about a culture within the wider rugby league community that supports drinking on the side-line even at parks located within a permanent alcohol ban area.

4.7 Some members of the rugby league community believe it is ‘their right’ to drink on the side-lines even when the field (Bradford Park – Sydenham) is within a current permanent alcohol ban area.

4.8 Anecdotal evidence of a significant problem includes -

4.7.1 In the 2018 rugby league season there were reports of abuse directed at spectators, and volunteers were challenged by people who were drinking alcohol at junior games. Also, two players were threatened during the rugby league game at Linwood Park (source: The Press, Nov 23, 2018).

1.1.1 4.7.2 There have been alcohol related problems at rugby league games for a number of years. In 2012, a rugby league grand final game was called off after spectators joined a brawl on the field (source: The Press, Nov 23, 2018).

4.9 These problems have created high levels of dissatisfaction and helplessness among the volunteers and administrators of the clubs who consider that they lack effective power or authority to control and manage alcohol-fuelled incidents at their fields. Clubs have informed CRL that people are leaving the sport because of their concerns around alcohol and the impacts of side-line drinking.

CRL proposed initiatives to reducing alcohol-related harm

4.10 CRL are seeking to make a significant change to the culture of local rugby league including making side-lines ‘alcohol free’. They propose a number of non-regulatory initiatives that local clubs can undertake to improve spectators’ behaviour. These include:

1.1.2 4.9.1 CRL have entered into an agreement with the Christchurch City Council, Canterbury District Health Board and Sport Canterbury on the education and upskilling of clubs about alcohol licensing processes and requirements. Workshops were held and assistance in managing side-line-related incidents were identified as key priority for the clubs.

1.1.3 4.9.2 CRL proposed an alcohol management strategy (see Attachment 3 – CRL’s Alcohol Management Process) which outlines a six-step process to create alcohol free side-lines. Initially Step – 1 is communication/education and only at Step 5 when a spectator refuses to remove alcohol from the ban area will club representatives seek
the assistance of the Police. The final action, Step 6 is to review any incident and to recommend (if required) further actions.

1.1.4 4.9.3 Upskilling club volunteers focusing on a non-violent crisis interventions (tactical communications) training. Police will support CRL efforts to improve spectator behaviour and to avoid conflict by working with club volunteers and assist clubs with particular and ongoing alcohol-related problems.

1.1.5 4.9.4 Creating ‘champions’ to lead culture change by extending the CRL communications strategy to engage wider club whanau at an early stage, promote the alcohol management process and communicating safety requirements to supporters.

1.1.6 4.9.5 Updating the agreement between CCC and CRL with a ‘no alcohol consumption’ clause in relation to parks/playing fields allocated to Canterbury Rugby League.

1.1.7 **Criteria for making an alcohol ban under section 147 of the Local Government Act 2002**

4.11 Temporary alcohol ban areas are resolved by the Council under the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018. Before making a resolution under the Bylaw, the Council must be satisfied that a ban meets the criteria set out in s147B of the Local Government Act 2002. The Council needs to be satisfied that the area has experienced a high level of crime or disorder caused or aggravated by alcohol consumption in the area, that the ban is a proportionate response in the light of the level of crime or disorder and that the ban can be justified as a reasonable limitation on people’s rights and freedoms.

4.12 The purpose of the ban is to make the environment safer for players, officials, spectator and other park users. The proposed alcohol ban would apply to the fields allocated to rugby league on 17 Council parks. The effect of the proposed ban is to forbid the consumption of alcohol in the designated ban areas while rugby league training and games are taking place.

4.13 While the Police are not able to provide data on alcohol-related Calls for Service for rugby league matches, they have received reports of spectator abuse, threats and in some cases violence. They consider that the culture of drinking at rugby league contributes to these incidents.

4.14 The Police support both the proposed temporary alcohol ban and the other proposals by CRL to improve spectator behaviour. In particular they support the staged approach proposed in the CRL Alcohol Management Process to create alcohol free side-lines; only when education, persuasion and advocacy have failed, does the process involve enforcement of the ban. The Police would respond to alcohol related incidents as their resources allow and for clubs experiencing ongoing problems will involve community police officers.

4.15 It should be noted that the proposed ban areas are limited in their coverage and duration, they apply from April to August 2019, and only when rugby league is being played. A small number of people are likely to be ‘negatively’ affected by the ban; those people who wish to drink on the side lines of rugby league training and matches. A larger number of people, players, officials, spectators and other park users will enjoy the benefits of the ban including increased safety and perception of safety; being able to enjoy the game without the fear of alcohol related disorder and other misbehaviour.

4.16 Staff note that the proposed ban is more limited in coverage than those which apply elsewhere; for example Waimakariri District Council’s Alcohol Control Bylaw includes a permanent alcohol ban area for Murphy Park which applies 24/7 during the rugby league and rugby seasons from April to September of each year. Overall staff consider that the currently proposed temporary alcohol ban is a proportionate response to the evidence of alcohol related disorder associated with rugby league.
Strategic Alignment

4.17 This option specifically aligns with the following

- **Strategic Priorities**
  Maximising opportunities to develop a vibrant, dynamic and sustainable 21st century city

- **Community Outcomes**
  Strong Communities with strong sense of community, active participation in civic life, and safe and healthy communities

- **Safer Christchurch City Strategy**
  Proactive partnerships that have a shared commitment to a Safe City
  Reducing and preventing incidence and effects of crime

- **Christchurch Alcohol Action Plan (CAAP)**
  The proposed ban fits within the CAAP multi-agency approach to alcohol harm reduction. In particular it will contribute to the CAAP aims to create safer spaces, to collaborate, coordinate and communicate and to reduce exposure, accessibility and availability.


4.18.1 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.

**Decision Making Authority**

4.19 Section 147(2) of the Local Government 2002 allows the Council to make a bylaw for the purpose of prohibiting or regulating or controlling consumption, bringing and possession of alcohol in certain public places. The Council reviewed and made a new bylaw in 2018. Clause 5 of the Alcohol Restrictions in Public Places Bylaw 2018 enables the Council to make temporary alcohol ban areas. Section 147B of the Local Government Act 2002 sets out the matters which the Council must be satisfied of before it makes such a resolution.

**Previous Decisions**

4.20 CRL made a submission to the then proposed Alcohol Restrictions in Public Places Bylaw in 2018. The Hearings Panel considered the CRL submission and recommend that staff look further into the requested alcohol restrictions.

4.21 Following the recommendation of the Hearings Panel, the Council on 22 November 2018 requested staff to engage with sporting codes including Canterbury Rugby League, the New Zealand Police and other affected parties regarding the issues raised in the submission and to make recommendations to the Regulatory Performance Committee.

**Assessment of Significance and Engagement**

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

4.23 The level of significance was determined by the relatively small number of people likely to be affected by the decision of the Council.

4.24 A few people are likely to be ‘negatively’ affected by the ban; those people who wish to drink on the side lines of rugby league training and matches while a larger number of people, (players, officials, spectators and other park users) will enjoy the benefits of the ban including increased safety and perception of safety; being able to enjoy the game without the fear of alcohol related disorder and other misbehaviour.
4.25 The proposed ban is temporary and relatively easy to reverse.

5. **Options Analysis**

**Options Considered**

5.1 The following reasonably practicable options were considered and are assessed in this report:

- Temporary alcohol ban to apply on rugby league playing fields for the 2019 winter season (to cover both training sessions and games)
- Temporary alcohol ban on rugby league playing fields to apply (on weekends) for the 2019 games

5.2 The following options were considered but ruled out

- No temporary alcohol bans on rugby league playing fields - This is not a preferred option.
  
  The proposal for a temporary alcohol ban was initiated by the clubs through CRL to address ongoing antisocial behaviour associated with drinking alcohol both at rugby league games and less frequently at training sessions. Council staff consider that there is evidence of alcohol related disorder and misbehaviour during rugby league sessions which is best addressed with a combination of non-regulatory tools and a targeted alcohol ban.

5.3 **Preferred Option:** To impose a temporary alcohol ban for the 2019 rugby league winter season to apply during rugby league training and games.

- **Option Description:** The Council prohibits the drinking of alcohol on the allocated fields and immediately adjoining areas of 17 parks during the times the fields are used for rugby league games and training sessions.

- **Option Advantages**
  
  - Lessens disorder and offensive behaviour caused by people drinking alcohol at rugby league training sessions and matches. While there are relatively few alcohol related incidents at training sessions, CRL advises that they do occur and cause difficulties for the clubs.
  - Applies to both rugby league training and games so provides a consistent message that side-lines are ‘alcohol free’.
  - Supports the clubs with a regulatory backstop if other measures are not effective.
  - Gives the police a tool to deal with those people whose misbehaviour is alcohol related.
  - A safer environment for spectators, players, volunteers and other park users.

- **Option Disadvantages**
  
  - An alcohol ban will limit the freedom of responsible alcohol consumers to drink within the ban area during the periods that the ban applies.
  - May result in moving alcohol-related issues to other open spaces within the parks which are not covered by the ban.

5.4 **Not preferred option - Temporary alcohol bans for rugby league games (only) on 2019 winter season**

- **Option Description:** The Council prohibits alcohol consumption in playing fields being used by rugby league games in 2019 winter season.
Attachment 1 - Original Staff Report Item 17

1.1.126.4.2 **Option Advantages**
- New Zealand Police can monitor and control the inappropriate drinking of alcohol in designated rugby league playing fields during matches.
- Lessens disorder and offensive behaviour caused by people drinking alcohol on the side-line of games.
- General safety for spectators, players, volunteers and park users will be improved.

1.1.136.4.3 **Option Disadvantages**
- It will not address the problems associated with people drinking during rugby-league training sessions.
- It is not the comprehensive ban sought by CRL and provides less support for the CRL initiatives than the preferred option.
- CRL are concerned that officials such as coaches may be reluctant to enforce ‘alcohol free’ side-lines at practice sessions unless there is some regulatory back-up. Police cannot support the club officials because drinking at a practice session would not be in breach of the bylaw.
- An alcohol ban reduce choices for responsible alcohol consumers at rugby league games during the 2019 season.

6. **Community Views and Preferences**

6.1 Key stakeholder groups were consulted in preparing this report.

6.2 The Community Boards have been briefed and invited to provide their feedback on the temporary bans. CRL and staff prepared a presentation for a combined community board seminar which was cancelled following the tragic events of Friday 15th March. Instead staff have distributed a memo together with a number of attachments and a power-point presentation to the Community Boards. Staff will gather feedback from the Boards and will report on the results of the consultation at the 3 April committee meeting.

6.3 The Police, the Council’s Sports and Recreations and Parks staff support this alcohol ban proposal as discussed above.

7. **Legal Implications**

7.1 There is a legal context, issue or implication relevant to this decision.

7.2 The legal consideration is detailed below.

1.1.148.2.1 Clause 5 of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 provides for the Council to make temporary alcohol ban areas by way of a resolution. The clause requires that the Council must comply with the requirements of section 147B of the Local Government Act 2002. This section provides that before making a resolution under s 151 of the Local Government Act 2002 (ie a resolution under a bylaw of this type) the Council must be satisfied that–

(a) 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

(b) the bylaw, as applied by the resolution,

(c) is appropriate and proportionate in the light of the evidence; and
7.3 The attachments to this report (see the submission from CRL and the statement from the Police) provide evidence for the matters in paragraph (a). The evidence is of a general anecdotal nature (rather than offence statistics and the like) but there would seem to be a widespread issue across multiple sports fields which on balance may be described as a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the areas in question. Given that different teams play at different fields, there does not seem to be a suggestion that behaviour at one field is more extreme than another.

7.4 In light of the evidence it is considered that the bylaw as applied by the resolution is appropriate. The bans will only apply to the fields when being used for Rugby League games or training sessions. Other sporting codes are not affected. The ban will apply for a temporary period. Given the evidence, it is considered that the imposition of temporary alcohol ban areas is a reasonable limitation on people’s rights and freedoms.

7.5 Further, analysis to satisfy these requirements is provided in sections 4.10 to 4.15 of this report.

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

8. Risks

8.1 Unless the ban is communicated widely and effectively including communicating the purpose of the ban, there is the risk of conflict between members of the rugby league community and resistance to the ban by some in the community.

8.2 To mitigate this risk the Council and CRL will prepare a communication plan and engage with members of the rugby league community through a range of media (i.e. media release, social media, etc.), training of club members and by word of mouth.

9. Next Steps

9.1 If the Council imposes a temporary alcohol ban in rugby league playing fields:

9.1.1 Council staff will place a Public Notice in the Press and inform the public of the temporary alcohol ban via ‘Newsline’, social media and a media release.

9.1.2 CRL will communicate the ban to the rugby league community via their marketing portfolio (e.g. local sports radio, newspaper, etc.).

9.1.3 At the beginning of rugby league training sessions and games club members will erect ‘alcohol-free zone’ signage and remove the signage after each session/game; and

9.1.4 Council Sports and Recreation staff will work with CRL to ensure that alcohol-free conditions in the Council-CRL agreement on the use of Council-owned park areas are communicated appropriately to club members.
Confmation 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
Angela Leatherby - Sports Services Activation Advisor
Ruth Littlewood - Senior Policy Analyst

Approved By
Emma Davis - Head of Strategic Policy
Brendan Anstiss - General Manager Strategy and Transformation
<table>
<thead>
<tr>
<th>Full Name*:</th>
<th>George Lapold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Address*:</td>
<td></td>
</tr>
<tr>
<td>Postcode:</td>
<td></td>
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<td>Telephone number:</td>
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<td>On behalf of a group or organisation</td>
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<tr>
<td>If representing a Group/Organisation — how many people for?</td>
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</tr>
<tr>
<td>Name of Organisation</td>
<td>Canterbury Rugby League</td>
</tr>
<tr>
<td>Role within Organisation</td>
<td>Capability and Game Manager</td>
</tr>
<tr>
<td>Would you like to speak at the hearing?</td>
<td>Yes</td>
</tr>
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</table>

**Submission:**

Canterbury Rugby League are making a submission raising concern the By Law proposal has not included a ban on rugby league playing fields (including child playground areas), rugby league changing sheds and associated car parks, during the rugby league season. Canterbury Rugby League has attached a document outlining the basis for this submission which highlights a key area of concern for the sport regarding the safety of spectators, players and officiates as a result of sideline alcohol related incidents. At present our clubs are struggling to manage and feel unsupported when they have attempted to address alcohol related issues at their fields. The clubs are seeking the support of the community and the council to enable a safer space for the members of the rugby league fraternity and general public. Canterbury Rugby League are keen to present this submission to the council to enable further clarification on these concerns with strategies to manage these risks.

Introduction

Rugby League has developed a stigma in sport in relation to the anti-social and inappropriate behaviour that is displayed by spectators, coaches, team officials and, on occasion, players. Over the years, there have been many media articles, both nationally and locally, that have highlighted the events that have raised the issues on alcohol and drugs within the sport.

As a sport New Zealand Rugby League in partnership with the local districts have introduced a number of ‘more than just a game’ initiatives to support the families of athletes and the broader rugby league community. These programmes include; Be A Sport Side Line Campaign, partnering ship with the ‘It’s Not Ok’ initiative, the introduction of player and official Safety Zones and Drinking areas at matches, the introduction of the Good Sport programme for coaches and managers.

The Local Scene

Within the Canterbury Rugby League community, the issues of sideline behaviour associated with alcohol related incidents in the 2018 season have included:

- Consumption of alcohol at junior games
- Abuse towards other spectators
- Abuse towards officials
- Confrontational challenges being made towards volunteers
- Threats being made towards individuals with a weapon
- 3 occurrences of assault.

In addition, 70% of the clubs have indicated they are dealing with alcohol related behaviour issues on a weekly basis.

The club’s administrators have expressed a high level of dissatisfaction and helplessness in trying to manage alcohol related issues at their fields. Acknowledging they have no power or authority to effectively address any inappropriate behaviour whilst stating they are regularly abused when attempting to address these issues.

The clubs have also informed Canterbury Rugby League that membership are leaving the sport because of what is witnessed and heard on the sidelines and there is, at times, a general level of concern that sidelines are volatile and unsafe.
The Way Forward

Canterbury Rugby League have entered into agreement with the Christchurch City Council, Canterbury District Health Board and Sport Canterbury on the education and upskilling of clubs on Alcohol Liquor Licensing processes and requirements. The subsequent workshops have identified that assistance in the management of sideline related incidents is a key priority for the clubs and additional support is necessary to mitigate future incidents.

Canterbury Rugby League was asked to present at the launch of the Christchurch Alcohol Action Plan and we have raised these concerns along with our resolution strategies to the boarder Canterbury community.

To assist Canterbury Rugby League's with the implementation of our Alcohol Management strategies, Canterbury Rugby League are requesting the following support from the council:

- That the rugby league playing fields, children's play areas, the car parks and the changing rooms, at the venues listed below, have a temporary liquor ban imposed as follows:
  - Period for duration of the ban – 1 March to 30 September.
  - Days of the week – Monday to Sunday
  - Hours 12pm to 10pm
  - Parks where the liquor ban is to be applied:
    - Addington Park – Senior Rugby League Field 1
    - Bishopdale Park – Senior Rugby League Field 1
    - Bradford Park – Continued allocation under the South Columbo alcohol ban area for Senior Rugby League Field 1.
    - Branson Park – Senior Rugby League Field 1 and Junior Rugby League Fields 1 & 2.
    - Bromley Park – Senior Rugby League Field 1
    - Christchurch Agriculture Park – Junior Fields and Senior Rugby League Field 1.
    - Croxle Park – Senior Rugby League Fields 1 & 2, Junior Rugby League Field 1.
    - Cuthberts Green – Senior Rugby League Fields 1 & 2, Junior Rugby League Field 1.
    - Halswell Domain – Senior Rugby League Fields 1,2,3 and 4.
    - Kyle Park - Junior Rugby League Fields 1 & 2.
    - Leslie Park – Senior Rugby League Field 1.
    - Linwood Park – Senior Rugby League Field 1, Junior Rugby League Field 1.
    - MacFarlane Park – Senior Rugby League Field 1 & 2,
    - Papanui Domain – Senior Rugby League Field 1 & 2.
    - Queen Elizabeth Park – Training Rugby League Field 1.
    - Spreydon Domain – Senior Rugby League Field 1.
    - Wainoni Park – Senior Rugby League Fields 1 & 2.
    - Woolston Park – Senior Rugby League Field 1.
    - Nga Punia Wai - Senior Rugby League Fields 1 & 2.
    - Nga Punia Wai – Community Rugby League Fields 1 & 2.
In recognition of this Temporary Ban, Canterbury Rugby League are in discussion with the NZ Police to work in partnership with this initiative. Their supporting documentation will form part of Canterbury Rugby Leagues presentation to the council.

George Lapold
Capability and Game Manager
Canterbury Rugby League
e-mail
## List of playing fields proposed for alcohol ban

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Community Boards</th>
<th>Park</th>
<th>Host Club/s</th>
<th>Training Days</th>
<th>Match Days</th>
<th>Season Start Date</th>
<th>Season End Date</th>
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<tbody>
<tr>
<td>1</td>
<td>Addington Park - Senior Rugby League 1</td>
<td>Spreydon-Cashmere</td>
<td>Addington Park</td>
<td>Addington</td>
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<td>31/08/2019</td>
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<td>Spreydon Domain</td>
<td>Addington</td>
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<td>31/08/2019</td>
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<td>Monday to Friday</td>
<td>Saturday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
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<td>Central-Heathcote</td>
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<td>Monday to Friday</td>
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<td>Canterbury Agricl' Park</td>
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<td>Saturday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
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List of playing fields proposed for alcohol ban

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<th>#</th>
<th>Title</th>
<th>Community Boards</th>
<th>Park</th>
<th>Host Club/s</th>
<th>Training Days</th>
<th>Match Days</th>
<th>Season Start Date</th>
<th>Season End Date</th>
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<td>Tuesday and Thursday</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
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### List of playing fields proposed for alcohol ban

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<tr>
<th>#</th>
<th>Title</th>
<th>Community Boards</th>
<th>Park</th>
<th>Host Club/s</th>
<th>Training Days</th>
<th>Match Days</th>
<th>Season Start Date</th>
<th>Season End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Macfarlane Park - Senior Rugby League 1</td>
<td>Papanui-Innes</td>
<td>Macfarlane Park</td>
<td>Shirley</td>
<td>-</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>35</td>
<td>Macfarlane Park - Senior Rugby League 2</td>
<td>Papanui-Innes</td>
<td>Macfarlane Park</td>
<td>Shirley</td>
<td>Tuesday and Thursday nights</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>36</td>
<td>Papanui Domain - Senior Rugby League 1</td>
<td>Papanui-Innes</td>
<td>Papanui Domain</td>
<td>Papanui</td>
<td>Monday to Thursday</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>37</td>
<td>Papanui Domain - Senior Rugby League 2</td>
<td>Papanui-Innes</td>
<td>Papanui Domain</td>
<td>Papanui</td>
<td>NO training</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>38</td>
<td>Cuthberts Green - Junior Rugby League 1</td>
<td>Coastal-Burwood</td>
<td>Cuthberts Green</td>
<td>Celebration</td>
<td>Monday to Friday nights</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>39</td>
<td>Cuthberts Green - Senior Rugby League 1</td>
<td>Coastal-Burwood</td>
<td>Cuthberts Green</td>
<td>Celebration</td>
<td>NO Training</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>40</td>
<td>Cuthberts Green - Senior Rugby League 2</td>
<td>Coastal-Burwood</td>
<td>Cuthberts Green</td>
<td>Celebration</td>
<td>Monday to Friday nights</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>41</td>
<td>Wainoni Park - Senior Rugby League 1</td>
<td>Coastal-Burwood</td>
<td>Wainoni Park</td>
<td>Eastern</td>
<td>NO training</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
<tr>
<td>42</td>
<td>Wainoni Park - Senior Rugby League 2</td>
<td>Coastal-Burwood</td>
<td>Wainoni Park</td>
<td>Eastern</td>
<td>Tuesday to Friday, and Sunday</td>
<td>Saturday, Sunday</td>
<td>01/04/2019</td>
<td>31/08/2019</td>
</tr>
</tbody>
</table>
# CRL Side Line Alcohol Management Process

**DRAFT**

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol free side lines is communicated to all clubs and membership through social media platforms. This is supported by Side line teardrops which are erected at the fields on game day.</td>
<td>Supporter is observed bringing alcohol onto the field or is observed consuming alcohol on the side line.</td>
<td>A Host Club Representative is contacted and informed.</td>
<td>The Host Club Representative advises the supporter of the Alcohol free (and Smokefree) Bylaws and hands the supporter a pamphlet. A request is then made to remove the alcohol from the area.</td>
<td>If the supporter refuses to remove the alcohol the supporter is advised of escalation process to NZ Police. If there is a further refusal the Host Club Representative will call NZ Police for assistance.</td>
<td>Post Match&lt;br&gt;The incident is reviewed with the club committee and consideration given on the need for further action. A report on the issue is to be provided to visiting clubs where an incident has involved their membership.</td>
</tr>
</tbody>
</table>

**Inappropriate behaviour escalating**

---

**Council**

11 April 2019

**Attachment C**

**Item No.: 17**

---

**Item No.: 17**
18. Potential Changes to the District Plan - Section 71 Opportunities

Reference: 19/373615
Maiki Andersen, Policy Advisor Natural Hazards
Katie McFadden, Senior Policy Analyst
Michael Fisher, Team Leader City Planning

1. Regulatory Performance Committee Recommendation to Council

**Original Staff Recommendations Accepted Without Change**

That the Council:

1. Agree to initiate a process to request the Minister to use section 71 of the Greater Christchurch Regeneration Act 2016 to amend the Christchurch District Plan for the two issues discussed in this report.

2. Request the Chief Executive to prepare draft proposals for the Minister’s use of section 71 to amend the District Plan, and report directly to Council prior to engagement with strategic partners.

3. Note that staff will engage with the relevant Community Boards and affected stakeholders in developing the proposals.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Report Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Potential Changes to the District Plan - Section 71 Opportunities</td>
<td>138</td>
</tr>
</tbody>
</table>
Potential Changes to the District Plan - Section 71 Opportunities

Reference: 19/230362
Maiki Andersen - Policy Advisor Natural Hazards
Katie McFadden – Senior Policy Analyst
Michael Fisher - Team Leader City Planning

1. Purpose of Report

1.1 The purpose of this report is for the Regulatory Performance Committee to endorse the drafting of a proposal under section 71 of the Greater Christchurch Regeneration Act 2016 (GCRA) to amend the Christchurch District Plan for the following issues:

1.1.1 The Port Hills slope instability overlays in specific locations where the risk has been removed or recalculated as being lower than originally anticipated.

1.1.2 The minimum parking requirements applying to developments in the Commercial Banks Peninsula Zone in Lyttelton.

2. Executive Summary

2.1 The Committee has recently discussed a list of high priority changes needed to the District Plan, and around 25 have subsequently been prioritised. Two of these high priority Plan changes (the Port Hills slope instability overlays and Lyttelton parking) have been identified as potentially meeting the criteria to progress through the use of the GCRA.

2.2 The first proposed change to the District Plan is to update the slope instability overlays for certain properties on the Port Hills, where new technical information has shown that there is different or lesser risk for these properties.

2.3 The second proposed change is amending or removing the on-site parking requirements for developments in the Lyttelton town centre. These requirements are inhibiting the development of several sites along London Street, and therefore the wider regeneration of the Lyttelton town centre.

2.4 All other options for addressing these issues have been considered, and a change to the District Plan through the GCRA is deemed to be the best approach in both instances. The proposed changes are in accordance with one or more of the purposes of the GCRA, and can be reasonably considered necessary, taking into account all available alternatives.

2.5 Staff will continue to assess the suitability of using the GCRA to resolve other District Plan issues.

3. Staff Recommendations

That the Regulatory Performance Committee recommends that Council:

1. Agree to initiate a process to request the Minister to use section 71 of the Greater Christchurch Regeneration Act 2016 to amend the Christchurch District Plan for the two issues discussed in this report.

2. Request the Chief Executive to prepare draft proposals for the Minister's use of section 71 to amend the District Plan, and report directly to Council prior to engagement with strategic partners.
3. Note that staff will engage with the relevant Community Boards and affected stakeholders in developing the proposals.

4. Context/Background

Issue or Opportunity

4.1 The proposed changes to the District Plan that are the subject of this report are on the list of around 25 high priority plan changes, which was discussed with the Regulatory Performance Committee on 31 January 2019. Many of these priority plan changes will be able to be initiated through normal Resource Management Act (RMA) processes.

4.2 This paper deals with the two changes for which Council staff have assessed use of section 71 as being the most appropriate means to achieve the change to the District Plan. There may be other Plan changes that meet the stringent criteria for the use of the GCRA, however at this stage these are the only two that have been identified as immediately viable options.

4.3 Slope Instability Overlays

4.3.1 After the Canterbury earthquakes, GNS slope instability modelling was undertaken in the Port Hills to identify which properties were affected by or deemed to be at risk from rockfall, cliff collapse or mass movement. This was a desktop study undertaken at a certain point in time, and was done with the best available information at that time.

4.3.2 The District Plan then translated this modelling into mapped hazard areas called slope instability overlays, where most development requires resource consent.

4.3.3 Subsequent hazard removal works and new technical information means that there is a different or lesser risk than originally mapped in the District Plan. Regardless, these properties remain subject to the rules of the original slope instability overlays. This is imposing unnecessary restrictions, cost and uncertainty on landowners.

4.3.4 There have been multiple requests from property owners requesting that the slope instability overlays in the District Plan are updated to reflect the change in risk profile in relation to their properties. Without an update, the ability for property owners to carry out activities on or develop their sites is affected, as is the property value.

4.3.5 Up to 35 properties have been identified as potentially belonging outside of the slope instability overlays through known removal works, individual queries from landowners, and approved certification and resource consent applications. These 35 properties have been identified as being the highest priority, as an initial assessment of risk has already been completed and, in some instances, landowners have been waiting for a change for a number of years. This number will be confirmed following geotechnical site assessments to confirm the extent of the immediate area affected.

4.3.6 Without an amendment to the slope instability overlays, affected property owners will continue to have unnecessary restrictions, costs and uncertainty imposed upon them.

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1 Within the slope instability overlays most development, use and subdivision requires resource consent for a Restricted Discretionary or Non-Complying activity.

2 The affected properties have been grouped into the following areas:
   1) Bowenvale Avenue / Rockcrest Lane (5-7 properties),
   2) Port Hills Road / Avoca Valley Road (5 properties),
   3) Stoddart Lane / Holliss Avenue (5 properties),
   4) Stronsay Lane (2-4 properties),
   5) Taylors Mistake (6 properties),
   6) Extra properties identified through resource consents (up to 8 properties)
This may result in property owners being unable to carry out activities on their properties, may hinder property sales and may be affecting property values.

4.4 Lyttelton Parking

4.4.1 The notified Christchurch Replacement District Plan included a provision that exempted local and neighbourhood commercial centres from having to provide a minimum number of car parks. Lyttelton was identified as a Neighbourhood Centre and was therefore exempted from the provisions. Following the hearings on submissions, the Independent Hearings Panel did not carry through the exemption into the final plan. Therefore, these centres must comply with the rules regarding the minimum and maximum number of car parks required under Clause 7.4.3.1 of the District Plan.

4.4.2 Council staff have been engaging with landowners regarding various development proposals in Lyttelton. These discussions have highlighted issues with meeting the minimum parking requirements for a number of development sites in the Lyttelton town centre. The parking requirements are unable to be met due to the topography and dimensions of the sites, which have not traditionally provided on-site parking.

4.4.3 There are a number of potential developments in the Lyttelton commercial area for which the Council may receive resource consent applications in the near future. The parking requirements may create challenges for a smooth and timely resource consenting process.

4.4.4 Without an amendment to the District Plan, the ability for landowners to develop their sites is affected. The resulting uncertainty amongst developers is hindering the regeneration of the Lyttelton town centre and its full recovery from the Canterbury Earthquakes, as development is either scaled back or does not proceed at all.

4.4.5 Wider parking arrangements in Lyttelton continue to be considered as part of the Council’s implementation of the Suburban Parking Policy. This is important given the potential implications of a change to the District Plan for on-street parking.

Strategic Alignment

4.5 This report supports the Council’s Long Term Plan (2018 - 2028):

4.5.1 Activity: Strategic Planning and Policy

- Level of Service: 17.0.1.7 Advice to Council on high priority policy and planning issues that affect the City. Advice is aligned with and delivers on the governance expectations as evidenced through the Council Strategic Framework - Policy advice to Council on emerging issues.

Decision Making Authority

4.6 As the Regulatory Performance Committee considers and reports to Council on issues and activities relating to, amongst other things, district planning matters, this has been brought to the Committee’s attention in the first instance.

4.7 Additionally, staff would like the approval of the Council to prepare a proposal seeking section 71 amendments, as the Council has previously made decisions on the use of GCRA processes.

Previous Decisions

4.8 There have be no previous decisions related to this topic.

Assessment of Significance and Engagement

4.9 The decision in this report is of medium significance in relation to the Christchurch City Council’s Significance and Engagement Policy.
4.10 The decision only impacts discrete areas and is likely to only be of interest to affected stakeholders. The impact on affected stakeholders would generally be positive, and have low to moderate environmental, social and cultural implications. There is minimal cost to the Council, ratepayers and the wider community, and the changes will not impact on the Council’s capacity to carry out its role and functions.

4.11 There has been minimal engagement with strategic partners or affected stakeholders to date. In some instances stakeholders have contacted Council directly to query provisions relating to their property or land.

4.12 Engagement with stakeholders and strategic partners will take place once an approach to amending the District Plan (in regards to the two issues) has been confirmed.

5. **Options Analysis**

**Options Considered**

5.1 The following reasonably practicable options were considered and are assessed in this report (see Options Matrix in section 10 for more detail):

- Section 71 of the GCRA.
- Standard RMA Plan Change process.
- Streamlined RMA Plan Change process.
- No change.

5.2 The following option was considered but ruled out:

- **Collaborative Planning Process** - This RMA process is primarily used for contentious issues that require the balancing of different values and allows the community to be more involved in all stages of the process. The proposed change is well understood by Council staff and there is consensus around the solution. The use of this process would result in significant time delays for affected property owners.

- **Streamlined RMA Plan Change Process** - This process allows councils to make a request to the Minister for the Environment to use a streamlined planning process to enable councils to be more responsive to urgent issues and community needs. However, neither of the proposed changes meet any of the entry criteria required by section 80C(2) of the RMA in order to use this process. The streamlined process is generally intended to be used for issues that carry more weight than the ones at hand, which are discrete, local matters.

**Options Descriptions**

5.3 **Preferred Option:** Section 71 of the GCRA

5.3.1 **Option Description:** Under this option, the Council would prepare a draft proposal under section 65 of the GCRA, asking the Minister for Greater Christchurch Regeneration (the Minister) to exercise her powers under section 71 of the GCRA to amend the District Plan.

5.3.2 In order to use the GCRA to amend the District Plan, the Minister must be assured that the exercise of powers is in accordance with one or more of the purposes of the GCRA, and that he or she reasonably considers it necessary, taking into account all available alternatives.

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3 Greater Christchurch Regeneration Act 2016, section 65(2), (c)-(d)
5.3.3 The purposes of the GCRA, as outlined in section 3 are:

- Enabling a focused and expedited regeneration process
- Facilitating the ongoing planning and regeneration of greater Christchurch
- Enabling community input into decisions on the exercise of powers under section 71 and the development of Regeneration Plans
- Recognising the local leadership of Canterbury Regional Council, Christchurch City Council, Regenerate Christchurch, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council and providing them with a role in decision making under this Act
- Enabling the Crown to efficiently and effectively manage, hold, and dispose of land acquired by the Crown under the Canterbury Earthquake Recovery Act 2011 or this Act

5.3.4 Council staff estimate that this process may take 4-6 months, subject to agency support and all works and investigations being completed on time, which is faster than all other options. The Minister makes final decisions after the proposal has been publicly notified and is only able to accept or decline the proposal following public comment. This confines and controls the scope of any change.

5.3.5 For both issues the section 71 process would be the quickest and most efficient way to make the necessary changes to the District Plan to provide greater certainty to stakeholders. As the only changes sought are clear and discrete, a section 71 proposal provides more control and certainty of scope, and ought not to require amendment once submitted to the Minister.

5.3.6 The analysis of options below outlines the justification for asking the Minister to use the section 71 process for the two issues outlined below.

**Slope Instability Overlays**

- The current proposal to amend the slope instability overlays meets the purposes of the GCRA by enabling development for properties where the risk is reduced (i.e. enabling the ongoing planning an regeneration of Greater Christchurch), recognising and supporting the local leadership of the Council on this issue, and enabling viable future use prospects for residential red zoned land.
- The Minister should reasonably consider the proposed amendment necessary due to a policy commitment in the District Plan for Council to regularly update the Plan to reflect new information from site specific assessments. An additional consideration is the unfair restriction on the ability of property owners to carry out activities on their properties where risk has been removed or assessed as being different from the initial GNS modelling.
- Council staff have considered alternatives to using the section 71 process and none are able to achieve a resolution to this issue with the same efficiency and effectiveness. Other alternatives, such as continuing with the status quo would fail address issues of fairness, equity and uncertainty for property owners, while the standard plan change has a high risk of scope creep.

**Lyttelton Parking**

- The proposal for Lyttelton parking amendments meets the purposes of the GCRA in that it will help to efficiently and effectively facilitate the regeneration and rebuild of the Lyttelton town centre.
The effects of the Canterbury Earthquakes on the Lyttelton town centre are still evident with several strategic sites and major buildings remaining vacant or empty. The current parking rules are inhibiting rebuilding and the enhancement of community facilities (for example the proposed Lyttelton Historical Museum). Using the GCRA would enable a more focused and expedited process for a plan change, thereby facilitating the ongoing planning and regeneration of this part of greater Christchurch.

The Minister should reasonably consider it necessary to use section 71 due to the lack of viable alternatives to address the issue with the same efficiency and effectiveness. The standard plan change is the only other alternative that would achieve the desired outcome, however it would take significantly longer than a section 71 process, thereby undermining the regeneration and recovery process and failing to provide certainty to developers on projects that are already in train.

5.4 Standard RMA Plan Change Process

5.4.1 **Option Description:** The Schedule 1 RMA process is the default process used by Council to make changes to the District Plan. Council would prepare a plan change, notify for public submissions and further submissions, and hold a hearing if required. Following the Council making a decision on submissions, submitters have the right of appeal to the Environment Court.

5.4.2 This process is well understood and has ‘best practice’ guidance available. However, it can be a lengthy process (1 to 2 years) due to the number of steps in the process, and the potential for the plan change to be appealed.

5.4.3 There is the potential for high costs to be involved in this process (notification, processing submissions, hearings, litigation).

**Slope Instability Overlays**

- The prolonged and uncertain timeframes associated with this process would be unlikely to address fairness, equity and uncertainty issues with the urgency needed. There is also a high risk of scope creep if additional landowners request review and assessment of their sites in submissions or appeals, which could trigger a broader re-assessment of the slope instability overlays across the district.

- Scope creep in this instance is undesirable as it may result in delays to a resolution for the property owners of ‘known’ locations where assessment of risk has been completed and, in some instances, landowners have been waiting for a change for a number of years.

- The ‘known' properties have been identified through reviewing risk changes as a result of the capital works programme, individual queries from landowners, and approved certification and resource consent applications.

- There will be an opportunity in the future to undertake assessment of risk for other areas and update the slope instability overlays across the Port Hills. This is anticipated to be in the form of rolling reviews, which will be recognised through updating the District Plan via a plan change every two years (if required), and a comprehensive assessment of around 1,300 properties leading up to 2027 (the 10 year Plan review).

**Lyttelton Parking**

- This process would not address the development issues in Lyttelton with the urgency and efficiency that a section 71 process would achieve. This would
increase uncertainty for landowners and developers in Lyttelton, who would still need to go through the consenting process, and thus not support regeneration outcomes.

5.5 No change to the District Plan

5.5.1 Option Description: This option would continue the status quo. There would be no additional time or cost to the Council, which would instead rely on business as usual processes such as resource consents.

Slope Instability Overlays

- Owners would continue to face uncertainty about what they can and can’t do on their property, despite previous assurances by staff that it would be resolved as soon as practicable. Costs continue to be imposed on individual property owners (property value, cost of certification and/or resource consent), despite the Council holding information that the risk has been reduced or removed.

- Council would be failing to meet policy commitments in the District Plan to regularly update hazard information as new information becomes available.

- The Annual Individual Fatality Risk (AIFR) certification process was designed as a tool to be able to respond to and update or clarify hazard and risk information as it changed, as an alternative to the resource consent process. However, it is not working as anticipated and has resulted in limited effectiveness of this tool. The broader approach of certification processes in the District Plan will be investigated, as part of a separate plan change at a later date.

Lyttelton Parking

- This approach would not take into account the recognised specific complexities faced by development in Lyttelton.

- Developers would continue with current processes, including submitting resource consent applications in which they provide analysis and rationale for why they cannot comply with the on-site parking requirements. This approach determines, on a case-by-case basis, whether each development meets the statutory criteria for granting consent.

- While a consent process could progress for a particular development, this does not address the wider issues facing the Lyttelton town centre nor present a clear framework for all development to respond to. It is also inefficient as it imposes unnecessary private costs on developers.

Analysis Criteria

5.6 The analysis criteria used for the assessment of options are financial implications, certainty for development and future use, efficiency, effectiveness, impact on mana whenua and alignment with Council plans, policies and strategic objectives. Further detail can be found in the ‘Options Matrix’ table in section 10 of this report.

6. Community Views and Preferences

6.1 While there has been no formal engagement with affected stakeholders to date, Council staff have had informal conversations with developers in Lyttelton, and there have been multiple requests from property owners on the Port Hills requesting that the District Plan is updated to reflect the change in risk profile in relation to their properties.
6.2 Council staff have plans to engage with all stakeholders that are affected by the two proposals, through contacting property owners on the Port Hills and holding a meeting in Lyttelton for all affected stakeholders in that area.

7. Legal Implications

7.1 There are statutory processes relevant to this decision. The risks involved in these processes are outlined in Risks and Mitigations below.

7.2 This report has been reviewed by the Legal Services Unit

7.3 The legal considerations are set out throughout this report.

8. Risks and mitigations

8.1 There are a number of timing constraints involved in ensuring the section 71 process is undertaken efficiently, including the timing of decisions leading up to local elections, the ability of strategic partners to provide comments within reduced timeframes, and the timing of Minister decisions. To minimise this risk Council staff will undertake early engagement with affected parties, strategic partners, Regenerate Christchurch and the Department of Prime Minister and Cabinet (DPMC) to ensure all parties are on board with the approach and can meet proposed timeframes.

8.2 There may be reduced appetite for the use of powers under section 71, now that the Order in Council is revoked and Council can make plan changes under normal RMA processes. The Council will work closely with DPMC throughout the process to ensure that staff have an understanding of what advice DPMC is likely to provide to the Minister. We will also work closely with other strategic partners.

8.3 A general risk arises from the limited consultation requirements under a section 71 process. The negative perception of this will be mitigated through undertaking informal consultation with all affected stakeholders, from an early stage in the process. This risk is further mitigated by the fact that neither proposal is likely to be very contentious.

8.4 Slope Instability Overlays

8.4.1 There is a risk that the Council is seen to be enabling select landowners only due to the restricted scope of the changes to the District Plan. The areas identified in the scope of this project are the 'known' areas where assessment of risk has been completed and in some instances landowners have been waiting for a change for a number of years. There will be an opportunity in the future to undertake wider assessment of risk for wider slope instability areas and update the slope instability overlays across the Port Hills, but Council staff do not consider this a priority at this time as it would delay changes for known areas.

8.4.2 In order to include the properties in the Port Hills Road/Avoca Valley Road area it is necessary to wait until risk removal works are completed at the end of June 2019. Any delay to this work could impact the estimated timeframes of this project.

8.5 Lyttelton parking

8.5.1 The proposed scope is restricted to the Lyttelton town centre, although other neighbourhood centres are potentially faced with similar problems due to the minimum parking requirements. There is a risk that the proposed scope will therefore be questioned. This project addresses Lyttelton separately due to the specific regeneration issues in the Lyttelton town centre, unique site constraints imposed by topography, and
the urgency faced as a number of developments are likely to submit resource consent applications in the near future.

8.5.2 There is a risk that there will be a higher demand for on-street parking in the Lyttelton town centre and adjoining residential neighbourhood as a result of removing/amending the minimum on-site requirements. The extent of this problem will depend partly on the intensification of development that occurs. However, there was no parking provided pre-Earthquakes and staff understand that this was not a significant issue at that time. This risk could be at least partly mitigated through the recently-approved Suburban Parking Policy, which allows for residents’ parking to be installed in specific circumstances.

9. **Next Steps**

9.1 If the recommended approach is endorsed, staff will proceed as follows:

9.1.1 Prepare a draft proposal in accordance with section 65 of the GCRA to amend the Christchurch District Plan;

9.1.2 Complete additional technical work to confirm the scope, limitations and effects of the proposals;

9.1.3 Engage with stakeholders and relevant Community Boards to assist in developing the proposals;

9.1.4 Report back to the Council with draft proposals before engaging with strategic partners;

9.1.5 Engage with Strategic Partners to meet statutory requirements under the GCRA; and

9.1.6 Report back to the Council with final draft proposals to submit to the Minister (if still the preferred option following engagement).
10. **Options Matrix**
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Option 1 - Section 71 (GCRA)</th>
<th>Option 2 - Standard Plan Change Process (RMA)</th>
<th>Option 3 – No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost to Implement</td>
<td>Staff time</td>
<td>Staff time</td>
<td>Nil</td>
</tr>
<tr>
<td>Maintenance/Ongoing</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Funding Source</td>
<td>Existing operational District Plan budget</td>
<td>Existing operational District Plan budget</td>
<td>Nil</td>
</tr>
<tr>
<td>Impact on Rates</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Criteria 1 – Certainty for development and future use (plus issues of fairness and equity)</td>
<td>Provides certainty for affected property owners by reducing resource consenting requirements and/or more appropriately managing the type of risk.</td>
<td>Unlikely to address fairness, equity and uncertainty issues with the urgency needed and guaranteed scope.</td>
<td>Fails to address issues of fairness, equity and uncertainty for property owners.</td>
</tr>
<tr>
<td>Criteria 2 - Efficiency</td>
<td>Most efficient (4-6 months)</td>
<td>Uncertain and lengthy – approximately 12 months, or longer if appealed</td>
<td>N/A</td>
</tr>
<tr>
<td>Criteria 3 – Effectiveness</td>
<td>More control and certainty of scope due to Minister only able to accept or decline proposal, not make changes. Keeps change focussed on most immediate need.</td>
<td>Allows for scope creep if additional property owners request their site is included in the review, which would result in extended timeframes.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Statutory Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Option 1 - Section 71 (GCRA)</th>
<th>Option 2 - Standard Plan Change Process (RMA)</th>
<th>Option 4 – No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on Mana Whenua</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Alignment to Council Plans &amp; Policies</td>
<td>Council is required to ensure that people are informed about natural hazards relating to their property and surrounding area, and to notify regular plan changes to reflect updated hazard information. Option 1, 2 and 3 allow Council to meet these policy obligations.</td>
<td>This option does not allow Council to meet the policy obligations of District Plan.</td>
<td></td>
</tr>
<tr>
<td>Strategic Priorities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Informed and Proactive Approach to Natural Hazard Risk</td>
<td>Changing the District Plan aligns with the strategic priority to take an 'Informed and Proactive Approach to Natural Hazard Risk' as Council is taking a proactive approach to ensure slope instability overlays are up to date. The remaining strategic priorities have been considered, but are not relevant to this proposal.</td>
<td>Failing to change the slope instability overlays where Council holds information about differences in risk is inconsistent with this strategic priority.</td>
<td></td>
</tr>
</tbody>
</table>

### Lyttelton Parking - Issue Specific Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Option 1 - Section 71 (GCRA)</th>
<th>Option 2 - Standard Plan Change Process (RMA)</th>
<th>Option 4 – No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Implications</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost to Implement</td>
<td>Staff time</td>
<td>Staff time</td>
<td>Nil</td>
</tr>
<tr>
<td>Maintenance/Ongoing</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Funding Source</td>
<td>Existing operational District Plan budget</td>
<td>Existing operational District Plan budget</td>
<td>Nil</td>
</tr>
<tr>
<td>Impact on Rates</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Criteria 1 – Certainty for development and future use</td>
<td>Provides certainty for developers by removing resource consenting requirements, and is enabling of future development in the Lyttelton town centre.</td>
<td>Unlikely to address uncertainty issues with the urgency and efficiency needed.</td>
<td>Provides no certainty (i.e. that a resource consent would be obtained) and therefore deters development of the town centre.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Criteria 2 - Efficiency</td>
<td>4-6 months</td>
<td>Approximately 12 months, or longer if appealed</td>
<td>N/A</td>
</tr>
<tr>
<td>Criteria 3 – Effectiveness</td>
<td>This process provides more control and certainty of scope, which is appropriate as the change being sought is discrete.</td>
<td>Less efficiency, control and certainty with this process, eg. it would take longer and it could open the proposed change to a wider scope, i.e. other neighbourhood centres. This would undermine the regeneration focus of the changes sought for Lyttelton.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Statutory Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Option 1 - Section 71 (GCRA)</th>
<th>Option 2 - Standard Plan Change Process</th>
<th>Option 4 – No change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact on Mana Whenua</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Alignment to Council Plans &amp; Policies</td>
<td>Christchurch Transport Strategic Plan, which encourages flexible parking requirements to reduce the dependency on travel by private motor vehicles.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Strategic Priorities</td>
<td>This proposal supports the strategic priorities of ‘enabling active citizenship’, and ‘maximising opportunities to develop a vibrant, prosperous and sustainable 21st century city’ by enabling the regeneration of the Lyttelton centre through the development of community centres and other developments. This will support the local economy, urban design and amenity, and help meet the social needs of the local community. This proposal also supports the strategic priority of ‘Increased active, public and shared transport opportunities and use’, by reducing the dependency on travel by private motor vehicles, which will encourage people to consider travel by other transport modes (such as Active and public transport). The remaining strategic priorities have been considered, but are not relevant to this proposal.</td>
<td>Failing to remove the relevant parking provisions would be allowing an impediment to the regeneration of the area to remain in place, thereby compromising these strategic priorities.</td>
<td></td>
</tr>
</tbody>
</table>
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

| Authors                           | Katie McFadden - Senior Policy Analyst  
|                                  | Alison Outram - Assistant Policy Planner  
|                                  | Maiki Andersen - Policy Advisor Natural Hazards  
| Approved By                      | David Griffiths - Head of Planning & Strategic Transport  
|                                  | Brendan Anstiss - General Manager Strategy and Transformation  

19. Regulatory Performance Committee Minutes - 3 April 2019

Reference: 19/375512
Presenter(s): Liz Ryley, Committee Advisor

1. Purpose of Report
The Regulatory Performance Committee held a meeting on 3 April 2019 and is circulating the Minutes recorded to the Council for its information.

2. Recommendation to Council
That the Council receives the Minutes from the Regulatory Performance Committee meeting held 3 April 2019.

Attachments

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<tr>
<td>All</td>
<td>Minutes Regulatory Performance Committee - 3 April 2019</td>
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</tr>
</tbody>
</table>

Signatories

| Author | Liz Ryley - Committee Advisor |
## Regulatory Performance Committee

### OPEN MINUTES

**Date:** Wednesday 3 April 2019  
**Time:** 2pm  
**Venue:** Committee Room 1, Level 2, Civic Offices, 53 Hereford Street, Christchurch

### Present

<table>
<thead>
<tr>
<th>Acting Chairman</th>
<th>Councillor Jamie Gough</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acting Deputy Chairman</td>
<td>Councillor Sara Templeton</td>
</tr>
<tr>
<td>Members</td>
<td>Councilor Jimmy Chen</td>
</tr>
<tr>
<td></td>
<td>Councilor David East</td>
</tr>
<tr>
<td></td>
<td>Councilor Anne Galloway</td>
</tr>
<tr>
<td></td>
<td>Councilor Tim Scandrett</td>
</tr>
</tbody>
</table>

3 April 2019

**Principal Advisor**  
Tracey Weston  
Head of Regulatory Compliance

Liz Ryley  
Committee Advisor  
941 8153  
liz.ryley@ccc.govt.nz  
www.ccc.govt.nz

---

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www.ccc.govt.nz/the-council/meetings-agendas-and-minutes/
The agenda was dealt with in the following order.

1. **Apologies**
   
   **Part C**
   **Committee Resolved RPCM/2019/00010**
   
   That the apologies from Councillor Galloway for absence, and from Councillor East and Councillor Templeton for lateness, be accepted.
   
   Councillor Chen/Councillor Scandrett  
   **Carried**
   
   **Secretarial Note:** Councillors East and Templeton had provided the Acting Chairperson with apologies for lateness. However, because the meeting was concluded before their arrival, they did not attend the meeting.

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

3. **Confirmation of Previous Minutes**
   
   **Part C**
   **Committee Resolved RPCM/2019/00011**
   
   That the minutes of the Regulatory Performance Committee meeting held on Wednesday, 6 March 2019 be confirmed.
   
   Councillor Scandrett/Councillor Chen  
   **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.

11. Regulatory Performance Committee - Regulatory Compliance Unit Status Report - 3 April 2019
    Committee Comment
    1. Staff were thanked for their work relating to regulatory compliance matters.
    Committee Resolved RPCM/2019/00012
    Part C
    That the Regulatory Performance Committee:
    1. Receive the information in the Regulatory Compliance Unit Status report.
    Councillor Scandrett/Councillor Chen
    Carried

10. Building Consenting Unit Update April 2019
    Committee Resolved RPCM/2019/00013
    Part C
    That the Regulatory Performance Committee:
    1. Receive the information in the Building Consenting unit update report.
    Councillor Gough/Councillor Chen
    Carried

    Committee Resolved RPCM/2019/00014
    Part C
    That the Regulatory Performance Committee:
    Councillor Scandrett/Councillor Chen
    Carried
7. **Proposed Temporary Alcohol Bans at Rugby League Playing Fields for the 2019 Season**

**Committee Comment**

1. George Lajpold, Capability and Game Manager for Canterbury Rugby League, was introduced by staff to the Committee, and was attending to support the proposed temporary alcohol bans at rugby league playing fields for the 2019 season.

**Committee Decided RPCM/2019/00015**

**Part A**

That the Regulatory Performance Committee recommend that the Council:

1. Notes that the temporary ban will complement the local clubs non-regulatory alcohol management measures designed to ensure the safety of park users including spectators, players, and volunteer officials during rugby league games and training.

2. Resolves to impose under clause 5 of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 temporary alcohol ban areas for designated playing fields and associated car parks, changing sheds, and playground areas (see Attachment 2 – List of proposed ban areas) as follows:
   a. The temporary alcohol ban areas will apply during the periods that the fields are being used for rugby league training and games.
   b. Between 3pm to 8.30 pm Monday to Friday and between 9am to 6pm on Saturday and Sunday of each week from the date of the decision of Council to 31st August 2019.

3. Resolves that it is satisfied that:
   a. With respect to the areas to which the proposed temporary alcohol ban will apply, there is a high level of crime or disorder that has been caused or made worse by alcohol consumption; and
   b. the alcohol ban areas:
      i. Are appropriate and proportionate in the light of the evidence; and
      ii. Can be justified as a reasonable limitation on people's rights and freedoms.

4. Requests that Sports and Recreation staff work with Canterbury Rugby League to ensure that the conditions on alcohol-free playing fields referred to in Council and CRL agreements are communicated to all member clubs.

5. Requests policy staff review the effectiveness of the temporary alcohol ban area and to report back to the Council by December 2019 with recommendations as to whether (or not) the Alcohol Restrictions in Public Places Bylaw 2018 should be amended to include a permanent ban area for designated fields during the rugby league season.

Councillor Scandrett/Councillor Chen

**Carried**
8. Potential Changes to the District Plan - Section 71 Opportunities

Committee Decided RPCM/2019/00016

Part A

That the Regulatory Performance Committee recommends that Council:

1. Agree to initiate a process to request the Minister to use section 71 of the Greater Christchurch Regeneration Act 2016 to amend the Christchurch District Plan for the two issues discussed in this report.

2. Request the Chief Executive to prepare draft proposals for the Minister’s use of section 71 to amend the District Plan, and report directly to Council prior to engagement with strategic partners.

3. Note that staff will engage with the relevant Community Boards and affected stakeholders in developing the proposals.

Councillor Chen/Councillor Scandrett Carried

Meeting concluded at 2.32pm.

CONFIRMED THIS 5TH DAY OF JUNE 2019

COUNCILLOR JAMIE GOUGH
ACTING CHAIRMAN
20. Health, Safety and Wellbeing Committee Minutes - 15 March 2019

Reference: 19/286714
Presenter(s): Mark Saunders – Committee and Hearings Advisor

1. Purpose of Report
   The Health, Safety and Wellbeing Committee held a meeting on 15 March 2019 and is circulating the Minutes recorded to the Council for its information.

2. Recommendation to Council
   That the Council receives the Minutes from the Health, Safety and Wellbeing Committee meeting held 15 March 2019.

Attachments

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</tbody>
</table>

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Mark Saunders - Committee and Hearings Advisor</th>
</tr>
</thead>
</table>
Health, Safety and Wellbeing Committee
OPEN MINUTES

Date: Friday 15 March 2019
Time: 1:04pm
Venue: Committee Room 2, Level 2, Civic Offices, 53 Hereford Street, Christchurch

Present
Chairperson
Councillor Jamie Gough
Deputy Chairperson
Councillor David East
Members
Councillor Aaron Keown
Mr Murray Harrington
Mr Paul Coleman

15 March 2019

Principal Advisor
Prue Norton
Acting Head of Human Resources

Mark Saunders
Committee and Hearings Advisor
941 6436
mark.saunders@ccc.govt.nz
www.ccc.govt.nz

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www.ccc.govt.nz/the-council/meetings-agendas-and-minutes/
The agenda was dealt with in the following order.

1. **Apologies**
   
   **Part C**
   
   There were no apologies.

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

3. **Confirmation of Previous Minutes**
   
   **Part C**
   
   **Committee Resolved HSCM/2019/00001**

   **Committee Decision**
   
   That the minutes of the Health, Safety and Wellbeing Committee meeting held on Friday, 7 December 2018 be confirmed.

   Councillor Gough/Councillor Keown  
   
   ***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. Health, Safety and Wellbeing
   Committee Resolved HSCM/2019/00002 (Original Staff Recommendations Accepted without Change)

   Part C
   
   That the Health, Safety and Wellbeing Committee:
   
   1. Receives the information in this report.
   2. Receives the information in Attachment A to this report relating to refreshing the Committee members’ awareness of Visible Leadership.
   3. Notes the opportunity for the Committee members to attend Visible Leadership training to build skills for effective visible leadership.
   4. Receives the presentation in Attachment B to this report on “What’s new in Health, Safety and Wellbeing”.
   5. Receives the letter at Attachment C confirming that the Council has sustained Tertiary Status through the ACC Accredited Employer Programme Audit for Workplace Safety Management Practices and Injury Management.

   Mr Coleman/Councillor East
   
   Carried

8 Resolution to Exclude the Public
   Committee Resolved HSCM/2019/00003

   Part C
   
   That at 1:52pm the resolution to exclude the public set out on pages 35 to 36 of the agenda be adopted.

   Councillor Gough/Councillor East
   
   Carried

   The public were re-admitted to the meeting at 2:17pm.

   Meeting concluded at 2:18pm.

   CONFIRMED THIS 7TH DAY OF JUNE 2019

   COUNCILLOR JAMIE GOUGH
   CHAIRPERSON
21. Climate Change Programme Update

Reference: 19/363867
Presenter(s): Emma Davis, Head of Strategic Policy.

1. Innovation and Sustainable Development Committee Consideration

   1. After discussion with Council Officers on the form and types of engagement and consultation for the Climate Strategy, the Committee noted that some members wished to be involved in helping to set targets for net neutrality for Christchurch as a whole.

2. Staff Recommendations

   That the Innovation and Sustainable Development Committee:
   1. Receive and note the information in the report.
   2. Provide guidance on the opportunities for engagement on the climate change programme with elected members.

3. Innovation and Sustainable Development Committee Recommendation to Council

   That the Council:
   1. Receive and note the information in the report
   2. Form a working group of Councillors Buck, Templeton, Davidson, Livingstone and Chen to support the climate change strategy and action plans reporting back to the Innovation and Sustainable Development Committee.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Report Title</th>
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<tbody>
<tr>
<td>1</td>
<td>Climate Change Programme Update</td>
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</tr>
</tbody>
</table>
Climate Change Programme Update

Reference: 19/192716
Presenter(s): Emma Davis, Head of Strategic Policy

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 receive an update on the Climate Change Programme of work.

   Origin of Report
   1.2 This report is staff generated as part of regularly updating the Innovation and Sustainable Development Committee on the Climate Change programme.

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 author taking into consideration the Significance and Engagement Policy.

3. Staff Recommendations
   
   That the Innovation and Sustainable Development Committee:
   1. Receive and note the information in the report.
   2. Provide guidance on the opportunities for engagement on the climate change programme with elected members.

4. Key Points
   
   4.1 Climate change presents some significant opportunities and challenges for communities and businesses here and around the world. The Council has established a climate change programme to better respond to the issues and opportunities presented by climate change. The key deliverables from the program will be to develop an over-arching climate change strategy with two actions plans aligned to this but focused specifically on adaptation and mitigation. This report sets out the high level goals and principles of the programme and invites feedback on how elected members can be involved in the ongoing programme of work.

5. Context/Background
   
   History
   5.1 Climate change presents some significant opportunities and challenges for communities and businesses here and around the world. Christchurch City Council has a history of taking climate action and it remains a key priority for Council. These actions provide valuable opportunities to share, learn and collaborate with other organisations and communities. They also demonstrate the importance and power of collective action. The Council has established a climate change programme to better respond to the issues and opportunities presented by climate change.
5.2 In 2016 New Zealand joined 196 other nations when it signed the Paris Accord. This aims to limit planetary warming to no more than 2 degrees to avoid the worst impacts of climate change for ourselves and future generations.

5.3 Christchurch joined 7,400 other cities in 2017 when it signed the Global Covenant of Mayors for Climate and Energy which assists cities to manage emissions and to prepare for a changing climate. Council also signed the Local Government NZ Climate Change Declaration in 2017.

5.4 In 2017, Council set a target of Christchurch City Council being net carbon neutral by 2030. Council also joined the CEMARS certification programme to help measure and manage its emissions over time. In 2018, Council achieved the “Inventory” badge under the Global Covenant which recognises that the City of Christchurch has completed a Christchurch Community Greenhouse Gas Footprint for the 2016-17 financial year and a hazards reporting inventory.

5.5 Previously, a Climate Smart Strategy was approved by Council in 2010 and the Energy Action Plan was launched in 2015.

5.6 Our Council has already successfully delivered a number of specific mitigation programmes internally and externally, and the Energy Manager provided the Committee with an update of this work late last year.

5.7 Climate Adaption is also a focus and through the Resilience plan, under the ‘Understand’ goal we are focused on natural hazard risk management including specific regard to securing our future in the eastern parts of Christchurch.

5.8 In 2017 the Council adopted a strategic framework which includes climate change leadership and natural hazards risk management as two of the six strategic priorities requiring specific long-term focus. Council also requested that staff work with the Innovation and Sustainable Development Committee to investigate a framework and strategies for setting a target of Christchurch being net carbon neutral by 2050.

5.9 A formal climate change programme was initiated with the purpose of developing a strategy and related action plans to enable the Council to take a strong leadership role in climate change mitigation and adaptation for the Christchurch District (both at a city and Council level). This report provides a high level overview of the programme and invites the committee to provide feedback on the programme and discuss how they can be involved.

6. **Climate Change Programme**

6.1 The proposed high level goals of the programme are for the Christchurch to:

   6.1.1 Be a sustainable city through being Net Carbon Neutral by 2050

   6.1.2 Be prepared for the specific impacts of climate change

   6.1.3 Benefit from the transition to a low carbon economy and any other opportunities related to climate change

6.2 To achieve these goals, we will need to work in close partnership with businesses, communities and individuals to provide leadership and advocacy alongside monitoring and reporting mechanisms. The objective of the strategy will be to provide guiding principles to support long-term, aligned decision making for communities impacted by climate change in the short, medium and long term. The aim will be to drive and support Council decision making through our future planning and business case processes to ensure we are both prepared for climate change and can harness the opportunities it provides. As a Council, it will require us to embed climate change thinking into everything we do.
6.3 The principles of equity, inclusiveness and sustainability will guide how the goals are achieved.

6.4 One of the considerations of the strategy is whether we set a formal target for the Christchurch District to be net carbon neutral by 2050 or whether we position this as a goal rather than a target. Both represent an aspirational focus although a target could be seen as a more concrete position to aim for. In either case of setting a target or a goal, further work will be undertaken on developing the framework and resourcing required to achieve this. Another consideration is whether we set intermediary targets or goals for the near, mid and long term horizons as part of the strategy. We would invite comment and feedback from the committee and will further report on these matters.

6.5 The key deliverables from the programme will be to develop an overarching climate change strategy with two actions plans aligned to this but focused specifically on adaptation and mitigation.

6.6 We have developed draft milestones for the strategy development with the aim of the first draft of the strategy being developed by July 2019 for wider engagement with key stakeholders and public consultation commencing in August 2019. As part of this work, we are intending to go out with a sentiment based survey to all residents in the next month with the aim of gauging awareness and people’s perceptions of urgency of action, responsibilities and actions. This will inform the strategy and our future engagement and communication plan. Once the strategy has been approved we intend to undertake further engagement and work with communities and key stakeholders to develop the action plans.

7. Engagement with Elected members

7.1 We have convened a Steering board for the Climate Change Programme (within the organisation) to oversee delivery of the programme and provide direction to the project team. We have had good interest across the organisation and amongst elected members in the programme of work and we are keen to involve both staff and elected members as we develop the strategy and action plans. We have already had some discussions and engagement with councillors through the strategic priorities workshops and other interactions in the course of various initiatives. As part of the programme, there will be a number of opportunities through workshops and regular updates to the committee to engage on the programme. It will obviously be important that the Innovation and Sustainability Committee can champion the programme. There has also been the suggestion of setting up a working group of councillors to provide input to the strategy and action plan development. We invite your input on how we can best involve councillors in this programme of work.

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

| Authors          | Emma Davis - Acting Head of Strategic Policy  
|                  | Teresa Wooding - Project Manager            |
| Approved By      | Brendan Anstiss - General Manager Strategy and Transformation |
22. Innovation and Sustainable Development Committee Minutes - 27 March 2019

Reference: 19/370224
Presenter(s): Sarah Drummond, Committee and Hearings Advisor.

1. Purpose of Report
The Innovation and Sustainable Development Committee held a meeting on 27 March 2019 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 27 March 2019.

Attachments

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</table>

Signatories

| Author                  | Sarah Drummond - Committee and Hearings Advisor |
Innovation and Sustainable Development Committee
OPEN MINUTES

Date: Wednesday 27 March 2019
Time: 9am
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson
Councillor Vicki Buck
Deputy Chairperson
Councillor Sara Templeton
Members
Councillor Jimmy Chen
Councillor Mike Davidson
Councillor Jamie Gough
Councillor Glenn Livingstone
Deputy Mayor Andrew Turner

21 March 2019
Principal Advisor
Brendan Anstiss
General Manager Strategy &
Transformation
Tel: 941 8472

Sarah Drummond
Committee and Hearings Advisor
941 6262
sarah.drummond@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 ISDC/2019/00005**

   **Committee Decision**
   
   That the apology from Councillor Galloway, Councillor Gough and Deputy Mayor Andrew Turner be accepted.

   Councillor Templeton/Councillor Davidson  
   
   **Carried**

2. **Declarations of Interest**
   - **Part B**

   Councillors Davidson and Livingstone declared an interest in Item 10.

3. **Confirmation of Previous Minutes**
   - **Part C**
     - **Committee Resolved ISDC/2019/00006**

   **Committee Decision**
   
   That the minutes of the Innovation and Sustainable Development Committee meeting held on Wednesday, 27 February 2019 be confirmed.

   Councillor Templeton/Councillor Davidson  
   
   **Carried**

4. **Public Forum**
   - **Part B**
     
   4.2 **Gap Filler**
   
   Ryan Reynolds spoke on behalf of Gap Filler regarding parking sites around Christchurch.

   That the Innovation and Sustainable Development Committee:

   1. Thanks Ryan for his presentation.
Innovation and Sustainable Development Committee  
27 March 2019

4.1 Electric Air
Gary Freedman will speak on behalf of Electric Air regarding bringing a demonstration electric aircraft to Christchurch, with a view to beginning their use to reduce reliance on fossil fuel.

This public forum did not take place.

5. Deputations by Appointment

Part B
There were no deputations by appointment.

6. Presentation of Petitions

Part B
There was no presentation of petitions.

Deputy Mayor Andrew Turner arrived at 10.08am during discussion of Item 7.

7. Climate Change Programme Update

Committee Comment

1. After discussion with Council Officers on the form and types of engagement and consultation for the Climate Strategy, the Committee noted that some members wished to be involved in helping to set targets for net neutrality for Christchurch as a whole.

Staff Recommendations

That the Innovation and Sustainable Development Committee:

1. Receive and note the information in the report.
2. Provide guidance on the opportunities for engagement on the climate change programme with elected members.

Committee Decided ISDC/2019/00007

Part A

That the Council:

1. Receive and note the information in the report
2. Form a working group of Councillors Buck, Templeton, Davidson, Livingstone and Chen to support the climate change strategy and action plans

Councillor Templeton/Councillor Chen

Carried
8 Resolution to Exclude the Public
Committee Resolved ISDC/2019/00008

Part C

That at 10.13am the resolution to exclude the public set out on page 16 of the agenda be adopted.

Councillor Davidson/Councillor Livingstone

Carried

The public were re-admitted to the meeting at 10.33am.

Meeting concluded at 10.35am.

CONFIRMED THIS 20th DAY OF MAY 2019

COUNCILLOR VICKI BUCK
CHAIRPERSON
23. Options for addressing water quantity and quality for Christchurch groundwater

Reference: 19/115969
Presenter(s): Emma Davis, Acting Head of Strategic Policy
Brent Pizzey, Associate General Counsel

1. Purpose and Origin of Report

Purpose of Report
1.1 The purpose of this report is for the Council to be informed about options for addressing water quantity and quality for the Christchurch groundwater zone, including a water conservation order.

Origin of Report
1.2 This report is being provided to fulfil Council CNCL2019/00002 from 24 January 2019:

4. Ask the Chief Executive to investigate and report back to the Council by the end of March 2019 on seeking a Water Conservation Order and on any other strategic policy options available to the Council for future protection of groundwater quality and quantity.

2. Significance

2.1 The information in this report is of medium significance in relation to the Christchurch City Council's Significance and Engagement Policy.

2.1.1 The level of significance was determined by high level of community interest in the issue.

3. Staff Recommendations

That the Council:

1. Receive the information in this report and notes the options available to Council.
2. Consider inviting the Minister for the Environment, Hon. David Parker, for a discussion on water issues as a follow up to the Water Forum discussions held 15 February 2019.
3. Continue to engage with Environment Canterbury Councillors on a plan change to a more clearly defined groundwater allocation regime for Christchurch West-Melton as soon as possible.

4. Key Points

4.1 Water Conservation Orders can be applied to any ‘water body’ under the Resource Management Act 1991 (RMA), including an aquifer.

4.2 The process of seeking a water conservation order takes considerable time and resources, and is still relatively uncommon in New Zealand. There is no guarantee that a water conservation order for the Christchurch aquifers will be granted.

4.3 There is also a risk of a significant unintended consequence if a water conservation order was successfully obtained: It is likely that the Council would be seeking water conservation orders for the Christchurch aquifers that limit any future groundwater takes from the aquifers for some purposes but presumably not for additional takes required by the Council for the public water supply. There is no certainty that a water conservation order would be issued that limits water extractions for some purposes, e.g. industrial use but not for others such as community water
supply. The risk of limited our own future use is therefore something that the Council would need to consider in seeking a water conservation order.

4.4 Changes to an existing water conservation order can be requested by any party at any time after the order has been in place for at least two years.

4.5 A water conservation order for the Christchurch aquifers would not affect any existing consents.

4.6 A change to the Canterbury Land and Water Regional Plan to recognise that individual aquifers are discrete water bodies would mitigate against the current policies and rules that treat the Christchurch aquifer system as a single ‘bucket’.

4.7 The City Council can request, through submissions on national policy statements or national environmental standards or by other methods, the Government establish greater protection for the sources of public water supplies. For example the current National Policy Statement on Freshwater Management only applies to surface water bodies; groundwater is not covered.

5. Context/Background

Water Conservation Order

5.1 Detailed advice regarding the purpose of a water conservation order (WCO), and the grounds for obtaining one are set out in the attached memorandum from Simpson Grierson dated 17 January 2019.

5.2 No WCO can restrict a resource consent granted, or any lawful use established, in respect of the water body before the WCO is made (section 217 RMA).

5.3 The purpose of a Water Conservation Order (WCO) is to provide recognition of the outstanding amenity or intrinsic values of water bodies. WCOs may be applied over rivers, lakes, streams, ponds, wetlands or aquifers and over freshwater or geothermal water. A water conservation order may provide for any of the following:

- the preservation as far as possible of the water body’s natural state
- the protection of characteristics which the water body has or contributes to:
  - as a habitat for terrestrial or aquatic organisms
  - as a fishery
  - for its wild, scenic, or other natural characteristics
  - for scientific and ecological values
  - for recreational, historical, spiritual, or cultural purposes
- the protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Māori.

5.4 A WCO is issued for a “water body”. “Water body” is defined in the RMA as “means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, which is not located within the coastal marine area”. As each aquifer is a separate water body a WCO would need to address the values of each one separately.

Water Conservation Order process

5.5 The first step in the WCO process is submission of an application to the Ministry for the Environment. The application must include an assessment of ‘outstanding’ values of the water body in the national context (section 201 RMA).

5.6 The application must be supported by sound technical advice supporting the outstanding values for which protection is sought, the provisions which are sought to be included in the water conservation order and the effect that such provisions would have on the water body.

5.7 Once the application is received (section 202 RMA onwards):
The Minister will determine whether to reject the application or to appoint a special tribunal to hear and report on it.

- The special tribunal will publicly notify the application and call for submissions.
- Any person may submit on the application in the time stated in the public notice (being a minimum of within 20 working days of the public notification).
- The special tribunal will hold a public hearing on the application.
- The special tribunal will report its findings and recommendations, having special regard for the application, the submissions, the needs of primary and secondary industry and the community, and relevant policy statements and plans. The report includes either a draft WCO or the reasons why the tribunal recommends decline (sections 207-208 RMA).
- Submitters, as well as the applicant, may make a submission to the Environment Court in relation to the special tribunal's recommendations.
- If it receives submissions, the Environment Court will hold an inquiry hearing and make a subsequent report to the Minister with either a draft WCO or recommendations for it to be rejected.
- The Minister will then decide whether or not to recommend to the Governor General to make the water conservation order. The Minister’s recommendation to the Governor-General must be in accordance with the recommendation of the special tribunal or Environment Court unless the Minister has given to Parliament written reasons for the Minister’s decision differing from that recommended to the Minister (section 215 RMA).

5.8 Once a WCO has been in place for at least two years, any person can apply to revoke or amend the WCO. This application would typically follow the same process as the original WCO application.

Existing WCOs

5.9 Fifteen WCOs have been made, with half having been issued prior to the enactment of the RMA: 13 WCOs have been made for rivers and two for lakes.

5.10 Six of the fifteen WCOs were appealed and included a court hearing.

5.11 Four WCOs have been amended:
- Rakaia River WCO has been amended twice, in 2011 and 2013.
- Lake Ellesmere WCO was amended in 2011
- Kawarau River WCO was amended twice, in 2011 and 2013
- Buller River WCO was amended in 2008

Te Waikoropupū Springs WCO application

5.12 In June 2017, the Minister for the Environment accepted an application for a WCO for Te Waikoropupū Springs and its associated aquifer.
- A Special Tribunal was subsequently appointed to consider the application.
- Hearings on the application were held April, May and June 2018 and closed August 2018.
- The Special Tribunal has not yet submitted its report to the Minister for the Environment.

5.13 The conditions in the latest draft Te Waikoropupū Springs WCO include the following:
- No resource consent can be granted or rule included in a regional plan that will result in a reduction in the flow of groundwater from Te Waikoropupū Main Springs below its natural mean low flow.
• No resource consent can be granted or rule included in a regional plan that will authorise any additional abstraction of groundwater from the associated aquifer specified in the WCO.

• No resource consent can be granted or rule included in a regional plan that will authorise any additional abstraction of water from any river or stream that contributes to the recharge of the associated aquifer specified in the WCO unless the abstraction point is downstream of the aquifer recharge zone.

• No resource consent can be granted or rule included in a regional plan that will cause, either by itself or in combination with any existing consents or rules, the limits for specified contaminants (such as nitrates, phosphorous and dissolved oxygen) to be breached.

• The order does not prevent granting of further resource consents for the same rate of takes “on the expiry or surrender of the existing consents”.

Considerations

5.14 In deciding whether to seek a WCO, the Council would need to determine the grounds under which it would be applying and have sound technical evidence supporting the outstanding values for which protection is sought. Determining the grounds under which the Council might apply for a WCO could be challenging. There is a need to demonstrate that each aquifer is nationally significant. It could be argued that the Christchurch aquifers themselves are not unique as similar aquifers are found throughout Canterbury. Providing the required technical evidence is also likely to be costly and time consuming.

5.15 If the decision is made to apply for a WCO, it is recommended that Council works with Ngāi Tahu papatipu rūnanga and Environment Canterbury in developing the application. Other stakeholders would also need to be considered to support the application.

Risks

5.16 If the Council was to seek conditions similar to those sought for the Te Waikoropupū Springs WCO as part of a WCO for the Christchurch aquifers, it could limit the water available to the Council to meet future community water supply needs. We are not aware of any existing WCOs which protect a water body from some uses – such as abstractions for industrial uses - but not from others – such as abstractions for community drinking water uses.

5.17 There are some further approaches detailed below that do not have the same risk (refer 5.16) as the WCO approach.

National Environmental Standard for Sources of Human Drinking Water

5.18 National Environmental Standard for Sources of Human Drinking Water (Drinking Water NES) sets requirements for protecting sources of human drinking water from becoming contaminated. Its purpose is to ensure regional councils are considering the impacts of certain activities on drinking water suppliers’ ability to provide safe and wholesome drinking water. However, the focus the NES is on water quality rather than water quantity. Staff consider that water quantity should also be considered in the NES as water quantity can impact water quality.

5.19 A review of the Drinking Water NES was initiated by the Ministry for the Environment in June 2017 to assess its implementation and effectiveness and whether it remains fit-for-purpose. Following the release of the stage 2 report of the Government Inquiry into Havelock North Drinking Water in December 2017, Cabinet directed the Ministry to consider the Inquiry’s findings and recommendations when evaluating the effectiveness of the Drinking Water NES.

5.20 The Government is considering the review recommendations, along with the findings of the review of the Drinking Water NES, as part of a system-wide review of the drinking water regulatory framework in New Zealand.

5.21 While the Government is considering the review recommendations, there is an opportunity for the Council to engage with the Ministers for Environment and Health requesting consideration
also be given to drinking water quantity as part of the consideration of the Drinking Water NES review recommendations.

**National Policy Statement for Freshwater Management**

5.22 The National Policy Statement for Freshwater Management 2014 (the NPS) sets out the objectives and policies for freshwater management under the RMA. The NPS provides a National Objectives Framework to assist regional councils and communities to more consistently and transparently plan for freshwater objectives. There are two compulsory values that must be managed for – ecosystem health and human health for recreation. However, while the NPS provides objectives for both water quality and quantity, the focus of the NPS and the National Objectives Framework is on surface water.

5.23 The compulsory national values for freshwater are ecosystem health and human health for contact recreation. The ecosystem health value requires the freshwater management unit supports a healthy ecosystem appropriate to that freshwater body type (river, lake, wetland, or aquifer). However, the measures relate to the management of adverse effects on flora and fauna. Water supply is only considered as ‘Other National Values’.

5.24 While some of the water quantity objectives and policies are applicable to groundwater, the focus is primarily on surface water bodies such as rivers and lakes. If National Objectives Framework attributes were developed for groundwater, this may increase the requirement for regional councils to consider groundwater quality and quantity. An example of where an ecosystem health attribute for groundwater could be established is nitrates.

5.25 Council could take the opportunity to invite the Minister for the Environment, Hon David Parker, for further discussions around options to protect groundwater quantity and quality following initial discussions of national freshwater management initiatives at the Water Forum on 15 February 2019.

**Resource Management Act reforms**

5.26 On 9 November 2018, the Minister for the Environment announced a two stage review of the RMA. Stage One is expected to address some issues with consenting, monitoring and enforcement as well as a recommendation from regional councils for a mechanism allowing groups of consents to be upgraded in line with updated standards (e.g. water quality). A Bill addressing these changes will be introduced to Parliament in early 2019. Stage Two will be a more comprehensive review of the resource management system. Stage Two is currently being scoped and is expected to start in 2019.

5.27 There may be opportunities to discuss greater protection of drinking water as part of these reforms including seeking clearer guidance to prioritise provision of drinking water. Safeguarding life-supporting capacity of water is outlined in section 5 Purpose of the Act. Greater reference could be included by adding drinking water to either section 6 Matters of National Importance or section 7 Other Matters. Protecting drinking water would align with Māori cultural values and traditions that need to be recognised and provided for (section 6).

5.28 Again, Council could invite Minister Parker for further discussions on water issues following preliminary discussions at the 15 February 2019 Water Forum.

**Amendment to the Canterbury Land and Water Regional Plan**

5.29 The Land and Water Regional Plan (LWRP) considers groundwater within an allocation zone as a single resource. This means there is no consideration (in the rules at least) that takes from different aquifers can have different effects as takes from one aquifer are viewed no differently than takes from another aquifer as long as the water takes are within the same groundwater allocation zone. However, this approach is arguably not supported by the RMA which defines water body as:
water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

5.30 The effect of a more clearly defined groundwater allocation regime for Christchurch West-Melton would effectively mean that changing the aquifer used for a water take would be considered a new consent. Under the LWRP, clause 9.6.2, no additional water is to be allocated from the Christchurch West-Melton Groundwater Allocation Zone other than for group or community water supply or for non-consumptive taking and use.

5.31 While this option would not affect existing water takes, a letter from the Mayor was sent to Environment Canterbury Chair Steve Lowndes requesting a review of the LWRP to have aquifers considered as individual water bodies with urgency. As a result, this will be a topic for further discussion at the Governance to Governance meeting in April.

5.32 There is no consideration of the issue as part of Environment Canterbury’s draft Omnibus 2019 proposed changes to the LWRP. Work on the Christchurch-West Melton sub-regional chapter review, focussed on collaboratively establishing environmental limits for water quality and water quantity, is not indicated to occur until 2022 in Environment Canterbury’s 2018-28 Long Term Plan. Council staff understand that there is also a risk that an alternative 2023 date is considered by Environment Canterbury for the “National Planning Standards” plan change that may be used to progress any necessary amendments for the Christchurch West Melton sub-region.

5.33 It is recommended that Councillors continue to engage with Environment Canterbury Councillors to progress a plan change to a more clearly defined groundwater allocation regime for Christchurch West-Melton as soon as possible.

Financial levies or fees

5.34 Council staff have, as requested, considered the possibility of the Council imposing extra charges, levies or fees for some activities such as water bottling that use groundwater. Staff consider that none of those are workable.

Rates

5.35 The consideration was whether the Council could charge a higher general rate or a targeted rate to those properties. The ability to levy rates is subject to the Local Government (Rating) Act 2002. Councillors have received previous legally privileged advice on the merits of this (email from Legal Services Unit of 20 December 2017).

Fees and charges:

5.36 Council can charge fees for things it sells. It can do this under its general powers (s12 Local Government Act 2002). However, in this case the Council is not selling anything. Council can also charge fees for approvals, permits etc made under a bylaw (s150 LGA). However, there is no permit or approval being sought from Council here.

Local Government Funding Enquiry

5.37 The Productivity Commission is carrying out an inquiry into local government funding. It is possible this could lead to additional funding mechanisms for Council. However, Council staff in the finance unit consider it unlikely that new mechanisms would allow the Council to target particular activities for the purpose of discouraging those activities.
Parallel with visitor levies

5.38 Considerable work has been done in local government circles on innovative approaches to levying visitors. The Council’s finance unit staff have considered whether any of those tools could be adapted to levy water bottling activity. They have concluded that those visitor levies are specific tools for those purposes and cannot be adapted for this one:

- There is a levy on visitors to Stewart Island. However, this is done under a special enactment – Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012
- A Queenstown visitor tax has recently been discussed in the media. Queensland District Council is consulting with its community to gauge support for the new tax. If there is community support, they will approach government seeking legislative change to enable it.
- NZ International Visitor Levy. This is levied on visa applications or ETA applications (for visa waiver travellers). It is not relevant for the objectives being considered here.

Attachments

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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

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Our advice

Prepared for
Brent Pizzey, Christchurch City Council

Prepared by
Sarah Scott / Catherine McCallum

Date
17 January 2019

PRIVILEGED AND CONFIDENTIAL

Cloud Ocean Water Limited – Water Conservation Orders (tests, merits and restrictions)

Background
You have asked us to advise you on the tests and merits of asking the Minister for the Environment (Minister) for a water conservation order (WCO) for Christchurch groundwater. You have also asked us to cover what restrictions could be included in a WCO of this nature.

Tests for a WCO

1. WCOs are primarily legislated by sections 199 to 217 of the Resource Management Act 1991 (RMA).1 There have only been a limited number of WCO applications under the RMA provisions, and our understanding is that obtaining a WCO is not always a straightforward exercise, and can include lengthy hearings, including in the Environment Court if a submitter seeks an inquiry. We can provide a detailed summary of the process if of assistance.

2. A WCO is an order made under the RMA for either of two purposes. These are (notwithstanding anything to the contrary in Part 2 of the RMA):

   (a) to recognise and sustain outstanding amenity or intrinsic values which are afforded by waters in their natural state;2 and
   (b) where waters are no longer in their natural state, to recognise and sustain the amenity or intrinsic values of those which in themselves warrant protection because they are considered outstanding.3

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1 We note that the Environment Canterbury (Transitional Governance Arrangements) Act 2016 (new ECan Act) did not roll over the transitory arrangements for WCOs in Canterbury but reverted to Part 9 of the RMA, except that consistent with the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (old ECan Act), the new ECan Act provides that when considering any proposed regional policy statement or fresh water plan, Environment Canterbury must have particular regard to the vision and principles of the Canterbury Water Management Strategy. This is in addition to the matters relevant under the RMA.

2 The Environment Court in Rangitata South Irrigation Ltd v NZ and South Island Fish and Game Council C109/04 (see [21]-[24]) has concluded that it’s important that s 199 began with the words “notwithstanding anything to the contrary in Part 2.” Section 199(1) focuses on the protection aspect of the conservation purpose by excluding consideration of matters which were opposite to that purpose. Whether the application of any part of ss 5 - 8 are contrary to s 199(1) is a matter of judgment on the facts of each case.

3 Section 199 RMA.

4 Section 199 RMA.
3. To qualify as outstanding an amenity and/or intrinsic value (or characteristic) would need to be quite out of the ordinary on a national basis. It is important to note that the purpose of a WCO is not to enhance the characteristics of a water body so they become outstanding or even to improve them if already outstanding.

4. A WCO may provide for any of the following:

(a) the preservation, as far as possible in its natural state, of the outstanding water body;
(b) the protection of characteristics which the water body has or contributes to, and which are considered to be outstanding:
   (i) as a habitat for terrestrial or aquatic organisms;
   (ii) as a fishery;
   (iii) for its wild, scenic, or other natural characteristics;
   (iv) for scientific and ecological values;
   (v) for recreational, historical, spiritual, or cultural purposes; and
(c) the protection of characteristics which the water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Māori.

5. A WCO imposes restrictions or prohibitions on the exercise of regional councils’ powers under paragraphs (e) and (f) of s 30(1), as they relate to water such as issuing permits for the taking and use of water, which is of note in the case of Christchurch groundwater. This particular ability is a very strong power.

6. Although not an exclusive list, s 200 of the RMA sets out that those restrictions or prohibitions may relate to:

(a) the quantity, quality, rate of flow, or level of the water body;
(b) the maximum and minimum levels or flow or range of levels or flows, or the rate of change of levels or flows to be sought or permitted for the water body;
(c) the maximum allocation for abstraction or maximum contaminant loading consistent with the purposes of the order; and
(d) the ranges of temperature and pressure in a water body.

Special Tribunal and Environment Court tests

7. In considering an application for a WCO a special tribunal shall have particular regard to the purpose of the WCO, the other matters set out in s 199, and also have regard to:

(a) the application and all submissions;
(b) the needs of primary and secondary industry, and of the community; and
(c) the relevant provisions of every national policy statement, New Zealand coastal policy statement, regional policy statement, regional plan, district plan, and any proposed plan.

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5 Rangitata South Irrigation, at [17].
6 Rangitata South Irrigation, at [21]-[24].
7 Section 199 RMA.
8 (e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—
   (i) the setting of any maximum or minimum levels or flows of water:
   (ii) the control of the range, or rate of change, of levels or flows of water:
   (iii) the control of the taking or use of geothermal energy;
   (f) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water.

Simpson Grierson
8. If the Environment Court is required to hold a public inquiry into the submissions on a proposed WCO it shall have particular regard, and regard to, the same matters as the special tribunal (outlined above). In addition, the Environment Court must have regard to:

(a) the report of the special tribunal and any draft WCO; and
(b) such other matters as the Environment Court thinks fit.

9. The Environment Court has identified the basic issues in relation to an application for a WCO as:

(a) whether outstanding characteristics exist in the river (ie. water body);
(b) if so, whether those characteristics are threatened by potential changes to flow, water quality, temperature etc;
(c) whether an order is necessary to sustain the outstanding characteristics, having regard to matters in s 207, which are [in the Court's view] designed to ensure that an overly idealistic approach to the river’s waterline is not taken.

Legal effect of a WCO when confirmed

10. As foreshadowed in paragraphs 5 and 6 above, WCOs can be powerful instruments. A WCO will, in some manner or form, prohibit or restrict the regional council from exercising any of its functions under section 30(1)(e) and (f). Of note in the case of Christchurch groundwater, is the ability to prohibit or restrict issuing new permits to take and use new water.\footnote{10}

11. In the planning/policy context, regional policy statements, regional plans and district plans must not be inconsistent with the provisions of a WCO.\footnote{11} This means that a WCO essentially becomes part of the group of statutory documents that a council has to consider when preparing or changing one of the listed policy documents.

Common Provisions in WCOs (i.e. restrictions)

12. There are currently 16 WCOs in New Zealand, eight of which were enacted under the RMA.\footnote{12} No current WCOs cover aquifers.

13. The WCOs that are currently in effect generally include restrictions that state that water permits must not be granted, and regional or district plans must not be inconsistent with a WCO (the latter being a statutory requirement in any event). We have reviewed the WCOs that have been made under the RMA and have listed the most common characteristics:

(a) every WCO made under the RMA either restricts or bans the damming of the rivers or sections of river that are identified for having outstanding features, characteristics or values;

\footnote{9} Rangitata South Irrigation, at [55]. The WCO at the centre of the Environment Court’s case covered the Clyde River, Havelock River, various sections of the Rangitata River and their tributaries. The outstanding characteristics and features of this WCO included amenity and intrinsic values, habitat for terrestrial and aquatic organisms, fishery values and scientific and ecological values. It restricts the damming of waters, alterations of river flows and form, and alteration of water quality, and includes a positive requirement to maintain fish passage.

\footnote{10} Section 217 RMA.

\footnote{11} Sections 62(3), 67(4)(a), and 75(4)(a) RMA.

\footnote{12} The other eight WCOs were prepared under the Water and Soil Conservation Act 1967, but they have the same status as WCOs prepared under the RMA.
(b) most of the WCOs provide for a range of acceptable water quality measurements that must be given effect to when planning and considering resource consents. These include:
(i) temperature;
(ii) algae or biological growth;
(iii) pH/ alkaline levels;
(iv) restrictions on toxins;
(v) clarity/ turbidity;
(vi) colour; and
(vii) dissolved oxygen.
(c) many of the WCOs create minimum rates of flow, or in the case of lakes, water levels; and
(d) some WCOs require that any consent must account for the maintenance of fish passage.

14. At the time of writing this advice, no WCO has been granted for groundwater, although we are aware that recently, Ngāi Tama Ki Te Waipounamu Trust and Andrew Yuill have applied for a WCO for the Te Waikoropupu Springs, with the scope of the draft WCO also including associated water bodies such as the Arthur Marble Aquifer. The four week hearing closed on 28 August, and the Special Tribunal members are in the process of drafting the report. We understand this report will not be released until after February 2019, with the potential for the draft WCO to then be the subject of an inquiry in the Environment Court. The draft WCO that is currently being reported on could provide guidance for definitions and restrictions should the Council choose to apply for a WCO.

Christchurch groundwater WCO – purpose and possible restrictions

15. A Christchurch groundwater WCO would need to meet one of the two purposes set out in section 199 of the RMA (refer para 2 above). Christchurch is well known, and has long prided itself, for having pure drinking water (fed from the Waimakariri River and rainfall that seeps into the land’s gravels and makes its way to the relevant aquifers\(^\text{13}\)). This essential intrinsic value of the water could arguably be outstanding in a national context. In addition to the more obvious intrinsic values afforded to the aquifers, thought should be given to whether there are outstanding amenity values afforded by the aquifers, even though they are located underground.\(^\text{14}\)

16. Generally we understand that the purpose of a WCO for Christchurch groundwater would be primarily for protecting the area’s community water drinking source. Whether the aquifers in Christchurch are "in their natural state" will be relevant to the purpose of the WCO. We understand this to be the case, but there may be some that do not reach that standard given the various consented takes, in particular in relation to unconfined aquifers. In that case, the second purpose set out in paragraph 2 above may be relevant.

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\(^{13}\) See Environmental Protection Authority site for more information and the draft WCO at: https://www.epa.govt.nz/public-consultations/in-progress/te-waikoropupu-springs/

\(^{14}\) https://www.ecan.govt.nz/your-region/your-environment/water/drinking-water-quality/

\(^{15}\) Amenity values may be difficult to justify as section 2 of the RMA defines them as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. This does suggest a person needs to be able to be in the area and experience the values with their senses.
17. Expert evidence would need to be provided to support and demonstrate that the groundwater/aquifers are in a natural state, as well as the outstanding and intrinsic values afforded by the water.

18. We note that the RMA refers to ‘water body’, singular. Although no decision has been made on it, the Ngāti Tama draft WCO covers more than one water body. Any application in Christchurch would need to be clear as to the water bodies that were within the scope of the WCO, given they various aquifers located within the area.

19. As per section 200 of the RMA, possible restrictions for a Christchurch groundwater WCO could include:
   (a) limits related to the quantity, quality, rate of flow, or level of the aquifer(s);
   (b) maximum and minimum levels or flow or range of levels or flows, or the rate of change of levels or flows to be sought or permitted for the aquifer(s);
   (c) the maximum allocation for abstraction consistent with the purposes of the WCO; and
   (d) the ranges of temperature and pressure in the aquifer(s).

20. Having reviewed the proposed WCO for the Te Waikoropupu Springs, some additional restrictions that could be included in the Christchurch groundwater WCO could be:
   (a) restrictions on alterations of aquifer depth and form, which includes prohibiting any further granting of resource consents for the abstraction of groundwater from the relevant aquifer; and
   (b) requirement to protect water quality of the water bodies that recharge the aquifer(s).

21. Another avenue would be to restrict the number of water take consents from aquifers, rather than prohibiting any new consents.

Merits of seeking a WCO

22. On the limited information available for the purposes of this advice, a WCO for Christchurch groundwater is likely to fit within the RMA framework for a WCO.

23. Any application for a WCO would need to be supported by adequate expert evidence, which would amongst other things need to consider the amenity and intrinsic characteristics of the values, the naturalness of the water body(s), and also demonstrate that the aquifer is quite out of the ordinary on a national basis. We do caution that there are no current precedents for WCOs that apply to an aquifer, although the Ngāti Tama draft WCO may be of assistance if successful. The outcome of that draft WCO will be an indicator of how difficult obtaining a WCO for Christchurch groundwater could be.

24. There are a number of matters to be considered before a decision is made to apply to the Minister for the Environment for a WCO. As foreshadowed, the process of obtaining a WCO can be lengthy and involve multiple stages, which include the appointment of a special tribunal, submissions and a hearing followed by a report from that tribunal, the right to make submissions to the Environment Court and if one or more submissions are made, the Court is to hold an inquiry into the report and then issue a report to the Minister. The Governor General may then, by Order in Council, make the WCO.

25. Justification for the WCO will require input from planners, a number of technical experts, legal counsel, with the associated monetary and time costs of those. Consideration would need to be given to whether further technical analysis and the associated time and cost
would be necessary. As WCOs can be made for the protection of characteristics, which the water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Māori, we anticipate that Ngāi Tahu would hold a strong interest in any application.

26. We also expect that its highly likely any WCO for Christchurch groundwater would result in an Environment Court inquiry (with the associate time and cost implications) as drinking water and water takes are currently a politically charged issue, therefore resulting in greater scrutiny on any groundwater WCO application.
24. Water Supply Improvement Programme - update

Reference: 19/314183
Presenter(s): Helen Beaumont – Programme Manager, Water Supply Improvement Programme

1. Purpose of Report
   1.1 The purpose of this report is for the Council to be informed as to the progress of the water supply improvement programme.

2. Executive Summary
   2.1 Temporary chlorination of the water supply is in place where pump stations are supplied by wells not deemed not to be secure from potential contamination via the well head. As well heads are improved, and signed off as secure, chlorine treatment is being stopped, pump station by pump station across the city. Approximately 25 to 30 percent of the water supplied to urban Christchurch is not being treated with chlorine. Well head improvement works are proceeding at pace as the combination of water restrictions and cooler weather has significantly reduced the demand for water.

3. Staff Recommendations
   That the Council:
   1. Notes the progress with the well head security improvement programme.

4. Key Points
   4.1 Temporary chlorination of the city’s water supply was rolled out across 50 pump stations between March and May 2018.
   4.2 A programme to accelerate the upgrade of the well heads across the city commenced in February 2018. To date 42 out of 140 wells have been upgraded and signed off as secure.
   4.3 Chlorine treatment is discontinued at a pump station when the upgrade works are completed on the associated wells. To date 11 pump stations are fed by only secure wells and do not require chlorine treatment, and three pump stations are able to operate without chlorine at times of low demand (when the unsecure wells can be isolated from the network).
   4.4 The indicative timetable for the upgrade of the well heads, and consequential dates for the removal of chlorine from each pump station, would see approximately 90 per cent of the water delivered without chlorine disinfection by the end of May 2019.
   4.5 The installation and commissioning of ultraviolet treatment at Main Pumps is timetabled for the end of June 2019 and would see 95 per cent of the water delivered without chlorine treatment.
   4.6 Following further well head remediation works over the winter 100 per cent of the water would be able to be delivered without chlorine disinfection by spring 2019.
   4.7 Council staff are continuing to work closely with contractors to accelerate delivery where possible.
4.8 The introduction of water restrictions has reduced demand and enabled an acceleration of the well head remediation programme.

4.9 A paper will be provided to Council in May with an update on progress and the timing and criteria for temporary chlorination.

5. **Context/Background**

**Issue or Opportunity**

5.1 Temporary chlorination of the Christchurch city water supply was implemented between March and May 2018 in response to advice from the Drinking Water Assessor that the supply was not considered secure from possible contamination as the well heads did not meet the requirements of the Drinking Water Standards.

5.2 The well head remediation programme is being undertaken to regain secure bore water status and remove chlorine treatment from the water supply for urban Christchurch.

**Strategic Alignment**

5.3 This programme aligns with the Water Supply Strategy 2009-2039 and the Council’s strategic priority seeking a safe, sustainable water supply and waterways.

**Well head remediation**

5.4 The programme to accelerate the upgrade of the well heads commenced in February 2018. The preferred approach is to raise all well heads above ground and install best practise infrastructure. This upgrade work significantly advances the protection of well heads from surface contamination sources, increases the resilience of the well head infrastructure and improves access for operations and maintenance activities.

5.5 Of the 140 operating wells 43 are signed off as secure, 52 are either in construction or timetabled for construction works, 11 are out to tender and a further 28 are in the design stage. The remaining wells are still in the planning stage or will be abandoned.

5.6 As noted in the February report some delays were experienced early in 2019 and staff have been working with the contractors to reset the forward work programme and accelerate delivery where possible. The progress of the well security improvement programme to the end of March and the proposed programme over the next few months is set out in Attachment A.

**Reduction of the chlorine dose**

5.7 The water supply network is being operated to maximise the delivery of water from pump stations without chlorine treatment. As at 25 March 2019 13 pump stations are operating without chlorine treatment (supplying 25 to 30 per cent of the water for the city), 22 pump stations are being dosed at 0.5 part per million (ppm) chlorine, and 14 pump stations are being dosed at 1 ppm (the remaining 4 pump stations are off line).

5.8 The actual progress with chlorine reduction to the end of March and the planned progress to the end of May, by the number of pump stations, is set out in Attachment B.
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>Helen Beaumont - Programme Manager - Water Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Karleen Edwards - Chief Executive</td>
</tr>
</tbody>
</table>
1. Purpose of Report
   1.1 The purpose of this report is to recommend to the Council the allocation of grants from the Community Resilience Partnership Fund.

2. Staff Recommendations
   That the Council:
   1. Makes a grant of $31,000 to Heathcote Valley Community Association from the Community Resilience Partnership Fund for Year One of the Community Centre Activator initiative.
   2. Subject to the return of a satisfactory monitoring report, the Council makes a grant of $31,000 to Heathcote Valley Community Association from the Community Resilience Partnership Fund for Year Two of the Community Centre Activation initiative.

3. Key Points
   Issue or Opportunity
   3.1 The contract with the Ministry of Health identified that the Community Resilience Fund will support projects that strengthen communities by increasing community participation, connectedness and resilience.

   Strategic Alignment
   3.2 The recommendation is aligned to the Strategic Framework and in particular the strategic priority of enabling active citizenship and connected communities. It will provide a strong sense of community.

   Objectives of the Community Resilience Fund
   3.3 The objectives of the Fund are to invest in initiatives which contribute to Community Resilience through:
      - Community Connection and Activation
        - Strengthen connections between neighbours, families, whānau and communities of shared interest and identity, as well as geographically.
        - Create and activate places within local communities that increase access to opportunities for physical activity and social connection.
      - Community-led Response
        - Support local community-led initiatives.
        - Recognise and utilise the resources, skills, knowledge and infrastructure of local communities.
        - Build on existing community strengths and reflect the local context.
• **Capacity Building**
  - Strengthen the capacity and capability of communities to identify and deliver effective services and activities that will increase community resilience and wellbeing.
  - Identify and cultivate local leadership.

• **Collaboration**
  - Create collaborative ways of working that will endure beyond the completion of a specific project.
  - Engage a broad range of stakeholders to identify common interests and benefits that might be achieved by working together and engender long-term commitment to being part of the solution.

• **Innovation and Enterprise**
  - Encourage innovation and creativity.
  - Encourage and enable social enterprise.

• **Removing Barriers to Participation and Resilience**
  - Remove earthquake related barriers to participation and resilience.
  - Support initiatives that enhance peoples’ ability to access to appropriate services.
  - Increase participation in, and awareness of, community, recreation, sports, arts, heritage and environment groups, programmes and local events.

3.4 The Council formally adopted the Objectives as the funding Criteria in October 2017.

**Funding Process**

3.5 The contract identified that the fund will primarily use a direct selection approach. This method was selected because:

- This approach minimises the transaction and compliance costs for groups and Council.
- Funding can be targeted based on the objectives of the fund.
- Funding arrangements can be flexible and innovative activities developed as funding is not restricted by an application or contract.

**Assessment of Significance and Engagement**

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

3.7 The level of significance was determined by the number of people affected and/or with an interest.

3.8 Due to the assessment of low significance, no further community engagement and consultation is required.

**Discussion**

3.9 There is one (1) initiative recommended for consideration from the Community Resilience Partnership Fund.

3.10 This application has been reviewed and approved by the Psychosocial Governance Group.

3.11 The Council has allocated funding to 39 initiatives since October 2017. The total allocations to date is $2,586,700 Year 1 and $2,109,520 Year 2.
3.12 At the time of writing, the balance of the Community Resilience Partnership Fund is $553,780.

3.13 Recommendations for the Community Resilience Partnership Fund are outlined in Attachment A, a summary matrix is detailed in Attachment B and the CRPF funding history is listed in Attachment C.

### Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Attachment A - CPRF Assessment Heathcote Valley Community Association Community Activator Initiative</td>
<td>198</td>
</tr>
<tr>
<td>B</td>
<td>Attachment B - CRPF Summary Matrix April 2019</td>
<td>202</td>
</tr>
<tr>
<td>C</td>
<td>Attachment C - Community Resilience Partnership Fund Financial Tracking</td>
<td>203</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>
<th>Nicola Thompson - Community Funding Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sam Callander - Team Leader Community Funding</td>
</tr>
<tr>
<td>Approved By</td>
<td>John Filsell - Head of Community Support, Governance and Partnerships</td>
</tr>
<tr>
<td></td>
<td>Mary Richardson - General Manager Citizen and Community</td>
</tr>
</tbody>
</table>
HEATHCOTE VALLEY COMMUNITY ASSOCIATION:
COMMUNITY CENTRE ACTIVATOR INITIATIVE

Background

The Heathcote Valley Community Association (HVCA) is a key local volunteer organisation within Waikura/Linwood-Central-Heathcote that supports and promotes community led development in the Heathcote Valley. Numbers are steadily increasing with approximately 500 residents on the mailing list and a dedicated committee of 12 members. HVCA provides representation on community issues, acts as a link between Council and Heathcote Valley residents, groups and organisations, facilitates input into policies, creates opportunities to connect and engage with community, and keeps the community informed. The Association employs a part-time Administrator/Project Support Worker to support the Association. The role of Community Centre Activator is a separate position, specifically created to activate the community centre in partnership with local people.

Heathcote Valley is made up of nearly 1,000 households and was at the epi-centre of the Christchurch earthquakes. Since then HVCA has been actively involved in supporting and building on the strengths within the community to rebuild and enhance community wellbeing, participation and contribution. This has resulted in a wide range of initiatives including developing the Heathcote Strategic Vision document which details a shared vision for the valley, regular newsletters, community led education and activity programmes, community events, supporting a time bank project, and facilitating input into local planning initiatives.

Following the earthquakes, the Heathcote Valley Community Centre on Heathcote Domain was rebuilt by Council and re-opened in December 2016. When the community centre was rebuilt, the community had significant input into the functions they desired the centre to fulfil, identifying the need for: A youth space, emergency hub, space with Wi-Fi and projector, kitchen and a community library

Community Resilience Initiative

In late 2017 a Community Centre Activator was able to be employed part-time with a small amount of funding from Red Cross. The role was extended with interim funding from the Waikura/Linwood-Central-Heathcote Community Board until an application to the Community Resilience Partnership Fund could be considered.

In that time, groups have started utilising the centre including seven tutors providing regular health and wellbeing classes such as yoga for adults and children, tai chi, musical theatre, and a craft group. A weekly ‘drop-in’ enables residents to connect, share ideas, and access information including a Timebank. The community centre is also used once a month for HVCA meetings. There is an increasing number of hall hires for special occasions and community inspired events and the Association wishes to continue this momentum over the next two years to establish a community centre that is largely self-sustaining.

This project aims to continue to activate community participation, contribution, and utilisation of the Heathcote Valley Community Centre to create and sustain a thriving space based on the needs and aspirations identified in the Heathcote Strategic Vision for a connected empowered community using community led development principles.

The Association is guided by the Strategic Vision which identifies the need to contract a Community Centre Activator for a further two years to enable the centre to become a financially viable facility using a range of funding options including social enterprise.
The Community Centre Activator will be responsible for matching the venue with activity providers that meet community recreation and social needs such as regular art, craft, exercise, and community education classes and community events. They will also be responsible for optimising hall hire using a differential pricing structure for community and corporate use. As a result, income will be generated for future programmes and services identified by the community such as a youth worker providing free or low cost programmes for local young people and low cost events and room hire for local community based groups.

**Financial Position**

The project will be undertaken by the Heathcote Valley Community Association. The Association has been in operation since 1986 and has demonstrated they have robust financial and management systems in place. They have the capacity and capability to receive and be accountable for grant funds and to deliver the project.

The Community Centre Activator will be engaged as a contractor on a fixed-term, two year contract as outlined below.

<table>
<thead>
<tr>
<th>Year 1 - Community Centre Activator Contractor</th>
<th>$31,000</th>
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</thead>
<tbody>
<tr>
<td>(based on a rate of $31 per hour for approximately 20 hours a week)</td>
<td></td>
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<tr>
<td>Year 2 - Community Centre Activator Contractor</td>
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<tr>
<td>(based on a rate of $31 per hour, for approximately 20 hours a week)</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$62,000</strong></td>
</tr>
</tbody>
</table>

It is envisioned on completion of this project the community centre will be substantially self-sustaining from income generated by the centre and the tasks of the Activator will be transitioned to other staff.

**Assessment**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comment</th>
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<tbody>
<tr>
<td><strong>Community Connection and Activation</strong></td>
<td>✓</td>
</tr>
<tr>
<td>• A major component of the activators job has been to make connections between individuals and groups wanting to achieve particular outcomes or programmes.</td>
<td></td>
</tr>
<tr>
<td>• A number of collaborative ventures have already been established but there is scope for more programmes to be developed.</td>
<td></td>
</tr>
<tr>
<td><strong>Community-led Response</strong></td>
<td>✓</td>
</tr>
<tr>
<td>• The work of the Activator is framed by the Heathcote Valley Strategic Vision which was created in partnership with local residents and the HVCA.</td>
<td></td>
</tr>
<tr>
<td>• The Activator will continue to work closely with community members and existing organisations using community led development principles.</td>
<td></td>
</tr>
<tr>
<td><strong>Capacity Building</strong></td>
<td>✓</td>
</tr>
<tr>
<td>• The project will strengthen the capacity and capability of the Heathcote Valley community to identify and deliver effective services and activities that will increase community resilience and wellbeing</td>
<td></td>
</tr>
</tbody>
</table>
### Collaboration
- A number of significant collaborations have been established over the past year with groups such as local sports clubs, developers of the Malt Works subdivision and local primary school.
- Collaborative working has already resulted in the establishment of an area wide Timebank and development of a civil defence emergency management plan for the area.

### Innovation and Enterprise
- The re-built community centre provides an opportunity for further investigation of social enterprise initiatives.
- The Activator will continue to investigate ways to maximize the facility for both community and commercial use through activities such as a differential hire pricing structure, collaborative creative merchandise sales and acting as a ticket outlet for local events.
- It is envisioned that in the future the centre will become substantially self-sustaining and income generated will be used to support community programmes and events.

### Removing Barriers to Participation And Resilience
- The activator has ensured that groups that might not previously have had the skills and resources to achieve their aspirations have been enabled to do so.
- Low cost/no cost venue hire removes a barrier for small local interest groups to develop and grow.

### Psychosocial Governance Group Priorities
- The project aligns with the Psychosocial Governance group priorities:
  - People living in the east of the city

---

**Recommendation**

That the Council:

1) Makes a grant of $31,000 to Heathcote Valley Community Association from the Community Resilience Partnership Fund for Year One of the Community Centre Activator initiative.

2) Subject to the return of a satisfactory monitoring report, the Council makes a grant of $31,000 to Heathcote Valley Community Association from the Community Resilience Partnership Fund for Year Two of the Community Centre Activator initiative.
Partnership Fund for Year Two of the Community Centre Activation initiative.
### Attachment B – CRPF Summary Matrix April 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Project</th>
<th>Social Capital</th>
<th>Community-led</th>
<th>Capacity Building</th>
<th>Collaboration</th>
<th>Innovation</th>
<th>Remove Barriers</th>
<th>PGG Priorities</th>
<th>Recommendation</th>
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<tr>
<td>1. Heathcote Valley Community Association</td>
<td>Community Centre Activator Initiative</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>That the Council:</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>a. Makes a grant of $31,000 to Heathcote Valley Community Association from the Community Resilience Partnership Fund for Year One of the Community Centre Activator initiative.</td>
</tr>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>b. Subject to the return of a satisfactory monitoring report, the Heathcote Valley Community Association receives $31,000 from the Community Resilience Partnership Fund for Year Two of the Community Centre Activator initiative.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
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<td>$62,000</td>
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| | | | | | | | | | |
| Balance of CPR Fund (April 2019) | | | | | | | | $553,780 |
| Funds Remaining if above Applications are Granted | | | | | | | | $491,780 |
## Community Resilience Partnership Fund Financial Tracking

<table>
<thead>
<tr>
<th>Name</th>
<th>Name/Subject</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 1</th>
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<td>Community Law Canterbury</td>
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<tr>
<td>Shirley Community Trust</td>
<td>Mācra Park Community Centre Activation (Yr 1 of 2)</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$60,000</td>
<td>$60,000</td>
</tr>
<tr>
<td>Summer Days Union Trust (Umbrella)</td>
<td>Christchurch Timebanks (Yr 1 of 2)</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>Sustain South Brighton</td>
<td>Community Health Connection (Yr 1 of 2)</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>Te Reumaru Rangatahi</td>
<td>Te Keha Kakohika Community Connection Project</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$0</td>
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<tr>
<td>Te Whare Rāmātā</td>
<td>Community Led Revitalisation and Regeneration (Yr 1 of 2)</td>
<td>$80,000</td>
<td>$80,000</td>
<td>$90,000</td>
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<tr>
<td>Te Whare Rūpo o Oterope - Watham Community Cotta</td>
<td>Community Connection (Yr 1 of 2)</td>
<td>$50,000</td>
<td>$50,000</td>
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<td>$60,000</td>
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<tr>
<td>The Bridge South Brighton Trust</td>
<td>Community Activation Hub (Yr 1 of 2)</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$50,000</td>
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<td>The Canterbury Mental Health Education &amp; Resource Centre</td>
<td>Community Support and Connection (Yr 1 of 2)</td>
<td>$45,000</td>
<td>$45,000</td>
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<tr>
<td>Spreydon Baptist Community Ministries (Umbrella)</td>
<td>Addington Farm</td>
<td>$30,000</td>
<td>$30,000</td>
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<tr>
<td>Youth Alive Trust (Umbrella)</td>
<td>New Brighton Hub</td>
<td>$50,000</td>
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<tr>
<td>Christchurch Disability Leadership Group</td>
<td>Workshop for People with Intellectual Disabilities</td>
<td>$14,680</td>
<td>$14,680</td>
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<td>$0</td>
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<tr>
<td>Christchurch Methodist Mission (Umbrella)</td>
<td>Christchurch Housing First (Yr 1 of 2)</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
<td>$200,000</td>
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<tr>
<td>Burwood Community Church Trust</td>
<td>Burwood Support Programme</td>
<td>$55,000</td>
<td>$55,000</td>
<td>$55,000</td>
<td>$55,000</td>
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<tr>
<td>Hornby Community Care Trust</td>
<td>Hornby Community Activator</td>
<td>$57,020</td>
<td>$57,020</td>
<td>$54,520</td>
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<tr>
<td>Leadership Lab</td>
<td>Leadership in Communities</td>
<td>$30,000</td>
<td>$30,000</td>
<td>$30,000</td>
<td>$30,000</td>
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<tr>
<td>Shalei Ethnic Women’s Support Group</td>
<td>Youth Network for Change Pilot</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

**Total** | **$2,586,700** | **$2,586,700** | **$2,109,520** | **$1,500,000**

**Funds received to date** | $5,250,000

**Total granted to date** | $4,696,220

**Balance available for allocation (as at 14 March 2019)** | $553,780

**CCC final contribution to be paid 2019/20 FY** | $750,000

**Total Balance to Allocate (as at 1 July 2019)** | $1,303,780
26. 2018/19 Metropolitan Discretionary Response Fund

Reference: 19/252864

Presenter(s): Sam Callander, Funding Team Leader
Josh Wharton, Community Partnerships and Planning Advisor

1. Purpose of Report

1.1 The purpose of this report is for the Council to consider an application for funding from the 2018/19 Metropolitan Discretionary Response Fund from the organisation listed below.

<table>
<thead>
<tr>
<th>Funding Request Number</th>
<th>Organisation</th>
<th>Project Name</th>
<th>Amount Requested</th>
<th>Amount Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>58775</td>
<td>Aviva Charitable Trust</td>
<td>Creating Child Protection Champions in our Local Communities</td>
<td>$21,000</td>
<td>$13,500</td>
</tr>
</tbody>
</table>

1.2 There is currently a balance of $37,546 remaining in the fund

2. Staff Recommendations

That the Council:

1. Approves a grant of $13,500 from its 2018/19 Metropolitan Discretionary Response Fund to Aviva Charitable Trust towards Creating Child Protection Champions in our Local Communities for wages and operational costs.

3. Key Points

Issue or Opportunity

3.1 This application addresses the issue of the rate of child harm in New Zealand communities.

Strategic Alignment

3.2 The recommendation is strongly aligned to the Strategic Framework and in particular the strategic priority of Enabling active citizenship and connected communities. It will provide the outcome of people feeling safe in their homes, neighbourhoods and the central city and community facilities and public spaces that are safe, healthy and welcoming.

Decision Making Authority

3.3 Determine the allocation of the Metropolitan Discretionary Response Fund for each community

3.4 Allocations must be consistent with any policies, standards or criteria adopted by the Council

3.5 The Fund does not cover:

- Legal challenges or Environment Court challenges against the Council, Council Controlled organisations or Community Board decisions
- Projects or initiatives that change the scope of a Council project or that will lead to ongoing operational costs to the Council (though Community Boards can recommend to the Council that it consider a grant for this purpose).
Assessment of Significance and Engagement

3.6 The decision(s) in this report is of low significance in relation to the Christchurch City Council’s Significance and Engagement Policy.

3.7 The level of significance was determined by the number of people affected and/or with an interest.

3.8 Due to the assessment of low significance, no further community engagement and consultation is required.

Discussion

3.9 At the time of writing, the balance of the 2018/19 Metropolitan Discretionary Response Fund is as below.

<table>
<thead>
<tr>
<th>Total Budget 2018/19</th>
<th>Granted To Date</th>
<th>Available for allocation</th>
<th>Balance If Staff Recommendation adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td>$138,238</td>
<td>$100,692</td>
<td>$37,546</td>
<td>$24,046</td>
</tr>
</tbody>
</table>

3.10 Based on the current Discretionary Response Fund criteria, the application listed above is eligible for funding.

3.11 The attached Decision Matrix provides detailed information for the application. This includes organisational details, project details, financial information and a staff assessment.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>2018/19 Metropolitan Discretionary Response Fund Decision Matrix Aviva Charitable Trust</td>
<td>209</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>Author</th>
<th>Nicola Thompson - Community Funding Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>Michael Down - Finance Business Partner</td>
</tr>
<tr>
<td></td>
<td>John Filsell - Head of Community Support, Governance and Partnerships</td>
</tr>
</tbody>
</table>
## 2018/19 DRF METROPOLITAN DECISION MATRIX

### Organisation Name
Aviva Charitable Trust

### Name and Description
Creating Child Protection Champions in our Local Communities

Aviva wishes to offer adult education workshops to the Christchurch public and professional service organisations in order to build front-line community capability to care for and protect the safety and wellbeing of children.

Working in partnership with Child Matters, this training is offered from the value of “It takes a village to raise a child”. It aims to equip professionals, family and whanau with what they need to prevent harm to children, intervene in challenging situations, and lessen the need for specialist interventions in the future.

### Funding History
- **2018/19**: $8,000 (Wages) SCF M
- **2018/19**: $15,000 (Wages) SCF M
- **2017/18**: $20,000 (Wages) SCF M
- **2016/17**: $4,500 (Equipment / Materials) SCF M
- **2016/17**: $20,000 (Wages) SCF M
- **2015/16**: $20,000 (Wages) SCF M

### Request Budget
- **Total Cost**: $29,586
- **Requested Amount**: $21,000
- **71% percentage requested**

### Staff Recommendation
$13,500

- That the Council makes a grant from the 2018/19 Metropolitan Discretionary Response Fund to Aviva Charitable Trust towards the Creating Child Protection Champions in our Local Communities for wages and operational costs.

### Priority
2

### Organisation Details
- **Service Base**: The Loft, Eastgate Shopping Centre
- **Legal Status**: Charitable Trust
- **Established**: 10/1/1973
- **Staff - Paid**: 36
- **Volunteers**: 150
- **Annual Volunteer Hours**: 6935
- **Participants**: 20
- **Target Groups**: Community Development

### Alignment with Council Strategies and Board Objectives
- Safer Christchurch Strategy 2016
- Strengthening Communities Strategy 2007

### Alignment with Council Funding Outcomes
- Support, develop and promote capacity
- Community participation and awareness
- Increase community engagement
- Enhance community and neighbourhood safety
- Provide community based programmes
- Reduce or overcome barriers
- Foster collaborative responses

### How Much Will The Project Cost? (Measures)
There will be two training programmes run in 2019: one for professionals; one for families, whanau and community members.

These programmes will be two full days of 9am-5pm; held about a week apart, so that participants have time to digest teachings from the first session, and come to the second with thoughts and questions.

There will be a total of 10 participants taking part in each of the programmes (20 total).

### How Will Participants Be Offered?
This training was piloted in 2018, and identified the following outcomes:

- The workshops assisted participants to be more aware of and better equipped to respond to challenges that arose within their own and other families.
- The ability of participants to participate in open and honest conversations within their whanau and community around child well-being had increased.

Participants felt more confident to identify and enhance protective factors that support children to build resilience.

The workshop assisted them to be more aware of their own emotions and values, and how these affect their thoughts, behaviours and responses to situations and people.

Participants acquired tools to be better guides and caregivers to the children in their lives.

### Staff Assessment
Operating out of The Loft in the Eastgate Mall, Aviva Charitable Trust and their partner in this workshop series, Child Matters, are leaders in the field of vulnerable populations and family violence.

Their Child Protection Champion series looks to involve a total of 20 participants, each of whom would take part in two full day workshops, focusing on using ‘lived experiences’ to develop skills in identifying potentially violent family situations, proactive intervention, and to better understand why some whanau avoid seeking help.

The programme was piloted in 2018 and received positive feedback from community members and professionals alike.

The sessions will be run from The Loft, which is situated in high-deprivation area Linwood. The reports of child abuse and family violence in this area are higher than elsewhere in Christchurch. The 10 community champions will be chosen from within this Linwood community, while the 10 professionals who work in the sector will have operational responsibility across wider Christchurch.

Child protection and family violence workshops are typically financially supported or run through Central Government agencies such as Oranga Tamariki (Ministry for Children). There are a number of these workshops currently run across the Canterbury region already, however this series of workshops is unique in its approach to the problem of family violence, by aiming to create strong individual leaders/advocates within the at risk communities themselves.

By creating local champions within the community, the effect of this grant is larger than just the 20 participants taking part; these workshops will influence positive change from within the communities themselves. Community-led development is seen as one of the most effective forms of community development as the changes made are often intergenerational and more personal to those affected. These courses aim to generate long term effective and positive change from within these high-needs communities by taking a pre-preventative approach to family violence.

The reduced recommendation is due to the financial limitations of the fund (only $37,546 remaining in the budget for the financial year), and to encourage financial prudence, particularly relating to wage costs to organise and run the workshops.
1. Purpose of Report
   1.1 The purpose of this report is for the Council to:
       1.1.1 Approve elected member attendance at the Local Government New Zealand 2019 Conference and Awards to be held Sunday 7 July to Tuesday 9 July in Wellington.
       1.1.2 Appoint the Council’s voting and other delegates to the Annual General Meeting to be held on Sunday 7 July at 1.30pm.

2. Executive Summary
   2.1 The Local Government New Zealand 2019 annual Conference and Awards will be held in Wellington 7 – 9 July 2019. The Local Government New Zealand Annual General meeting will be held on 7 July 2019.
   2.2 The Council is requested to make a decision on the attendees at the conference and appoint its voting and other delegates for the Annual General Meeting.

3. Staff Recommendations
   That the Council:
   1. Agree that the Deputy Mayor and other elected members as nominated attend the Local Government New Zealand 2019 Conference and Awards in Wellington from 7 July to 9 July 2019.
   2. Appoint the Deputy Mayor as the presiding voting delegate, the alternative delegate and other delegates to attend the Annual General Meeting on 7 July 2019.
   3. Authorise Alexandra Davids, the Zone 5 Community Board representative on the Community Board Executive Committee and the Zone 5 Young Elected Member, to attend the Local Government New Zealand 2019 conference and that the Council pay her registration and associated attendance costs.

4. Key Points
   4.1 Local Government New Zealand (LGNZ) will be holding its annual conference and EXCELLENCE Awards from 7 July to 9 July in Wellington. The conference will be held at TSB Bank Arena in Wellington.
   4.2 The theme of the 2019 conference is Riding the localism wave: Putting communities in charge. A draft conference programme is attached, full conference information is available at: http://www.lgnz.co.nz/about-lgnz/lgnz-conference-2/
   4.3 The Council is able to authorise members to attend the conference. In past years the Council has sent between four and six representatives. The Council’s appointees to Local Government New Zealand Zone 5 are: The Mayor, Councillors Chen, Davidson, Johanson and Templeton.
4.4 The Council has previously supported the Zone 5 Community Board representative on the Community Board Executive Committee, currently Alexandra Davids, to attend the conference by paying for attendance and related costs and is asked to consider doing this again.

4.5 In 2017 and 2018 the Council supported the attendance of the Zone 5 Young Elected Member representative, currently Alexandra Davids, to attend the conference by paying for attendance and related costs, and is asked to consider doing so again.

4.6 Early bird full conference registration is $1,410 per person until 24 May 2019, with day registrations also available. Travel and accommodation will be incurred. These costs can be accommodated within budgets allocated for this purpose.

5. 2019 LGNZ Annual General Meeting

5.1 The LGNZ Annual General Meeting (AGM) of member authorities is held annually as part of the LGNZ Conference. The 2019 AGM will be held on Sunday 7 July at 1.30pm.

5.2 The Council is entitled to six votes at the AGM. The Council is entitled to have not more than four delegates attending. It is proposed that the Mayor be the presiding voting delegate, with a Councillor attending named as the alternative voting delegate.

5.3 The rules of New Zealand Local Government Association Inc (trading as Local Government New Zealand) provide that the term delegate includes both an elected member and an officer of the member authority and may include members of the National Council.

5.4 Member authorities are able to submit proposed remits for consideration at the AGM. A separate report deals with remits the Council may wish to submit or support for 2019.

6. 2019 LGNZ EXCELLENCE Awards

6.1 The EXCELLENCE Awards recognise and celebrate excellence performance by councils with regard to best practice. The categories for 2019 are below:

- Social well-being
- Economic well-being
- Environmental well-being
- Cultural well-being

6.2 The Awards will be judged on a combination of general and specific criteria, incorporating best practice and components from the CouncilMARK™ excellence programmes four priority areas. Awards will be presented at the Conference dinner and EXCELLENCE Awards function on Monday 8 July.

6.3 The Council has submitted an expression of interest for the Social well-being category of the Awards for the Community Partnerships Initiative Project.
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>Jo Daly - Council Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved By</td>
<td>John Filsell - Head of Community Support, Governance and Partnerships</td>
</tr>
<tr>
<td></td>
<td>Mary Richardson - General Manager Citizen and Community</td>
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## Sunday 7 July 2019

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30am</td>
<td><strong>Registration desk open</strong>&lt;br&gt;Barista coffee available at the Connect Lounge in the exhibition hall from 2.00pm&lt;br&gt;<em>Kindly sponsored by Fonterra</em></td>
</tr>
<tr>
<td>10.00am</td>
<td><strong>Council hosted tours</strong></td>
</tr>
<tr>
<td></td>
<td>• Laneway Discovery</td>
</tr>
<tr>
<td></td>
<td>• Craft Beer Tour</td>
</tr>
<tr>
<td></td>
<td>• Mountain biking Adventure</td>
</tr>
<tr>
<td></td>
<td>• Weta Studio Tour</td>
</tr>
<tr>
<td></td>
<td>• Hangi Lunch at Karaka Cafe (from 12.15pm)</td>
</tr>
<tr>
<td></td>
<td><em>Ticketed event. For more information [click here.]</em></td>
</tr>
<tr>
<td>10.30am</td>
<td><strong>National Council meeting</strong>&lt;br&gt;followed by lunch&lt;br&gt;<em>Members only</em></td>
</tr>
<tr>
<td>11.00am</td>
<td><strong>Young Elected Members catch up</strong>&lt;br&gt;<em>Members only</em></td>
</tr>
<tr>
<td>1.30pm</td>
<td><strong>Local Government New Zealand AGM</strong>&lt;br&gt;<em>Members only</em>&lt;br&gt;followed by a photo of Mayors and Chairs</td>
</tr>
<tr>
<td>3.30pm</td>
<td><strong>Afternoon tea</strong></td>
</tr>
<tr>
<td>4.30pm</td>
<td><strong>Powhiri and hui opening ceremony</strong>&lt;br&gt;<em>Justin Lester, Host Mayor, Wellington City Council</em></td>
</tr>
<tr>
<td>5.00pm</td>
<td><strong>Government's address</strong></td>
</tr>
<tr>
<td>5.15pm</td>
<td><strong>LGNZ President's address</strong>&lt;br&gt;<em>Dave Cull, President, LGNZ</em></td>
</tr>
<tr>
<td>5.30pm</td>
<td><strong>Te Maruata address</strong>&lt;br&gt;<em>Cr Bonita Bigham, Chair, Te Maruata</em></td>
</tr>
</tbody>
</table>
5.40pm  Opening keynote  
Local leader to talk about Maori’s view on localism  
Hon Dame Tariana Turia, former Leader of the Maori Party

6.10pm  Welcome from Simpson Grierson  
Jonathan Salter, Partner, Simpson Grierson

6.30pm  Simpson Grierson Welcome Reception  
Te Papa

7.30pm -  10.30pm  Optional - Showcasing Wellington’s progressiveness  
A progressive dinner at three of Wellington’s renowned culinary establishments  
within Courtenay Place, the Lane Ways and Cuba St.  
Ticketed event. For further information click here.

Monday 8 July 2019

7.00am  Breakfast session  
Lisa King, Founder, Eat My Lunch and social entrepreneur  
Ticketed event. For further information click here

7.30am  Registration desk open  
Barista coffee available  
Kindly sponsored by Fonterra

8.30am  Master of Ceremonies  
Patrick Gower

8.35am  Localism: No.8 wire fixes to New Zealand's challenges  
Giving local people the power to make local decisions  
Tania Tapsell, Councillor, Rotorua Lakes Council  
Dr. Lance O’Sullivan, founder and chair of The MOKO Foundation

9.30am  Localism - what's your natural advantage?  
Incentivising communities to take a more proactive approach to local development  
Christopher Luxon, Chief Executive Officer, Air New Zealand  
Kindly sponsored by NZ Transport Agency

10.15am  Morning tea

11.00am  Climate change - a stitch in time  
Alternative thinking to mitigating and adapting to the changing climate.  
John Mauro, Chief Sustainability Officer, Auckland Council

11.45am  Leader of the Opposition's address  
The Leader of the Opposition will present his party’s view on localism and  
response to LGNZ’s localism discussion paper.  
Hon Simon Bridges, Leader, National Party

12.00pm  Zone of Origin’ crocodile bike race

12.30pm  Lunch
1.15pm Have you drunk the central government Kool-Aid?
An ex-local government back bencher view on localism.

1.45pm Minister of Local Government address
Hon Nanaia Mahuta, Minister of Local Government

2.00pm Housing and building in New Zealand - can we fix it?
Ensuring our infrastructure is not just fit-for-purpose, but supports sustained improvement in the quality of life for all New Zealanders, now and into the future.
Justin Lester, Mayor, Wellington City Council
Adrian Orr, Governor, Reserve Bank of New Zealand
Kindly sponsored by Chorus

2.30pm Afternoon tea

2.45pm Walkshops
Wananga hikoi
*Delegates choose one workshop tour to attend*

- Social well-being
  - Housing affordability: Making it happen
- Economic well-being
  - Transforming the way local government works digitally
- Environmental well-being
  - Bringing back our native flora and fauna
- Cultural well-being
  - What the arts and cultural well-being means for communities

For further information [click here](#)

4.45pm End of conference day

6.45pm Conference dinner and LGNZ EXCELLENCE Awards
TSB Bank Arena
Ticketed event. For further information [click here](#)

Tuesday 9 July 2019

8.00am Registration desk open
Barista coffee available
Kindly sponsored by Fonterra

9.00am Master of Ceremonies
Patrick Gower

9.15am Managing fresh water - best practice, breakthroughs in innovation and barriers
We all have a role to play - the government, the farming sector, the businesses who use freshwater, communities and individuals - and if we all work together we can make a big difference.
Doug Leeder, Chair, LGNZ Regional Group
Terry Copeland, Chief Executive, Federated Farmers
Kindly sponsored by GHD
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.00am</td>
<td>Morning tea</td>
</tr>
<tr>
<td>10.45am</td>
<td>Out of the Shadows</td>
</tr>
<tr>
<td></td>
<td>Raising awareness of, and community support for, a greater investment in your community's cultural and natural heritage.</td>
</tr>
<tr>
<td></td>
<td><strong>Natalie Palmer</strong>, Communication and Engagement Manager, Hamilton City Council</td>
</tr>
<tr>
<td></td>
<td><strong>2018 Fulton Hogan EXCELLENCE Award for Community Engagement recipient</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Out of the Shadows: Bringing Waipa's heritage to life.</strong></td>
</tr>
<tr>
<td>11.30am</td>
<td>Creating change: Inspiring leadership in local communities</td>
</tr>
<tr>
<td></td>
<td>Leadership in our communities</td>
</tr>
<tr>
<td></td>
<td><strong>Colin D Ellis</strong></td>
</tr>
<tr>
<td>12.15pm</td>
<td>Early bird registration prize draw</td>
</tr>
<tr>
<td></td>
<td>Kindly sponsored by New Zealand Motor Caravan Association</td>
</tr>
<tr>
<td>12.20pm</td>
<td>Poroporoaki</td>
</tr>
<tr>
<td>12.30pm</td>
<td>Lunch</td>
</tr>
<tr>
<td>1.30pm - 3.30pm</td>
<td>Member meetings</td>
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<tr>
<td></td>
<td>• Mayors Taskforce for Jobs AGM</td>
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<td></td>
<td>• Regional Sector meeting</td>
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<td>• Young Elected Members meeting</td>
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<td><strong>Members only</strong></td>
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</table>
28. **Hearings Panel Report on the Proposal for the Baches on Unformed Legal Road at Taylors Mistake, Boulder Bay and Hobsons Bay**

**Reference:** 19/196737  
**Presenter(s):** Councillor Sara Templeton – Chair of the Hearings Panel on the Proposal for Baches at Taylors Mistake and Bays

1. **Purpose of Report**

1.1 This report presents to the Council the Hearings Panel's recommendations for the baches on publicly-owned unformed legal road at Taylors Mistake, Boulder Bay and Hobsons Bay.

- The Panel’s recommendations relate only to these baches, which are photographed in **Attachment A** with their bach number indicated. The following link provides an interactive map of the baches and includes technical, locational and photographic information for each bach:

  [https://gis.ccc.govt.nz/portal/apps/MapTour/index.html?appid=64a34d42482943fe857343f53273a69#map](https://gis.ccc.govt.nz/portal/apps/MapTour/index.html?appid=64a34d42482943fe857343f53273a69#map)

1.2 Whilst the Hearings Panel has no decision-making powers, it is now recommending to the Council, in accordance with its delegation, a scheme for licensing baches that meet specified conditions to continue to occupy the unformed legal road for up to 35 years. The Council, as the final decision-maker, can accept or reject the Panel’s recommendations.

1.3 In reaching these recommendations, the Panel has considered the written and heard submissions received on the proposal consulted on and other options for the future of the baches, thus assisting the Council in fulfilling its consultation obligations. The Local Government Act 2002 requires that “the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration” (section 82(1)(e)).

1.4 The Hearings Panel has also considered extensive technical, policy, planning and legal advice, which is attached to or referenced within this report. The Council in reaching its decision should put itself in as good a position as the Hearings Panel by considering this advice, the submissions received, and this report as a summary of the consultation, hearings, consideration of submissions and Panel deliberations.

2. **Executive Summary**

2.1 The Hearings Panel is recommending the Council approves a scheme for licensing existing baches to continue to occupy the unformed legal road running along the coast at Taylors Mistake, Boulder Bay and Hobsons Bay for up to 35 years and allowing them to be used for holiday accommodation provided that any moderate or high slope instability hazard is addressed. The recommended scheme most closely resembles the option consulted on as the preferred option – referred to as the “some stay, some go” option, or the “managed retention of most baches for heritage”. The Panel’s recommendations, however, expand and amend the

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*This interactive map was available as part of the online consultation information along with this mobile-friendly version: [https://gis.ccc.govt.nz/portal/apps/webappviewer/index.html?id=509f702d35284e1c8c17b6c9c44f3070](https://gis.ccc.govt.nz/portal/apps/webappviewer/index.html?id=509f702d35284e1c8c17b6c9c44f3070)*
proposal consulted on to address issues raised by submitters, Council Officers and Panel Members through the deliberations.

2.2 The Panel’s recommendation to offer licences on the terms and conditions set out below follow its consideration of all relevant matters, including:

- Enabling the retention of heritage;
- Mitigating unacceptable hazards, particularly life-safety risk from slope instability hazard;
- Respecting the coastal environment and cultural significance of the landscape;
- Preserving public (including adjoining landowner) access to the coast and along the unformed legal road;
- Balancing the value of the natural character of the landscape with the built character and social community the baches contribute to the bays;
- Protecting recreational, natural and scenic amenities in the area;
- Recognising the policy and planning context of the options, such as the District Plan and New Zealand Coastal Policy Statement 2010, which recognises historic heritage, making it a consideration when reviewing the impact of the baches on recreation and public access to the coastal environment;
- Recognising the practical dimensions of the options, such as with regard to the servicing of the baches, drafting reasonable and enforceable license terms, and the various economic, legal and planning implications attached to hazard mitigation and bach retention versus bach removal; and
- Contemplating other potential uses of the land; other examples of, and approaches to, managing baches elsewhere in the country on public land; and other relevant considerations such as those raised by Mahaanui Kurataiao Limited for the local rūnanga, by submitters, and by Council Officers.

In all these matters the Panel considered the staff advice appended to, and referenced within, this report and the submissions received and heard. The Panel gave appropriate weight to these considerations, particularly the legal, public accessibility and geotechnical advice available to it, and the assessments of the value of the baches to the community, including in terms of them creating heritage and recreational amenity.

2.3 Having considered and weighed the relevant considerations, the Panel concluded that the baches as a group all broadly have heritage value and all baches could potentially stay, though an unacceptable level of unaddressed slope instability hazard should prevent a full licence being offered and so some baches may need to go (or stay but not be occupied). The avoidance or mitigation of natural hazards is a matter that councils must have particular regard to when performing their roles under the Local Government Act 2002 (section 11A).

2.4 The Panel accepted Officer advice that the baches do not unreasonably impede public access to and along the legal road they occupy and so their occupation of the legal road may be legally licenced without infringing the access rights inherent to a legal road.

2.5 The Panel considered and weighed relevant concerns raised regarding the retention of the baches and recommends limiting their occupation and imposing licence terms as set out below in response to those concerns. It also considered accounts of how the occupation of the baches contributes to creating community and custodianship in the bays and protecting heritage, giving these factors weight sufficient for it to recommend allowing the baches to be used for holiday accommodation subject to limitations that consider life-safety.
2.6 The Panel recommended channelling funding derived from licence fees into the enhancement of the bays including through potential purchases of baches, a public toilet at Boulder Bay, track signage and interpretation boards, predator control and native plantings, indicating the Panel’s consideration of environmental and recreational values.

2.7 The present Hearings Panel members came to a consensus on the broad scheme of offering bach-owners occupation licences to manage the retention of baches with low or otherwise addressed slope instability hazard. Minority disagreements related to more narrow parts of the scheme:

- Councillor Johanson requested that his vote against resolutions 7(a) and 7(e) below be recorded. His concern is that the grant of a licence for a single fixed term as long as 35 years and permitting it to be transferable, even if only to a member of the licensee’s family, transfers too great an interest in public land to private individuals and their families. Further restrictions on the term and transferability (non-transferability) of licences could create more opportunities for public ownership and control of the baches and their heritage and accommodation values nearer the end of bach-owners’ lifetimes, and further appropriately restrain any windfall increase in the market value of the bach-owners’ gained interest in public land.

- Councillor East requested that his vote against resolutions 3, 4(c), 4(d), 4(d)(i) and 7(h) below be recorded, signalling his concerns that:
  - The selection of the baches to be dealt with by the mechanisms to address moderate to high slope instability hazard described in resolutions 3, 4(c) and 4(d) below is overly risk adverse and some baches included in 4(c), with no residential occupation permitted for the temporary period in which the hazard can be addressed to allow offer of a full licence, should be reassigned to 4(d), permitting limited occupation for that period.
  - The limit on occupying baches included in 4(d) should be increased from 10 nights per annum.
  - Resolution 7(h) below automatically cancels a licence when destruction of, or damage to, a bach causes its heritage values to be substantially lost or renders it uninhabitable, which would appear unfair in the event the destruction or damage is caused by arson or vandalism committed by a third party.

2.8 The majority of the Hearings Panel accepted the staff recommendations for how to deal with baches subject to moderate and high slope instability hazard, and for how to deal with the event of a bach being rendered uninhabitable or substantially losing its heritage value because of destruction or damage.

2.9 With regard to the term and transferability of licences, there was legal advice against granting a term longer altogether than 35 years, since exceeding that term would be a subdivision of the land under the Resource Management Act with the consequence that subdivision consent would be required. The licence term and transferability provisions the Panel agreed by majority were guided by the Panel’s consideration of submissions and their deliberations.

3. **Hearings Panel Recommendations**

   **That the Council:**

   1. **Notes:**
      - The public submissions received and heard on the proposal for baches on unformed legal road at Taylors Mistake, Boulder Bay and Hobsons Bay (the “baches”); and
      - The desire to enable retention of the baches of heritage value; and
c. The affected land is publicly owned legal road; and

d. The staff advice concerning the appropriateness of granting licences on legal road relative to the right of the public to access the legal road; and

e. The staff advice on natural hazards and mitigation; and

f. The grant of licences transfers an interest in public land to private individuals; and

g. That in the absence of appropriate licence terms, the grant of a licence for a structure on public land may significantly increase the market value of the licensees’ occupation of public land; and

h. Any new process for a further licensing term will require subsequent Council decision. There is no delegation to staff to surrender and grant new licences or issue any extension of licence term; and

i. That under the Christchurch District Plan the total number of baches must not exceed 45 at any time.

2. Approves, in respect of baches currently assessed by the Council’s geotechnical experts as being subject to low risks from slope instability hazard, that a ground licence to occupy the unformed road be offered to the individual bach-owners as soon as practically possible following the date of this resolution.

3. Approves, in respect of baches where there is a moderate to high slope instability hazard present, being bach numbers 1, 2, 4, 8, 9, 10, 30, 31, 32, 62, 63, 64, 67 and 68, that a ground licence to occupy the unformed road be offered to the individual bach-owners as soon as practically possible following the date that the bach-owner affected satisfies the Council that the relevant natural hazards have been reassessed or mitigated in accordance with the following standards:

a. The risk is certified as being acceptable in the manner required by rule 5.6.1.2 of the District Plan; or

b. Hazard mitigation works are consented under the District Plan and implemented.

4. Approves in respect of the baches referred to in resolution 3, where such bach-owner intends to either seek certification of acceptability (i.e. refer resolution 3(a)) or to mitigate the natural hazards affecting their bach (i.e. refer resolution 3(b)), the grant of a temporary ground licence to occupy the unformed road on the following basis:

a. it be for a term expiring on that date being 2 years from the date this resolution is adopted by the Council (or such extended date as referred to in resolution 6); and

b. such licence to permit the location and maintenance of the bach on legal road pending completion of the mitigation works or reassessment; and

c. no residential occupation be permitted in respect of baches where there is a high slope instability hazard present, being bach numbers 1, 2, 10, 31, 32, 62, 63, 64, 67 and 68; and

d. temporary residential holiday occupation on a casual (non-permanent) basis be permitted (that prohibits use as a principal place of residence) in respect of baches where there is a moderate slope instability hazard present, being bach numbers 4, 8, 9 and 30, subject to the further limitations that the bach:

i. may only be occupied for a maximum of 10 nights per annum; and

ii. may not be let; and

e. the applicable licence fee shall be nil; and
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5. Approves, where the mitigation works referred to in resolution 4 involves Council-owned land, the grant of a licence to allow those mitigation works to be situated on that Council land subject to:

a. where the affected land is legal road, the Council being satisfied that such works would not unreasonably interfere with the public’s right to use the road; and

b. all other legal obligations being complied with; and

c. the Council being satisfied as a landowner (not as a regulator) that the proposed works are appropriate or acceptable; and

d. the term to be 35 years; and

e. the applicable licence fee to be nil; and

f. such other terms to apply as determined by the Chief Executive.

6. Resolves that the owners of baches 1, 2, 4, 8, 9, 10, 30, 31, 32, 62, 63, 64, 67 and 68, where there is a moderate to high slope instability hazard present, must satisfy the Council as landowner under resolution 3 within 2 years of the date this resolution is adopted by the Council (or such later date as the Chief Executive shall determine if the bach owner has made reasonable progress towards completing the mitigation work).

7. Resolves that the terms and conditions to apply to licences issued as a result of resolutions 2 or 3 above shall be as follows:

a. Term – for a single fixed term of 35 years.

b. Permitted Use – temporary residential holiday occupation on a casual (non-permanent) basis, and not as a principal place of residence. Casual holiday letting for a maximum of 20 nights per annum is permitted.

c. Licence Area – the footprint only of the bach building and any deck or ancillary structure (excluding fences) existing as at 1 January 2019.

d. Licence Rent Formula – based on market rent as assessed by registered valuers TelferYoung (based on the principles specified in their report). This is a “gross” rent i.e. all inclusive, there are no other costs or outgoings that are recoverable in addition to the rent. Rents are to be reviewed 5 yearly to market as assessed by an independent registered valuer appointed by the Council.

e. Transferable Ownership Rights – that the following controls on transferability of the licence shall apply:

   i. That the Licensee (from time to time) may not transfer the licence to any person other than a member of the Licensee’s family;

   ii. That the written consent of the Council as licensor will be required to every transfer, such consent not to be unreasonably withheld;

   iii. If the Licensee shall have no family, or no family who wish to accept a transfer of the licence, then the Licensee shall be required to offer to surrender the licence to the Council. If the Council accepts such surrender then it will pay to the outgoing Licensee a sum equal to the replacement cost less depreciation of the bach and associated structures at the point in time of transfer as determined by a registered valuer appointed by the Council. No other sum shall be payable to the Licensee;
iv. For the purposes of this resolution:
   
   (A) "family" means the Licensee's-

   (I) spouse or partner;
   (II) children;
   (III) grandchildren;
   (IV) siblings; and
   (V) if the Licensee at the commencement of the Licence is a trust, then any spouse, partner, child, grandchild or sibling of the person(s) who originally established the trust.

   (B) "transfer" means - any transaction that has the intention or effect of transferring either the beneficial or legal ownership of the bach or the right to occupy the bach to a person other than the Licensee, including, but not limited to, any assignment or sublicence. "Transfer" does not include casual holiday letting in accordance with Resolution 7(b).

f. Maintenance Obligations – that the Licensee be required to maintain the bach, other structures and immediate surrounds in good condition, in keeping with the heritage values present and in compliance with the District Plan.

g. Additions and Alterations – any additions and alterations must be in keeping with the heritage values present and will require Council consent as landowner in addition to the obtaining of any regulatory consents.

h. Destruction or Damage – where this occurs that causes the heritage values to be substantially lost or renders the bach to be uninhabitable the licence shall be automatically cancelled and the Licensee shall remove the remains of the bach at the Licensee’s expense (if required by the Council).

i. Public Liability Insurance - The licence contains an obligation to hold public liability insurance policy for not less than $2million on terms and conditions acceptable to the Council.

j. Hazards – The licence to include the provisions recording:

   i. the provision by the Council to the bach-owner of the available information relating to the natural hazards affecting their bach;
   
   ii. an acknowledgment by the bach-owner that they have entered into the licence having received that information and based on their own enquiries;
   
   iii. to the maximum extent permitted by law, the bach-owner is not to be entitled to make any claims against the Council arising in respect of any matter relating to such natural hazards affecting their bach (including, but not limited to, the presence of such natural hazards or any damage or harm caused to the bach-owner’s bach or other property by such natural hazards);
   
   iv. allowing the Council to cancel the licence if the Council forms the view, acting reasonably, that the natural hazards affecting the bach discontinue at any time to be mitigated in accordance with the standards referred to in resolution 4 above or the risk increases.

k. Other standard provisions – such other standard provisions as the Chief Executive shall consider appropriate or necessary in their discretion.
8. Approves, where a licence referred to in resolution 3 or 4 (as applicable) is not granted or accepted, and the affected bach is of high heritage value, the grant of a ground licence to occupy the unformed legal road to such person, trust or entity as the Chief Executive shall approve on the following basis:
   a. It be for a term of 35 years;
   b. Permitted Use - such licence to permit the location, restoration and maintenance of the bach on legal road and the use of the bach for Museum purposes;
   c. No residential or overnight occupation to be permitted;
   d. The applicable licence fee to be nil; and
   e. The other terms of resolution 7 not covered above shall apply to such licences, with the exception of 7(e) (with full uncontrolled transferability being applicable) and 7(g) (with no alterations or additions permitted).

9. Approves that the rent received from the licensing of the baches be managed as a special fund to provide for amenity, environmental and heritage enhancements in the local area including potential purchase of baches, a public toilet at Boulder Bay, track signage and interpretation boards, predator control and native plantings - staff to work through proposals to use the funds with the local Community Board and stakeholders.

10. Requests that staff investigate track signage in the area and opportunities for improvement of this, including for the high tide track to Hobsons Bay and the track in front of Rotten Row, as a matter of priority.

11. Delegates the Chief Executive authority to implement the above resolutions and to do all things necessary and take such steps as they shall consider appropriate in their discretion to give effect to the same, including entering into licences on behalf of the Council, with the exception of the matter referred to in resolution 5(c), which shall be referred to the Rockfall Protection Structures Committee of Council for decision.

12. Delegates and requests that the Chief Executive take enforcement action to require removal of any bach, and to bring an end to residential use of any bach, that is not authorised by a licence issued pursuant to the above resolutions.

4. Hearings Panel

4.1 On 22 November 2018 the Council endorsed public consultation on a proposal for the future of the baches on publicly-owned unformed legal road at Taylors Mistake, Boulder Bay and Hobsons Bay and appointed a Hearings Panel comprised of Councillor Sara Templeton (as Chairperson), Councillor David East, Councillor Yani Johanson, Councillor Anne Galloway and Community Board Member Jake McLellan, to consider and hear any submissions received and report the outcome of the consultation and hearings process to the Council for decision.

4.2 Immediately prior to their appointment as a Hearings Panel, the members had comprised the then existing members of the Taylors Mistake Baches Working Party (the “Working Party”).

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5 The original members of the Working Party included Deputy Mayor Andrew Turner and a representative from the Banks Peninsula Community Board (which became Community Board Member Felix Dawson), who after serving the Working Party for over a year both stepped back, and on 11 October 2018 the Council amended the Working Party membership to replace the Deputy Mayor with Councillor Anne Galloway, and to remove provision for a representative from the Banks Peninsula Community Board (observing that the Working Party was no longer considering baches at Māori Gardens in the Banks Peninsula ward as it was originally directed to on 22 June 2017 – the Council removing the baches at Maori Garden from the Working Party's delegation on 28 September 2017).
28 September 2017, the Council amended its resolution of 22 June 2017 establishing the Working Party so that the delegation to the Working Party became:

To recommend to the Council, as land owner, whether or not to authorise and, if it does, on what terms to authorise, baches to continue to occupy Council land at Taylors Mistake, Hobsons Bay and Boulder Bay, including a recommended process for dealing with the outcome should the recommendation be to not authorise the baches.

4.3 When the Council appointed the members of the Working Party as a Hearings Panel, it directed it to assume and complete the Working Party’s delegation, and to consider and hear submissions on the preferred option for the future of the baches, being the proposal for:

The managed retention of those existing baches of heritage value, unless there is a moderate to high risk from natural hazards that is not mitigated and/or if the bach significantly impedes public access. The proposal further being that managed retention be achieved through the offer of a licence to a bach owner, subject to appropriate and agreed conditions, for a bach to stay and be used for holiday accommodation only.

5. Background/Context

5.1 Privately owned baches have been part of the landscape at Taylors Mistake, Hobsons Bay and Boulder Bay since the early 1900s. In total, there are 45 baches currently occupying the unformed legal road adjoining the coast: 19 at Taylors Mistake, 17 at Hobsons Bay, and 9 at Boulder Bay. There is an extensive history and background to the consideration of the baches’ (currently unauthorised) occupation of the publicly-owned legal road, and whether to authorise their continued occupation at this time – the below timeline presents the key points in the history of the baches.

5.2 The unformed legal road (road reserve) that the baches occupy has been referred to alternately as ‘publicly-owned’ or ‘Council land’ because the Council is in essence the landowner, as the controlling authority, being entitled to licence occupation of the legal road by private structures, such as the baches.

5.3 The Council can choose to grant private individuals an interest in the public land that is the road reserve (and to do so for a fee) subject to common law restrictions against unreasonably interfering with public access to and along the legal road – recognising a right of members of the public to pass and re-pass along roads, and a private right of adjoining landowners to have access to a road from every point of their frontage. The Council in this connection needs to rely on a factual assessment that considers each bach individually with regard to whether it conflicts with the passage of the public to an unreasonable degree.

5.4 In this context it is salient that the relevant section of legal road is unformed, not leading to other roads, and is practically inappropriate for the passage of motor vehicles, though does accommodate a popular walking track that bypasses or skirts the baches.

Timeline of the Baches

<table>
<thead>
<tr>
<th>1851</th>
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<td>o Road reserve first established and later extended</td>
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extended, with the Sumner Borough Council having full ownership rights.

### 1890-1945

- **First baches established in caves**
- **72 baches established by start of WWII**

The first baches appear to have been established in the early 1890s, built into caves along the foreshore. In 1911, the Sumner Borough Council resolved that cave (bach) dwellers must pay 20 shillings per year, on the understanding that the Council reserved the right for the public to access the land at all times.

The first hut in the Taylors Mistake area known as ‘The Row’, or ‘Rotten Row’, appeared in 1913 and by 1920 another dozen or so baches had been built there. Between 1920 and 1930 more baches were built and the older baches were renovated. By World War II there were 72 baches on the foreshore between Hobsons Bay and Boulder Bay. The Sumner Borough Council stopped issuing licences for new baches in the early 1940s.

### 1945 - 1968

- **No new baches allowed**
- **Substantial renovations permitted until 1968**

During the war, the New Zealand Army took over Taylors Mistake and there was no public access to the area. Some cave baches were destroyed by vandals during this time. The Sumner Borough Council amalgamated with the Christchurch City Council in 1945, after which no new baches were built, although owners were allowed to rebuild baches damaged by fire or land slips until about 1968.

### 1970s

- **Baches without properly fitted toilets are demolished**

Waste disposal was always problematic and in the early 1970s the Council decided that baches without a properly fitted toilet had to be removed. Sixteen baches (mainly cave baches) between The Row and Boulder Bay were demolished and owners were not allowed to rebuild. Similarly, baches that burned down or were damaged by land slips were not allowed to be rebuilt.
1990s

- Taylors Mistake Land Company proposes land swap
- Discussions back and forth over changes to City Plan
- Area recognised as Historic Places Trust Heritage Area

In 1992, the Council established a working party to which all interested parties were invited to contribute. The preferred option was for some baches to remain and some to be removed and given the option to relocate to land behind ‘The Row’ (the new bach zone).

Bach owners formed the Taylors Mistake Land Company and offered the Council 70 hectares of land it owned in the valley behind the bay, in exchange for the new bach zone.

In May 1993, the Council considered the working party’s report and resolved that it be accepted as the basis for resolving the bach issue.

Subsequently, a change to the City Plan (now the District Plan) was proposed to create a Taylors Mistake Residential Bach Zone (on the new bach zone) and to zone the foreshore road reserve as Esplanade Reserve, allowing for 15 baches to be relocated to the new bach zone and 33 baches to remain on public land on the esplanade reserve.

Plans to change the status of the road reserve were publicly notified. A commissioner appointed to hear submissions on the plan change recommended that the road reserve should be rezoned to allow some baches to remain. The commissioner’s recommendation was adopted by the Council in December 1993.

The Council notified its proposed City Plan in June 1995. The Plan made provision to stop the road reserve, but not for the baches to remain.

Submissions on the City Plan were heard by a commissioner, who recommended, in December 1998, rezoning the coastline from Hobsons Bay to Boulder Bay, to allow the baches as permitted activity and create the new bach zone at Taylors Mistake.

The Council adopted the commissioner’s recommendation on 22 March 1999 and the zone changes were publicly notified in May. This was challenged in the Environment Court by Save the Bay Ltd (a local resident’s group that opposed the baches remaining), a Taylors Mistake resident and The Royal Forest and Bird Protection Society.
### 2003 - 2006

- **Environment Court decision**
- **City Plan amended to allow 34 baches to stay and 18 to move to new bach zone**

In 2003 the Environment Court supported the commissioner’s recommendation and the City Plan was amended to allow 31 baches to remain. Fourteen baches from The Row and Hobsons Bay were to be relocated or rebuilt in new bach zone at Taylors Mistake.

### 2007 - 2009

- **Council consult with Ngāi Tahu**
- **Council requests report on other local privately owned buildings occupying public land**
- **Council requests report on heritage status of baches**

In 2007, a staff report recommended that the Council require bach-owners to take steps to create the bach zone, that baches unscheduled (not permitted) in the City Plan be removed and that the Council agree to begin negotiations with those owners of scheduled (permitted) baches for a licence to occupy the road reserve.

However, the Council instead resolved to consult with Ngāi Tahu, discuss the proposed licence with bach-owners and to continue discussions with Save the Bay. The Council asked for a staff report on other instances where private structures are on legal road reserve within the Christchurch city district and a report on the heritage status of the baches.

### 2010

- **Council resolves to implement City Plan**
- **Council asks for titles to be issued in new bach zone**
- **All unscheduled baches expected to be removed once new bach zone is active**
- **Council Chief Executive authorised to negotiate licences for baches**
- **2010 and 2011 earthquakes**

In 2010, after receiving a further staff report, the Council resolved to implement the 2003 Environment Court decision. The Council asked bach-owners to immediately take steps to issue titles in the new bach zone, to transfer the 71 hectare adjoining land owned by the Taylors Mistake Association Land Company Ltd to the Council for use as a recreation reserve and to remove all unscheduled baches. The Chief Executive was authorised to negotiate the terms and conditions of licences.

The Canterbury earthquakes of 2010 and 2011 affected both the physical and planning environment, which led to the Council once again having to reconsider its position on the future of the baches.
### 2011 - 2014

- **Taylors Mistake resident applies to Environment Court to have City Plan enforced and 14 baches removed**
- **Existing use rights granted for bach owners**

In April 2011, a Taylors Mistake resident lodged an application in the Environment Court for enforcement of the City Plan provisions, seeking immediate removal of the 14 unscheduled baches. In June of that year, several bach-owners applied for existing use rights for their baches, which was granted in September 2011.

### 2015

- **Hearings panel reviews District Plan**
- **Panel decides ‘prohibited’ status is appropriate for baches**
- **Panel seeks management framework for the Council to manage the impact of activities on the environment**
- **Panel notes it is for the Council to resolve the issue of licencing of baches**

In 2015, a Government appointed independent hearings panel reviewed the Council’s District Plan (previously the City Plan). The panel noted that the baches did not have a licence to occupy Council-owned land and that the Council was reviewing the arrangement. The panel did not want its decision to be seen as determining the appropriateness of licencing the baches, as this was outside of its jurisdiction.

### 2017

- **Council appoints Working Group to review and make a recommendation on the future of the baches and any licences offered**

In 2017 a working group was appointed by the Council to progress the review of the previous licence decisions and make recommendations to the Council on a preferred option for the future of the baches and in turn whether the offer of a licence to occupy the road reserve was still appropriate for either all, some or none of the baches. The 2010 decision was rescinded to allow the review to begin afresh.

### Establishment of the Taylors Mistake Baches Working Party

5.5 The immediate background to the development of the proposal for the future of the baches consulted on (and consideration of other options) is the establishment by the Council of the Taylors Mistake Baches Working Party on 22 June 2017. The reports to the Council regarding the establishment of the Working Party provide further background to its establishment (as essentially reviving an earlier working party) and can be found at these links:

- Report to 22 June 2017 Council meeting (Item 25, Page 237): [https://christchurch.infocouncil.biz/Open/2017/06/CNCL_20170622_AGN_1291_AT.PDF](https://christchurch.infocouncil.biz/Open/2017/06/CNCL_20170622_AGN_1291_AT.PDF)
5.6 Because of changing circumstances, lasting resolution regarding the presence of the baches on the unformed legal road had been elusive to this point; it was considered that a decision informed by the Working Party’s recommendations would give bache-owners, the Council and others in the community certainty about the presence of the baches and how they might be used today and in the future.

5.7 The Working Party worked since its establishment to understand the historical, legal, social, cultural, environmental, recreational and geotechnical factors relevant to the baches’ (presently unlicensed) occupation of publicly-owned unformed legal road in their coastal setting, and the options for their future continued or discontinued occupation.

5.8 To help increase public understanding of the issues also, the Working Party took a two-stage approach: the first stage was about making available good quality, technical information (feedback received during this discussion phase contributed to developing the priorities for the project); the second stage was the formal consultation on the options, the outcome of which was considered by the Hearings Panel for presentation to the Council through this report with the Panel’s recommendations.

**First Stage: Identifying the Options**

5.9 The Working Party in the first stage identified the reasonably practicable options for the future of the baches and agreed a preferred option to publicly consult on through considering the baches’ varying degrees of: exposure to natural hazards; value in terms of heritage or character; impact on the coastal environment and natural character and cultural significance of the landscape; and any impedance on public access to the coast and along the unformed legal road the baches occupy.

5.10 The Working Party workshopped the issues and options with the support of a team of expert project staff, who engaged with bache-owners and other stakeholders to better understand the issues and perspectives. The Working Party also undertook a site visit and attended two drop-in sessions with the public (on 13 and 15 October 2018) to discuss a discussion document it steered the development of for the purpose of ensuring it had all the information relevant to identifying the feasible options for the future of the baches.

5.11 The discussion document included visualisations of the current situation for the three bays contrasted with an artist’s impressions of no baches at Boulder Bay and Hobsons Bay, and of existing baches moved to the new bach zone at Taylors Mistake. These are copied below to provide some visual context to the subject matter of this report and the options for the future of the baches.

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6 The minutes of this meeting confirm that the Council revoked paragraphs (c), (d), (e) and (f) of its resolution of 23 July 2010 for Item 26 (refer: https://christchurch.infocouncil.biz/Open/2017/09/CNCL_20170928_MIN_1299.PDF).

7 The new bach zone is more formally labelled the “Coastal Bach Overlay within the Open Space (Coastal) Zone”.

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**Visualisations**

↑ (existing baches moved to new bach zone)

← Left column: current situation          Middle column: artist's impressions ↑ ↓

Top two photos: Taylors Mistake (one artist impression above)

Next two photos down: Hobsons Bay (two artist impressions below of no baches)

Bottom two photos: Boulder Bay (two artist impressions last below of no baches)
5.12 The project staff also contacted Mahaanui Kurataiao Limited (Mahaanui) in May 2018. The initial response from the Kaitiaki Portfolio Committee for Te Ngāi Tūāhuriri Rūnanga was that:

- they did not wish to meet with the Working Party or staff at that time;
- updates in regard to the project be provided to Mahaanui to report back to the Rūnanga as part of their regular engagement process; and
- they recommended that existing bach owners be allowed to continue using the baches over their lifetime then give up / cease using the baches at the end of their lifetime, and no new occupants of the baches be allowed.

5.13 On 12 November 2018, a meeting was held with Mahaanui to update them on the preferred option the Working Party agreed to consult on. The Chair explained the preferred option to be consulted on and advised that consultation on five options would be undertaken between 23 November and mid-January. The Chair also acknowledged that the preferred option granting a licence to baches of heritage value for up to 35 years was not the ideal preferred by Mahaanui. It was noted that due to differing ownership ages and models there could be some inequity. Mahaanui expressed their appreciation of being advised of the options and said that they would talk to local rūnanga about them. Mahaanui requested that they be updated when consultation closes in mid-January. Accordingly, Mahaanui continued to be updated by being supplied the consultation document and staff report to the Hearings Panel as they subsequently became available.

5.14 The Working Party on 9 November 2018 considered the public feedback received in response to its discussion document (which was available through the Council’s “Have your say” webpage under the title “Deciding the future of baches at Taylors Mistake and bays”), and considered the staff report assessing the options for the baches, which can be found as the attachment to the Working Party’s Chairperson’s Report to the Council on 22 November 2018 – found as Item 27 (at page 875) at this link: https://christchurch.infocouncil.biz/Open/2018/11/CNCL_20181122_AGN_2393_AT.PDF

The attachments to the staff report to the Working Party include the:

- Discussion document (refer to page 884 of above link)
- Public feedback received in response to discussion document (refer to page 903 of above link)
- Analysis of public feedback on discussion document (refer to page 933 of above link)

5.15 The Working Party accordingly gave appropriate initial consideration to the feasible options for the future of the baches as described in the staff report to it (refer to page 878 of above link), and agreed its preferred option to publicly consult on as the proposal for the baches, which the Council endorsed for consultation as set out in paragraph 4.3 above.

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8 Under the Te Rūnanga o Ngāi Tahu Act, Schedule 1, ‘Papatipu runanga of Ngai Tahu whanui and their respective takiwa,’ the baches are located within the rohe of Ngāi Tūāhuriri. They are members of Mahaanui and have asked to be kept informed of any new developments. It is also important to note that Te Hapu o Ngati Wheke are located at Rāpaki and although the baches are not located in their rohe, for the benefit of good relationships it is important to keep them informed as well. This can also be achieved via Mahaanui.


10 This feedback is also available here: https://www.ccc.govt.nz/assets/Documents/Consultation/2018/November/All-Baches-Feedback-For-Web.pdf

11 This analysis is also available here: https://www.ccc.govt.nz/assets/Documents/Consultation/2018/November/Analysis-of-feedback-Taylors-Mistake-and-Bays-Discussion-Document.pdf
5.16 The discussion document further usefully summarised as below considerations relevant to deciding the terms of conditions of any licence that may be granted in respect of the baches:

**Should the licence period be long term or short term, or should it include a ‘sunset’ (removal) clause?**

A licence could be for 5, 10, 35 years or another defined period. The previous draft licence was for 10 years, with a renewal option.

One reason for bach retention may be to maintain heritage values. There is some concern that short term licences may be a disincentive for owners to invest in maintaining their baches. It is highly desirable that maintenance of heritage is undertaken in a cost effective manner that does not impose costs on ratepayers. A licence period of no greater than 35 years is required, to avoid potential sub-division of land.

**Should bach owners be able to transfer ownership?**

This question looks at whether the baches should be able to be sold on the open market or transferred to other parties such as family members.

**What is the significance of natural hazards for licence content?**

Occupancy levels affect the hazard risk. The Council could, for example, refuse to offer any licence to occupy a bach if the occupants would be at a risk that the Council considers too high. Also, if the hazard scenario changes, can be mitigated or increases in the future, provision to change or withdraw a licence may be desirable. Hazard risk may affect subletting or rental potential.

**Should the licence ensure bach heritage character is maintained and the local environmental protected?**

The licence may need to include provision for ensuring the existing heritage character is maintained. Bach owners could also be encouraged to contribute toward environmental stewardship and landscape enhancement. Experience from Rangitoto Island has shown that where baches are retained but not used, they rapidly fall into disrepair and become dilapidated. This can be because of lack of maintenance due to a lack of funding.

**Should the licence ensure bach use is for holiday or temporary accommodation only?**

The licence needs to define temporary occupation. Council may consider that continuous residential accommodation is not an appropriate use of these structures.

**Can or should the general public have opportunity to enjoy a bach experience?**

Baches could provide community benefit by being available for hire. This may not be feasible for some baches, where there is hazard risk. The Department of Conservation policy for consented private baches on public land requires bach owners to make their baches available for public use. Owners are permitted to charge a reasonable fee for use. See the Canterbury (section 3.11.4) and West Coast Conservation Management Strategies for examples of general policy. There may be significant benefits in allowing subletting:

- It may enable the public to experience a bach lifestyle and heritage values.
- Any extra return from rentals could be used for environmental and heritage protection and upgrading of the area.

**Should the Council charge a licence fee and how should it be calculated?**

Any bach management or administration costs incurred by the Council could be compensated for by a fee or some other mechanism. The ‘gift’ of 70 ha in the upper Taylors Valley may
influence this decision. In 2010 there was a significant difference between the Council’s proposed fee and the bach owners’ proposed fee.

**Second Stage: Transition to Formal Consultation and Hearings Process**

5.17 It was noted in the Working Party’s Chairperson’s Report to the Council that the Hearings Panel would remain open-minded on whether it would recommend to the Council the proposal for the future of the baches the Working Party had developed for consultation. The Chairperson noted that the Hearings Panel would undertake to consider and hear public submissions before deciding upon its recommendations, and continue to consider all reasonably practicable options for the baches by assessing their advantages and disadvantages. The Panel acted true to this, and as shown in the Consultation Document (Attachment B) the initial consideration of the other options for the future of the baches was set out for public comment accordingly.

**6. Staff Advice**

6.1 Attached to this report is the staff advice appended to the staff report to the Hearings Panel that staff provided to inform deliberations on the options for the future of the baches:

- **Attachment C**: Submissions Analysis
- **Attachment D**: Legal Advice
- **Attachment E**: Licence Issues
- **Attachment F**: Geotechnical Issues
- **Attachment G**: Heritage Assessment
- **Attachment H**: Assessment of public access past each bach
- **Attachment I**: Plans showing the revised seaward boundary of the legal road
- **Attachment J**: Cost estimates for the various options proposed during consultation
- **Attachment K**: Recreation and Amenity Issues
- **Attachment L**: Licence Fee Valuation Advice

**7. Options**

7.1 The staff recommendations to the Hearings Panel included that it:

*Notes that the proposal for the future of the baches located on public road at Taylors Mistake, Hobsons Bay and Boulder Bay consulted on as the preferred option was that a 35-year licence, for the bach to stay and be used for holiday accommodation, is offered to owners of baches with heritage value (that is those that are scheduled within the District Plan and those which meet the heritage criteria). The exception is where there is a moderate to high risk from natural hazards that are not mitigated by the bach owner. Baches that are not offered a licence are demolished or, where possible, relocated to the new bach zone behind the ‘Rotten Row’ baches at Taylors Mistake (noting that the new bach zone is limited to a total of 18 baches).*

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12 The online version as a “Have your say” webpage is archived here: [https://www.ccc.govt.nz/the-council/consultations-and-submissions/haveyoursay/show/208](https://www.ccc.govt.nz/the-council/consultations-and-submissions/haveyoursay/show/208)

13 There is room in the new bach zone to relocate or rebuild all baches potentially not offered a licence because of unmitigated hazard under this option, i.e. there are less than 18 baches subject to moderate to high slope instability hazard, though in the unlikely event other bach-owners not subject to such hazard simply decline a licence offered them intending to relocate or rebuild their bach in the new bach zone, then there could be insufficient spaces in the zone for all those wishing to relocate or rebuild there.
7.2 The further information section of the Consultation Document had clarified some aspects relevant to this option:

**New Bach Zone**

The Taylors Mistake Association Land Company Ltd (a sub-group of bach owners) owns a parcel of land behind ‘Rotten Row’ which can accommodate up to 18 baches. These can be either existing baches that are relocated, or new buildings.

Any new buildings will require resource consent. The Council can control some aspects including the design, appearance and location of the new bach, landscaping, required connection to a reticulated sewer system, access to the bach, water supply for firefighting purposes, and the rehabilitation of the existing bach site.

Other standards that apply include restrictions on the size and height of the bach, and total area of the site able to be covered by buildings, decks and impervious surfaces. Depending on where a bach is located, standards relating to the rockfall management may also apply.

Under the District Plan only 45 baches are allowed in the bays [counting together those on the unformed road and any relocated or rebuild in the new bach zone, but ignoring others on private land outside the new bach zone]. This means that if a bach is not demolished, but maintained as a non-occupied heritage item, the owner will be able to rebuild in the new bach zone only if an owner of a demolished bach forfeits this right.

Not all bach owners are currently eligible to relocate or rebuild to this site.

**71 hectare land gift**

The Taylors Mistake Association Land Company Ltd also owns a 71-hectare parcel of land in the upper Taylors Mistake Valley. They are willing to gift this land to the Council for recreational purposes, if the terms of a licence to occupy can be agreed.

The Christchurch City Council Parks Unit is interested in the land, should it be offered. Ultimately acceptance of the land will need to be approved by the Council.

**Mitigation of hazards**

Many of the baches are within hazard management areas for rockfall, cliff collapse, and mass movement. Hazard risk considers both the probability and the consequences of the hazard occurring (risk to life, property and infrastructure).

In some cases hazards can be mitigated. This can involve stabilising a slope or removing material from an area. The cost of mitigation is usually in the tens of thousands if not more and costs would need to be met by the bach owners.

**Relocation or demolition of baches**

Relocation or demolition of baches would take time. Relocating baches will often be problematic because of the geography of the area and lack of vehicle access.

Removal will be difficult for similar reasons and any scheduled heritage items, will need a resource consent. A consent will take into account the presence of hazards. However, there is no guarantee that a consent will be granted, especially if there is no life risk.

It is expected that bach owners will meet the costs of either removing or relocating their bach.

7.3 The potential advantages and disadvantages of the proposal for the baches and the other options considered for the baches as noted in the Consultation Documentation are copied here:
**PREFERRED OPTION – Managed retention of most baches for heritage (some stay, some go)**

**Potential advantages:**
- Gives certainty to bach owners and to the wider community and preserves the legacy of the baches.
- Supports owner upkeep of baches and the heritage and character that the baches offer the area is maintained.
- Reduces life-safety risk from natural hazards.
- Revenue collected from the licence fee could be used to enhance the local environment and recreational opportunities.

**Potential disadvantages:**
- Minimal improvement to the natural character of the coastal environment and public use of the land currently occupied by baches.
- Loss of bach owner custodianship over the local area from those not offered a licence and unable to rebuild or relocate within the new bach zone.
- Some heritage buildings may be lost.

**OTHER OPTIONS CONSIDERED BUT NOT PREFERRED**

<table>
<thead>
<tr>
<th>Description</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All baches stay and can be used</strong></td>
<td>This option maintains the heritage and character that the baches contribute to the area. Gives certainty to bach owners and to the wider community and preserves the legacy of the baches. Supports investment and stewardship from bach owners. Bach owner’s custodianship over the local area is maintained and revenue collected from the licence fee could be used to enhance the local environment and recreational opportunities. However, this option presents a life-safety risk to those occupying a bach subject to moderate to high risk from natural hazards, where this risk is not mitigated. There is also no improvement to the natural character of the coastal environment and public use of the land currently occupied by the baches.</td>
</tr>
<tr>
<td><strong>Managed retention of all baches. A 35-year licence is offered to all bach owners for their use for holiday accommodation only</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Some stay and can be used; some baches stay but can’t be used, or they go</strong></td>
<td>This option maintains the heritage and character that the baches offer the area. It gives certainty to bach owners and to the wider community and preserves the legacy of the baches. Supports owner investment and upkeep of the retained baches. Revenue collected from the licence fee could be used to enhance the local environment and recreational opportunities.</td>
</tr>
<tr>
<td><strong>A 35-year licence is offered to bach owners for their use for holiday accommodation only, where the bach is of heritage value.</strong></td>
<td></td>
</tr>
</tbody>
</table>
Where there is a moderate to high life-safety risk from natural hazards that are not mitigated, or the bach does not have heritage value then the bach will either be demolished or relocated to the new bach zone. A scheduled heritage bach may be retained and maintained by the Council (at a cost to ratepayers but potentially recoverable through the licence revenue from other baches).

However, there is minimal improvement to the natural character of the coastal environment through the removal of baches. The Council (ratepayers) would incur costs to maintain scheduled heritage baches that are not occupied, unless costs are met through the licence revenue from other baches. There is a loss of custodianship over the local area from those not offered a licence and unable to rebuild or relocate within the new bach zone.

The District Plan allows for a total of 45 dwellings within the three areas. If a bach remains but cannot be occupied, the owner is not allowed to rebuild in the new bach zone unless another bach owner forfeits their right to use the zone.

Some baches stay and can’t be used; some go

No licence to occupy is offered to any bach owner. Baches are either retained and maintained by the Council if they are scheduled heritage (but not occupied), or they are demolished or relocated to the new bach zone. The new bach zone has room for 18 baches. The remaining 27 bach owners would have no option to rebuild or relocate within the area.

This option improves the natural character of the coastal environment. Heritage and the character of the area is maintained, which gives certainty to bach owners and to the wider community, and preserves the legacy of the baches.

However, there is a heightened cost to the Council (ratepayers) to maintain the baches and custodianship over the local area by those not offered a licence and unable to rebuild or relocate within the new bach zone.

The District Plan allows a total of 45 dwellings (the current number) within the three bays. If a bach is kept as an unoccupied heritage item, the owner would not be able to rebuild in the new bach zone, unless another bach owner forfeits their right to use the zone.

All baches go

No licence to occupy is offered to any bach owner and the Council seeks removal of all baches. Up to 18 may be rebuilt on or relocated to the new bach zone, and the rest are demolished.

This option significantly restores the natural character of the coastal environment.

However, heritage and the character the baches offer the area, is lost. There is not enough room in the new bach zone for all bach owners to relocate or rebuild and custodianship over the local area is reduced.

Public Access

7.4 The Consultation Document had noted that “public access was assessed by a Council Officer who considers that none of the baches unreasonably impeded pedestrian access along the road reserve”, and had further noted that:

*Should the baches remain in part or in full, the Council will assess how public access around the baches could be improved for low or no cost. This might include an audit of all signs, print, and digital information about walking tracks in the area.*
Licence Fee Revenue

7.5 The Consultation Document had further noted that “any fee charged for a licence would be used for the enhancement of the local area”.

No Road Stopping

7.6 Staff recommended to the Hearings Panel that it recommend to the Council that a road stopping process does not commence for the legal road; this recommendation would have been relevant if the Panel considered that there was an issue of baches unreasonably impeding public access over the unformed legal road they occupy, in which case a road stopping process may have been considered, though staff recommend against that process for the reasons set out in Attachment D. As it is, the Panel does not consider that any of the baches present an unreasonable interference with public access along the unformed road and so did not vote on the staff recommendation against road stopping, but bring it to the attention of the Council here for in the event it becomes relevant to the Council’s consideration.

8. Public Consultation

8.1 Public consultation on the future of the baches at Taylors Mistake, Boulder Bay and Hobsons Bay commenced on 23 November 2018 and closed 14 January 2019. Early engagement with bach-owners and with the public was also undertaken with the abovementioned discussion document seeking feedback from the public between 3 October and 21 October 2018. The feedback from this early discussion document helped development of the formal consultation process.

8.2 Three drop-in sessions were held for the public on 4 and 9 December 2018 and on 8 January 2019.

8.3 The Council’s Principal Geotechnical Advisor, Dr Jesse Dykstra, was made available to meet with bach-owners on site so that they could be informed about the geotechnical hazards their baches are currently subject to. The majority of affected bach-owners took up the opportunity to meet with him, however, an injury meant he was unable to meet with several owners and they met with Senior Engagement Advisor, Tessa Zant.

9. Submissions

9.1 A volume of submissions received from submitters who asked to be heard in person by the Hearings Panel was collated for the Panel and is separately circulated to Councillors with this report with additional documents tabled by heard submitters before or at the hearing now inserted after their written submission in the volume for the visibility of Councillors.\textsuperscript{14}

9.2 Volumes of submissions received from submitters who indicated in their submission a wish to be heard, but declined the opportunity when contacted, and from submitters who indicated in their submission that they had no wish to be heard in person, are also separately circulated to Councillors (redacted copies were attached to the agenda for the meeting of the Hearings Panel,\textsuperscript{15} but Councillors are referred to read the separately circulated unredacted copies that the Panel read).

\textsuperscript{14} Councillors are referred to this separately circulated volume of heard submissions as the appropriate copy for them to read as including information from submitters such as reference to which bach they own, which though relevant has been held by staff, along with contact details, as not for publication.

\textsuperscript{15} The agenda of for the meeting of the Hearings Panel with redacted submissions collated within can be found at this link: \url{http://christchurch.infocouncil.biz/Open/2019/02/BLHP_20190211_AGN_3513_AT.PDF}
9.3 The Senior Engagement Advisor provided the following summary of written submissions received in the staff report to the Hearings Panel:
   a. Of the 171 submissions there was no clear majority for either the preferred option (43%) or those who wanted more or all baches offered a licence (48%).
   b. Two submitters (1%) wanted baches to be offered a licence longer than 35 years.
   c. Seven submitters (5%) wanted to see more or all baches removed.
   d. Two submitters (1%) wanted less private occupation and baches managed by the Council.
   e. Those wanting to retain more baches argued that all baches had heritage value as a collective and/or that the risk from hazards was insignificant or could be managed through licence agreements with bach-owners.
   f. Consistent with the discussion document feedback, those in favour of offering some or all baches a licence wanted to preserve the heritage value, unique character and custodianship over the local area offered by the baches and bach-owners.
   g. A full breakdown of results is available in Attachment C to this report.

9.4 At the hearing the Hearings Panel resolved to accept and consider all the submissions received, including the late written submissions from David Rogers, Otto Snoep, Paula Ashley Hodder, Kirsten Wyllie, and heard submission from William Fulton.

10. The Hearing

10.1 The Hearings Panel convened on 11 February 2019 to commence the hearing and its consideration of the submissions received on the proposal for the future of the baches and to then deliberate upon its recommendations to the Council in respect of the baches.

10.2 On 11 February 2019 the Hearings Panel, after opening, received a brief overview presentation on the proposal and consultation process from staff, before hearing from those submitters who wished to be heard in person in respect of their views on the proposal for the baches.

10.3 The views expressed by the heard submitters at the hearing are best captured in their own words in their original submissions and subsequent documents tabled at the hearings and now collated together in the volume of heard submissions separately circulated to Councillors with this report. However, a list of those who presented with a condensed indication of some of their points made in person to the Panel follows:

**Brent Gilpin on behalf of the Taylors Mistake Association**

- Councillors can refer to Mr Gilpin's speaking notes added to the separately circulated heard volume, which include such of Mr Gilpin's suggestions as:
  - Legally the Council has the authority to once again issue licences to these baches.
  - During the Canterbury earthquakes, only bach 63 suffered any significant damage.
  - The Council can make a policy decision not to use natural hazard as the reason for destroying unnecessarily so many baches. The bach-owners are well informed, licence terms and conditions can ensure we can live in harmony with our natural environment.
  - These baches have survived the last 100 years, and are much more likely than not to survive another 100 years.
The Council need to develop a licence based on managed retention of baches. The Association’s goal is for these baches to be here in another 100 years.

- The no transfer beyond families is incompatible with this.
- The hazards clause is incompatible.
- Licence area and licence fee seem incompatible.
- Removal of decks and patios which exist not practical or consistent with integrity of many of the baches.

- In response to Panel questions, Mr Gilpin suggested that risk assessment for the baches in the past has not taken account of the sold brick nature of some of the baches, and that life risk is not a reason to get rid of baches. Mr Gilpin indicated that any risk could be addressed through licence conditions, such as requiring notices to be installed warning of any risk where appropriate. Mr Gilpin further confirmed the view that bach-owners could take responsibility for any risk they are exposing themselves to.

- Noting Mr Gilpin’s suggestion that the Association may not have had opportunity to consult its members on the staff recommendations in respect of licence terms, the Panel invited Mr Gilpin to submit the Association’s comments on these to it prior to deliberations; these were subsequently supplied accordingly and are copied here:

**Taylors Mistake Association Comments on Licence Agreement:**

We would appreciate the opportunity for input/comment on the proposed licence. This isn’t a negotiation situation where we are trying to get the best deal for ourselves, but rather we want a licence which is fair and reasonable and meets shared objectives for the future of the baches. We think we can provide useful input to that. Without seeing the full details of any licence we can only make the following general comments:

- The licence should be based on managed retention of baches, not managed removal.
- As a fundamental principle, the licence needs to avoid the removal of any bach.
- The 35 years, no renewal clause.
  - We understand this may be required legally. But we would like recognised that the intention is not for removal of the baches at the conclusion of 35 years, but that there is some expectation of renegotiation of a new licence after for example 30 years.

- Transferable Ownership Rights
  - There needs to be a capacity to sell a bach and assign licence beyond the immediate family in some cases. Not everyone has children or extended families, and not all families have the resources or interest to continue to maintain the bach. Allowing this doesn’t impact on historic values, and in fact would be detrimental if baches were abandoned.

- Reinstatement, Additions and Alterations
  - As specified in the city plan, the addition of toilet/shower area that increases floor space by no more than 2 x 2 metres may be necessary to future proof sewage and greywater solutions. Any addition needs to be in fitting with the bach aesthetics, and approved by CCC.
Item 28

- Rebuild option should be available and would only be in the case of fire or other such event, and would be a rebuild as close as possible on the same footprint and using the same style of materials. Replacement with a replica. Baches value is as a group, and loss of a bach in the middle of a group of baches negative impacts on visual and historic benefits.

- Hazards
  - Agree that CCC not obligated to remediate any hazards, but strongly reject terminating or not issuing a licence where hazard exists. May be additional requirements on licences for some baches where a hazard exists in terms of signage or other measures.

- Public liability insurance
  - We would like to explore the potential for this to be held as a joint policy by bach holders on a group cover basis.

- Suggestion of removal of existing decks is the first time we are aware of this being raised. Existing decks are generally a natural part of the baches, and removal would not be practical in many situations, and would likely degrade historic integrity of the baches.

- Licence fee needs to be at a level that doesn't preclude current families from being able to afford to continue to own and maintain a bach to the standard required. Licence fee should recognise cost of maintenance and restrictions on usage and modifications. Baches currently owned by wide-cross section of society, would like that to continue, not for ownership to only be practical for the wealthy.

- Engaging a valuer every five years seems unnecessarily complex. Perhaps explore simple 5 year review based on either the CPI or increases in CCC rates.

Evan and Beverley Rahurahu

- Conveyed their deep attachment to the Taylors Mistake community as bach-owners, indicating the deep association their bach has for them with family and community.

- Noted lack of damage from Canterbury Earthquake Sequence, indicating risk has remained the same or lessened.

- Suggested that the beach is cleaner and safer because of the baches.

- Responding to Panel query about hazard mitigation, pointed to report from geotechnical engineer, Neil Charters (attached to their submission), indicating that hazard readily mitigatable for their bach if required.

- Responding to Panel query about licence terms, they indicated that one of the things that concerns them is the amount and cost of upkeep for the baches, noting it costs quite an amount per year, and if a licence were granted they would ask that consideration be given to the amount of upkeep and cost of mitigation.

Dave Louw

- Councillors can refer his handout (regarding geotechnical hazard and mitigation work undertaken for his bach) provided at the hearing added to the separately circulated heard volume.

- Relatively new to the bach community as bach-owner.
• Invested substantially in bach, being halfway through restoration works, but has not changed footprint.

• Been in uncertainty whether to continue to invest in restoration works because of uncertainty over licensing and how heritage might relate.

• Initial indications that hazard mitigation might be feasible for his bach, but need to clarify uncertainty whether a licence will be offered.

Raymond Rankin
• Considers himself more a custodian than a bach-owner.

• Too much of history has been demolished already.

• Bach-owners as custodians of the area assist with life-saving at the beach and with keeping it clean.

• Daughter born in family bach. When the issue of selling it was raised, she said “yes dad, you could sell the bach, you would have the money, but you would not have a daughter”. She has an attachment to it.

• In response to a Panel question, Mr Rankin indicated he would be favourable toward the prospect of allowing baches to be let to the public for a part of the year for holiday accommodation.

David Hill on behalf of himself and then on behalf of Bruce Hill
• Speaking for managed retention of all the baches.

• Cannot afford to lose baches for their heritage value, as they perhaps represent the most complete collection of pre-World War II baches.

• Asking that nothing rash is done to address rockfall risk; the removal of cave baches in the 1970s was a loss – if they were still there it would be fantastic for the city. The risk could be addressed by limiting occupancy to that which is safe, and occupancy could be limited by restricting electricity supply, for example.

• Would support longest term for licence possible.

• In response to Panel questions Mr Hill indicated that the baches are most important taken a whole or group for their heritage value, that he is not opposed to them being rented out, and as heritage items, he would like to see restrictions on what could be done with them, so when asked about decks, Mr Hill indicated that if a bach does not already have a deck it should not be to possible to add a new deck.

Jim Turpin
• Bach owner.

• Council Officers could give more consideration to addressing life risk rather than property risk, and to recognising that a consistent approach to life risk in society would suggest agreeable mitigations that could be negotiated with licensees.

Joanna Koster on behalf of herself and then on behalf of John East
• Feels privileged to have opportunity to be custodian of bach; spends nearly every weekend at bach.
- Wants to see the baches remain; happy to see them rented to people (including to enable bach-owners to pay licence fee).
- The baches provide a nice welcoming to the bay.
- Bach-owners support life-saving at the beach, which has performed a large number of rescues from the rips at the beach.
- She does not have any immediate family, so proposal to restrict transfer of baches to immediate family would disadvantage her. She would hope bach not removed and would go to someone who would wish to take over the guardianship of it.
- As part of the licence there should be a clause about maintenance; it would be nice to see everyone is responsible for this.

Peter Tasman Ross
- Connection with baches goes back to his grandparents. The Council has to have regard to the heritage value of stone baches particularly.
- Personal choice and responsibility should apply to risk; it could be dealt with by restricting number of days and nights bach can be used and restricting access to the rear of baches. Further, a sign displayed could inform people of the possible risk. Even if Council does not accept such solutions, still believes baches should be kept.
- Important to remember the public benefit the baches provide in addition to the private benefit; combination of these justifies keeping the baches.

Janet Abbott
- Bought bach in 1987. Spent most summers at the bach. The baches have enormous heritage value. Has great stories relating to the baches, which has written up, providing a history to the area.16
- Baches are lovingly maintained against the elements. Private ownership with evidence of current use is the best deterrent to vandalism. There is further strength in this respect in retaining the baches in their current number.
- Need everyone in Boulder Bay with endurance and strength to maintain the baches, plant the trees, and maintain against rockfall.
- Bach-owners help with the maintenance of the sea walls, pest control, cleaning up rubbish on the beach, even providing toilet facilities for the public.
- As Christchurch moves on from its earthquake story to exploring the central city, it could further add exploring its heritage at the bays. Residencies for artists and writers could also be considered.
- If deemed unsafe, number of nights could be capped, or baches restricted to day use; if too risky for day use, all the tracks by that reasoning should be closed (which is obviously not proposed).
- Compliance with such conditions is separate from planning; compliance issues accordingly cannot be used as an argument.

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16 The histories Mrs Abbott supplied to staff in the consultation period have been added after her submission in the separately circulated heard volume for Councillors.
Chris Abbott on behalf of himself and then on behalf of Maxwell Robertson

- Safety is a personal choice. Never had a rock hit his bach; planted trees to address any risk, which believes would have given protection during Canterbury Earthquake Sequence if a rock had come toward bach. Believes bach would be more robust than an ordinary building given solid construction. Is happy to take children over there; the risk modelling was marginal with regard to safety.

- Mr Robertson wanted to say he confirms his submission is seeking the managed retention of all baches; walkers in the area say the baches add to their experience of the bay.

- Mr Robertson’s submission included comments that:

  [His bach] is one of only three baches in Boulder Bay which would currently qualify for a licence. The removal of the remaining baches would permanently and adversely affect the historic and unique character of the bay, which provides so much pleasure for walkers and other visitors…. In my opinion the assessed geotechnical hazards relating to the affected baches fail to take into account the statistical likelihood of future personal injury or property damage through earthquake related rockfall, bearing in mind that:

  (a) The 2010 and 2011 earthquakes resulted in only minor property damage (with no personal injuries) at the bay, despite the fact that the vertical uplift experienced in the major February 2011 earthquake was amongst the highest ever recorded in the entire world.

  (b) The baches are only occupied on an occasional basis, rather than permanently…..

  [His bach] at Boulder Bay, which has been included as a scheduled heritage item in the District Plan, and has also been assessed as facing a low geotechnical hazard due to the potential for rockfall or cliff collapse.

Murray Jamieson

- Displayed a PowerPoint presentation, principally of photographs of the baches such as the below:
The baches are world famous.

All bach-owners should be offered licences.

The bach-owners keep the bay clean and safe.

The removal of baches would do harm; the bach-owners have effected rescues and given first aid to swimmers and walkers in the bay.

While primary use of bach is for family, have allowed other people to stay and enjoy the bach.

Ian Arthfield, world-famous architect, believed that these baches’ existence is part of the “essential character of this unique area” and such “settlements... which we should build our future around rather than condemn”, and that together these baches offer “a model for a positive edge settlement”

Nathan Roberts

- Bach-owner.

- Does not agree with proposal – believes all baches should stay; there is always a way to remove risk, and site-specific mitigation plans are possible.

- Geotech report obtained from Neil Charters (within separately circulated volume); report notes such remarks relating to a couple of specific Boulder Bay baches as that it would be feasible to reduce the risk by undertaking rock stabilisation or other protective works such as construction of a rockfall barrier or earth bund – the design and/or construction of such works should be subject to site-specific assessment and design by an appropriately experienced geotechnical engineer.
• Responding to a Panel inquiry, Mr Roberts suggested those baches deemed to be subject to a hazard be reviewed by an expert and a solution developed with the bach-owners that results in the risk being acceptable to the bach-owner and expert.

• In response to a further Panel inquiry, Mr Roberts indicated that he would be agreeable to the display of signage to communicate any risk to persons using baches subject to a hazard.

Peter Allpress

• Bach re-clad 12 years ago may be reason not given heritage status, but re-cladding was necessary and had sought advice from architect around the re-cladding.

• In 50 years’ time hopes grandchildren can tell story of history of the bach.

• Seeking retention of all baches. Councillors can refer Mr Allpress’s presentation added to separately circulated heard volume, and also to his attachment to his submission outlining the history of his bach and expanding on his above points as here summarised:

  By 2005 rodents and vandals had again taken their toll and a major overhaul of the bach was needed. Advice was sort from architect John McGrail who was a partner at Dalman Architects…. John had done an architectural thesis on the baches of Taylors Mistake and was familiar with the heritage of them. Materials and colours were chosen to maintain the character and blend in with the natural surroundings. The footprint and profile was retained and it was re-clad with board and batten in the style of many of the original baches.

[The] Boulder Bay [bach] is a wonderful example of the evolution of a bach, from a single-room dwelling built in the 1920s after WWI, to when it was re-clad and a room was added by WWII veteran Dick Bain in the 1950s, and then renovated in 2005 and re-clad in more vandal-proof materials. At each stage the fenestration and cladding has been altered using the materials of the day with an eye to future-proofing it against the elements: the tide, the sea-laden air and the ministrations of errant humans (vandalism). The current cladding harks back to the board and batten of baches of the past, and provides the bay with the variety that gives this collection of Kiwi baches its charm.

Chris Abbott on behalf of Ronald Vette

• Geotech report obtained from Neil Charters (within separately circulated volume); report notes such remarks relating to a couple of specific Boulder Bay baches as that the rockfall hazard at these baches could be mitigated, and site-specific assessment is required to assess the hazard and mitigation works required.

Mike Davidson

• Noted comparable socially acceptable risks in other areas of life, such as cycling on a highway, which NZTA would not propose to disallow.

• Would hate to see baches removed; they create and support a community.

• Been associated with Boulder Bay most of life, really important to get the right outcome. Part of the reason they love Boulder Bay is because of the baches.

• The contribution the baches and their owners provide to the public enjoyment of the area should be recognised in setting licensing fee – a dollar a day would be appropriate when look at the value these baches provide, with all the money going back into the bay environment.
Has declared an interest and taken no part in decision-making as a councillor.

Responding to a Panel question about how to communicate the risk to people, Councillor Davidson suggested the same as would be used for communicating to any of the many day visitors to the bay, though bach-owners would already be more aware of any known hazard than anyone.

Pip Cheshire (by audio link)

- The baches are of variable individual quality but collectively they are a unique group of buildings of national significance.
- There are few examples in the country of such a unique group of buildings close to the water; the baches are crucial as an example of how people built in the era.

Adrian Mouldey on behalf of Taylor’s Mistake Surf Life Saving Club

- Supports managed retention of the baches – the bach-owners are a key source of support for the Surf Life Saving Club; the Club has limited suburbs around it from which to draw recruits.
- Bach-owners formed the Club in 1916.

Millie Wood and Christine Whybrew on behalf of Heritage New Zealand Pouhere Taonga

- Heritage New Zealand supports the proposal – supports managed retention where the risk can be mitigated or relocation to new bach zone.
- With respect to life safety, heritage should not trump life safety.
- Recognises the baches contribute to the enhancement of the wider area.
- Where retention not possible supports rebuilding in new bach zone, provided not to the detriment of heritage of Rotten Row baches.
- Supports the ongoing use of heritage buildings where there is provision for the preservation of character.
- The Panel inquired about situations where a bach’s materiality may have been changed, whether historic, social value would still be relevant, and Dr Whybrew confirmed that social and cultural values can be equal to physical characteristics.
- Unoccupied heritage buildings are at risk of vandalism.

Max Earnshaw

- Not a bach owner; uses the local area a lot. Baches relevant to the national psyche and look back 100 years.
- Appreciate amount of effort and time involved in building the baches; they add brilliantly to the area. If these baches are unoccupied there is going to be a problem with vandalism.
- In many cases bach-owners have planted trees, protecting baches from rockfall; if we were going to see rockfall would have seen it by now.
- Christchurch residents still take their children and grandchildren over to the bays following the earthquakes; if they thought there was rockfall risk, they would not be doing that. The walking and biking track sign-posted so people can make their own judgment.
• Have lost so much heritage, cannot afford to throw away any more.

**Justine Ottey**

• Councillors can refer to Ms Ottey’s handout containing her views and attachments tabled at the hearing as added to the separately circulated heard volume; some extracts from Ms Ottey’s views follow:

> This is an old fashioned colonial style land grab of public land disguised as the protection of kiwiana.

> I am here today to address the owner of the baches, the Christchurch City Council. The bach structures are fixtures (due to the degree of annexation they have to the land) and therefore they are owned by the Christchurch City Council (see Lockwood Buildings v Trust Bank Canterbury (1995) Court of Appeal Decision of Justice Tipping).

> It is the Christchurch City Council and no one else who is wholly responsible for these structures, their occupation of the public road, their sanitation and sewage discharge and the safety of the occupiers and the publics interaction with them.

> The Council is on notice, that it is the entity responsible for these structures and it cannot abdicate that responsibility through a licence structure to persons who have no legal estate in the land or the structures on it.

> The 10 year licences expired on 31 March 1986 and accordingly the current occupiers have had no legal right of occupation since that date, and were advised by the Christchurch City Council that they were legally “squatters”. See letter from Christchurch City Council Property Manager, Mr P B Coburn dated 14 February 1992 to Mrs R Gilpin advising that “as you are aware the existing licence expired in 1986. In effect all of the former licence holders are now legally squatters and as such I am unable to action your request”.

> It is interesting to note that an analysis of the bach holders at Commissioner Guthrie’s hearing that only 14 of the original Deed of Licence signatories were believed to have an active interest in their bach at that time. An analysis of the then occupiers showed that despite the prohibition on assigning the licences its expiry, the following occurred:

  o 19 baches were acquired after 1976;
  o 11 baches were acquired after the expiry of the licences in 1986.

> So the majority of the current bach owners acquired these baches with the full knowledge of the licence expiring or having already expired.

> Any suggestion that the bach owners will be the custodians and protectors of the Heritage value of the baches has been proven false, with the bastardisation this summer of bach 52 (which Harry Evison the esteemed historian for Ngāi Tahu) considered to be one of the more historic baches in the bay, by the installation of modern powder coated aluminium window joinery and cladding to much of the exterior.

• The Council has allowed incremental privatisation. The bach occupiers are not owners; the baches are fixtures and the responsibility of the Council.

• There has been a cost to the Council of this long running process.

• Refer the Chair’s question to Ms Ottey with her answer copied into Attachment M. An extract from her answer is copied here:

> **Question:** If [as you are submitting] it were shown that the baches were in Council ownership, would you want them removed regardless of any heritage value they have?
**Answer:** If any of the baches are to be retained because of their historic or heritage value, then their current ownership is really immaterial to that question. I note the findings of Commissioner Gutherie that only 3 baches (#1, 2 and 34) had any real historic value. He noted that the tension between retention of the baches for their heritage value and their removal because of their impact on the natural values of the coast and its use by the wider community was finely balanced. But after hearing all of the evidence relating to the perceived historic or heritage value he held that only those three baches should be retained.

I would support the retention of the baches that Commissioner Gutherie identified as having met the threshold for historic recognition, no matter who owns them, so long as they have retained their historic, architectural values since the date of that decision.

The heritage values must be balanced alongside the issues of environmental impact, public use of public spaces, hazard and risk assessments, the potential for private profiteering of public spaces, the bach occupiers holding no existing license to occupy, future costs to the council for improvements and consents....

**Melanda Slemint**

- Displayed a PowerPoint presentation, principally of photographs of the baches such as the below:
• Legal advice received does not support Ms Ottey’s submission.
• All baches should get licences and be allowed to stay.
• Family are members of the surf life-saving club.
• Intention of licensing should be to allow the continuation of heritage.
• Bach-owners would like to share the bach experience with the wider public. Willingness to make them more widely available through the Association. Wanting to share them and put any money made back into the environment.
• Would find a way to make it work; there is no one size fits all. Whatever solution allows the baches to stay for their heritage value like hazard mitigation could be worked out.

**William Fulton**

• Mr Fulton, an architect, supplied written submissions to the Panel on the morning of the hearing that Councillors can refer to as added to the separately circulated heard volume and summarised in abridged form here:

  I agree with both the CCC Heritage Team and Heritage NZ’s assessment that the Taylors Mistake baches have Cultural Heritage Value

  While the baches can be seen and measured as individual buildings, my submission is that their over-riding Cultural Heritage Value is that of a Collective. It is the relationship of the baches to their landscape, the spaces between buildings and the collective cultural memory of the people involved with the Baches that plays a significant part of why the Taylors Mistake Baches are of value.

  The collective can be broken into sub groups comprising 4 zones: Boulder Bay; Eastern side of Taylors Mistake; Western side of Taylors Mistake; and Hobsons Bay. Each of these groupings sits in a distinct Landscape setting but all share a common historical thread.

  Given that they are, in my opinion, a collective, any individual loss would signify a reduction in the Baches overall Cultural Heritage Value.

  While I am not qualified to comment on Geotechnical or other associated issues, I can offer examples of Heritage sites where part of a property has retained elements as visual reminders but excluded public access.

  Grubb Cottage in London St, Lyttelton, is a CCC owned Heritage Asset that was conserved just prior to the 2010 earthquakes. I was the Heritage Architect on this project, which involved fencing-off two out-buildings. The buildings were stabilised and enclosed, but left to weather indefinitely or until some future conservation project

  The Chinese Miner communities of Central Otago are another example of forms of habitation that have been retained and conserved as an historically important reminder of our past. Many of these sites have been protected from the public for both safety and conservation reasons.

  In Christchurch following the 2010/11 earthquakes there has been a prevailing attitude that it is better to demolish and remove buildings that pose any risk. This has resulted in the widespread destruction of much of our city and the loss of the majority of our built Cultural Heritage. With hindsight many people have come to realise what we have lost forever and that there are other ways of retaining Cultural Heritage while mitigating and managing any risks.
Our approach sits in contrast to the Italian response to the L’Aquila 2012 earthquake, where communities were relocated while historical fabric was protected and stabilised for future conservation. While we will find solutions that are appropriate for New Zealand, we could take a longer term view of our Cultural Heritage. Once we remove buildings of Cultural Heritage Value they are gone forever.

Neil Charters

- Councillors can refer separately circulated heard volume for the 2016 evidence of Mr Charters and Don McFarlane that Mr Charters made available to the Panel for the hearing.
- At that time visited a series of the sites scheduled for removal.
- In January 2019 visited a number of the baches subject to hazard to assess it. No substantial change from 2016.
- For these hazard-affected sites assessed mitigation is needed, but none are impracticable.
- The Panel inquired whether the types of mitigation needed would affect the landscape, and Mr Charter indicated that most mitigations would be rock bolts, nets, and rock removal, indicating these are mitigations done before on the Port Hills.

Tom Evatt on behalf of himself and then on behalf of Paul Goldsmith

- Mr Evatt supplied a written copy of the submissions he spoke to that Councillors can refer to as added to the separately circulated heard volume; summarised in abridged form here:

  I have had and continue to have an association with the Taylors Mistake Association and have acted for them in a professional capacity including on an application by a Taylors Mistake resident seeking enforcement orders for the removal of 14 of the baches. I assisted the Association with establishing existing use rights and continue to advise the Association on matters relating to the baches. My submission today is made in my own name, in support of the retention of all of the baches at Taylors Mistake.

  In my view all of the baches should stay. While all of the baches should stay some of the baches may not be able to be used or occupied due to an unacceptable life-safety risk. The terms on which individual baches may be used or occupied should be agreed between the Council and the bach owner following further and more detailed geotechnical assessment of the level of hazard and consideration of terms and conditions. Consideration of whether hazard mitigation is feasible will be the responsibility of bach owners and agreed to with the Council – presumably as a condition of the licence.

  The baches themselves do not present a life-safety risk. The life-safety risk will depend on the use of the bach. If anything, the retention of baches which are deemed unsafe will prevent, or at least limit, the use of the site for other uses reducing the life-safety risk to the general public.

  From a review of the submissions received, while there is some individual opposition to the baches, the community is supportive of retention of the baches.

  In my view, the only reason for bach owners not being able to use a bach is due to an unacceptable life-safety risk. A further and more detailed geotechnical assessment of the level of hazard will need to be carried out to determine which baches are subject to hazards and mitigation required following which individual bach owners should be consulted with in respect of the hazard and mitigation. Bach owners should be given a
reasonable opportunity to mitigate any hazard which presents an unacceptable risk to life or safety.

It may be that baches which are no longer able to be used due to there being an unacceptable life – safety risk, could be managed by the Association in order to retain heritage and character values, albeit may not be suitable for use or occupation.

While some but not all of the baches are scheduled heritage items in the District Plan, the baches collectively are part of the heritage and character of Taylors Mistake. An analysis of each individual bach and determination as to whether each bach qualifies as a heritage item is, in my view, to narrower assessment of the value of each bach and contribution to the overall heritage and character of Taylors Mistake.

All of the baches should at the very least be retained so as to preserve the heritage values present and character of Taylors Mistake, whether or not individual baches satisfy the threshold for heritage items in the District Plan. Once the baches are gone any value is lost for no benefit. The distinction between heritage values and character should only be relevant to a determination to list baches as heritage items in the District Plan. The value of the baches is wider than simply heritage.

While I except that not all of the baches will be able to be used or occupied due to unacceptable life-safety risks, in my view this does not justify the removal of these baches. There does not appear to be any public appetite for the removal of individual baches which will undermine and reduce the overall heritage and character values present at Taylors Mistake.

There is unlikely ‘a one size fits all’ approach and licence terms will need to take into account the individual circumstance of each bach including:

a. Hazard concerns – potentially requiring mitigation and/or limiting the use and occupancy of particular baches. It is reasonable that the Council should include an acknowledgement from each bach owner as to any issues that might otherwise give rise to potential Council liability.

b. Heritage items - baches which qualify as heritage items may include terms including identifying the heritage attributes and protecting these attributes.

c. Character - baches which contribute to the character of Taylors Mistake but do not qualify as heritage items – including identifying the character.

d. Public access – terms identifying any particular public access issues and ensuring public access is preserved.

e. Term – a 35 year term should be granted so as to maximise the likely investment required by each bach owner to maintain their bach and heritage values.

- Mr Evatt read out a text from Paul Goldsmith on his behalf to summarise Mr Goldsmith’s views for the Panel:

  Thank you for the opportunity to comment today from far away Taranaki.

  I wish you the best of mindfulness with your considerations.

  A couple of comments I would like to emphasise as architect and urban master planner.

  1. RETAIN THE MAXIMUM NUMBER of dwellings in their setting.
Heritage retention is best achieved by appreciating both the dwellings and their context, remnant artefacts, landscape elements and their plantings, trees, haphazard as they may be.

The overall object and its setting will best represent the heritage of these objects and the rich lifestyle that they enable.

I suggest therefore that the larger the conserved package, then the richer the story.

2. EVOLVING HERITAGE. Heritage and associated conservation is best represented by the application of rules and guidelines that enable the objects and spaces to evolve with contemporary living standards. Things like merged public and private spaces around and about the baches, refinements of envelope to meet today’s living needs, maybe decks and French doors, shutters and screens, landscaping and paths.. They can all make for a rich and fulfilling experience if well managed through wise rules and guidelines.

Conservation frequently struggles with reuse and viability options. In this instance reuse will flourish if wise guidelines and rules are applied. The Bay community will flourish again once a mindful resolution is achieved.

11. Consideration of Submissions and Deliberations

11.1 The Hearings Panel considered all written and heard submissions received on the proposal for the baches in addition to the staff advice appended to, and referenced within, this report. The Panel members had a series of questions following the hearing of submitters on 11 February 2019 which were submitted to staff in writing for answer when the Panel reconvened on 18, 19 and 22 February 2019 to continue its consideration of submissions and to conduct its deliberations.

11.2 The Hearings Panel’s questions were collated into a table along with answers and a covering memorandum from staff and tabled for the Panel’s consideration on 18 February 2019. This document and a further geotechnical memorandum tabled by the Council’s Principal Geotechnical Advisor on 22 February 2019 informed the Panel’s deliberations and offered staff recommendations tailored to the points of interest of the Panel following the hearing of submitters. These two documents that reflect the Panel’s line of inquiry are appended:

- **Attachment M:** Tabled further information addressing the preliminary questions from the Hearings Panel following the close of the hearing on 11 February 2019
- **Attachment N:** Tabled Geotechnical Memorandum: Geotechnical considerations for offering temporary licences to ‘Moderate’ Hazard Baches

11.3 The Hearings Panel’s deliberations commenced with staff presenting their covering memorandum to Attachment M; the key points included the staff advice that:

- The avoidance or mitigation of natural hazards is a matter that councils must have particular regard to when performing their roles under the Local Government Act 2002 (section 11A).
- Advice to the Council from GNS and Tony Taig following the Canterbury Earthquake Sequence was also that decisions about voluntary assumptions of natural hazard risk should not be left to property owners and that management of those risks is an appropriate role of the Council.
- It is legally possible for the Council as licensor to seek to mitigate risk of natural hazard by terms of a licence that purport to restrict frequency of use. Whether the Council ought to do that is a policy question for it to determine. Staff advice is that this is unwise
as the terms of the licence cannot be adequately monitored or enforced. The staff advice is that the Council’s licensing decision should ensure that, before a licence is granted, either the risk is at an acceptable level or physical hazard mitigation works have ensured that the risk is at an acceptable level.

- As a matter of consistency of approach and policy, it would be logical, effective and efficient for the standard for ‘acceptable’ risk, and approach to mitigation of the risk, to mirror the District Plan standard of $10^{-4}$ (i.e., an annual individual fatality risk no more than 1:10,000 based on an assumption of 100% occupancy) – bearing in mind that bach-owners seeking to use hazard mitigation works will need a resource consent, and the District Plan standard will be the guiding focus for assessment of that resource consent application.

- Staff recommend that the Council adopt a decision-making framework to allow licences to be granted now for the majority of baches, and for the hazard-affected baches to be dealt with in a measured way as mitigation solutions for the hazard-affected baches are developed as set out in the recommended resolutions.

11.4 The below flow chart was then displayed to demonstrate the working of the staff recommended scheme if the Hearings Panel were to recommend potentially offering licences dependent on addressing moderate to high slope instability hazard.

11.5 The geotechnical advice to the Hearings Panel demarcated baches in terms of whether they are assessed to be subject to ‘moderate to high slope instability hazard’ as a result of site specific assessment, rather than solely in regard to the District Plan Cliff Collapse and Rockfall Management Overlays. It had been the advice of Don McFarlane that the identification of whether a bach had an issue with hazard was not only to have regard to the GNS life risk model, which was used to set these Overlays.

11.6 The Overlays are important and critical to activating the rules in the District Plan as to new works, i.e. whether hazard mitigation is required and what the standards should be for it, but they are not critical to determining whether the offer of a full licence for any given bach should be conditional upon addressing mitigation of slope instability hazard. The Panel’s recommendations thus came to demarcate baches in terms of whether they are subject to low, moderate or high slope instability hazard, rather than with reference to the Overlays.
Process if Council decision is to offer a licence to occupy a bach assessed as having heritage value, low instability hazard present and where residential occupation will not represent an unacceptable life-safety risk

Where a bach is subject to a moderate to high land instability hazard and the life-safety risk is unacceptable, bach owner allowed two years to provide evidence the hazard and life-safety risk is low

Obtain all required resource consent approvals

Obtain all required building consent approvals

Obtain landowner approval for construction and long term maintenance of risk removal and/or mitigation works

Complete risk removal and/or mitigation works

Licence offered to baches where there is a low life-safety risk from land instability hazards

Licence conditions accepted by bachowner

If licence conditions not accepted proceed to enforcement process

Grant licence following acceptance of conditions

Council enforcement (notice and action) or alternative non-occupation and bach retention options considered

If listed heritage item in District Plan, Council will need to apply for resource consent for their demolition if enforcement action is removal

Obtain landowner approval for construction and long term maintenance of risk removal and/or mitigation works

Complete risk removal and/or mitigation works

Grant licence following acceptance of conditions

If listed heritage item in District Plan, Council will need to apply for resource consent for their demolition if enforcement action is removal
Considering the Submissions, Legalities and Challenges to the Proposal

11.7 Staff’s answers to the Hearings Panel’s questions as recorded in Attachment M informed the Panel in its consideration of the range of views and issues raised by submitters. Attachment M indicates the inquisitive approach the Panel took to the consideration of written and heard submissions received on the proposal for the baches, and which is summarised in this report in respect of salient points of the Panel’s consideration of submissions.

11.8 The Hearings Panel gave careful consideration to the legal issues raised by the proposal to manage the retention of baches through the offer of a licence to occupy the legal road where appropriate. The legal issues are extensively covered by the Council’s legal advisors in Attachments D and M, and the Panel was appreciative of submitters like Justine Ottey who challenged the proposal, enabling the diversity of community views to be considered as it remained open-minded to all options for the baches.

11.9 Submitters who challenged the proposal put forward useful submissions that were duly considered by the Hearings Panel, though the Panel ultimately accepted its legal advice that the Council does have the legal right to grant occupation licences over parts of the legal road, and such other legal advice as that from Associate General Counsel, Robert O’Connor, specifically responding to Ms Ottey:

Ms Ottey submitted that as the baches are “fixtures” that they form part of the land, and are therefore owned by the Council as owner of the land. It is correct that ordinarily a fixture will form part of the land upon which it sits, however that presumption can be rebutted by the circumstances or what the parties may have agreed between themselves. The Legal Services Unit view is that there is sufficient evidence over a long period of time to support the view that both the Council and the bach-owners consider that the bach structures are not owned by the Council and are in fact owned by the bach-owners. In these circumstances, the Legal Services Unit view is that it is unlikely that the baches would be found to be owned by the Council.

Preserving Public Access

11.10 Having had an overview of staff advice on a scheme for the proposal for the baches, the Hearings Panel came back to deliberating on some fundamental questions to be decided before considering the details of the proposal. The fundamental question the Panel first addressed was that of public access: noting that the baches are on unformed legal road over which the public have an access right that the Council should uphold (ensuring public access is not unreasonably impeded), the Panel considered whether any bach or baches should be removed (or the proposal for the baches otherwise shaped) for the sake of upholding public (including adjoining landowner) access to and along the legal road.

11.11 The Hearings Panel received a presentation from Richard Holland, the Council’s Team Leader Asset Planning Transport, summarising his factual assessment of public access (Attachment H), and relied on his findings that the baches at Taylors Mistake and Hobson Bay do not unreasonably obstruct the public’s access right, and the baches at Boulder Bay are consistent with the public’s access right provided the path is sign-posted for public access, maintained and kept clear of obstructions.

11.12 The Hearings Panel was cognisant of Mr Holland’s premises that:

- The nature of the particular unformed legal road is relevant to determining whether the public’s right of passage has been interfered with, noting that vehicular access on the sea edge at these bays has not been possible due to the terrain and cliff’s edge or has never been implemented and there are no plans for the Council to build roads along the
unformed legal road (noting that most baches at Taylors Mistake do have unformed vehicle access).

- Mr Holland’s assessment of access was therefore based only on walking and possibly cycling access on existing formed footpaths passing the baches (noting the separate mountain bike tracks in the area).
- The access assessment considers each bach and is based on newly surveyed road boundaries and Mean High Water Springs.

11.13 The Hearings Panel’s recommendations include that the Council notes that:

*The affected land is publicly owned legal road; and*

*The staff advice concerning the appropriateness of granting licences on legal road relative to the right of the public to access the legal road.*

11.14 The Council is accordingly directed to Mr Holland’s factual assessment of public access as the basis for the Hearings Panel’s recommendations. Mr Holland’s conclusions note that:

- Walking access past the baches at Taylors Mistake and Hobsons Bay is very popular with the public. Boulder Bay is less so due to being a side cul-de-sac off the main walkway to Godley Head from Taylors Mistake.
- The track entrance at Hobsons Bay (Taylors Mistake end) and general track signage overall needs to be improved. Control of the vegetation on the walking paths needs in places to be maintained to a higher standard to maintain footpath width. The formed footpath surfacing and graveling for all weather access needs to be maintained.
- The baches’ locations at Taylors Mistake and Hobsons Bay do not unreasonably obstruct the public’s right to pass or re-pass on the unformed legal road. Physically the formed footpath is between good and reasonable to walking and cycling standards.
- The physical access along the Boulder Bay formed footpath is quite narrow, being 1 to 0.75 metres wide. Given the remote location and less use of Boulder Bay by the public, the right for the public to pass and re-pass over the unformed legal road is more obstructed by the baches’ locations. However, if the path is sign-posted and kept clear of obstructions and maintained by the bach owners it would be considered just reasonable.

11.15 Mr Holland’s conclusions indicated there will be conditions for any licence holder to meet in terms of keeping the walking path clear of obstructions and any other debris. This remark is clarified by another of Mr Holland (referring to Boulder Bay alone) that:

*The bach owners will need to maintain the walking path unobstructed. This is very important in this location. Any surfboards or kayaks for instance left on the formed footpath will definitely impede the public access.*

*Therefore there is more restricted public right of access past the bach dwelling but this does not conflict with the public’s right to pass and re-pass over the legal road, nor unreasonably impede the general flow of pedestrian or cycling traffic if the formed footpath is kept clear of any obstructions and the footpath is well sign posted as public access.*

11.16 As indicated by this passage and further confirmed with Mr Holland for the writing of this report, the public access assessment for the baches does not rely on bach-owners being obliged to sign-post the track, maintain it in a more general sense, or keep it clear of obstructions (e.g. driftwood) not caused by the bach-owners; Mr Holland’s concern is if the use of the baches were to involve the owners leaving objects on the formed footpath.
11.17 The Council could agree to sign-post public access, maintain paths for the benefit of the public, and clear obstructing debris not left by bach-owners. The obligation on bach-owners to not obstruct or temporarily leave objects on the formed footpath can appropriately be inserted as a standard provision in licences to reflect the Hearings Panel’s reliance on Mr Holland’s assessment.

11.18 Signalling the Hearings Panel’s acceptance of Mr Holland’s factual assessment of public access, including his comments about sign-posting, and recognition that the Consultation Document had noted that “any fee charged for a licence would be used for the enhancement of the local area”, the Panel resolved to recommend that the Council:

- [Resolution 9] Approves that the rent received from the licensing of the baches be managed as a special fund to provide for amenity, environmental and heritage enhancements in the local area including potential purchase of baches, a public toilet at Boulder Bay, track signage and interpretation boards, predator control and native plantings - staff to work through proposals to use the funds with the local Community Board and stakeholders.

- [Resolution 10] Requests that staff investigate track signage in the area and opportunities for improvement of this, including for the high tide track to Hobsons Bay and the track in front of Rotten Row, as a matter of priority.

11.19 There are properties adjoining the unformed legal road the baches occupy that rely on access over the unformed road bypassing baches; the properties numbered 231 to 245 Taylors Mistake Road, for example, which do not have legal access from any other road. These were referred to in Mr Holland’s access assessment (Attachment H); two of them currently have vehicle access from the unformed road, the others have pedestrian access only.

11.20 The Panel has considered the possibility those adjoining landowners may at some stage want to seek approval of the Council for forming a vehicle accessway to their properties. Council staff have advised that at law adjoining property owners do not have a right to form an accessway on the unformed road. If they want to do that they can make an application to the Council and the Council will decide on that request under the Local Government Act. This could involve public notification and a hearing of submissions. Whether the Council would grant that application is the topic for a separate decision making process.

11.21 It has been further confirmed with Mr Holland for the writing of this report that his assessment is that as a matter of fact the presence of the baches do not physically prevent the construction of an accessway on the unformed road to the properties at 231 to 245 Taylors Mistake Road.

Considering the Value of the Baches to Community

11.22 Being satisfied that the public’s access rights over the legal road did not prevent the licensing proposal being recommended for any bach, the Hearings Panel next considered whether all or any baches offered value to the community justifying licensing their occupation of legal road. The proposal for the baches being the managed retention of most “for heritage”, the Panel particularly considered the direction the submissions received, staff advice, and their own deliberations, would guide their recommendation to the Council in respect of whether heritage warranted retention through licensing. The Panel though also considered the value of the baches to the community more broadly whilst balancing relevant concerns raised in respect of licensing bach occupation.

11.23 The Hearings Panel was mindful of advice that not all baches have heritage value in the sense of being heritage scheduled in the District Plan or individually meeting the significance...
threshold required for heritage scheduling,¹⁷ and considered that the removal of baches would restore a more natural character to the coastal environment that would have some amenity value. However, through its consideration of submissions and the Council’s Senior Heritage Advisor’s evidence that collectively the baches have heritage value as a group (more precisely summarised in Attachment G), the Panel accepted that the baches as a whole or group possess heritage value in a broader sense warranting the Panel recommending that all baches not unacceptably affected by unaddressed slope instability hazard be offered an occupation licence to retain them for heritage in this broader sense.

11.24 The Panel also considered the report of the Council’s Senior Policy Planner, Kelvin McMillan, assessing the influence of the baches on access to and use of the coastal environment including the legal road for recreation use and amenity (Attachment K), and his conclusions that he considers the baches contribute positively to recreation users’ experience of the coastal environment and do not unduly affect access to and along the coast within the unformed legal road. Mr McMillan further noting that the baches complement and implement the provision of the New Zealand Coastal Policy Statement 2010 and the Christchurch District Plan.

11.25 The Hearings Panel was also influenced by submissions that suggested that there is more value to the community in allowing baches to be used for holiday occupation, than there is in simply retaining them unoccupied for heritage. The Panel was persuaded by submissions in this connection indicating that the continued casual occupation of the baches as holiday homes preserves a community of bach-owners to act as custodians of the baches and the bays, who contribute to the character, safety and upkeep of the bays in various ways.

11.26 The Panel was persuaded that permitting casual holiday occupation and letting would best ensure the preservation of the baches’ heritage, deter the vandalism of them, and support bach-owners to continue to support the local surf life-saving and broader efforts to make the bays safe, attractive and inviting for locals and visitors alike.

11.27 Though the Hearings Panel did ultimately add the below recommendation to allow any bach with high heritage value that is subject to an unacceptable and unmitigated hazard to be retained unoccupied for museum purposes, recognising community interest in creating this possibility for instances in which the conditions for residential or overnight occupation are not fulfilled, but the bach has high heritage value and a person, trust or entity seeks approval to retain and maintain the bach purely for its uninhabited heritage value:

[Resolution 8] Approves, where a licence referred to in resolution 3 or 4 (as applicable) is not granted or accepted, and the affected bach is of high heritage value, the grant of a ground licence to occupy the unformed legal road to such person, trust or entity as the Chief Executive shall approve on the following basis:

a. It be for a term of 35 years;

b. Permitted Use - such licence to permit the location, restoration and maintenance of the bach on legal road and the use of the bach for Museum purposes;

c. No residential or overnight occupation to be permitted;

d. The applicable licence fee to be nil; and

¹⁷ Explained in Attachment G as considered by the Panel, including explanation of potential to schedule heritage areas (refer clauses 2.4 and 3.13). Further heritage advice considered by the Panel is also found within Attachment M.
Avoiding of Unacceptable Slope Instability Hazard

11.28 The Hearings Panel, taking from the consultation and hearings process that the baches as a whole have value for the community which is best preserved through an offer of occupation licences to the owners of appropriate baches, considered the issue of what the terms of licences offered should be, and what baches are appropriate to offer a licence to considering the staff advice on the moderate to high slope instability hazard some of the baches are subject to.

11.29 The Hearings Panel considered submissions suggesting the Council effectively disregard the moderate to high slope instability hazard some baches are subject to as a risk bache owners might freely assume as a personal choice, or as allegedly comparable to socially acceptable and common risks, such as those involved in driving, cycling or tramping. The Panel also considered submissions that suggested managing the risk through means other than mitigating the hazard, such as limiting occupation and notifying the risk through signage. The Panel, however, preferred staff advice to require that baches subject to moderate to high slope instability hazard address that hazard as a condition of full licences being offered.

11.30 Most of the 45 baches being considered are only subject to low slope stability hazard (31 of 45 baches in fact), and the Hearing Panel resolved to recommend that the Council:

[Resolution 2] Approves, in respect of baches currently assessed by the Council’s geotechnical experts as being subject to low risks from slope instability hazard, that a ground licence to occupy the unformed road be offered to the individual bach-owners as soon as practically possible following the date of this resolution.

11.31 Most baches are thus recommended for immediate offer of a licence to be occupied as holiday homes. And the Hearings Panel do not oppose in principle licensing baches subject to moderate to high slope instability hazard (of which there are 14) provided the hazard is addressed as signalled by the Panel’s recommendation that the Council:

[Resolution 3] Approves, in respect of baches where there is a moderate to high slope instability hazard present, being bach numbers 1, 2, 4, 8, 9, 10, 30, 31, 32, 62, 63, 64, 67 and 68, that a ground licence to occupy the unformed road be offered to the individual bach-owners as soon as practically possible following the date that the bach-owner affected satisfies the Council that the relevant natural hazards have been reassessed or mitigated in accordance with the following standards:

a. The risk is certified as being acceptable in the manner required by rule 5.6.1.2 of the District Plan; or

b. Hazard mitigation works are consented under the District Plan and implemented.

11.32 The Hearings Panel were supplied in the course of deliberations with extracts from the District Plan rules and policies appended to this report as Attachments O and P. These include the detail of the abovementioned rule 5.6.1.2.

11.33 In essence, the Panel is recommending that as soon as a bach (not immediately qualifying as eligible to be offered a full licence under the current assessment of the hazard) is either:

- reassessed through site-specific investigation as being not subject to currently assessed unacceptable moderate to high level of hazard (as may well happen); or
addresses that hazard through a consented implementation of mitigation works;
then the bach will immediately thereupon be offered a full occupation licence. This does not
guarantee that it will be practically possible or economic for every bach to obtain a licence,
but in principle no bach is denied the opportunity to endeavour to fulfil the requirements for
the offer of a full licence.

11.34 The majority of the Hearings Panel accepted staff’s selection of baches to assign to the
requirements of resolution 3, pairing it with the recommendation that the Council:

[Resolution 6] Resolves that the owners of baches 1, 2, 4, 8, 9, 10, 30, 31, 32, 62, 63, 64, 67 and
68, where there is a moderate to high slope instability hazard present, must satisfy the
Council as landowner under resolution 3 within 2 years of the date this resolution is adopted
by the Council (or such later date as the Chief Executive shall determine if the bach owner has
made reasonable progress towards completing the mitigation work).

11.35 However, Councillor East challenged the risk-adversity of the assignment of the full 14 baches
to the requirements of resolution 3 indicating that he found this questionably risk-adverse (he
had believed the number of baches subjected to such requirements would be less) and
suggesting that casual residential occupation should be permissible for some of these baches,
though they would still be subject to the requirements set out in resolution 6 (and so also the
requirements in resolution 3 – though with provision for a temporary occupation licence for
the period noted in resolution 6, which period is allowed to fulfil the requirements).

11.36 The Council’s Principal Geotechnical Advisor, Dr Dykstra, in response (refer Attachment N)
considered that he could support the division of the 14 baches noted in resolution 3 into a
further two categories based on whether they are subject to moderate or high slope instability
hazard, prompting the majority of the Hearings Panel, adopting Dr Dykstra’s assignment of the
baches between the two categories, to recommend that the Council:

[Resolution 4] Approves in respect of the baches referred to in resolution 3, where such bach-
owner intends to either seek certification of acceptability (i.e. refer resolution 3(a)) or to
mitigate the natural hazards affecting their bach (i.e. refer resolution 3(b)), the grant of a
temporary ground licence to occupy the unformed road on the following basis:

a. it be for a term expiring on that date being 2 years from the date this resolution is
adopted by the Council (or such extended date as referred to in resolution 6); and

b. such licence to permit the location and maintenance of the bach on legal road pending
completion of the mitigation works or reassessment; and

c. no residential occupation be permitted in respect of baches where there is a high slope
instability hazard present, being bach numbers 1, 2, 10, 31, 32, 62, 63, 64, 67 and 68; and

d. temporary residential holiday occupation on a casual (non-permanent) basis be
permitted (that prohibits use as a principal place of residence) in respect of baches
where there is a moderate slope instability hazard present, being bach numbers 4, 8, 9
and 30, subject to the further limitations that the bach:

i. may only be occupied for a maximum of 10 nights per annum; and

ii. may not be let; and

e. the applicable licence fee shall be nil; and

f. the other terms of resolution 7 not covered above to apply to such licences.

11.37 However, Councillor East recorded his vote in the minority against resolutions 3, 4(c) and 4(d)
still signalling his disagreement with the subjection of some of the baches to requirements or
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limitations he perceived as overly risk-adverse. Councillor East proposed that at least there should be a greater shifting of baches from resolution 4(c) to resolution (d), as he believed that more than just the 4 out of 14 baches included in resolution 4(d), rather than 4(c), were appropriate for temporary limited occupation for the period in which the hazard could be reassessed or mitigated (he regarded it as overly risk-adverse to prohibit temporary limited occupation of all the 10 baches included in resolution 4(c)).

11.38 Councillor East also recorded his vote in the minority against resolution 4(d)(i) signalling that he regarded that the maximum 10 nights per annum permitted for the occupation of baches included in resolution 4(d) was again overly risk-adverse and too restrictive. Councillor East believed that around twice that level of occupation should be permissible for baches included in resolution 4(d) (including for baches he would support shifting from resolution 4(c) to 4(d)).

11.39 The provision for 10 nights per annum maximum occupation for baches subject to moderate slope instability hazard derived from Dr Dykstra’s recommendations, which are quoted in part from Attachment N here:

*The ‘moderate’ hazard baches are numbers 4, 8 and 9 Boulder Bay, and 30 Taylors Mistake. Based on evidence previously presented by geotechnical hazard experts (including Don Macfarlane (AECOM) and Neil Charters (Engeo) these 4 baches are not considered subject to high hazards because the potential source areas are low cliffs which are generally in good condition. The life safety risk at these locations is likely dominated by minor local rockfall, not cliff collapse. I have viewed these sites myself, and concur with the ‘moderate’ hazard classification assessed by others.*

...baches 4, 8, 9 and 30 fall in a life risk band between $10^{-3}$ and $10^{-4}$. Baches classified as subject to low hazard are equated to a life safety risk of less than $10^{-4}$. If (based on currently available information) we adopt the most conservative estimate of life risk for moderate hazard baches, then the annual individual life safety risk is approximately $1 \times 10^{-4}$.

*In my opinion, and considering the available site-specific geotechnical information, $1 \times 10^{-3}$ to $1 \times 10^{-4}$ is a conservative estimate of life risk at these baches. It is my judgment, after having visited the sites and acquainted myself with the available hazard information, that when a site specific hazard assessment is completed for these baches in the manner required by the currently proposed resolution (that is, applying the assumptions required by the District Plan provisions) it is more likely than not that annual individual fatality risk will be assessed as being a lower risk than $10^{-4}$, meaning that no hazard mitigation works will be needed.*

*Given the above considerations, in my opinion, there is merit to allowing constrained occupancy of those baches under a temporary two-year licence which restricts occupancy to 10 days per year. This temporary ‘restricted’ licence would allow the owners some continued holiday use until risk is reassessed and/or mitigation works have been completed (after which a full licence could be applied for).*

11.40 The majority of the Panel accepted the recommendation of Dr Dykstra to set a maximum occupancy of 10 nights per annum for the baches subject to moderate slope instability hazard for the temporary two-year licence period. Dr Dykstra’s quantification of the 10 nights per annum maximum occupation assumes the mid-point of the $10^{-3}$ and $10^{-4}$ Annual Individual Fatality Risk (AIFR) risk band, i.e. $5 \times 10^{-4}$, which band is loosely based on a 15% occupancy model (15% equates to 55 nights per year), then reducing the average risk level to $10^{-4}$ as an acceptable level requires a reduction of exposure to the hazard by a factor of 5 (55 nights divided by 5) giving a result of 11 nights, which is conservatively reduced to 10 nights per annum.

11.41 Attachment F contains the more comprehensive summary of geotechnical issues the Hearings Panel originally considered, and during the course of deliberations staff provided a range of
geotechnical information to assist the Panel’s understanding, most of which can be found on this Council webpage: https://ccc.govt.nz/environment/land/slope-stability/porthillsgnsreports/

11.42 The brochure available at that webpage titled “Understanding Life-Safety Risk Concepts for Rockfall and Cliff Collapse in the Port Hills” helps makes understandable the qualification of life risk through this page:

![Image of Table 1: Different ways of expressing risk probabilities.]

<table>
<thead>
<tr>
<th>Probability 1 in... (per year)</th>
<th>Is the same as (per year)</th>
<th>Is the same as (per year)</th>
<th>Is the same as (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000</td>
<td>$10^3$</td>
<td>0.001 or 0.1%</td>
<td>8% per lifetime*</td>
</tr>
<tr>
<td>10,000</td>
<td>$10^4$</td>
<td>0.0001 or 0.01%</td>
<td>0.8% per lifetime</td>
</tr>
<tr>
<td>100,000</td>
<td>$10^5$</td>
<td>0.00001 or 0.001%</td>
<td>0.08% per lifetime</td>
</tr>
<tr>
<td>1,000,000</td>
<td>$10^6$</td>
<td>0.000001 or 0.0001%</td>
<td>0.008% per lifetime</td>
</tr>
</tbody>
</table>

*Based on average New Zealand life expectancy of about 80 years, from 2008 mortality and population data.

To put these numbers in perspective, the odds of a Lotto Division 1 win (correctly picking 6 numbers out of 40) are:
- 1 in 3,838,380 or about $2.6 \times 10^7$ per ticket.
If someone bought one ticket every week for 75 years, their lifetime odds of such a win would be:
- 1 in 984 or about $1.0 \times 10^5$ per lifetime.

![Image of Figure 1: Comparison of other risks in New Zealand and the rockfall and cliff collapse risk in the Port Hills.]

**Average Individual Fatality Risk, Selected Causes**

NZ resident population in 2008 (source: NZ Ministry of Health mortality statistics)
11.43 The Hearing Panels accepted staff advice against seeking to mitigate risk through a licence term restricting frequency of use, noting that the advice was that the term could not be adequately monitored or enforced. The Panel thus accepted staff advice that the licensing decision should ensure that, before a licence is granted, either the risk is at an acceptable level or physical hazard mitigation works have ensured that the risk is at an acceptable level.

11.44 The Hearings Panel considered issues relating to the placement, nature, appearance and determination of possible physical hazard mitigation works necessary for some baches to be offered a licence at some length before coming to recommend that the Council:

[Resolution 5] Approves, where the mitigation works referred to in resolution 4 involves Council-owned land, the grant of a licence to allow those mitigation works to be situated on that Council land subject to:

a. where the affected land is legal road, the Council being satisfied that such works would not unreasonably interfere with the public’s right to use the road; and

b. all other legal obligations being complied with; and

c. the Council being satisfied as a landowner (not as a regulator) that the proposed works are appropriate or acceptable; and

d. the term to be 35 years; and

e. the applicable licence fee to be nil; and

f. such other terms to apply as determined by the Chief Executive.

11.45 Clearly the Council can only make provision for permitting as landowner mitigation works on its own land, so in the event that works would need to be undertaken on land owned by another party, the bach-owner would need to gain that landowner’s permission.

11.46 Given that some (though not all) mitigation works, such as an earth bund, could impede public access to or along the unformed road, resolution 5 logically restricts the works if they would unreasonably interfere with public access over the legal road, since the Council is effectively obliged to impose that restriction for reasons that will be clear by now.

11.47 Furthermore, a structure as substantial as an earth bund could potentially impact the amenity and natural character of the area, risking undermining some of the reason for retaining baches as contributors to the bays’ amenity, hence the recommendation that the Council should be satisfied as a landowner that the proposed works are appropriate or acceptable (i.e. resolution 5(c)), and given the potential significance to the community of acceptance of any such structure, decision-making on this point was the subject of exception in the Panel’s recommendation that the Council:

[Resolution 11] Delegates the Chief Executive authority to implement the above resolutions and to do all things necessary and take such steps as they shall consider appropriate in their discretion to give effect to the same, including entering into licences on behalf of the Council, with the exception of the matter referred to in resolution 5(c), which shall be referred to the Rockfall Protection Structures Committee of Council for decision.

11.48 Dr Dykstra gives some indication of possible mitigations that might be necessary in Attachment M – copied here given its relevance:
Baches 1, 2 and 31, 32 – most likely mitigation scenario is a solid (reinforced earth or rock-filled gabion) barrier. Expected to be in the order of 50-70m long by 3m high.

Example (Green Terramesh rockfall bund, can be planted):

Baches 4, 8, 9 and 30 – most likely mitigation is some scaling (primarily achieved using hand tools and air bags) and spot bolting, perhaps a small amount of mesh (low impact).

More significant earthworks would be required for baches 10, 62 and 68.

Deliberating on the Licence Terms

11.49 Excepting the provisions in resolutions 4 and 8 for more limited or temporary licences in the relevant circumstances specified in those resolutions, the Hearings Panel accepted the staff recommendation to have only one type of licence agreement issued with consistent, set terms and conditions.

11.50 The Panel considered the input into the hearings process by submitters and staff as relating to the possible terms and conditions on which the existing baches may be licensed to continue to occupy the legal road. The Panel’s recommendations only allowing licences to be offered to existing baches, and not permitting new or replacement baches to occupy the legal road – relocation or replacement of baches to the new bach zone being permissible under the District Plan for a maximum of 18 baches.

11.51 The Panel through its consideration of submissions and deliberations thus came to recommend that the Council:

[Resolution 7] Resolves that the terms and conditions to apply to licences issued as a result of resolutions 2 or 3 above shall be as follows:

a. Term – for a single fixed term of 35 years.

b. Permitted Use – temporary residential holiday occupation on a casual (non-permanent) basis, and not as a principal place of residence. Casual holiday letting for a maximum of 20 nights per annum is permitted.

c. Licence Area – the footprint only of the bach building and any deck or ancillary structure (excluding fences) existing as at 1 January 2019.

d. Licence Rent Formula – based on market rent as assessed by registered valuers TelferYoung (based on the principles specified in their report). This is a “gross” rent i.e. all inclusive, there are no other costs or outgoings that are recoverable in addition to the
rent. Rents are to be reviewed 5 yearly to market as assessed by an independent registered valuer appointed by the Council.

e. Transferable Ownership Rights – that the following controls on transferability of the licence shall apply:

i. That the Licensee (from time to time) may not transfer the licence to any person other than a member of the Licensee’s family;

ii. That the written consent of the Council as licensor will be required to every transfer, such consent not to be unreasonably withheld;

iii. If the Licensee shall have no family, or no family who wish to accept a transfer of the licence, then the Licensee shall be required to offer to surrender the licence to the Council. If the Council accepts such surrender then it will pay to the outgoing Licensee a sum equal to the replacement cost less depreciation of the bach and associated structures at the point in time of transfer as determined by a registered valuer appointed by the Council. No other sum shall be payable to the Licensee;

iv. For the purposes of this resolution:

(A) "family" means the Licensee’s-

(I) spouse or partner;

(II) children;

(III) grandchildren;

(IV) siblings; and

(V) if the Licensee at the commencement of the Licence is a trust, then any spouse, partner, child, grandchild or sibling of the person(s) who originally established the trust.

(B) "transfer" means - any transaction that has the intention or effect of transferring either the beneficial or legal ownership of the bach or the right to occupy the bach to a person other than the Licensee, including, but not limited to, any assignment or sublicence. "Transfer" does not include casual holiday letting in accordance with Resolution 7(b).

f. Maintenance Obligations – that the Licensee be required to maintain the bach, other structures and immediate surrounds in good condition, in keeping with the heritage values present and in compliance with the District Plan.

g. Additions and Alterations – any additions and alterations must be in keeping with the heritage values present and will require Council consent as landowner in addition to the obtaining of any regulatory consents.

h. Destruction or Damage – where this occurs that causes the heritage values to be substantially lost or renders the bach to be uninhabitable the licence shall be automatically cancelled and the Licensee shall remove the remains of the bach at the Licensee’s expense (if required by the Council).

h. Public Liability Insurance - The licence contains an obligation to hold public liability insurance policy for not less than $2million on terms and conditions acceptable to the Council.

j. Hazards – The licence to include the provisions recording:
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1. the provision by the Council to the bach-owner of the available information relating to the natural hazards affecting their bach;

2. an acknowledgment by the bach-owner that they have entered into the licence having received that information and based on their own enquiries;

3. to the maximum extent permitted by law, the bach-owner is not to be entitled to make any claims against the Council arising in respect of any matter relating to such natural hazards affecting their bach (including, but not limited to, the presence of such natural hazards or any damage or harm caused to the bach-owner’s bach or other property by such natural hazards);

4. allowing the Council to cancel the licence if the Council forms the view, acting reasonably, that the natural hazards affecting the bach discontinue at any time to be mitigated in accordance with the standards referred to in resolution 4 above or the risk increases.

k. Other standard provisions – such other standard provisions as the Chief Executive shall consider appropriate or necessary in their discretion.

11.52 Councillor East requested his vote in the minority against resolution 7(h) be recorded signalling his concern that automatically cancelling a licence when destruction of, or damage to, a bach causes its heritage values to be substantially lost or renders it uninhabitable, would be unfair in the event the destruction or damage is caused by arson or vandalism committed by a third party. However, the majority of the Hearings Panel accepted the staff advice that resolution 7(h), worded as it is, is necessary to include as recording the fact such an event would necessarily cancel the licence as destroying the heritage value, leaving the bach-owner with the option to rebuild in the new bach zone, if there is still space – noting the limited number of spaces permitted, and that this limitation created by the District Plan was not reasonable for the Panel to resolve.

11.53 The Panel considered that it is necessary to have conditions on the licences that limit sales of baches on the open market; there were several reasons for this. One was as a matter of principle, so as to avoid excess private benefit made from private occupation of public land; another reason was so as to enable increased Council management over what happens to the baches in the medium term; and a third reason related to a concern the Panel had that the ability to sell baches on the open market would result in the market value of all baches increasing and would therefore create an increased burden in the licence fee being based on market valuation.

11.54 For those reasons the Panel considered a limit on transferability to be appropriate. The Panel majority regarded that the above objectives are achieved by resolution 7(e), which require transfers to be either to family members or to the Council.

11.55 The Panel consider that there is no advantage in stipulating at this stage what the Council is going to do with baches surrendered to it. Whether to accept a surrender and how to deal with surrendered baches is a matter for the Council to consider at that stage. Options could include among other possibilities, retaining them as unoccupied heritage items, selling them to someone else, or renting them for holiday use.

11.56 Councillor Johanson requested his vote in the minority against recommendations 7(a) and 7(e) be recorded, signalling his concern that the grant of a licence for a single fixed term as long as 35 years and permitting the possibility of it being transferable, even if only to a member of the licensee’s family, transfers too great an interest in public land to private individuals and their families. Further restrictions on the term and transferability (non-transferability) of licences could create more foreseeable opportunities for public ownership.
of the baches and a civic acquisition, management and sharing of their heritage and accommodation values (or option for restoring natural character and environmental values) nearer the end of bach-owners’ lifetimes, and further appropriately restrain any windfall increase in the market value of the bach-owners’ gained interest in public land.

11.57 The Hearings Panel noted in its recommendations that:

- The grant of licences transfers an interest in public land to private individuals; and
- That in the absence of appropriate licence terms, the grant of a licence for a structure on public land may significantly increase the market value of the licensees’ occupation of public land.

The Panel was thus understanding these points but as reflected by the majority agreement on a single 35 year term and allowing transfers of baches to immediate family members, the majority of the Panel believed that allowing that term and degree of transferability appropriately moderated the grant of an interest in public land to the bach-owners and its market value.

11.58 The Hearings Panel considered not placing a defined limit on transferability after hearing submitters with no immediate family to transfer their bach to (and also considered adopting less limiting definitions of ‘family’) but decided that allowing direct transfers to persons other than family as defined in resolution 7(e)(iv) would inappropriately increase the market value of the Licensee’s occupation of public land. Councillor Johanson disagreed with transferring market value in public land to private individuals; the majority of the Panel accepted it though for the sake of offering owners of baches not unacceptably affected by hazard a further 35 years of occupation, recognising the need to allow transfers to family to enable all bach families to have a 35 year term.

11.59 Councillor Johnson considered it appropriate to reserve opportunity for public ownership of baches sooner; the majority decision of the Hearings Panel though confines the opportunity for public ownership earlier than 35 years to the circumstance in which the bach needs to be transferred and the owner has no family, or no family who wish to accept a transfer. However, the Panel is recommending permitting casual holiday letting for a maximum of 20 nights per annum, which creates that opportunity for the public to enjoy the bach experience in the bays.

11.60 The capping of casual holiday letting at 20 nights per annum was to balance:

- inclination to create the opportunity for the public to enjoy the bach experience and allow bach-owners this contributory means of paying the licence rent; and
- disinclination to see the baches become undesirably commercial and imposing on the bays through any higher degree of letting.

Public enjoyment of the bays and baches is desirable, but it was not the intent of the Panel to create a commercial opportunity; the Panel perceived that bach-owners make positive contributions to the bays, such as through participating in surf life-saving, for example, and so conceived that letting should be limited so it is principally owners present and their personal contributions to the bays that their presence facilitates thus continues.

11.61 The Hearings Panel considered submissions that argued for charging less than market rent for the baches’ occupation of the publicly-owned legal road, but unanimously agreed to recommend charging a market rent for full licences in terms set out its resolution 7(d), perceiving the market value in occupying the unformed legal road, the appropriateness of charging a market rent for private use of public land, and that Licensees’ limited permission to let their baches could generate income to contribute to paying the rent. The Panel did,
however, waive any licence fee for any limited or temporary licence granted for a bach under resolution 4 or 8, or for mitigation works on Council-owned land under resolution 5.

11.62 The Hearings Panel unanimously agreed the other licence terms not commented on as sufficiently detailed in resolution 7 as a record of the results of the Panel’s deliberations.

11.63 The Panel signalled its intent to permit bach decks and ancillary structures (excluding fences) to remain and be licensed. As the premise for licensing is the factual assessment of no unreasonable interference to the public’s access rights, the detailing of the licence area must not cause it to undermine that assessment. So as an overriding principle, the licence area will be individually determined for each bach to ensure its detail is consistent with the premises of the factual assessment of there being no unreasonable impediment to public access past the bach; this may entail and justify, for example, requirement where reasonably necessary for a licensee to allow public access under a balcony or over a deck. It may also entail emphasis in licences upon Licencees, for example, not obstructing, or leaving objects on, the formed footpath.

Completing the Delegation

11.64 As noted above, the Hearing Panel was appointed to assume and complete the Working Party’s delegation:

To recommend to the Council, as land owner, whether or not to authorise and, if it does, on what terms to authorise, baches to continue to occupy Council land at Taylors Mistake, Hobsons Bay and Boulder Bay, including a recommended process for dealing with the outcome should the recommendation be to not authorise the baches.

11.65 Clearly the Hearings Panel is recommending that the Council authorise the baches (not unacceptably affected by slope instability hazard) to continue to occupy the unformed legal road along the coast forming Taylors Mistake, Hobsons Bay and Boulder Bay, and the recommended terms of authorisation are set out above as licensing principles with delegation to staff to draft the detail of the terms.

11.66 The Panel’s recommendations follow its consideration, summarised in this report and further indicated through the attachments, of all relevant matters, including:

- Enabling the retention of heritage;
- Mitigating unacceptable hazards, particularly life-safety risk from slope instability hazard;
- Respecting the coastal environment and cultural significance of the landscape;
- Preserving public (including adjoining landowner) access to the coast and along the unformed legal road;
- Balancing the value of the natural character of the landscape with the built character and social community the baches contribute to the bays;
- Protecting recreational, natural and scenic amenities in the area;
- Recognising the policy and planning context of the options, such as the District Plan and New Zealand Coastal Policy Statement 2010, which recognises historic heritage, making it a consideration when reviewing the impact of the baches on recreation and public access to the coastal environment;18

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18 Refer detailed discussion in Attachment K.
- Recognising the practical dimensions of the options, such as with regard to the servicing of the baches, drafting reasonable and enforceable license terms, and the various economic, legal and planning implications attached to hazard mitigation and bach retention versus bach removal; and

- Contemplating other potential uses of the land; other examples of, and approaches to, managing baches elsewhere in the country on public land; and other relevant considerations such as those raised by Mahæanui Kurataiao Limited for the local rūnanga, by submitters, and by Council Officers.

The Panel gave appropriate weight to these considerations, particularly the legal, public accessibility and geotechnical (life-safety) advice available to it, and the assessments of the value of the baches to the community, including in terms of them creating heritage and recreational amenity and supporting social and historic connections that enhance the enjoyment of the bays.

11.67 The remaining delegation for the Hearings Panel to complete is the Council’s direction to recommend a process for dealing with the outcome should the recommendation be to not authorise the baches.

11.68 Of course it is not the recommendation of the Panel to not authorise the baches, but the Council is the decision-maker, and it is not impossible that the practical effect of the Panel’s recommendations may include that some baches are effectively not authorised to continue their occupation of the legal road if their owners find it impractical, uneconomic or undesirable to accept or fulfil the licence terms and conditions. So there is need for the Panel to recommend a process for dealing with this possible outcome to the extent it occurs, and for dealing with the eventuality that the Council decides not to accept the Panel’s recommendations if that decision is also one to actively disallow occupation.

11.69 Accordingly the Hearings Panel made its final recommendation that the Council:

[Resolution 12] Delegates and requests that the Chief Executive take enforcement action to require removal of any bach, and to bring an end to residential use of any bach, that is not authorised by a licence issued pursuant to the above resolutions.

Though the Panel would clearly regard any bach removal with regret in terms of the loss of the broader heritage and other value the baches provide the bays; recognising, however, that removal under its recommendations would follow from a failure or inability to address unacceptable slope instability hazard, and the Panel fundamentally accepted that the avoidance or mitigation of natural hazards is a matter that councils must have particular regard to when performing their roles under the Local Government Act 2002 (section 11A).

Signatories

Author          Mark Saunders - Hearings Advisor
Approved By    Councillor Sara Templeton - Chair of the Hearings Panel
## Attachments

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<th>Page</th>
</tr>
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<td>433</td>
</tr>
</tbody>
</table>
Attachment B

**HAVE YOUR SAY**

Proposal for baches at Boulder Bay, Taylors Mistake and Hobsons Bay

Closes Monday 14 January 2019

[ccc.govt.nz/baches](ccc.govt.nz/baches)

**Why we are consulting**

The Council is deciding whether to offer bach owners a licence to occupy the public road reserve at Taylors Mistake, Hobsons Bay and Boulder Bay. If a licence is offered, we also need to decide what the licence conditions will be.

The question of what should be done about the baches has been considered for many years. However, because of changing circumstances, no final resolution has been reached. A decision would give bach owners, the Council and others in the community certainty about the baches and how they might be used today and in the future.

**Summary of public feedback**

In October 2018 a discussion document was released for public comment, to help the Council understand community views and preferences. Feedback was received from 234 people and most supported the retention of baches in Boulder Bay, Taylors Mistake, and Hobsons Bay.

People wanted to see heritage and character of the baches retained. To a lesser extent people felt family history and bach owner custodianship of the local area were reasons for the baches to be allowed to remain.

Of those who were unsure or opposed to the retention of baches, most felt hazards required mitigation, or that baches should be removed or not occupied. Hobsons Bay received significantly more feedback regarding the presence of hazards than the other two areas.

**Talk to the team - Staff are available for an informal chat and to answer questions**

- **Tuesday 4 December 2018**
  - 1:20pm
  - At Turanga, ground level Central Library, 60 Cathedral Square, City Centre

- **Sunday 9 December 2018**
  - 11am - 1pm
  - At Summer Market, Cnr Marriner Street and Esplanade, Sumner

- **Tuesday 8 January 2019**
  - 1:30pm
  - At Taylors Mistake Surf Lifesaving Club, Taylors Mistake Beach

**Attention:** Tessa Zant
Senior Engagement Advisor
Christchurch City Council
PO Box 73016
Christchurch Mail Centre
Christchurch 8154
Preferred option – managed retention of most baches for heritage (some stay; some go)

A 35-year licence for the bach to stay and be used for holiday accommodation is offered to owners of baches with heritage value (that is those that are scheduled within the District Plan and those which meet the heritage criteria), except where there is a moderate to high risk from natural hazards that are not mitigated by the bach owner. Baches that are not offered a licence are demolished or, where possible, relocated to the new bach zone behind the ‘Rotten Row’ baches at Taylors Mistake.

Note: Public access was assessed by a Council Officer who considers that none of the baches unreasonably impeded pedestrian access along the road reserve.

Potential advantages

- The heritage and character that the baches offer the area is maintained
- Gives certainty to bach owners and to the wider community and preserves the legacy of the baches
- Supports owner upkeep of baches and conservation of heritage
- Reduces life-safety risk from natural hazards
- Revenue collected from the licence fee could be used to enhance the local environment and recreation
- There is room in the new bach zone to relocate or rebuild all baches not offered a licence

Potential disadvantages

- Minimal improvement to the natural character of the coastal environment
- Loss of bach owner custodianship over the local area from those not offered a licence and unable to rebuild or relocate within the new bach zone
- Some scheduled heritage buildings may be lost

Other options considered but not preferred

<table>
<thead>
<tr>
<th>Description</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managed retention of all baches. A 35-year licence is offered to all bach owners for their use for holiday accommodation only</td>
<td>This option maintains the heritage and character that the baches contribute to the area. Gives certainty to bach owners and to the wider community and preserves the legacy of the baches. Supports owner investment and upkeep of baches. Bach owner’s custodianship over the local area is maintained and revenue collected from the licence fee could be used to enhance the local environment and recreation. However, this option presents a life-safety risk to those occupying a bach subject to moderate to high risk from natural hazards, where this risk is not mitigated. There is also no improvement to the natural character of the coastal environment.</td>
</tr>
</tbody>
</table>

HAVE YOUR SAY

Deciding the future of baches at Boulder Bay, Taylors Mistake and Hobsons Bay

Closes Monday 14 January 2019

Save time and do it online ccc.govt.nz/baches

1. Do you support the Council’s preferred option - managed retention of most baches, for heritage?

☐ Yes  ☐ No

Comments:

2. Do you, or your immediate family, own one of these baches?

☐ Yes  ☐ No

3. Have you ever spent the night in one of these baches?

☐ Yes  ☐ No

4. If available for rent, would you be interested in staying overnight in one of these baches?

☐ Yes  ☐ No

Hearings are planned for February 2019 (subject to change). Would you like the opportunity to speak to the hearings panel about your submission?

☐ Yes  ☐ No

Please provide a phone number so we can arrange a speaking time

If responding on behalf of an organisation, please provide:

- Organisation’s name
- Your role
- Number of people you represent
Further Information

Licence conditions
A licence is an agreement between the Council and bach owners about the terms and conditions under which they are permitted to occupy public land.

This will include, but is not limited to, the length of the licence (the Council is not able to offer a licence over public land that exceeds 35 years), whether a bach can be sold or passed on to other family members, maintaining the heritage value of a bach, maintaining public access around the bach, whether a bach can or should be available to rent and what the bach can be used for, such as short-term holiday accommodation and to what extent a bach can be repaired or rebuilt.

Licence fee revenue
Any fee charged for a licence would be used for the enhancement of the local area.

New bach zone
The Taylors Mistake Association Land Company Ltd (a sub-group of bach owners) owns a parcel of land behind ‘Rotten Row’ which can accommodate up to 18 baches. These can be either existing baches that are relocated, or new buildings.

Any new buildings will require resource consent. The Council can control some aspects including the design, appearance and location of the new bach, landscaping, required connection to a reticulated sewer system, access to the bach, water supply for firefighting purposes, and the rehabilitation of the existing bach site.

Other standards that apply include restrictions on the size and height of the bach, and total area of the site able to be covered by buildings, decks and impervious surfaces. Depending on where a bach is located, standards relating to the rockfall management may also apply.

Under the District Plan only 45 baches are allowed in the bays. This means that if a bach is not demolished, but maintained as a non-occupied heritage item, the owner will be able to rebuild in the new bach zone even if an owner of a demolished bach forfeits this right.

Not all bach owners are currently eligible to relocate or rebuild to this site.

71 hectare land gift
The Taylors Mistake Association Land Company Ltd also owns a 71-hectare parcel of land in the upper Taylors Mistake Valley. They are willing to gift this land to the Council for recreational purposes, if the terms of a licence to occupy can be agreed.

The Christchurch City Council Parks Unit is interested in the land, should it be offered. Ultimately acceptance of the land will need to be approved by the Council.

Mitigation of hazards
Many of the baches are within hazard management areas for rockfall, cliff collapse, and mass movement. Hazard risk considers both the probability and the consequences of the hazard occurring (risk to life, property and infrastructure).

In some cases hazards can be mitigated. This can involve stabilising a slope or removing material from an area. The cost of mitigation is usually in the tens of thousands if not more and costs would need to be met by the bach owners.

Relocation or demolition of baches
Relocation or demolition of baches would take time. Relocating baches will often be problematic because of the geography of the area and lack of vehicle access. Removal will be difficult for similar reasons and any scheduled heritage items, will need a resource consent. A consent will take into account the presence of hazards. However, there is no guarantee that a consent will be granted, especially if there is no life risk.

Is it expected that bach owners will meet the costs of either removing or relocating their bach.

Public access across public land
Should the baches remain in part or in full, the Council will assess how public access around the baches could be improved for low or no cost. This might include an audit of all signs, print, and digital information about walking tracks in the area.

Some baches stay and can be used; some baches stay but can’t be used, or they go
A 35-year licence is offered to bach owners for their use for holiday accommodation only, where the bach is of heritage value.

Where there is a moderate to high life-safety risk from natural hazards that are not mitigated, or the bach does not have heritage value, then the bach will either be demolished or relocated to the new bach zone.

A scheduled heritage bach may be retained and maintained by the Council (at a cost to ratepayers but potentially recoverable through the licence revenue from other baches).

Some baches stay and can’t be used; some go
No licence to occupy is offered to any bach owner. Baches are either retained and maintained by the Council if they are scheduled heritage (but not occupied), or they are demolished or relocated to the new bach zone.

All baches go
No licence to occupy is offered to any bach owner and the Council seeks removal of all baches. Up to 18 may be rebuilt on or relocated to the new bach zone, and the rest are demolished.

This option significantly restores the natural character of the coastal environment. However, heritage and the character the baches offer the area, is lost. There is not enough room in the new bach zone for all bach owners to relocate or rebuild and custodianship over the local area is reduced.

This option maintains the heritage and character that the baches offer the area. It gives certainty to bach owners and to the wider community and preserves the legacy of the baches. Supports owner investment and upkeep of the retained baches. Revenue collected from the licence fee could be used to enhance the local environmental and recreation.

However, there is minimal improvement to the natural character of the coastal environment through the removal of baches. The Council (ratepayers) would incur costs to maintain scheduled heritage baches that are not occupied, unless costs are met through the licence revenue from other baches. There is a loss of custodianship over the local area from those not offered a licence and unable to rebuild or relocate within the new bach zone.

The District Plan allows for a total of 45 dwellings within the three areas. If a bach remains but cannot be occupied, the owner is not allowed to rebuild in the new bach zone unless another bach owner forfeits their right to use the zone.

A bach subject to natural hazards at Hobsons Bay

Consultation is open until 5pm Monday 14 January 2019

To comment on the plan and find out more
1. Go online ccc.govt.nz/haveyoursay or complete the freepost form and return to:
   Christchurch City Council,
   PO Box 73016, Christchurch 8154
2. Speak to Tessa Zant
   03 941 8935
   Tessa.Zant@ccc.govt.nz

Consultation is open until 5pm Monday 14 January 2019
## Summary of technical information for each bach

For more detailed notes and a map of the baches please go online [ccc.govt.nz/baches](http://ccc.govt.nz/baches)

Public access was assessed by a Council Officer who considers that none of the baches unreasonably impedes pedestrian access along the road reserve.

All hazard information is subject to further and more detailed geotechnical assessment of the level of hazard. Consideration of whether hazard mitigation is feasible will be the responsibility of bach owners and negotiated with Council Officers.

<table>
<thead>
<tr>
<th>Bach no.</th>
<th>Geotechnical hazards</th>
<th>District Plan scheduled heritage item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulder Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>There is a high hazard present due to the possibility for debris avalanche and/or rockfall from individual boulders.</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>There is a high hazard present due to the possibility for debris avalanche and/or rockfall from individual boulders.</td>
<td>Yes</td>
</tr>
<tr>
<td>4</td>
<td>Damaged rock in a small cliff behind the bach indicates a hazard present due to the possibility of cliff collapse.</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>There is a low hazard present due to the potential for rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>6</td>
<td>There is a low hazard present due to the potential for rockfall or cliff collapse.</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>There is a low hazard present due to the potential for rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>8</td>
<td>A small cliff is located behind the bach and there is some damaged rock which presents a moderate hazard due to the potential for rockfall.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>9</td>
<td>A small cliff is located behind the bach and there is some damaged rock which presents a moderate hazard due to rockfall.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>10</td>
<td>There is a high hazard present due to the possibility of cliff collapse and rockfall.</td>
<td>No</td>
</tr>
<tr>
<td>Taylors Mistake</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>While located on top of a small cliff there is low hazard present due to cliff collapse.</td>
<td>Yes</td>
</tr>
<tr>
<td>30</td>
<td>There is a high hazard present due to the possible collapse of the low cliff adjacent to the bach which could impact on the site and bach.</td>
<td>Yes</td>
</tr>
<tr>
<td>31</td>
<td>There is a high hazard present due to the possibility of rockfall from rock outcrops above the bach.</td>
<td>Yes</td>
</tr>
<tr>
<td>32</td>
<td>There is a high hazard present due to the possibility of rockfall from rock outcrops above the bach.</td>
<td>Yes</td>
</tr>
<tr>
<td>33</td>
<td>There is a low hazard present due to rockfall given the distance of the bach from minor areas of rock outcrops.</td>
<td>Yes</td>
</tr>
<tr>
<td>34</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>35</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>36</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>37</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>38</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>39</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>40</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>41</td>
<td>There is a low hazard present due to rockfall even though a number of boulders have reached the flat area behind the bach during or before the earthquakes.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>42</td>
<td>There is a low hazard present due to rockfall.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>Hobsons Bay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>There is no hazard present.</td>
<td>Yes</td>
</tr>
<tr>
<td>48</td>
<td>There is no hazard present.</td>
<td>Yes</td>
</tr>
<tr>
<td>49</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>50</td>
<td>There is no hazard present.</td>
<td>Yes</td>
</tr>
<tr>
<td>51</td>
<td>There is no hazard present.</td>
<td>Yes</td>
</tr>
<tr>
<td>52</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>53</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>54</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>55</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>56</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>57</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>58</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>59</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>60</td>
<td>The slope below the bach has failed but this does not currently undermine the bach structure. Further undermining could affect the stability of structure.</td>
<td>Yes</td>
</tr>
<tr>
<td>62</td>
<td>The bach is located under a cliff which shows evidence of instability and there is a high hazard present due to the possibility of cliff collapse. Some stabilisation work has been undertaken but its effectiveness in future events is uncertain.</td>
<td>No - doesn't meet the threshold</td>
</tr>
<tr>
<td>63</td>
<td>The bach is located immediately under overhanging cliff which shows signs of instability and there is a high hazard present due to the possibility of cliff collapse. The bach has been severely damaged by rockfall that occurred after the earthquakes.</td>
<td>No - doesn't meet the threshold</td>
</tr>
<tr>
<td>64</td>
<td>The bach is located immediately under overhanging cliff which shows signs of instability and there is a high hazard present due to the possibility of cliff collapse.</td>
<td>No - doesn't meet the threshold</td>
</tr>
<tr>
<td>65</td>
<td>The bach is located immediately under overhanging cliff which shows signs of instability and there is a high hazard present due to the possibility of cliff collapse.</td>
<td>No - doesn't meet the threshold</td>
</tr>
<tr>
<td>66</td>
<td>The bach is located immediately under overhanging cliff which shows signs of instability and there is a high hazard present due to the possibility of cliff collapse.</td>
<td>No - doesn't meet the threshold</td>
</tr>
<tr>
<td>67</td>
<td>The bach is located immediately under overhanging cliff which shows signs of instability and there is a high hazard present due to the possibility of cliff collapse.</td>
<td>No - doesn't meet the threshold</td>
</tr>
<tr>
<td>68</td>
<td>While there is a low hazard present due to the possibility of cliff collapse or rockfall, it is located in the mouth of a steep gully which may be susceptible to mass movement.</td>
<td>No - but meets the threshold</td>
</tr>
<tr>
<td>69</td>
<td>There is a low hazard present due to the possibility of rockfall or cliff collapse.</td>
<td>No - but meets the threshold</td>
</tr>
</tbody>
</table>
Attachment C: Taylors Mistake, Boulder Bay and Hobsons Bay Baches

Submissions Analysis

Summary:
Submissions were accepted between 23 November 2018 and 14 January 2019. 171 submissions were received.

Submitter profile:
The majority of submitters (68%) stated that they did not have ownership of a bach within their immediate family.

![Submitter bach ownership chart]

Of those who did not own a bach, 64% had not been overnight guests in a bach.

![Non-owners bach use chart]
Of those who had not spent a night in a bach, 72% were interested in being able to rent a bach for holiday use.

Support for proposal:

Submitters indicated their support for the preferred option via a yes or no tick box. They could then provide comments to explain their stance. This led to a variety of submitter support types, as outlined below.

<table>
<thead>
<tr>
<th>Response to preferred option</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do not support - licence more baches</td>
<td>75</td>
</tr>
<tr>
<td>Ticked yes, commented licence more baches</td>
<td>7</td>
</tr>
<tr>
<td>Do not support - longer licence offered</td>
<td>2</td>
</tr>
<tr>
<td>Support</td>
<td>72</td>
</tr>
<tr>
<td>Ticked no, commented in support</td>
<td>1</td>
</tr>
<tr>
<td>Do not support - licence no baches</td>
<td>9</td>
</tr>
<tr>
<td>Do not support - no comments</td>
<td>4</td>
</tr>
<tr>
<td>Did not indicate</td>
<td>1</td>
</tr>
</tbody>
</table>

Those with comments contrary to their yes/no response were analysed in line with their comments (i.e. if the comment showed they did not support the preferred option, they were analysed with those who ticked no).

Four submissions did not support the preferred option and did not provide comments. These were not analysed further as it was not possible to tell if submitters wanted more or fewer baches to be offered a licence.
One further submission did not respond to this question and has also been excluded from the following table, which shows the breakdown of submitter demographics and their response to the preferred option.

<table>
<thead>
<tr>
<th>Response to preferred option</th>
<th>Christchurch</th>
<th>Rest of NZ</th>
<th>International</th>
<th>Bach owners</th>
<th>Not bach owners</th>
<th>Have spent a night</th>
<th>Have not spent a night</th>
</tr>
</thead>
<tbody>
<tr>
<td>No - licence more</td>
<td>82</td>
<td>61</td>
<td>14</td>
<td>7</td>
<td>36</td>
<td>44</td>
<td>18</td>
</tr>
<tr>
<td>No - longer licence</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>No - licence none</td>
<td>9</td>
<td>7</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Yes</td>
<td>73</td>
<td>65</td>
<td>8</td>
<td>0</td>
<td>13</td>
<td>61</td>
<td>21</td>
</tr>
</tbody>
</table>

Most submitters provided comments supporting their argument. The following tables breakdown the 153 comments into key themes.

Both those who supported the proposal and those who wanted more baches to be offered a licence did so because they wanted to see the heritage of the area and the unique character of the baches retained. Both groups also cited custodianship over the local area provided by bach owners as further reason for baches to be retained.

<table>
<thead>
<tr>
<th>Main reasons for retaining baches</th>
<th>Support preferred option</th>
<th>Do not support preferred option</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage</td>
<td>36</td>
<td>53</td>
<td>89</td>
</tr>
<tr>
<td>Uniqueness</td>
<td>22</td>
<td>15</td>
<td>37</td>
</tr>
<tr>
<td>Custodianship of bach community</td>
<td>11</td>
<td>19</td>
<td>30</td>
</tr>
<tr>
<td>Hazard not significant / owners choice</td>
<td>3</td>
<td>19</td>
<td>22</td>
</tr>
<tr>
<td>Public access not impeded</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

This feedback is in line with that received in response to the Discussion Document.

Most baches that would be removed under the preferred option are subject to medium to high hazard. Submitters, particularly those who wanted to see more baches retained, argued that the risk from the hazard was not significant enough to warrant removal of the bach, or that it was up to the owners to decide what was an acceptable risk.

Seven submitters specifically wanted to see all baches in Boulder Bay remain and three thought that public ownership of the baches was preferable to either private occupation or demolition.
Those who either wanted more baches removed, or supported the preferred option, most frequently commented on the presence of hazards, and the impediment to public access as reasons for removal. Some wanted to see only those with sustained damage removed.

<table>
<thead>
<tr>
<th>Main reasons for removing baches</th>
<th>Support preferred option</th>
<th>Do not support preferred option</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazards</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Public access</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Currently damaged</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Penguins</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Uphold previous decisions</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Some submitters commented on possible licence conditions, should any baches remain. However, feedback on licencing was provided by less than a quarter of all submitters so is not indicative of overall sentiment. One new idea not raised previously, is a licence condition to limit bach access as a means of minimising hazard risk.

<table>
<thead>
<tr>
<th>Common licence feedback</th>
<th>Support preferred option</th>
<th>Do not support preferred option</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance of bach / no extensions</td>
<td>8</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Fee</td>
<td>4</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Allow renting / public access</td>
<td>5</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>Use licence conditions to reduce risk</td>
<td></td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Sale restrictions (no profit, no sale, sell to ccc only)</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Longer than 35 years</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Sell on open market</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

Other feedback focussed on the new bach zone and associated consenting issues and the potential public ownership of 71 hectares of land in the Taylors Mistake Valley. This has been analysed but not presented in this report as it is not part of the current Council decision of whether or not to offer a licence to occupy to bach owners.

Full submissions are available for reading as part of the Hearings Agenda.
Christchurch City Council
Legal Services Unit

MEMORANDUM

Date: 29 JANUARY 2019

From: BRENT PIZZEY (Associate General Counsel, Legal Services)

To: NEIL GILLON (PROJECT MANAGER)

LEGAL ADVICE ON BACHES OCCUPYING LEGAL ROAD AT TAYLORS MISTAKE, HOBSONS BAY AND BOULDER BAY

Purpose of memo
1. To provide legal advice to the Hearings Panel on all relevant legal matters.
2. To address legal matters raised in submissions.

Legal issues arising
3. The legal issues arising are whether the Council:
   3.1 Can grant licences for baches to occupy roads;
   3.2 Has exposure to legal liability if baches and their occupants suffer danger or injury as a result of a natural hazard;
   3.3 Should ignore natural hazard risk as a relevant consideration if bach owners say that they take on that risk voluntarily (being a contention raised in submission numbers 20807 and 20823 among others);
   3.4 Could, and should, start a road stopping process.
4. Attached to this memorandum are two letters from Buddle Findlay that address issues 1 and 2 above. Those letters of advice are being shared publicly and made available to the Hearings Panel on the basis that this does not constitute a waiver of privilege in any other legal advice or assistance that has been provided to the Council in relation to issues effecting the Taylors Mistake baches.

TRIM Number 19/81170
Whether the Council can grant licences for baches to occupy roads

5. The Buddle Findlay letters attached to this memorandum provide the legal advice to the Council on this issue. That advice is that the Council is legally entitled to issue formal licences in respect of the baches that are on unformed legal road, subject to general common law restrictions on private occupation of that public space. These include:

5.1 Rights of members of the public to pass and re-pass along roads; and

5.2 The private rights of adjoining landowners to have access to a road from every point of their frontage.

6. The Council does not have power to grant licences for baches that unreasonably interfere with the public’s right to access the legal road. Each bach needs to be considered individually. There must be a factual assessment and judgment as a matter of scale and degree as to whether the presence of the activity and structure conflicts with the passage of the public to an unreasonable degree.

7. The character, location and use of the unformed legal road is a relevant consideration when assessing whether the presence of the bach is an unreasonable interference with the public’s right to access the road. For all baches, it is relevant that the road is unformed, is not used by vehicles (other than occasional use to access baches), does not lead to any other road, and that much of its width in some locations is unusable due to typography.

8. A Council officer (Mr Holland) has undertaken a factual assessment of the scale and degree to which he considers each bach interferes with the public right of access to the unformed legal road. That assessment is attached to the staff report for the Hearings Panel.

Whether the Council has exposure to legal liability if baches and their occupants suffer damage or injury as a result of a natural hazard

9. Some of the baches are subject to a rock fall or cliff collapse risk (or both).

10. The Buddle Findlay legal advice to the Council on this is in the attached letter dated 7 September 2018:

14. There are risks that arise from the baches being formally licensed, for example the possibility of rock fall in another earthquake. However, we believe the existence of such risks to the Council can be managed and should not be determinative in preventing licensing of the baches. Appropriate provisions can be included in any licence agreement.

15. It is our view that the Health and Safety at Work Act 2015 does not apply to the land except for periods during which Council workers are working on that land.

11. As a result of that legal advice to the Council concern, about legal liability for rock fall or cliff collapse damaging property, or posing a risk to people, is not a relevant
consideration when assessing whether to grant licences, provided that appropriate provisions are included in any licence agreement.

12. However, whilst legal liability is not a relevant consideration, the Council is entitled to treat natural hazard risk as a relevant consideration as a policy matter. That is further described below.

Whether the Council should ignore natural hazard risk as a relevant consideration if each owners say that they take on that risk voluntarily (being a contention raised in submission numbers 20807 and 20823 among others)

13. Following the Canterbury Earthquake sequence in 2010 and 2011 the Council engaged in extensive consideration of the appropriateness of regulatory intervention intended to remove people from hazards. This was relevant to both District Plan provisions and to consideration of “red zoning” in the Port Hills. An integral part of that policy consideration by the Council was whether acceptability of natural hazard risks should be left by the Council as a matter of informed individual choice rather than regulatory intervention by local government or central government; that is, that if individual owners say that they are happy to use a property that is subject to a natural hazard risk then the Council does not need to give it any further consideration and should not restrict the use so as to manage the risk.

14. That policy question was comprehensively addressed in the advice to the Council by GNS Science (T Taig lead author) in a number of meetings, but foremost in the paper titled Canterbury Earthquakes 2010/11 Port Hills Slope Stability: Principles and Criteria for the Assessment of Risk from Slope Instability in the Port Hills, Christchurch dated March 2012, report number 2011/319.

15. An extract from pages 26-27 of that report is appended to this memorandum. The GNS Science recommendation to the Council in that report was that the Council should not leave decisions about voluntary assumptions of natural hazards risk solely to property owners and that the Council should act to prevent occupancy of dwellings at some of the high levels of risk assessed in other GNS Science reports.

16. That policy approach to managing natural hazard risks is consistent with section 11A of the Local Government Act 2002 (inserted in the Act in 2010) which provides that when performing its role a local authority must have particular regard to the contribution that listed core services make to its community, one of which is “the avoidance or mitigation of natural hazards”.

17. That policy approach to managing risk has been followed by the Council’s District Plan.

18. Strategic Directive Objective 3.3.6 a.:

a. New subdivision, use and development (other than new critical infrastructure or strategic infrastructure to which paragraph b. applies):

i. is to be avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and
ii. in all other areas, is undertaken in a manner that ensures the risks of 
natural hazards to people, property and infrastructure are appropriately 
mitigated.

19. Natural hazards policy 5.2.2.1.2:

   a. Manage activities in all areas subject to natural hazards in a manner that is 
      commensurate with the likelihood and consequences of a natural hazard event 
      on life and property.

Whether the Council could or should start a road stopping process

20. The attached memorandum by Robert O’Connor of the Council’s Legal Services Unit 
dated 28 January 2019 summarises the legal position on this matter. That advice 
concludes that seeking to provide for security of occupation through road stopping is 
not a practical or viable option.

Brent Pizzey
Associate General Counsel
Legal Services Unit

Extension 5550
7 September 2018

To
Brent Pizzey / Ian Thomson
Legal Services Unit
Christchurch City Council
Christchurch

From
Willie Palmer

By Email
Brent_Pizzey@ccc.govt.nz
ian.thomson@ccc.govt.nz

Confidential and legally privileged advice

Dear Brent and Ian,

LEX 3834: Occupation of baches at Taylors Mistake – various issues

1. The Christchurch City Council has ongoing issues in relation to the baches on Council land at Taylors Mistake (including Boulder Bay). Unless the otherwise specified, our references to the baches and to Taylors Mistake in this letter are all intended to be references to the baches at both Taylors Mistake and Boulder Bay.

2. The Council is considering the possibility of formalising the current occupancy by and of the baches on its land at Taylors Mistake. In that regard you have asked us to provide brief advice in relation to four specific legal issues as to any occupation and licensing of the baches, as follows:

   (a) Whether the baches are situated on legal roads;
   (b) If situated on legal roads, whether the baches can be formally licensed;
   (c) Are there any specific legal considerations relevant to such licenses being granted; and
   (d) Whether there are risks preventing such licensing.

3. Our advice to the Council on these issues is set out below.

Occupation of and Licensing of Taylors Mistake baches on unformed legal roads

Are the baches on legal road?

4. We understand the Council’s survey information confirms that the Taylors Mistake baches are on unformed legal road. Until recently it could not be said with absolute certainty that the two northernmost baches at Boulder Bay are within the legal road or located on Crown land, however, we understand that a recent survey has confirmed their physical location on legal road.
Can the Council issue formal licences for the Taylors Mistake baches on the unformed legal road?

5. We consider that the Council is legally entitled to issue formal licences in respect of the baches at Taylors Mistake, all of which are situated on unformed legal road.

6. This conclusion relies upon the Council’s power to issue licences under the Local Government Act 2002 (LGA 2002). In particular, the issue of licences is permissive under the purposes provided for in section 10 of the LGA 2002, at least on the following basis:

   (a) As local infrastructure being road management (being part of "network infrastructure": which is a core service);

   (b) As part of local public services being provision for historic buildings or areas including their management and protection (as a "community amenity", which is also a core service); and

   (c) As part of the Council’s performance of regulatory functions.

7. The New Zealand Access Commission Guidelines for the Management of Unformed Legal Roads dated 1 February 2011 observe the absence of an express provision in the Local Government Act 1974 (LGA 1974) for licences to occupy roads and suggest that a Council’s powers do not extend to this. We do not agree with that suggestion. We take the following alternative view of that legislation:

   (a) While section 341 of the LGA 1974 does not expressly authorise the granting of licences it does not restrict any right to do so that otherwise exists; and

   (b) There is no need to specifically provide for the power to licence the surface of a road because such a power is a natural consequence of fee simple ownership by the Council as provided for in section 316 of the LGA 1974; and

   (c) To carry out licensing the Council can rely on the general competence provisions in section 12 of the LGA 2002 and as outlined in paragraph 6 above.

8. There are a number of statutory provisions which allow for an implication that the Council has the power to licence the occupation of roads, including:

   (a) The implied power to licence under section 357 of the LGA 1974;

   (b) The power to issue bylaws under:

      (i) section 22AB(1)(h) of the Land Transport Act 1998; and

      (ii) sections 146(b)(iv), 150(1)(b) and 151(3) of the LGA 2002;

   (c) Statutory authority for granting licences to bach owners pursuant to section 45(1) of the Public Works Act 1981.

9. There is no statutory provision prohibiting the Council from licensing the occupation of roads and there is New Zealand case law that is implicitly consistent with the Council’s power to grant licences allowing for the occupation of a legal road. Examples of such recognition are the cases of Papzik v

10. Furthermore, the grant of licences would be consistent with the Taylors Mistake related decision of Judge Smith in the Environment Court dated 2 May 2002 (C50/2002), when he gave comprehensive consideration to the presence of the baches on unformed legal road under the City Plan and the Resource Management Act 1991.

Are there any specific legal considerations relevant to the grant of licences for the baches?

11. In any issue of a licence:
   
   (a) General common law restrictions apply. These include:
   
      (i) rights of members of the public to pass and re-pass along roads; and
   
      (ii) private rights of adjoining landowners to have access to a road from every point of their frontage.
   
   (b) The decision to do so requires that the Council comply with the relevant principles and processes of the LGA 2002; and
   
   (c) Consideration should be given to alternative options (including road stopping and subsequent sale, and removal) to determine the cost effectiveness of the various options.

12. The following general observations are made relative to the alternative of a lease, that has sometimes been promoted by the Taylors Mistake Association, rather than a licensing arrangement:

   (a) Granting of a leasehold interest in the land as has been proposed is inconsistent with the rights of public passage over legal roads;

   (b) Section 45(1) of the Public Works Act 1981 (which permits land held for a public work to be leased in the interim) does not specifically state whether a right to lease extends to unformed legal roads and the land in question is not overtly held for a public work; and

   (c) Various judicial comments referred to by the Taylors Mistake Association do not provide justification for leases over licences.

13. If formal licences are granted for the Taylors Mistake baches, we recommend that a formal licensing agreement be entered into, including terms providing for compliance with all statutory and regulatory requirements as well as usual terms for residential occupation of fee simple land.

Risks from licensing the baches?

14. There are risks that arise from the baches being formally licensed, for example the possibility of rock fall in another earthquake. However, we believe the existence of such risks to the Council can be managed and should not be determinative in preventing licensing of the baches. Appropriate provisions can be included in any licence agreement.

15. It is our view that the Health and Safety at Work Act 2015 does not apply to the land except for periods during which Council workers are working on that land.
Conclusion

16. Please let us know if you require anything further.

Yours faithfully

Buddle Findlay

Willie Palmer
Partner

Direct: 64 3 371 3502
Mobile: 64 21 377 961
Email: willie.palmer@buddlefindlay.com
1 November 2018

To
Brent Pizzey / Ian Thomson
Legal Services Unit
Christchurch City Council
Christchurch

From
Philippa Moran
Willie Palmer

By Email
brent.pizzey@ccc.govt.nz
ian.thomson@ccc.govt.nz

Dear Brent and Ian

LEX 3834: Occupation of baches at Taylors Mistake – Guidance on impediment to public access

1. The Christchurch City Council has ongoing issues in relation to the baches on Council land at Taylors Mistake, including Boulder Bay.

2. You have asked us to provide guidance about the factors that the courts have considered relevant when making a judgment about whether the presence of a bach on a legal road is unreasonably impeding public access.

3. You have also asked us to consider whether signage, track making and markings by the Council can be relevant to whether the structure poses an unreasonable interference to the public. For example, whether a marked track and signage saying “through route” or “public path” mitigate perception of through passage not being available, thereby making what may have been an unacceptable interference, acceptable.

4. Our advice to the Council on these issues is set out below.

Case law guidance

5. Council is vested with the fee simple ownership of all roads within its district by virtue of section 318 of the Local Government Act 1974. As a general rule, a road is a:¹

...way over which there exists a public right of passage, that is to say a right for all Her Majesty’s subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance...

6. It is well established that a council’s powers over roads is limited by the inherent nature of roads and their intended use by the public.² However, the public’s rights to use land dedicated as a public...
road, while reasonably extensive, are not absolute.\textsuperscript{3} The courts have held that "every person is not necessarily entitled to unrestricted access to every part of a street."\textsuperscript{4}

7. While there is no express statutory authority for councils to licence or lease the surface of roads, the courts have recognised that as the owner of roads, a council may authorise an activity or obstruction on a road for purposes other than passage over the road.\textsuperscript{5} Any such licences must comply with the council’s District Plan for the relevant area.\textsuperscript{6}

8. The use of roads has never been strictly confined to travel and transportation. Roads are commonly used for:\textsuperscript{7}

...recreation, sitting, eating, galas, athletic events, motor rallies, public speaking, mobile libraries, mobile clinics, blood donor stations, politicians' caravans, newspaper vendors, parking, cranes serving adjacent building sites, private and public congregations, and...street stalls and mobile shops.

Some of these activities require authorisation through the issue of licences or leases by the Council or through compliance with specific statutory procedures.

9. The power of Council to grant licences for occupation of roads is limited by the rights of members of the public to pass and re-pass along roads and the private rights of adjoining landowners to have access to a road from every point of their frontage.\textsuperscript{8} Earlier cases framed the issue as allowing authorised obstructions to the extent that they do not create a public nuisance or interfere with individual rights.\textsuperscript{9}

10. It appears to be accepted that a degree of obstruction to the public right of access is permissible and that the particular circumstances of each case should be taken into account. This involves a question of fact.\textsuperscript{10} What is relevant is whether the obstruction conflicts with the passage of the public to an unreasonable degree. In most cases, activities and obstructions on roads can only be carried out in a way that would not substantially and unreasonably "impede the general flow of pedestrian and vehicular traffic."\textsuperscript{11} The courts have said that the obstruction should not constitute an "appreciable interference" with the traffic on the road.\textsuperscript{12}

11. A road cannot be possessed to the exclusion of the public to assert their rights to pass and re-pass without hindrance.\textsuperscript{13} It has been said that the owners of unlicensed structures cannot exclude a member of the public from those structures if that person is doing no more than passing over the road.\textsuperscript{14}

\textsuperscript{3} Paprizik, at 12.
\textsuperscript{4} The Queen v The Mayor, Councillors, and Citizens of the City of Wellington (1896) 15 NZLR 72 per Derniston J at 90, in the Court of Appeal.
\textsuperscript{5} Paprizik, at 7 – 8, 12. See also Christchurch City Corporation v Shah (1902) 21 NZLR 578, at 583.
\textsuperscript{6} Paprizik, at 14.
\textsuperscript{7} Paprizik, at 8.
\textsuperscript{8} Fuller v MacLeod per Richardson J at 393 – 394 and 398, per McMullin J at 406 – 407 and Somers J at 414. See also Lower Hutt City Council v Attorney-General ex rel Moulder [1977] 1 NZLR 184, per Richmond P at 188, Frecklington v Wellington City Council [1988] 1 NZLR 72, at 5 and Murray v Wellington City Council [2014] NZAR 123 (Court of Appeal), at [26].
\textsuperscript{9} The Queen v the City of Wellington, at 90. See also Lower Hutt City Council v Attorney-General v The New Plymouth Borough [1925] NZLR 761.
\textsuperscript{10} The Queen v the City of Wellington, at 89.
\textsuperscript{11} Paprizik, at 8 and 12. See also The Queen v the City of Wellington, at 89.
\textsuperscript{12} Lower Hutt City Council, at 190.
\textsuperscript{13} Moore v MacMillan [1977] 2 NZLR 81 at 91 – 92.
\textsuperscript{14} Moore v MacMillan, at 91.
uniformed legal road. Chilwell J held that even if full of cattle, a member of the public had a right of passage. The right referred to in that case can be distinguished from the Taylors Mistake baches in that, as we understand it, none of the baches are situated individually or collectively in a way that impedes public passage over the balance of the uniformed legal road.

12. A property-owner holds a private right of access from their property to the road, and once they have gained access to the road this right is in common with the general public’s right to pass and re-pass along the road.\textsuperscript{15} Once established, a private right to access a road from a frontage shall be preserved and exercised in the desired manner.

13. Each citizen’s right of passage on a road is subject to the reasonable requirements of other road users, which may extend to temporary and reasonable obstructions on such roads.\textsuperscript{16} Some degree of obstruction to passage may be acceptable if such obstruction is reasonable in quantum and duration.\textsuperscript{17} In one case the courts acknowledged that an obstruction may be permanent if located in a suitable position, suggesting in the case of a cab-shelter that the location would be on the corner of a street or in a position untouched by the ordinary stream of traffic.\textsuperscript{18}

14. The courts will also have regard to the “size, shape, position, associated customers and/or hours of operation” of an obstruction as relevant in determining whether it unreasonably interferes with the rights of passage of others\textsuperscript{19}.

15. The nature of a particular road appears to be relevant when determining whether public rights of passage have been interfered with. In considering whether erecting a public convenience in a street amounted to a public nuisance, the Supreme Court (as it then was) held that the first question for consideration was “whether, having regard to the position, width, and steepness of . . . the Street, the Municipal Council is commissioning a public nuisance narrowing the fairway of the street in the manner proposed”.\textsuperscript{20}

16. A citizen can object to an act which renders their right of passage over a road more difficult.\textsuperscript{21} In one case the court considered the interests of property-owners along the street who were concerned that the proposed construction of a public convenience would obstruct their passage and cause a number of persons to congregate. The court held that the relevant test was the balance of convenience and, while the property-owners found the convenience distasteful this was outweighed by the public interest in having access to such facilities in the centre of town.\textsuperscript{22} The outcome may have been different if the obstruction amounted to “something that was in itself flagrantly offensive.”

\textsuperscript{15} Frecklington, at 6.
\textsuperscript{17} Paprzik, at 12. See also Amalgamated Theatres Limited v Charles S Luney Limited [1962] NZLR 226, at 228 – 231.
\textsuperscript{18} The Queen v the City of Wellington, at 89.
\textsuperscript{19} Paprzik, at 15.
\textsuperscript{20} Attorney-General v The New Plymouth Borough, at 763.
\textsuperscript{21} Paprzik, at 12.
\textsuperscript{22} Attorney-General v The New Plymouth Borough, at 764.
17. It is no defence that an obstruction to a road is in other ways beneficial to the public. However, where there is obstruction of limited scope with public benefits the courts have approved continuation.

18. The courts have held that the following activities are permitted on public roads:

   (a) Stalls for the sale of food in public parking spaces along a main road in Mount Maunganui from 8am to 8pm and the issue of 25 mobile shop licences allowing trade from any street in Mount Maunganui for a period of no longer than 60 minutes in any one position. It was relevant that the stalls would operate from parking spaces adjacent to the road itself. The stalls and mobile shops would not interrupt the flow of traffic, although members of the public would likely congregate and otherwise available parking spaces would be occupied by the stalls.

   (b) The erection of a cab-shelter on a central city street in Wellington. The Court of Appeal held that the site of the cab-shelter did not materially obstruct the previously existing right of passage along the street. Parts of the cab-shelter were raised and not available for vehicular use, however they remained open to foot traffic.

   (c) A public convenience in an "important secondary business street" in New Plymouth. It was noted that a motor vehicle could pass on each side of the proposed convenience. However, if a motor car stopped on either side of the convenience with one set of wheels in the channel that side would be blocked. The Judge said that fact did not appear to decide the question "...though it would afford a strong argument if this were a main street".

19. By contrast, the courts have held that a permanent raised and grassed area, unusable by vehicles, implemented for the promotion of traffic flow by cordonning off certain streets and directing traffic to unobstructed streets amounted to an unreasonable obstruction with the public’s right of passage over a public road. In this case the Court of Appeal held that the Council had failed to act pursuant to its statutory powers in erecting the obstruction but allowed the Council to make further application to the courts if it considered it had taken steps which would render the works lawful.

20. There is a degree of uncertainty about circumstances where there is obstruction of a road, albeit only limited obstruction, without obvious public benefit. However, many cases can be construed to contain public benefit, for example the historic value and aesthetic interest associated with baches established generations ago. Overall, we consider the preponderance of case law suggests that a court is most likely to be influenced by the degree of obstruction rather than the use put to the obstructing construction.
Application to the baches at Taylors Mistake

21. Applying the above guidelines, the Council’s power to grant licences to bach owners in Taylors Mistake and Boulder Bay is limited to the extent that the baches unreasonably interfere with the public’s right to access the legal road on which they are located. As the unformed road is not generally used by vehicles, Council must consider whether the baches impede the general flow of pedestrian and some cycle traffic through Taylors Mistake and Boulder Bay bach areas and the Godley Heads track.

22. We understand that the walking / cycle track necessarily navigates around the baches, but the baches do not exclude the public’s right of access to the unformed legal road. The bach owners have no inherent legal entitlement to have their baches remain on the road and the baches can remain only with the consent of Council. Without express authorisation from Council, such as through the issuing of written licences, the bach owners cannot with certainty exclude members of the public from passing over any area of the road, including that occupied by the baches. A formal licence would no doubt make clear that a bach occupant has licence over the footprint of their bach. Until such formal licensing occurs, at best a bach occupant has an argument to an informal licence over the bach area but such rights, if any, are open to argument.

23. The baches differ from the obstructions considered in the majority of the cases as they are permanent structures and provide no physical amenity to the general public. As noted above there may be a values-based amenity argument for historic or aesthetic reasons. The courts have been more reluctant to permit the permanent encroachment of obstructions on a public road, although they have endorsed the erection of a seemingly permanent cab-shelter and public convenience so long as passage over the road is preserved.

24. Fortunately, for at least some of the baches grouped on the flat area at the southern end of Taylors Mistake, the wide nature of the unformed legal road and the position of those particular baches would suggest that they do not unreasonably encroach on the access of pedestrians and cyclists. Members of the public are generally able to navigate around such baches on foot, as they are relatively small in size compared with the width of the road where they are, and their position does not fully obstruct the public right of access. However, each bach needs to be considered in its own circumstances.

25. Furthermore, the road in the present case is essentially unformed, is not used for vehicles (other than occasionally to serve the baches) and does not lead to any other road. That means public rights of access are generally limited to pedestrians and cyclists and, as such, are not unduly interfered with. In the case of many of the baches, the public can pass along the road on foot or by bicycle despite the presence of the baches. In such cases the maps also show that there is room elsewhere on the unformed road reserve at Taylors Mistake for public passage of the type currently used.

26. An assessment of each bach needs to be made taking into account the factors discussed in this letter. It is a question of fact and degree relating to the circumstances of each bach. In most cases
the assessment should be capable of being made with a high degree of certainty. Unfortunately it may not be possible to be categorical about all of the baches. Where there is genuine doubt, the continuing inhabitation of the unformed road by particular baches may require determination by a court.

27. While the cases do not specifically deal with the use of signage, track making and markings as mitigating any interference with public rights of access, it is reasonable to infer that such measures would lessen any adverse impact created by the baches. Where relevant we would recommend their placement.

Conclusion

28. Please let us know if you require anything further.

Yours faithfully
Buddle Findlay

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a) where to set its threshold(s) of intolerable or other actionable risk; and

b) how it wishes risk to be evaluated against those criteria.

In such areas GNS Science may be able to propose a reasonable starting point for Christchurch City Council’s consideration, but it is up to Christchurch City Council to decide their policy.

Some of the key features of relevance in establishing risk management policy and risk criteria in this context are:

a) the hazard has natural causes while the risk results from the combination of the hazard with the location of people’s properties;

b) the risk is experienced by people in their properties;

c) the risk is currently elevated but will diminish with time as the elevated likelihood of seismic events in the wake of the 2011 earthquakes falls; and

d) the risk estimates are uncertain within about a factor of 10 either way — that is, an assessed risk of 3x10^-4 per year might be as high as 3x10^-5 per year or as low as 3x10^-5 per year.

As regards (a) and (b), the risk is not one which is being imposed on people by others for a wider social good. Thus those at risk are not in the same category as (for example) residents near a hazardous substances facility or a major dam. Some would argue that people should be free to decide where to live, and that it should be left to the individual to decide what is an acceptable (or tolerable) risk on their own property. Were they fully informed about the risk and the only person exposed to it this might indeed be the case, but Christchurch City Council needs also to consider complicating factors such as:

i. dependents living with the homeowner who do not have a choice where to live;

ii. the distinction between informed acceptance of risk and failure properly to appreciate its nature and level;

iii. people previously unaware of this hazard who may not have the means to relocate of their own accord;

iv. whether it is acceptable to sell on an “at risk” property and if so with what constraints; and

v. people who might visit the property for social and leisure purposes, or in the course of their work (which might take them to multiple at-risk properties, for example a postman’s round might cover a whole area of at-risk properties).

The first question the UK Health and Safety Executive asks itself in any regulatory decision process is whether the issue is one on which it should be the decision maker, or whether the decision should be left to others (HSE, 2001). Christchurch City Council should consider this in the context of slope instability-related risk to people at their properties in the Port Hills. Options for making decisions about the risk might include:

1. providing well-explained information about risk and leaving decisions about it entirely to the householder; or
2. imposing an upper threshold of risk tolerability above which occupation of properties will not be tolerated; or

3. some form of hybrid arrangement, perhaps:

    a) defining two levels of risk with an absolute upper limit above which occupation of properties is not tolerated, and a somewhat lower threshold above which occupation is discouraged (and/or retirement of the property from use as a dwelling is enabled or incentivised) but where the ultimate decision is left to the homeowner unless the risk exceeds the absolute upper limit; or

    b) adopting a “you don’t have to move but you can only sell to us” approach as happens in airport public safety zones in the UK.

While much of the discussion in Christchurch has been around option 2 above, there are precedents for the other options. Government in New Zealand leaves decisions about the tolerability or otherwise of fire-related risk in single dwellings to the householder (effectively option 1 above), while option 3 is used in the UK in relation to airport public safety zones.

The authors suggest that, in light of the complicating factors (i) to (v) above, Christchurch City Council should not leave decisions about risk entirely to householders (i.e. should NOT adopt the first of the options above). Slope instability-related risk is less amenable to simple low-cost measures to prevent and mitigate the relevant hazards than is fire risk, and in GNS Science' view Christchurch City Council might attract considerable criticism for failure to act to prevent occupancy of dwellings at some of the high levels of risk assessed in our companion reports (Massey and McSaveney, 2012, Massey et al. 2012).

As regards the current elevated level of risk in the wake of recent earthquakes, that level is expected to fall by a factor of about 5 over the next 5-10 years (i.e. a risk which measures 5 units now will measure only 1 unit in 5-10 years time). This gives Christchurch City Council a number of options to consider, in particular the Council could:

i. Base decisions on current risk levels, knowing that in some years' time those decisions will look more precautionary than they do now because the risk has fallen;

ii. Base decisions on the longer-term risk levels likely to prevail after the current elevated risk period has passed, and find a way to live with the current relatively short-term elevated levels of risk; or

iii. Make decisions now based on the current level of risk, with a view to revisiting those decisions in 5-10 years time when the risk, hopefully, will have reduced.

The authors views on this issue are informed also by consideration of the uncertainty in the risk. Were the risk to remain steady as time progressed, it would be appropriate, as is standard practice in, for example, the setting of building design standards, to take a fairly precautionary view. That is, to base decisions on a risk value towards the upper, rather than the central, end of the range emerging from the risk assessment. The Building Code, for example, defines earthquakes as the basis for building design based on the 84th percentile (84% confidence limit) of the assessed range of possible earthquake severities with a given return period, rather than the 50th percentile or other form of "central" or "best" estimate.
Legal Services Unit

MEMORANDUM

Date: 28 JANUARY 2019

From: ROBERT O’CONNOR (Associate General Counsel, Legal Services Unit)

To: TAYLOR’S MISTAKE BACHES WORKING PARTY

ROAD STOPPING – VIABILITY AS A WAY FORWARD

1. Executive Summary

One of the options available to the Council in mapping a way forward to deal with the Taylor’s Mistake baches could be to consider commencing a process to legally stop the legal road upon which the baches sit.

The theory is that if the road was legally stopped the Council could potentially, if it was so minded, provide the bach-owners with some form of long-term land tenure (i.e. freehold land titles or long-term ground leases).

However, while road stopping is theoretically possible, if the imperative was to provide for the long-term retention of the baches in situ, then the view of the Legal Services Unit is that it does not present a practical or viable option. This conclusion is based on the following:

a) Given the public consultation required and potential for the matter to be referred to the Environment Court, the legal process to stop the road could be very lengthy with the outcome unknown. It needs also to be borne in mind that road-stopping is a process exclusively concerned with public access, road and transport issues.

b) Even if it was possible to stop the road, the immediate outcome of that process would be that the land would then legally become esplanade reserve subject to the Reserves Act 1977. Therefore, in order to provide long-term land tenure solutions to the bach-owners the Reserves Act classification of the land would need to be changed or the reserve status of the land revoked. As both of those processes are statutory processes which require public consultation and are exclusively concerned with reserves issues, again the processes could be lengthy with the outcomes unknown.

c) If compliance with those statutory processes were not enough, before the land could be disposed of additional requirements would then need to be met according to whether the reserve classification was changed or whether the reserve status of the land was revoked, as follows:

   a. If the reserve classification was changed – it would then be possible to grant leases, but any leases for more than 5 years would need to be offered by public tender.
b. If the reserve status was revoked, before the land could be disposed of (by lease or sale) the requirements of section 138 of the Local Government Act would first need to be met. This section requires any disposal of land held as a “park” to be first consulted upon before any disposal decision is made.

d) The above processes could not be progressed concurrently, but would need to occur sequentially over time one after the other. In addition, as public consultation would be required at each stage, the process would be lengthy and repetitive. Also, the outcomes at each stage in the process could not be predicted at the outset and could be negative, thus ending the process “journey” at any point. Thus, the Council could not embark on the above processes with any certainty of timing, cost or outcomes.

e) This memorandum is not intended to provide a detailed discussion of these issues, but merely to provide a summary of the issues and processes involved.

2. Statutory Processes Involved & Outcomes

- **Two statutory processes** - there are two statutory road stopping processes available (the Public Works Act process and the Local Government Act process).

- **Road Stopping Policy 2009** - Council road-stopings are subject to the Council’s Road Stopping Policy 2009. The Policy details the evaluation criteria to be applied to a road-stopping proposal, which statutory process is to be used, and responsibility for costs.

- **Staff & Community Board Delegations don’t apply** - While the power to commence road-stoppings has been delegated to the Property Consultancy Manager in respect of minor proposals and to Community Boards in respect of all others, these delegations only apply if a proposed road-stopping is consistent with the Road Stopping Policy. Paragraph 5(f) of the Road Stopping Policy provides in that “an application for road stopping will not proceed if the Council delegate shall in their discretion determine that… the road provides access from a public road or reserve to a watercourse or coastal marine area, unless there are sound management, ecological or environmental reasons for doing otherwise”. Thus any proposed road-stopping affecting legal road along the foreshore will not comply with the Policy and accordingly the staff and community board delegations could not be used.

- **Council decision required to stop road in conflict with the Road Stopping Policy** – as the staff and community board delegations would not apply any decision to stop the road would need to be made at a Council level. Arguably, as the Road Stopping Policy expressly provides that any legal road which “provides access from a public road or reserve to a watercourse or coastal marine area, unless there are sound management, ecological or environmental reasons for doing otherwise” shall not be stopped, if it wished to commence the road-stopping process, the Council would therefore need to depart from the Road Stopping Policy to do so.

- **Which road-stopping process to use** – the Road Stopping Policy would require that the Local Government Act process was used. This process involves full public consultation on the proposal, with the matter automatically referred to the Environment Court for decision if objections are received and the Council decides it wishes to proceed having heard those objections. In that event, the decision whether to stop the road or not would be made by the Environment Court based on a consideration of the public access, road and transport issues involved.
- **Any stopped road would become ‘esplanade reserve’** – section 345 of the Local Government Act 2002 provides that any stopped road within 20 metres of the mark of mean high water springs becomes local purpose (esplanade) reserve subject to the Reserves Act 1977. This would apply to the legal road in question.

- **Council cannot grant a lease/licence over esplanade reserve for residential purposes** – the effective conversion of the legal road to esplanade reserve would not allow the Council to grant long-term land tenure to the bach-owners as the Council could only use the land for esplanade reserve purposes.

- **Possible reclassification of the reserve to allow leases/licences for residential purposes** – it would be possible to change the Reserves Act classification of the land to say ‘local purpose (hut settlement) reserve’ to allow for the baches. However, changing a classification requires public consultation and the consent of the Minister of Conservation, and must only be made based on a consideration of the reserves issues involved.

- **Even if the reserve classification was changed, the Council’s leasing/licensing powers are limited** – the Public Bodies Leases Act requires that leases of local purpose reserve for more than 5 years must be offered by public tender.

- **Revocation of the reserve status** – it is possible to revoke the reserve status of a reserve. However, that process requires public consultation and the consent of the Minister of Conservation, and must only be made based on a consideration of the reserves issues involved.

- **If reserve status was revoked, land would be free of Reserves Act limits, but would be subject to s138** – if the reserve status was revoked the land is likely to then be a “park” for the purposes of s138 of the Local Government Act 2002. Thus, any proposed disposal (by sale or lease) decision would first require public consultation before it could be made.

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Attachment E: Taylors Mistake, Boulder Bay and Hobsons Bay Baches

Licencing

In the event that the Hearings Panel determines to grant licences to the bach owners the process of implementation and terms and conditions of that licence need to be resolved.

Implementation

Process

The manner in which the Council creates occupancy rights for property generally occurs in a couple of forms:

1. On the Council’s terms and conditions. In this instance there is no negotiation. The agreement and its terms and conditions are standard and consistent across the occupants. Examples of this are licences for Occupation of Legal Road, Tables and Chair licences, Sports Club licences, Cell Sites and Residential Tenancies.

2. Through negotiation with a bespoke agreement depending on the property, occupancy and circumstances. While based on a templated agreement (lease or licence) this can and does result in a number of tailored terms and conditions departing from that original base agreement, e.g. cafes in facilities (libraries, leisure centres) have as a foundation the Auckland District Law Society Lease, but each might differ from that particularly on the principle terms and conditions.

The first is applied generally where:

- On balance the benefit largely sits with the occupant.
- The Council is being responsive, i.e. not sought the occupancy, but reacting to a demand.
- Where due to volume / scale individual negotiation is inefficient and impractical.
- There is no reasonable rationale for uniqueness across agreements.
- Transparency, equity and fairness is considered appropriate/desired.

The latter is generally used:

- In a business circumstance.
- Where the relationship has/requires some uniqueness and mutual benefit.
- There is a balance in the benefit between the occupant and Council as the “landlord”

In the instance of the Taylors Mistake, Boulder Bay and Hobsons Bay baches on legal road it is considered that the principals related to the first form apply. It is therefore recommended that the licence should be granted on the Council’s terms and conditions under a standard non-negotiable licence agreement.

Decision Making and Authority

While under some circumstances there are delegations to Community Boards and staff to enter into occupancy agreements such as leases and licences, none of those apply in this instance. A set of resolutions therefore needs to be developed to facilitate a decision to licence.

In terms of normal practices the principle terms and conditions are signed off at a “governance” level and the detail of implementation delegated to staff. Detail being the structure, format and
Drafting of the agreement which would include but not be limited to those clauses listed below.
Including the administration associated with managing and putting the licences in place:

1. Grant of Licence
2. Term
3. Right of Renewal
4. Annual Licence Fee
5. Review of Annual Licence Fee
6. Outgoings
7. Default Interest
8. Costs
9. Use of Site
10. Site Access
11. Services
12. Buildings, Fences, Planting and Signs
13. Compliance with Statutes and Regulations
14. Alcohol Bans
15. No Assignment or Subletting
16. Indemnity and Liability
17. Expiry, Cancellation and/or Termination of Licence and Removal of Bach
18. No Waiver
19. Notices
20. The Council Acting as Territorial Authority

In support of this the principle terms and conditions to be considered for a governance resolution are set out following and included in the recommended resolutions.

Principal Terms and Conditions

The principle terms and conditions that staff recommend are considered by the Hearings Panel for recommendation to the Council for resolution are:

Term
Considerations: How many years? Option to renew Licence? Implications of length of licence.
Alignment with heritage preservation.

Background: Previous draft licence was 10 years with renewal option. It is recommended that the maximum period is 35 years to avoid the potential sub-division of land as per the Resource Management Act.

Recommendation - 35 years, no renewals.

Permitted Use
Considerations: Should the use be restricted? Permanent use i.e. main residence? Can they be sub-let for profit? Who can use the baches? Holiday accommodation: non-permanent occupation and non-commercial activity?

Background: Previous draft licence was for residential occupation on a casual basis.
Recommendation: Casual residential use, limit number of occupancy nights to (Hearings Panel to consider a recommendation) per annum, no sub-leasing or hire.

Licence Area
Considerations: Is the licence area just the building footprint or does it provide for a curtilage area?

Background: Definition of the licence/occupancy area has never been defined.

Recommendation: That the area of occupancy is for the building footprint only i.e. there are no rights to any other space surrounding the bach. This may lead to the removal of ancillary structures e.g. decks and patios.

Licence Fee Formula
Considerations: On what basis is this calculated? Does it relate to the current market? What periods are rent reviews applied? Are there any concessions? i.e. market rent vs subsidised rent and accounting for condition? Advice from an independent registered valuer - Telfer Young is attached.

Background: CCC Draft Licence February 2010 had an initial annual licensing fee of $3,000 which the bach owners countered with a fee of $750. Baches cannot be rated as they are on legal road. Licence fee does not include services.

Recommendation: Telfer Young (Valuers Property Advisors) have been commissioned to establish market based license fee parameters. Their report is attached. It is recommended that upon finalisation on the standard licence terms and conditions that Telfer Young are commissioned to assess a rental for each bach, based on the principals set out in the report, and this be adopted for each licence.

Transferable Ownership Rights
Considerations: Permanent rights to the site or limited to licence term only? Ability to sell the bach – is the licence transferrable?

Background: In the past despite the fact there has been no tenure over the land in any form it is understood baches have been transferred by sale.

Recommendation: Building may only be sold and licence assigned to immediate family through succession.

Hazards
Considerations: Will any bach be offered, or able to continue with, a licence where an unmitigated hazard exits or arises.

Background: Occupancy is a legacy issue without consideration of hazards.
Recommendation: CCC will not be obligated to remediate any hazards that threaten the safe use and occupancy of a structure. CCC at its sole discretion may terminate, or not issue, licenses where a hazard exists or arises.

Presentation, Appearance and Maintenance Obligations
Considerations: Should the bach owners be obligated to maintain a standard of design, appearance and maintenance? In the event that preservation and licencing of the baches is based on heritage retention there probably should be some standards developed to apply?

Background: Without a licence there has been no obligations in this regard. Preservation of the baches has been at the discretion of the owners

Recommendation: That a minimum obligation standard is developed for incorporation in the licence.

Reinstatement, Additions and Alterations
Considerations: Should bach owners be able to make additions and alterations to the baches? In the event that the baches are destroyed should they be able to reinstate? In the event that preservation and licencing of the baches is based on heritage retention there probably should be no rights to make additions, alterations or rebuild?

Background: Without a licence there has been no obligations in this regard.

Recommendation: There are no rights to make additions, alterations or rebuild. This excludes repairs and maintenance that preserve the existing structure.

Public liability Insurance
Considerations: Should the licensees be required to hold a public liability insurance cover? Licensees for structures on streets are required to hold a policy for $2m.

Background: Without a licence there has been no obligations in this regard.

Recommendation: The licence contains an obligation to hold public liability insurance policy for $2m.

Recommendation
Staff recommend that in the event of the Hearings Panel recommending to Council that licences are granted to bach owners that the Council pass the following resolutions specifically related to the granting of licences:

1. That there is only one type of licence agreement issued with consistent terms and conditions at the Council’s sole discretion.
2. That the principal terms and conditions shall be as follows:
   a) Term - 35 years, no renewals.
   b) Permitted Use - Casual residential use, limit number of occupancy nights to
      (Hearings Panel to consider a recommendation) per annum, no sub-leasing or hire.
   c) Licence Area - That the area of occupancy is for the building footprint only i.e. there
      are no rights to any other space surrounding the bach.
   d) Licence Fee Formula – Market rent as assessed by Telfer Young, based on the
      principals of their attached report. This is a “gross” rent i.e. all inclusive, there are no
      other costs or outgoings that are recoverable. Rents are reviewed 5 yearly to market
      as assessed by an independent registered valuer appointed by Council. Neither the
      initial rent nor rent reviews shall be subject to negotiation.
   e) Transferable Ownership Rights - Building may only be sold and licence assigned to
      immediate family through succession.
   f) Hazards/Risks - CCC will not be obligated to remediate any hazards that threaten
      habitability of structure. CCC may terminate, or not issue, licenses where a hazard
      exists or arises.
   g) Presentation, Appearance and Maintenance Obligations - That a minimum obligation
      standard is developed for incorporation in the licence.
   h) Reinstatement, Additions and Alterations - There are no rights to make additions,
      alterations or rebuild
   i) Public liability Insurance - The licence contains an obligation to hold public liability
      insurance policy for $2m.

3. That the Head of Urban Design, Regeneration & Heritage is delegated the authority to define
   at their sole discretion the minimum design appearance and maintenance standards for
   incorporation in the licence as set out in f) above.

4. That the Property Consultancy Manager is granted the delegated authority to develop and
   finalise the licence terms and conditions at his sole discretion, incorporating those above in
   clause 2 of this recommendation, and enter into that licence on behalf of the Council with
   bach owners.
Attachment F: Taylors Mistake, Boulder Bay and Hobsons Bay Baches

Summary of Hazard compared to Risk in areas of slope instability – Hearing Panel Report 11 February 2019

What is the Difference Between “Hazard” and “Risk”?

Natural Hazard

The District Plan, Section 5.1 refers to the Resource Management Act (RMA, 1991) definition of a natural hazard:

*any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.*

Simply put, a natural hazard is a geological (or meteorological) process which can cause harm.

Risk

Risk (i.e. as a consequence of natural hazards) is not specifically defined in the District Plan, but in general, it is the probability or likelihood that a hazard will cause someone harm.

Simply put, risk is the potential impact of a hazardous process.

An important aspect of risk is that it incorporates a number of factors which may change over time, including:

- The probability of a ‘trigger’ event (e.g. earthquake, extreme weather),
- The probability that the hazard reaches the site (could change due to implementation of mitigation measures such as fences/barriers, or natural processes such as vegetation growth, or vegetation removal by fire),
- The probability that a person is ‘in the line of fire’ when the hazard occurs (e.g. number of people present, the amount of time that they spend in that location, are they likely to be there during times of increased hazard activity),
- The probability that the person is actually hit (e.g. magnitude of the event, ability to move out of the way, protection afforded by structures, etc.)
The “Swiss Cheese” Model

The difference between hazard and risk can be illustrated graphically by the “Swiss Cheese” Model, which highlights that in order for a hazardous process (in this case rockfall) to cause harm, several risk factors must ‘line up’.

![The Swiss Cheese Model](image)

**Figure 1 - The Swiss Cheese Model**

**GNS Life Risk Model for the Port Hills**

The GNS life risk models are based on ‘standardised’ methodologies and parameter inputs derived primarily from quantitative assessment following the Canterbury Earthquake Sequence (CES). These factors include:

- Field and remote imagery mapping of rockfall (source areas and boulder runout)
- Mapping of tension cracks and other signs of deformation near cliff crests
- Mapping of cliff recession and debris runout during main shock and subsequent aftershocks
- Evidence for historic and pre-historic events
- Estimated return period for a range of seismic and non-seismic triggering events
- Repeat topographic surveys (LiDAR) to inform cliff recession and boulder roll models
- Annual frequency of ground shaking from the Composite seismic hazard model for Canterbury (for cliff collapse 2012 values used, for rockfall 50 year median used)
- Number of deaths/injuries compared to number of properties damaged by rockfall or debris.

**The Area at Risk from a Hazard does not change**

Although the risk presented by a certain hazard may change over time, the area at risk from a natural hazard typically does not change over human lifespans. For example, the area subject to a cliff collapse hazard does not change, even though the probability of strong earthquake trigger does change over time (e.g. due to seismicity ‘decay’ following a strong earthquake).

Therefore, where it is impractical to calculate life risk (either due to lack of information about people’s expected behaviour, or in locations where risk may fluctuate significantly over time), slope instability hazard management areas may be more appropriately defined by consequence; in other words by defining locations where the potential consequences of slope instability hazards include loss of life and/or severe injury.

**Are the current District Plan hazard overlays base on Hazard, or Risk?**

Chapter 5 (Natural Hazards) of the District Plan (DP) focuses on ‘the ways in which the impacts from a range of natural hazards are managed’. In other words, the DP typically takes a risk-based approach.
**approach** to managing natural hazards. The DP planning maps include “Natural Hazard Overlays” which are based on management of risk for a variety of hazards including flooding, liquefaction and slope instability. Slope instability management areas are defined for areas susceptible to Cliff Collapse (CCMA1/CCMA2), Mass Movement (MMA1/MMA2/MMA3) and Rockfall (RMA1/RMA2). The boundaries of these slope instability areas are typically based on the results of the GNS life risk models, with the following additional considerations:

- The GNS life risk models are based on regional data (i.e. not site specific), including generalised parameters derived from observations across a variety of ‘key’ locations (refer to the GNS “Pilot Study” reports number 2011/311 and 2012/57),
- Ground truthing was undertaken by the Port Hills Geotechnical Group (PHGG) in 2012 as a ‘sanity check’ of the GNS models,
- Bach locations were assessed slightly differently compared to other areas:
  - more site specific field checking was completed,
  - assessment of rockfall hazard is based on consequence (i.e. not risk-based),
  - each location assigned a relative hazard rating of Low, Moderate or High.

**How is Risk Expressed?**

For most District Plan slope instability management areas (with the exception of slow-moving mass movement areas; MMA2 and MMA3), life risk was considered the most appropriate factor as loss of life is the primary concern related to these hazards. Life risk is expressed as **Annual Individual Fatality Risk (AIFR)**, which is the annual probability that an individual person will lose their life as a result of slope instability. AIFR can be expressed in various ways (see Table 1 below) but scientific notation is used within the District Plan.

**Table 1 - Conversion for Annual Individual Fatality Risk (AIFR) Values and corresponding District Plan Slope Instability Hazard Management Overlays**

<table>
<thead>
<tr>
<th>Scientific Notation</th>
<th>Decimal Notation</th>
<th>1 in how many?</th>
<th>Corresponding District Plan Slope Hazard Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 x 10(^{-1})</td>
<td>0.1</td>
<td>10</td>
<td>CCMA1 (essentially ‘no-go’ area)</td>
</tr>
<tr>
<td>1 x 10(^{-2})</td>
<td>0.01</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>1 x 10(^{-3})</td>
<td>0.001</td>
<td>1,000</td>
<td>RMA1, RMA2, CCMA2 (restricted discretionary activities only, some exceptions providing a geo-professional certifies AIFR is &lt;10(^{-4}))</td>
</tr>
<tr>
<td>1 x 10(^{-4})</td>
<td>0.0001</td>
<td>10,000</td>
<td>Remainder of Port Hills &amp; Banks Peninsula</td>
</tr>
<tr>
<td>1 x 10(^{-5})</td>
<td>0.00001</td>
<td>100,000</td>
<td></td>
</tr>
<tr>
<td>1 x 10(^{-6})</td>
<td>0.000001</td>
<td>1,000,000</td>
<td></td>
</tr>
</tbody>
</table>

Typically for management of slope instability risk in residential areas, the District Plan has adopted an AIFR threshold of 10\(^{-4}\) (1 in 10,000), which is considered to be the maximum acceptable life safety risk for consenting most activities. District Plan Policy 5.6.1.2 provides for site specific re-assessment of risk within RMA1, RMA2 and CCMA2 areas, where the AIFR is certified by a suitably experienced geo-professional (geotechnical engineer or engineering geologist) to be less than 10\(^{-4}\).
Assessment of Slope Stability Hazards for Bach Sites

As noted above, for the baches at Boulder Bay, Taylors Mistake and Hobsons Bay, the current slope instability hazard classifications (i.e. low, moderate or high) have been assessed based primarily on consequences (e.g. if a cliff collapse occurred above the bach, could it cause loss of life to an occupant?). The specific assessment methodology is described in more detail below.

Background of work undertaken

Below I have summarised the various site-specific post-EQ assessments that have been completed for the bach sites, their respective methodologies and how the results have been applied:

Post-Earthquake Hazard Assessments (2011-2012)

Following the February 2011 earthquake, 5124 notices were placed on baches which were deemed to be subject to unacceptably high risk from slope hazards. The following criteria were assessed during this initial site assessment by members of the Port Hills Geotechnical Group (PHGG):

- Did rocks or debris fall onto the property?
- Did rocks or debris reach or pass the bach site?
- Was the bach impacted by rocks or debris?
- Is the slope above the bach steep enough for rocks to roll down and reach the bach?
- Are there obvious sources for future rockfall?
- Is there effective natural or man-made protection for the bach?
  - These could include vegetation, topographic controls (e.g. a ridgeline or gulley) or barriers. These were not considered to have been effective if they were observed to have been breached by rocks or debris.

For locations subject to cliff collapse hazards, the following additional criteria were also assessed:

- Is there loose material (soil or rock) on a cliff above or adjacent to the property?
- Are there tension cracks behind the cliff crest?
- Is the bach within the runout zone?

This information was collected quickly with the intention of informing decisions about whether a building was safe to occupy at the time of assessment.

In 2012 the PHGG undertook additional site investigations to ground-truth the regional GNS life risk (AIFR) models:

- Including measurements of slope angles (Shadow angle (S) and Fahrboeschung (F)) at each bach where possible (these data were later used in determination of site specific hazard classification, see details below),
- Assessment of source areas and confirmation of topographic controls, ground cracking and any other factors that could influence risk,
- The regional GNS life risk model was updated where appropriate to reflect this information.

Confirming the District Plan Hazard Overlays (GNS Life Risk Model, 2014)

In 2014, senior geotechnical hazards experts from CCC and an external consultant (AECOM) completed additional field assessments of all bach locations, with the objective of determining whether the proposed District Plan Hazard Management Areas were appropriate. This resulted in recommended changes to DP hazard zones for some baches.
Current Hazard-Based Classification for Baches (2015-present)

In 2015, the existing data and assessments for rockfall hazards at the baches was reviewed by an independent expert (D. Macfarlane of AECOM) and CCC’s senior geotechnical advisor (then Dr. I. Wright). The purpose of the review was to determine whether the proposed DP Hazard zones for the baches were “justified and defensible” (memorandum 11 February 2015, attached). This review resulted in significant changes to the proposed DP hazard overlays.

The 2015 review resulted in the current assessment of ‘hazard’ classification for each bach (i.e. low, moderate or high), which were derived using the following methodology:

- Define hazardous locations as locations where naturally occurring upslope rock outcrops or cliffs might be or could become dangerous to downslope areas. A hazardous location is any area that could be subject to rock or debris impacts as a result of individual rockfall, cliff collapse or soil slip.
- Criteria used to determine hazard level include the measured slope (F and S) angles at each bach location (see diagram below):

![Diagram of slope angle definitions]

Figure 2 – Slope Angle Definitions

- The following table defines the hazard classifications applied to each bach based on measured F & S angles:

<table>
<thead>
<tr>
<th>Relative Hazard</th>
<th>Cliff Collapse</th>
<th>Rockfall/boulder roll</th>
<th>Approx AIFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>F angle &gt; 45°</td>
<td>S angle &gt; 27°</td>
<td>&gt;1 x 10⁻³</td>
</tr>
<tr>
<td>Moderate</td>
<td>F angle 36-45°</td>
<td>S angle 22 - 27°</td>
<td>&gt;1 x 10⁻⁴</td>
</tr>
<tr>
<td>Low</td>
<td>F angle &lt; 36°</td>
<td>S angle &lt; 22°</td>
<td>&lt;1 x 10⁻⁴</td>
</tr>
</tbody>
</table>

Table 2 – Hazard Classification Criteria
- The result of this assessment is shown in the table below (for moderate and high hazard baches only):

<table>
<thead>
<tr>
<th>Location</th>
<th>Hazard Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>High</td>
</tr>
<tr>
<td>2</td>
<td>High</td>
</tr>
<tr>
<td>4</td>
<td>Moderate</td>
</tr>
<tr>
<td>8</td>
<td>Moderate</td>
</tr>
<tr>
<td>9</td>
<td>Moderate</td>
</tr>
<tr>
<td>10</td>
<td>High</td>
</tr>
<tr>
<td>30</td>
<td>Moderate</td>
</tr>
<tr>
<td>31</td>
<td>High</td>
</tr>
<tr>
<td>32</td>
<td>High</td>
</tr>
<tr>
<td>62</td>
<td>High</td>
</tr>
<tr>
<td>63</td>
<td>High</td>
</tr>
<tr>
<td>64</td>
<td>High</td>
</tr>
<tr>
<td>67</td>
<td>High</td>
</tr>
<tr>
<td>68</td>
<td>High</td>
</tr>
</tbody>
</table>

Table 3 – Hazard Classification Results (Moderate to High Hazard Baches)

- This assessment is fundamentally based on the potential consequences of the hazard present (cliff collapse and/or rockfall), and does not consider risk factors such as the probability that a person will be present, the probability that a person will be struck if present or protection (e.g. trees) which could mitigate the hazard.

The final adopted hazard classification for each bach was based on the criteria defined above (following field verification), and considering the judgement of senior geotechnical professionals (both CCC staff and external consultants).

Those baches classified as moderate or high hazard locations are those that may require site specific geotechnical assessment to confirm the hazard level, and to identify any potential mitigation measures that could reduce the hazard level. In some cases (particularly in areas subject to high hazard from cliff collapse) there may not be any cost-effective mitigation method available.

Despite this current hazard-based approach, recent CCC correspondence continues to refer to risk, as opposed to hazard. For example, below is an excerpt from the “Options Assessment for Future of Baches at Taylors Mistake and Bays (18/1149777), 9 November 2018:

5.1.2 No licence will be offered if there is a moderate to high risk from natural hazards that are not mitigated, and the bach will either be demolished or relocated to the New Bach Zone.

There are numerous instances of recent (2017 to present) documentation related to the future of the baches which refer to risk, when what has been actually been considered is the hazard. Based on correspondence with affected bach owners, I believe that this is causing confusion, with some bach owners wishing to come up with their own estimates of risk based on variations of the life risk model (e.g. personal tolerance for risk, lower occupancy, lower probability of impact due to the presence of trees, lower vulnerability, lower probability of triggering event due to area avoidance during certain conditions, etc.). While all of these factors could be appropriately considered in the context of individual risk assessment cases, it is my understanding that the current hazard-based approach was devised in part to avoid the inherent uncertainty around risk.
Joint Expert Statement, Residential Bach Zone (Stage 2): Geotechnical Aspects (2016)
A joint expert statement by Neil Charters of Engeo (representing the Taylors Mistake Association of bach owners) and Don Macfarlane of AECOM (representing CCC) was presented to the Independent Hearings Panel on 22nd January 2016 (statement attached). This statement considered the geotechnical hazards only for ‘unscheduled’ baches at Taylors Mistake and Boulder Bay (i.e. only those scheduled for removal due to slope instability hazards).

The statement records agreement between the experts on the following items:

- **1 & 2 Boulder Bay** – the hazard is dominated by rockfall, not cliff collapse. RMA2 is an appropriate hazard overlay (note that Bach 2 remains within the CCMA2 overlay only),
- **4 Boulder Bay** – bach located at margin of cliff collapse risk model (GNS), but cliff is low and in good condition. Therefore RMA2 is an appropriate overlay (note that Bach 4 remains within CCMA2 overlay only),
- **8 & 9 Boulder Bay** – cliff behind is in generally good condition, both are subject to rockfall hazard, not cliff collapse. The rockfall hazard is mitigatable. Both currently within the CCMA2 overlay, but should be RMA2 for consistency with Bach 10 (which is in a more hazardous location),
- **10 Boulder Bay** – significant cliff collapse hazard, recent and historic evidence of rockfall. Cliff behind bach is fractured with potentially unstable blocks. Mitigation possible but likely to be prohibitively expensive. CCMA2 is an appropriate overlay (note that Bach 10 is currently within RMA2),
- **30 Taylors Mistake** – rockfall hazard is sourced from adjacent outcrop, and may be mitigated relatively easily. RMA2 is an appropriate overlay (note that Bach 30 is currently within the RMA2 and CCMA2 overlays),
- **31 and 32 Taylors Mistake** – both baches subject to the same hazard (rockfall concentrated by the gully above). It is likely that detailed assessment will show that relatively limited mitigation works are required. Currently RMA 2, which is the appropriate overlay.

No areas of disagreement were recorded with respect to the above noted baches.

As noted above, many of the recommended changes to the hazard management areas are not reflected in the now operative District Plan. The District Plan is unable to be changed at this present time and therefore the above recommendations will need to be considered as part of a future plan change.
What are the “Risk” levels according to the GNS modelling?

The GNS life risk model for cliff collapse includes Boulder Bay, Taylors Mistake and Hobson Bay. The methodology for the cliffs above the bach locations was modified from the standard methodology in that an occupancy rate of 15% was assumed (compared to the standard 100% occupancy rate used in the cliff collapse models for other residential areas). The AIFR results are compared to the overall hazard-based classifications in Table 4 below.

Table 4 – GNS Life Risk for Cliff Collapse (15% occupancy) Compared to Current Hazard Classification

<table>
<thead>
<tr>
<th>Location (Bach No.)</th>
<th>Hazard Rating</th>
<th>AIFR from GNS Life Risk model (15% occ.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>High</td>
<td>10-3 to 10-5</td>
</tr>
<tr>
<td>2</td>
<td>High</td>
<td>10-4 to 10-5</td>
</tr>
<tr>
<td>4</td>
<td>Moderate</td>
<td>10-2 to 10-3</td>
</tr>
<tr>
<td>8</td>
<td>Moderate</td>
<td>10-2 to 10-3</td>
</tr>
<tr>
<td>9</td>
<td>Moderate</td>
<td>10-2 to 10-3</td>
</tr>
<tr>
<td>10</td>
<td>High</td>
<td>10-2 to 10-3</td>
</tr>
<tr>
<td>30</td>
<td>Moderate</td>
<td>10-2 to 10-3</td>
</tr>
<tr>
<td>31</td>
<td>High</td>
<td>NA</td>
</tr>
<tr>
<td>32</td>
<td>High</td>
<td>NA</td>
</tr>
<tr>
<td>62</td>
<td>High</td>
<td>greater than 10-2</td>
</tr>
<tr>
<td>63</td>
<td>High</td>
<td>greater than 10-2</td>
</tr>
<tr>
<td>64</td>
<td>High</td>
<td>greater than 10-2</td>
</tr>
<tr>
<td>67</td>
<td>High</td>
<td>greater than 10-2</td>
</tr>
<tr>
<td>68</td>
<td>High</td>
<td>greater than 10-2</td>
</tr>
</tbody>
</table>

Note that the GNS life risk model results indicated above are for cliff collapse only, and do not consider rockfall, which is the main hazard at several bach locations.

This comparison highlights the following with respect to specific bach locations:

- The hazard at Baches 1 and 2 is dominated by rockfall, not cliff collapse,
- Site specific assessment indicates that the low cliffs behind Baches 4, 8, 9 and 30 are in good condition, therefore the hazard at those locations is dominated by small rockfall, not cliff collapse,
- Baches 31 and 32 are subject to high rockfall hazard, but not cliff collapse,
- Baches 10 and 62 through 68 are subject to high cliff collapse hazard.

The Influence of the Seismicity Model on AIFR Calculations

It is important to note that the GNS life risk models for cliff collapse assume the “next year composite seismic model” (in this case the seismicity for 2012). This was appropriate when the models were published/verified (2012-2013) given the period of heightened seismicity following the Canterbury Earthquake Sequence.

The composite seismic model for Canterbury assumes rapidly decreasing earthquake probability during the decade following the February 2011 earthquake (see Figure 3 below). The GNS life risk models for rockfall assume the 50 year average earthquake probability.
From Figure 3, it can be seen that the current seismicity is expected to have reduced to a level that is very close to the 50 year average. Therefore the seismic probabilities assumed in the GNS life risk model for cliff collapse is in the order of 3 times higher than the ‘current’ probability based on the composite model for 2019. The high sensitivity of AIFR calculations to the seismic hazard model assumed is considered in GNS pilot study 2012/57, which notes:

The results show that the largest impact on the risk is from the composite seismic hazard model. The annual frequency of a cliff collapse-triggering earthquake occurring is much higher in the next few years, and will decrease by about 3 to 5 times over the next decade.

When the Port Hills are impacted by another significant earthquake, the seismicity curve will effectively ‘reset’ to year 1.

What Difference Would Using ‘Current’ Seismicity Make to AIFR Calculations?
If the seismicity used in the GNS life risk model for cliff collapse was reduced by a factor of 3 (to approximate current earthquake probabilities), the following results would likely be observed:

- Baches 1 and 2 – no change as hazard is dominated by rockfall,
- Baches 4, 8, 9 and 30 – may be slight reduction in AIFR to lower band (i.e. $10^{-3}$ to $10^{-5}$) but no practical change as currently in CCMA2 zone,
- Baches 31 and 32 – no change, rockfall risk only,
- Baches 10 and 62 through 68 – no change, cliff collapse hazard is 2 orders of magnitude higher than $10^{-5}$.

In summary, even if the current (lower) level of seismic hazard was adopted for the cliff collapse life risk model, the existing overall hazard classifications for the moderate-to-high hazard baches would remain unchanged.
Appendix 29 – Review of hazards at coastal baches
Memorandum

Date: 11 February 2015

To: Peter Doolin, Port Hills Programme Manager

Copy: Sarah Oliver

From: Don Macfarlane & Ian Wright

Subject: Review of hazard at coastal baches

This memorandum summarises our review of existing data and assessments of rockfall hazard sources that may affect coastal baches around Christchurch, specifically at Boulder Bay, Taylors Mistake, Hobson Bay and the area known as Maori Gardens near Governors Bay. The review was undertaken specifically to determine whether proposed hazard zones in these areas are justified and defensible.

It is important to understand that the area at risk from a hazard (for example from a cliff collapse) does not change with time even if the probability of a trigger event (such as earthquake) does change. Hence, for the purposes of this memorandum, we define hazardous locations (that could be zoned as Hazard Management Areas) as locations where naturally occurring upslope rock outcrops or cliffs might, by their nature, present a condition whereby downslope areas are or could become dangerous if the elements for failure are present. In this context, the elements for failure could be earthquake or other natural events (such as climatic incidents) but we also recognise that failures could occur with no known trigger event. Failure may be in the form of individual rockfall, cliff collapse (a rock debris avalanche) or soil slip (debris flow) or any combination of these. A hazardous location is thus any area that could be subject to rock or debris impacts as a result of individual rockfall, cliff collapse (a rock debris avalanche) or soil slip (debris flow) or any combination of these. Precise definition of such areas is difficult.

Methodology

In undertaking this review we have considered the following information:

S124 Notices
S124 Notices were placed on dwellings deemed to be dangerous after the earthquakes, based on whether or not the dwelling met the criteria to be classed as a dangerous building under Section 121 of the Building Act 2004. These notices were placed in mid-2011, following the end of the Civil Defence Emergency.

The decision to place (or not place) a Section 124 (1)(b) notice prohibiting occupation of the building was based on recommendations made to Council by the Port Hills Geotechnical Group (PHGG), whose recommendations were based on a set of simple criteria. For boulder roll these included but were not limited to:

1. Did rocks fall on this or an adjacent property?
2. Did rocks reach or pass the dwelling?
3. Was the dwelling hit by rocks?
4. Is the slope above the dwelling steep enough for rocks to roll down it?
5. Are there obvious sources for further rockfall?

Section 32 - Publicly Notified - 2 May 2015
6. Is there effective\(^1\) natural or man-made protection for the dwelling? This may be one or more of vegetation (eg. shelter belts, plantations, dense scrub), house(s), rock fences, bunds or topographic controls.

The criteria for cliff collapse were:
1. Is there loose material (soil or rock) on a cliff above or adjacent to the property?
2. Are there tension cracks behind the cliff crest?
3. Is the house within the runout zone\(^2\)?

The dwelling was required to meet condition No.3 to be recommended for an s124 Notice.

Hazard Verification Reports

Brief ‘Hazard Verification’ reports were requested by Council in late 2011-early 2012. These resulted in a summary review of the nature of the hazard and photographs to show the dwelling in relation to the hazard source(s).

Ground Truthing Reports

In early 2012, PHGG undertook ground truthing as a field check of the preliminary GNS life risk models. These checks involved measurements of S angle and/or F angle at each dwelling within the life risk model zones, assessment of the rockfall source and topography, proposed setback lines, ground cracking and any other factors that could affect the risk at a dwelling. These reviews were used to determine whether the model seemed reasonable or should be adjusted. The final decision was, in all cases, made by GNS considering all data, modelling results and any other factors they deemed relevant.

GNS Science Life-risk Model

We have reviewed the GNS life risk models for each location and site. We note that these models are area-wide, not site specific, but were ground truthed by PHGG (in effect sanity checked). The PHGG assessment may differ from the GNS model as final decisions were based on all factors deemed relevant by GNS and, in addition to the nature of the hazard, the life-risk model incorporates other factors such as the probability of a person being present and the probability that the person will be hit by a rock.

Field Check

On 22 October, we inspected all back locations in Taylors Mistake and Hobson Bay, and checked the Boulder Bay back sites from the cliff top. The objective was to reassess the site-specific hazard to determine whether the proposed Hazard Management Areas were appropriate and/or whether any changes had occurred to justify a change to the proposed Management Areas.

A similar inspection of the baches at Maori Gardens was undertaken on 4 November 2014.

Results

In the following tables we summarise the key outcomes for each site area.

NOTE: Our assessment is based on the potential consequences of a cliff collapse or rockfall (or boulder roll), not on the life risk model. It does not consider possible benefits from trees as these are not permanent features, could be ‘gone tomorrow’ (eg. due to fire) and affect the RISK not presence or otherwise of a hazard.

---

\(^1\) The protection is not deemed effective if it has been passed or penetrated by rockfall boulders (eg. if some rocks/boulders have passed right through a shelter belt or plantation it is not an effective barrier even if it stopped other rocks)

\(^2\) The extent of the runout zone was defined by a 30-33 degree Fahrboeschung (F) angle from the cliff crest
### Boulder Bay

<table>
<thead>
<tr>
<th>Bach No.</th>
<th>Assessment</th>
<th>Conclusion and/or Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Significant tension cracking in rock mass above the bach. Generally the rock quality is very poor making it susceptible to failure as a debris avalanche. Rock mass above the property is also prone to debris avalanche as indicated by tension cracks.</td>
<td>Location judged a hazard area for debris avalanche and/or individual boulders.</td>
</tr>
<tr>
<td>2</td>
<td>Boulders have fallen within 10m of the property including two immediately to the west that went past the property. Marginal protection provided by mature trees. Rockfall modelling shows that most rocks originating from the slope above the bach will reach or pass the dwelling. If they hit the building, the impact energy will be substantial.</td>
<td>Location judged a hazard area for debris avalanche and/or individual boulders.</td>
</tr>
<tr>
<td>4</td>
<td>Small cliff immediately behind bach has loose rock</td>
<td>Direct cliff collapse hazard</td>
</tr>
<tr>
<td>5 to 7</td>
<td>Not subject to cliff collapse hazard</td>
<td>Need not be included in Hazard Management Area</td>
</tr>
<tr>
<td>8, 9</td>
<td>Small cliff behind baches may shed isolated boulders. Not deemed a cliff collapse hazard but subject to hazard from rockfall.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Bach sited in lee of an undercut cliff. Small amounts of debris fell off the cliff during the 2011 earthquakes</td>
<td>Direct cliff collapse hazard</td>
</tr>
</tbody>
</table>

### Taylors Mistake

<table>
<thead>
<tr>
<th>Bach No.</th>
<th>Assessment</th>
<th>Conclusion and/or Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>On top of small cliff. Judged not at risk from cliff collapse. No boulder roll hazard evident. Could be affected by future cliff erosion</td>
<td>Site is judged to be relatively ‘safe’</td>
</tr>
<tr>
<td>30</td>
<td>Hazard is from collapse of low cliff adjacent the bach that could impact dwelling. Low rockfall (boulder roll) hazard.</td>
<td>Hazard at site is adjacent to rather than directly above bach</td>
</tr>
<tr>
<td>31-32</td>
<td>Direct hazard from rockfall, viable source of rocks in outcrops above these baches at the base of a gully that will focus boulders rolling down the slope.</td>
<td>Clear hazard area</td>
</tr>
<tr>
<td>33-43</td>
<td>Minor areas of rock outcrop indicate limited hazard from rockfall. A number of boulders have reached the flat area behind these baches during (and before) the earthquakes.</td>
<td>Sites are relatively safe</td>
</tr>
</tbody>
</table>

Section 32 - Publicly Notified - 2 May 2015
Overview, Taylors Mistake baches. No.30 at left of photo; No.45 at right. No’s 31-33 are in the trees at the end of the beach.

**Hobson Bay**

<table>
<thead>
<tr>
<th>Bach No.</th>
<th>Assessment</th>
<th>Conclusion and/or Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>55-58</td>
<td>Judged not at risk from cliff collapse. No boulder roll hazard evident.</td>
<td>Outside hazardous area</td>
</tr>
<tr>
<td>59</td>
<td>Hazard is from collapse of low loess cliff adjacent the bach that previously impacted dwelling. Has been excavated and is currently stable. No rockfall (boulder roll) hazard.</td>
<td>No significant current hazard</td>
</tr>
<tr>
<td>60</td>
<td>No hazard from cliff collapse inundation. Failure has affected slope below bach but does not undermine the structure.</td>
<td>Further undermining could affect stability of structure but could be remediated</td>
</tr>
<tr>
<td>62</td>
<td>Limited stabilisation work has been completed (shotcrete and ineffective catch fence). Building is located under a cliff which shows evidence for instability.</td>
<td>Site is within hazardous area. Direct cliff collapse hazard.</td>
</tr>
<tr>
<td>63, 64, 67, 68</td>
<td>Baches immediately under overhanging cliff which shows signs of instability, full extent of which is hidden by vegetation. Direct hazard from cliff collapse (overhanging) at all 4 sites. No.63 has been hit and badly damaged by debris that has fallen from cliff since mid 2012.</td>
<td>All sites within hazardous area (cliff overhangs dwelling)</td>
</tr>
<tr>
<td>69</td>
<td>Not at risk from cliff collapse or rockfall but is located in the mouth of a steep gully which may be susceptible to mass movement or debris flows</td>
<td>No significant current hazard</td>
</tr>
</tbody>
</table>
Overview, Hobson Bay baches, Feb 2011. Pale blue bach at centre left is No.63

Destruction caused by rockfall debris hitting rear of bach at No.63 Hobsons Bay
Moari Gardens
These four baches are located under a cliff face. Where exposed, the rock is weathered and of variable quality. The cliff shed some rocks in the earthquakes and is clearly capable of shedding rocks and debris at other times. One bach appears to have been struck by mud/earth flow debris quite recently.

<table>
<thead>
<tr>
<th>Bach No.</th>
<th>Assessment</th>
<th>Conclusion and/or Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Exposed to hazard of rockfall from cliff behind the bach; loose rocks/open fractures evident. Some protection from vegetation. Small debris flow/slump immediately to N of dwelling</td>
<td>Clearly hazardous site.</td>
</tr>
<tr>
<td>B</td>
<td>Exposed to hazard of rockfall from cliff behind the bach; loose rocks/open fractures evident. Some protection from vegetation.</td>
<td>Clearly hazardous site.</td>
</tr>
<tr>
<td>C</td>
<td>Cliff face &gt;15m high immediately behind bach.</td>
<td>Clearly hazardous site (cliff collapse or rockfall).</td>
</tr>
<tr>
<td>D</td>
<td>Cliff face is immediately behind bach which has been struck by recent small debris flow (approx. 0.5m deep at rear wall judging from soil marks).</td>
<td>Clearly hazardous site (cliff collapse or rockfall).</td>
</tr>
</tbody>
</table>

Baches at Moari Gardens with cliff behind (Bach A at right, D at left of photo)

Alternative Location
The draft District Plan currently out for public consultation designates an area on the SE side of the valley at Taylors Mistake for relocation of some of the baches in hazard locations. The draft plan shows that approximately half of the designated area is considered to be a Rockfall Hazard Management Area. On 13 November, the designated area was inspected and boulders on the ground surface were mapped. The mapping showed that:

1. A small number of earthquake-induced and older boulders are scattered across the area designated for relocation of baches;

Section 32 - Publicly Notified - 2 May 2015
2. These boulders are not restricted to the part of the area indicated to be a Rockfall Hazard Management Area; and
3. There are four unstable areas of outcrop above the designated area that have the potential to release further boulders that could impact relocated baches.

The inspection report recommends that these unstable outcrops be treated prior to relocating baches into the designated area.

**Discussion**

We believe that Hazard zoning should be based on the potential consequences of failure of the rock sources (cliffs or rock outcrops) rather than on the GNS life risk models. The life risk models provide an estimate of annual probability (risk) of death(s) on an area-wide rather than site-specific basis and changes through time occur as the likelihood of earthquake-induced failures is modelled to decrease. This is a model based on past experience of world-wide earthquakes and does not recognise that:

1. another earthquake large enough to induce cliff collapse or rockfall (boulder roll) could occur at any time and would ‘reset the clock’ – science cannot reliably predict the location, magnitude nor timing of the next damaging earthquake
2. in the event of failure (for any reason) the rockfall debris or boulders may travel just as far as occurred during the 2010/2011 earthquakes. This is supported by the geological and geomorphological evidence provided by old boulders, debris cones and large wedges of erosion debris containing rocks and boulders that flank slopes in areas such as Sumnervale, Bowenvale and Avoca Valley that show how far rocks have travelled in the past.

**Comment on proposed Hazard Zones**

This study has indicated that of the 38 baches investigated, 19 are located in clearly hazardous situations and 19 are in a low hazard location. Consequently, we suggest that the hazard zone boundaries be modified as shown on the attached drawings and summarised below:

**Boulder Bay** - No changes

**Taylors Mistake** - Bach 28 should be removed Cliff Hazard Management Area 2

**Hobson Bay** - Bachs 55 to 59 and bach 60 should be removed from Cliff Hazard Management Area 2

**Moari Gardens** - No changes. Cliff Hazard Management Area 2 is appropriate for all four baches.
1 Context

Neil Charters is representing the Taylor's Mistake Association, and his brief is to provide geotechnical advice to the association only for those baches that have been unscheduled.

Don Macfarlane is representing the Christchurch City Council, and his brief is to confirm the geotechnical hazards that exist at the baches.

This conferencing considered only those baches at Boulder Bay and Taylor's Mistake that are currently not scheduled (i.e. those that are currently proposed to be removed).

2 Areas of Agreement

For ease of reading, this document will deal with each of the unscheduled baches in turn, moving from the east (Boulder Bay) to the west (Taylor's Mistake).

1 and 2 Boulder Bay

We agree that:

- Both baches are subject to essentially the same hazard.
- Although there is cracking in the ground at the head of the slope, the hazard at these baches is dominated by rockfall
- RHMA2 is an appropriate zoning for both of these baches.

4 Boulder Bay

We agree that:

- This bach is located on the margins of the GNS cliff collapse model.
- The bach is subject to rockfall hazard, and may be treated as such for planning purposes because the cliff to the rear of the structure is less than 10 m high and appears in good condition.
- Consequently, RHMA2 is an appropriate zoning for this bach.

8 and 9 Boulder Bay

We agree that:

- Because the cliff behind them is in generally good condition, both baches are subject to rockfall hazard rather than cliff collapse hazard.
o The rockfall hazard at these baches could be mitigated.

o Site specific assessment is required to assess the hazard and mitigation works required.

**10 Boulder Bay**

We agree that:

- The cliff collapse hazard at this bach is significantly greater than that at Boulder Bay 8 and 9.
- There is both recent (Canterbury Earthquake Sequence) and historic evidence of rockfall from the cliff behind the bach.
- The cliff is made up of pyroclastic basalt with fractures defining overhangs and potentially unstable blocks up to approximately 1.5 m³.
- While mitigation work may be possible, it is likely to be prohibitively expensive.
- The cliff collapse hazard zoning (CHMA2) is appropriate for this bach.

**30 Taylors Mistake**

We agree that:

- The rockfall hazard is sourced from the adjacent outcrop, and may be mitigated relatively easily.
- RHMA2 is an appropriate zoning for this bach.

**31 and 32 Taylors Mistake**

We agree that:

- Both baches are subject to essentially the same hazard.
- Further detailed assessment is required to assess what mitigation work is needed to allow continued occupancy of the baches.
- It is likely that relatively limited mitigation works will be required to enable future occupancy of the baches.
- RHMA2 is an appropriate zoning for these two baches.

### 3 Areas of Disagreement

We did not record any areas of disagreement.
Attachment G: Boulder Bay, Taylors Mistake, Hobsons Bay Baches

Report on heritage values

1.0 Introduction:

1.1. The purpose of this report is to assist the Hearings Panel considering licencing baches to remain on unformed road at Taylors Mistake, Boulder Bay and Hobsons Bay. This report considers the heritage factors associated with the baches at Taylors Mistake, Boulder Bay and Hobsons Bay. It looks at the following matters:
- Existing baches that are scheduled as heritage items in the Christchurch District Plan.
- The heritage value of baches that are not scheduled in the District Plan and potential for individually scheduling remaining baches as heritage items in the Christchurch District Plan.
- The potential for scheduling heritage areas in the Christchurch District Plan.

1.2. This report is written by Fiona Wykes, Senior Heritage Advisor at Christchurch City Council. I have held this position since February 2014.

1.3. I have a Bachelor of Arts Degree in Archaeology (BA Hons) and a Post Graduate Diploma in Architectural Conservation (PG Dip, Arch Cons) from the University of Bristol, and a Master of Arts in Urban Design (MA) from Birmingham City University. I have attended a number of professional development courses relating to heritage conservation in the UK since graduating from the University of Bristol, and similarly in New Zealand. I have 17 years of experience in the heritage field, both in the UK and New Zealand. I am also a full member of ICOMOS (NZ) Te Mana O Nga Pouwhenua O Te Ao, the International Council on Monuments and Sites, and until I left the UK in 2008 I was a full member of the Institute of Historic Building Conservation.

1.4. As part of my role at the Council I have been asked to provide my expert opinion regarding the heritage values of the baches at Boulder Bay, Taylors Mistake and Hobsons Bay. Additional assessment work and review has also been undertaken by other members of the heritage team, as well as external peer review by Jenny May, heritage consultant with Heritage Management Services.

2.0 Summary

Existing baches scheduled as heritage items

2.1. 14 baches are currently scheduled as heritage items in the Christchurch District Plan as a result of the recent review of the District Plan. The rules in the District Plan provide that resource consent is required for removal of scheduled heritage items— namely 9.3.4.1.4.D2.

2.2. Six of the scheduled baches are subject to high or medium hazards. I understand that a hazards report describes that hazard. Should the Council decide that they should be removed from the unformed road, a resource consent would be required for each bach in order for them to be demolished.

- Baches 1, 2, 28, 30, 31, 32, 33, 47, 49, 56, 57, 59, and 68 are scheduled
- Baches 1, 2, 30, 31, 32, and 68 are subject to high/medium hazard

Potential for remaining baches to be scheduled as heritage items
2.3 With regards the potential for other existing baches to be scheduled, of the remaining 31 baches that are not currently scheduled three do not meet the significance threshold required for heritage scheduling, three would meet the threshold of significance but at present would not be scheduled under the District Plan process due to the medium/high hazard that they are currently subject to, and I consider that the remaining 25 meet the required threshold of significance that would make them eligible to be considered for scheduling through a plan change.

- Baches 4, 62, and 63 do not meet the threshold of heritage significance
- Baches 10, 64, and 67 would meet the threshold of heritage significance but are subject to high/medium hazard
- Baches 5, 7, 8, 9, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 51, 52, 55, 58, 60, 69, and 70 would meet the threshold of heritage significance for scheduling.

Section 3.1 below discusses the methodology for assessing baches for significance.

**Potential to schedule heritage areas.**

2.4 I consider that the heritage values of the baches as a whole is such that there is the potential to schedule two heritage areas in the District Plan should the baches remain. One area would be Boulder Bay, while the second area would encompass Taylors Mistake and Hobsons Bay. The Taylors Mistake/Hobsons Bay area would also encompass the existing Heritage New Zealand Pouhere Taonga (HNZPT) Historic Area which consists of the baches known as Rotten Row – nos. 34 – 46.

**3.0 Assessment methodology and background**

**Existing scheduled baches**

3.1 The baches that are currently scheduled as heritage items within the Christchurch District Plan were scheduled as part of the District Plan process in 2015/2016. The methodology for the assessment of places for scheduling is outlined in the Heritage Technical Report that is part of the Section 32 Report submitted for the Natural and Cultural Heritage Chapter. This process also assessed bach 4 and bach 10. The Heritage Technical Report can be found at http://resources.ccc.govt.nz/files/policiesreportsstrategies/chapter9-naturalandculturalheritage-s32-appendix4-heritagetechnicalreport.pdf

3.2 The decision on the currently scheduled baches was made through the Independent Hearings Panel - http://www.chchplan.ihp.govt.nz/

3.3 Several of the scheduled baches (1, 2, 30, 31, 32, and 68) have been assessed to be subject to high/medium hazard in a hazard review report commissioned by Council (“Review of hazard at coastal baches”, 11 February 2015, D. Macfarlane (AECOM) and I. Wright (CCC)). At the time of scheduling the natural hazard associated with the baches was not a consideration of whether they should be scheduled or not. This results in baches that are potentially unsafe to occupy, but nevertheless subject to rules in the District Plan that require resource consent for their demolition due to their heritage significance.

3.4 If the Council decides that scheduled baches must be removed, a resource consent would be required under discretionary rule 9.3.4.1.4.D2 in the District Plan. Matters that will need to be

---

1 Noting that bach 4 was assessed through the Independent Hearings Panel Process – see Section 3.0
considered around assessing whether a scheduled bach should be demolished are listed in Policy 9.3.2.2.8 of the Christchurch District Plan as follows:

9.3.2.2.8 Policy - Demolition of heritage items
a. When considering the appropriateness of the demolition of a heritage item scheduled in Appendix 9.3.7.2 have regard to the following matters:
   i. whether there is a threat to life and/or property for which interim protection measures would not remove that threat;
   ii. whether the extent of the work required to retain and/or repair the heritage item is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;
   iii. whether the costs to retain the heritage item (particularly as a result of damage) would be unreasonable;
   iv. the ability to retain the overall heritage values and significance of the heritage item through a reduced degree of demolition; and
   v. the level of significance of the heritage item.

Potential for remaining baches to be scheduled
3.5 We have used the same process that was used for the District Plan assessment of heritage in assessing the heritage values of the unscheduled baches. These baches were not assessed during the District Plan process due to time and resource constraints. At that time only baches that were the subject of specific submissions were assessed in order to respond adequately to the submissions made. All assessments have been peer reviewed by heritage consultant Jenny May, and are in the process of being finalised for agreement by the peer reviewer. A summary table of the findings is attached to this report as Appendix 1.

3.6 The assessments have ascertained that all the remaining baches that were not previously considered, other than baches 62, and 63 meet the threshold for heritage significance that would make them eligible for scheduling in the Christchurch District Plan. Over and above the fact that both of these baches are subject to hazard concerns that would preclude them being scheduled at this time, bach 62 fails to meet the threshold with regards to its architectural and aesthetic significance and lacks the authenticity and integrity needed to meet the threshold required to be considered for scheduling, while bach 63 is damaged to such an extent that the work required to bring it back to any form of good repair means that it also lacks the authenticity and integrity required to meet the threshold – see Policy information below.

3.7 As part of this work we reassessed bach 10 at the request of the owner. The bach failed to meet the required threshold of significance when it was assessed as part of the district plan process, due to a lack of information. Further information has been provided to the Council regarding this bach with the result that we consider it would meet the threshold of significance to be eligible for scheduling at a future date. At present the bach would be unable to be scheduled as it is subject to high hazard from the cliff above it. This is also the case for baches 64 and 67.

3.8 At the time of scheduling the baches through the Independent Hearings Panel process, the hazards associated with the baches were not a consideration of whether they should be scheduled or not. As a result of policies that are now in the Christchurch District Plan these matters are now a valid consideration. Policy 9.3.2.2.1.c states:
Council  
11 April 2019

Item No.: 28

Attachment G

3.9 This is also the policy that would reinforce bach 63 as being ineligible for scheduling, even if the hazard concerns were removed, as per point (iii)

3.10 All the remaining unscheduled baches would meet the threshold of significance required which makes them eligible for scheduling in the Christchurch District Plan.

Potential to schedule heritage areas

3.11 A site visit was undertaken by members of the heritage team to ascertain whether Boulder Bay, Taylors Mistake and Hobsons Bay would be eligible for scheduling as heritage areas. A heritage area is an area that comprises a group of inter-related historic places, buildings, structure and/or sites which are considered to make a significant contribution towards an understanding and appreciation of the history and cultures of an area. Scheduling in the District Plan would mean that rules and assessment matters could be applied to these areas as a whole, which would impose consent requirements on any buildings included within the area.

3.12 As part of this all buildings within the areas were assessed using a basic field assessment form, and were determined to be positive, neutral or intrusive with regards to their contribution towards a scheduled heritage area. It was determined that there was the potential for two heritage areas to be scheduled in the future. One consisting of the Boulder Bay area, and one covering the Taylors Mistake and Hobsons Bay areas, including the area containing the Surf Lifesaving Club. Draft summary reports of the findings are attached to this report as Appendices 2 and 3, along with maps showing the possible outlines of these potential areas.

3.13 It was determined that all baches would be eligible to be included in these heritage areas, mostly as positive buildings, with one being considered neutral, should it be proposed that they become part of the Christchurch District Plan. The criteria for assessment of heritage areas is the same as for individual scheduling, but the buildings are assessed for their significance for the area, which results in a lower threshold of significance for a building than if they are being assessed only for their individual, stand-alone heritage significance. The eligibility of the buildings themselves is reinforced by the value of the social history associated with all the baches in these areas. It should be noted that the Taylors Mistake/Hobsons Bay area would include the existing HNZPT Historic Area known as Rotten Row.
3.14 Should some of the baches be removed due to hazard risk, the potential areas could change slightly – see Appendices 4 and 5 for draft summary of significance of the areas should this be the case.
<table>
<thead>
<tr>
<th>Bach</th>
<th>Scheduled</th>
<th>Meets significance threshold for individual scheduling?</th>
<th>Meets significance threshold for area scheduling?</th>
<th>Effects of hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>High hazard a concern – would require a resource consent for demolition as per Policy 9.3.2.2.8 of the Christchurch District Plan (CDP)</td>
</tr>
<tr>
<td>2</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>High hazard a concern – would require a resource consent for demolition as per Policy 9.3.2.2.8 of the CDP</td>
</tr>
<tr>
<td>4</td>
<td>N</td>
<td>N</td>
<td>Y – would be neutral</td>
<td>Can be mitigated – no effect on potential heritage outcomes</td>
</tr>
<tr>
<td>5</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>6</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>7</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>8</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Can be mitigated – would be a requirement for scheduling</td>
</tr>
<tr>
<td>9</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Can be mitigated – would be a requirement for scheduling</td>
</tr>
<tr>
<td>10</td>
<td>N</td>
<td>Y – but with reservations - see hazards section</td>
<td>Y</td>
<td>Hazard high – currently would preclude consideration for scheduling as per Policy 9.3.2.2.1.c.iii and iv of the CDP. If the hazard could be mitigated, the bach would be eligible for scheduling both individually and as part of a heritage area.</td>
</tr>
<tr>
<td>28</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>30</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>High/medium hazard a concern – would require a resource consent for demolition as per Policy 9.3.2.2.8 of the CDP</td>
</tr>
<tr>
<td>31</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>High/medium hazard a concern – would require a resource consent for demolition as per Policy 9.3.2.2.8 of the CDP.</td>
</tr>
<tr>
<td>32</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>High/medium hazard a concern – would require a resource consent for demolition as per Policy 9.3.2.2.8 of the CDP</td>
</tr>
<tr>
<td>33</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>Bach</td>
<td>Scheduled</td>
<td>Meets significance threshold for individual scheduling?</td>
<td>Meets significance threshold for area scheduling?</td>
<td>Effects of hazards</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>------------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>34</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>35</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>36</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>37</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>38</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>39</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>40</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>41</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>42</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>43</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>44</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>45</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>46</td>
<td>N</td>
<td>Y</td>
<td>Y – Already part of HNZPT’s Rotten Row Baches Historic Area</td>
<td>No issues</td>
</tr>
<tr>
<td>47</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>48</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>49</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>51</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>52</td>
<td>N</td>
<td>Y</td>
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<td>No issues</td>
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<td>55</td>
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<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>56</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>57</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>Bach</td>
<td>Scheduled</td>
<td>Meets significance threshold for individual scheduling?</td>
<td>Meets significance threshold for area scheduling?</td>
<td>Effects of hazards</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>--------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>58</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>59</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>60</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>62</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>High hazards identified. Even if they could be mitigated, the bach would only meet the significance threshold as part of a heritage area.</td>
</tr>
<tr>
<td>63</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Hazard high – currently would preclude consideration for scheduling as per Policy 9.3.2.2.1.c.iii and iv of the CDP. The damage the bach has suffered would also preclude scheduling under the same policy as the work required to make the bach habitable again would mean that the bach would no longer have the authenticity and integrity required to meet the threshold of significance to be eligible for scheduling.</td>
</tr>
<tr>
<td>64</td>
<td>N</td>
<td>Y – but with reservations - see hazards section</td>
<td>Y</td>
<td>Hazard high – currently would preclude consideration for scheduling as per Policy 9.3.2.2.1.c.iii and iv of the CDP. If the hazard could be mitigated, the bach would be eligible for scheduling both individually and as part of a heritage area.</td>
</tr>
<tr>
<td>67</td>
<td>N</td>
<td>Y – but with reservations - see hazards section</td>
<td>Y</td>
<td>Hazard high – currently would preclude consideration for scheduling as per Policy 9.3.2.2.1.c.iii and iv of the CDP. If the hazard could be mitigated, the bach would be eligible for scheduling both individually and as part of a heritage area.</td>
</tr>
<tr>
<td>68</td>
<td>Y</td>
<td>N/A</td>
<td>Y</td>
<td>High/medium hazard concern. Could not really be demolished (it is a cave) so would wish to retain as a scheduled item, intact, even if the hazard cannot be</td>
</tr>
<tr>
<td>Bach</td>
<td>Scheduled</td>
<td>Meets significance threshold for individual scheduling?</td>
<td>Meets significance threshold for area scheduling?</td>
<td>Effects of hazards</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>--------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>mitigated and the bach cannot be occupied.</td>
</tr>
<tr>
<td>69</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
<tr>
<td>70</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>No issues</td>
</tr>
</tbody>
</table>
Appendix 2 – Proposed Boulder Bay Heritage Area – Summary

Introduction:

This information is produced as a draft summary to be accessible to the Taylors Mistake Hearings Panel, for discussion. It is not Council policy. The information in it may be subject to change. It is not a final, full and detailed assessment of the proposed heritage area.

1. Location and Extent

   Boulder Bay is a small isolated location near Taylors Mistake, on the steep northern flanks of Godley Head. The bay is named for its boulder-strewn beach. It contains nine baches built along a narrow sea-front terrace: seven in the bay itself, and two in a nearby cove. On the slopes behind the baches are sheltering stands of large macrocarpa trees. There is no road access. Three of the baches (1, 2 and 6) are scheduled heritage items in the Christchurch District Plan. It is proposed that the bay be scheduled as a Heritage Area. The extent of the area is intended to reflect that of the heritage setting of the currently scheduled heritage items. The Heritage Area will however encompass the baches in the bay.

2. Heritage Significance

   The proposed Boulder Bay Heritage Area has historical and social significance as a reflection of aspects of recreation and leisure in early and mid-twentieth century New Zealand, and as an element of the Taylors Mistake bach community – which is nationally recognised as representative of bach communities of this era. The area has cultural significance for the manner in which it signifies the informal do-it-yourself bach way of life that was once a typical feature of holiday-making in New Zealand. The relaxed informality of the sea-side bach holiday has come to represent what is widely understood as an essential feature of the New Zealand character. The area has architectural significance for the row of humble beach-side baches, which are representative of the types of diminutive vernacular dwellings commonly built to serve as baches in the early and mid-twentieth century. The area has aesthetic significance for the picturesque nature of the baches, islands of domesticity nestled in the wild landscape of Taylors Mistake. The area has craftsmanship significance for the baches, which were constructed with care and frequently over extended periods by their owners from cheap and often found materials, boated or carried by hand to this remote location. The area has contextual significance for the relationship between the baches – which are consistent in terms of age, scale and materials – and for the defining relationship between the baches and the physical environment, where the baches are a product of their spectacular sea-side location.

   The Boulder Bay baches have significance sufficient to be scheduled collectively as a Heritage Area.
3. Building Assessment

**Heritage Area - Boulder Bay Building Ratings**

<table>
<thead>
<tr>
<th>Address</th>
<th>Date/Construction</th>
<th>Heritage Area Rating</th>
<th>District Plan Scheduling</th>
<th>Heritage NZ Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulder Bay Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 1</td>
<td>c.1920s; from boulders obtained on site with 1950s fibre cement and weatherboard extensions</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 2</td>
<td>c.1910/20s; from boulders obtained on site</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 4</td>
<td>c.1920s; timber, recently re-clad</td>
<td>Contributory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 5</td>
<td>c.1920s; stuccoed timber</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 6</td>
<td>1956; concrete &amp; fibre cement. 1940s army hutment at rear.</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 7</td>
<td>c.1914; tin siding &amp; weatherboard</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 8</td>
<td>1920s; &amp; 1950s, fibre cement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 9</td>
<td>1930s; concrete</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 10</td>
<td>1922 with later extensions; board &amp; batten</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Author:** Heritage Team, Christchurch City Council  
**Date:** 22 August 2017
Appendix 3 - Proposed Taylors Mistake Heritage Area – Summary

Introduction:

This information is produced as a draft summary to be accessible to the Taylors Mistake Hearings Panel, for discussion. It is not Council policy. The information in it may be subject to change. It is not a final, full and detailed assessment of the proposed heritage area.

1. Location and Extent

Taylors Mistake is a large sandy bay east of Sumner and Scarborough, on the northern slopes of Godley Head. The Taylors Mistake beach and its valley are comparatively flat, but flanking hillsides ascend steeply, and the coastline both east and west of the bay is characterised by rugged cliffs. There are 36 baches on the Taylors Mistake coast located in two distinct areas. 19 baches are located along the back of the beach on the southern side of the bay in an area known as Rotten Row. 17 baches are located along the back of the beach on the northern side of the bay in an area known as North End; on the adjacent rocky outcrop known as The Point; and under the cliffs of the small cove north of The Point known as Hobson’s Bay. The Taylors Mistake Surf Life Saving Club (est 1916) Pavilion is located at the mid-point between the two groups. Eleven of the baches (28, 30-33, 47, 49, 56, 57, 59 and 68) are scheduled heritage items in the Christchurch District Plan. Thirteen of the baches (34-46) make up the Taylors Mistake Historic Area on the New Zealand Heritage List administered by Heritage New Zealand Pouhere Taonga. It is proposed that all 36 baches at Taylors Mistake be scheduled in the Christchurch District Plan as a Heritage Area. The boundary of the area will largely be that of the two existing heritage settings outlined in the Christchurch District Plan, but extended to make them geographically contiguous, which will also take in the Surf Club, the City Council toilet block and the beach itself. There is also a small western extension to take in the northern-most Bach 70. Note that the nine baches of nearby Boulder Bay (usually considered part of the wider Taylors Mistake area) are proposed for a separate Heritage Area, because they are geographically discontinuous.

2. Heritage Significance

The proposed Taylors Mistake Heritage Area has historical and social significance as a reflection of aspects of recreation and leisure in early and mid-twentieth century New Zealand. These aspects are embodied in the Taylors Mistake bach community — which is nationally recognised as representative of bach communities of this era. At the physical and metaphorical heart of this community for a century has been the Taylors Mistake Surf Club. The area has cultural significance for the manner in which it signifies the informal do-it-yourself bach way of life that was once a typical feature of holiday-making in New Zealand. The relaxed informality of the sea-side bach holiday has come to represent what is widely understood as an essential feature of the New Zealand character. The area has architectural significance for the fringe of humble beach-side baches, which are representative of the types of diminutive vernacular dwellings commonly built to serve as baches in the early and mid-twentieth century. The area has aesthetic significance for the picturesque nature of the baches, nestled in the landscape of Taylors Mistake. The area has craftsmanship significance for the baches, which were constructed with care and frequently over extended periods by their owners from cheap and or found materials, and often boated or carried by hand to their sites. The area has contextual significance for the relationship between the baches —
which are consistent in terms of age, scale and materials – and for the defining relationship between the baches and the physical environment, where the baches are a product of and only understandable in their spectacular sea-side location.

The Taylors Mistake baches have significance sufficient to be scheduled collectively as a Heritage Area.

3. Building Assessment

<table>
<thead>
<tr>
<th>Address</th>
<th>Date/Construction</th>
<th>Heritage Area Rating</th>
<th>District Plan Scheduling</th>
<th>Heritage NZ Listing</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 Taylors Mistake Bay</td>
<td>Mid 1920s, alts &amp; adds 1966; board &amp; batten</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>30 Taylors Mistake Bay</td>
<td>Early 20th century; 1917 &amp; 1936. Alts &amp; adds fibre cement</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>31 Taylors Mistake Bay</td>
<td>1944; Art Deco concrete; separate concrete bunkhouse</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>32 Taylors Mistake Bay</td>
<td>Mid 1940s; weatherboard; separate concrete bunkhouse</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>33 Taylors Mistake Bay</td>
<td>c.1920s, 1930s &amp; 1953; weatherboard, board and batten, fibre cement</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
</tr>
<tr>
<td>34 Taylors Mistake Bay</td>
<td>c.1910s; weatherboard</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>35 Taylors Mistake Bay</td>
<td>c.1920s; fibre cement</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>36 Taylors Mistake Bay</td>
<td>c.1950s; fibre cement</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>37 Taylors Mistake Bay</td>
<td>c.1920s/ with c.1960s alts fibre cement</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>38 Taylors Mistake Bay</td>
<td>1960s/70s exterior fibre cement</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>39 Taylors Mistake Bay</td>
<td>c.1920s/30s with 1960s adds fibre cement</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>40 Taylors Mistake Bay</td>
<td>c.1920s/40s with 1950s alts fibre cement</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>41 Taylors Mistake Bay</td>
<td>c.1920s/30s with 1950s alts fibre cement</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>42 Taylors Mistake Bay</td>
<td>c.1920s/30s; weatherboard, 1950s alts</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>43 Taylors Mistake Bay</td>
<td>c.1920s/30s with 1960s alts, corrugated iron cladding</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>44 Taylors Mistake Bay</td>
<td>c.1910s—30s; corrugated iron cladding</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>45 Taylors Mistake Bay</td>
<td>c.1920s-40s; weatherboard, railway carriage extended into bach</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>Address</td>
<td>Date/Construction</td>
<td>Heritage Area Rating</td>
<td>District Plan Scheduling</td>
<td>Heritage NZ Listing</td>
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<td>--------------------------------------------------------</td>
<td>----------------------</td>
<td>--------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>46 Taylors Mistake Bay</td>
<td>c.1920s – 60s; weatherboard, railway carriage extended into bach</td>
<td>Primary</td>
<td></td>
<td>Historic Area 7267</td>
</tr>
<tr>
<td>47 Taylors Mistake Bay</td>
<td>c.1924; board and batten, bungalow style</td>
<td>Primary</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td></td>
<td>Taylors Mistake Toilet Block</td>
<td>Neutral</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Taylors Mistake Surf Life Saving Club</td>
<td>Contributory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48 Taylors Mistake Bay</td>
<td>c.1920s-50s weatherboard &amp; fibre cement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49 Taylors Mistake Bay</td>
<td>c.1908, 1933 &amp; 1968; weatherboard</td>
<td>Primary</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>51 Taylors Mistake Bay</td>
<td>c.1920s with c.1950s additions, fibre cement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>52 Taylors Mistake Bay</td>
<td>c.1920s/30s; weatherboard</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55 Taylors Mistake Bay</td>
<td>c.1950s/60s; fibre cement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57 Taylors Mistake Bay</td>
<td>Possibly 1890 with 1946 alts &amp; adds, corrugated iron &amp; fibre cement</td>
<td>Primary</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>58 Taylors Mistake Bay</td>
<td>1920s-50s; weatherboard</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>59 Taylors Mistake Bay</td>
<td>c.1910s-30s; weatherboard</td>
<td>Primary</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>60 Taylors Mistake Bay</td>
<td>c.1930s-50s; weatherboard &amp; fibre cement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62 Taylors Mistake Bay</td>
<td>Modernised exterior on core of original bach. Plywood cladding.</td>
<td>Contributions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>63 Taylors Mistake Bay</td>
<td>1920s/30s; board &amp; batten, outhouses built into caves</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>64 Taylors Mistake Bay</td>
<td>1930s/40s; fibre cement/weatherboard/corrugated iron</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>67 Taylors Mistake Bay</td>
<td>1920s-50s; board &amp; batten</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>68 Taylors Mistake Bay</td>
<td>c.1891 or 1907; weatherboard &amp; fibre cement</td>
<td>Primary</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>69 Taylors Mistake Bay</td>
<td>c.1950s; fibre cement on stone &amp; concrete gun emplacement basement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70 Taylors Mistake Bay</td>
<td>c.1930s; board &amp; batten</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Author: Heritage Team, Christchurch City Council
Date: 22 August 2017

Draft Sketch – Taylors Mistake Potential Heritage Area
Appendix 4 - Proposed Boulder Bay Heritage Area – without high hazard baches – Summary

Introduction:

This information is produced as a draft summary to be accessible to the Taylors Mistake working party, for discussion. It is not Council policy. The information in it may be subject to change. It is not a final, full and detailed assessment of the proposed heritage area.

1. Location and Extent
   Boulder Bay is a small isolated location near Taylors Mistake, on the steep northern flanks of Godley Head. The bay is named for its boulder-strewn beach. It contains nine baches built along a narrow sea-front terrace: seven in the bay itself, and two in a nearby cove. On the slopes behind the baches are sheltering stands of large macrocarpa trees. There is no road access. Three of the baches (1, 2 and 6) are scheduled heritage items in the Christchurch District Plan. It is proposed that the bay be scheduled as a Heritage Area. The extent of the area is intended to reflect that of the heritage setting of the currently scheduled heritage items. The Heritage Area will however encompass all of the baches in the bay.

2. Heritage Significance
   The proposed Boulder Bay Heritage Area has historical and social significance as a reflection of aspects of recreation and leisure in early and mid-twentieth century New Zealand, and as an element of the Taylors Mistake bach community – which is nationally recognised as representative of bach communities of this era. The area has cultural significance for the manner in which it signifies the informal do-it-yourself bach way of life that was once a typical feature of holiday-making in New Zealand. The relaxed informality of the sea-side bach holiday has come to represent what is widely understood as an essential feature of the New Zealand character. The area has architectural significance for the row of humble beach-side baches, which are representative of the types of diminutive vernacular dwellings commonly built to serve as baches in the early and mid-twentieth century. The area has aesthetic significance for the picturesque nature of the baches, islands of domesticity nestled in the wild landscape of Taylors Mistake. The area has craftsmanship significance for the baches, which were constructed with care and frequently over extended periods by their owners from cheap and often found materials, boated or carried by hand to this remote location. The area has contextual significance for the relationship between the baches – which are consistent in terms of age, scale and materials – and for the defining relationship between the baches and the physical environment, where the baches are a product of their spectacular sea-side location.

   The Boulder Bay baches have significance sufficient to be scheduled collectively as a Heritage Area.

3. Building Assessment
   A hazard assessment has been carried out on the Boulder Bay area following the Canterbury earthquakes and three of the baches in the proposed heritage area have been identified as subject to high hazard and should therefore be removed. These are Baches 1, 2 and 10. The removal of Bach 10 would not greatly reduce the heritage significance of the proposed heritage area. Although Bach 10 is a visually prominent feature within the proposed area as it is sited higher than the neighbouring baches, and when viewed from a distance seems almost attached to the cliff, it is at the far western end of the proposed area. If it were
removed the remaining baches would still constitute a coherent area retaining its social, historical, architectural, aesthetic, craftsmanship and contextual heritage significance. The removal of Baches 1 and 2 would have a far greater impact on the proposed heritage area. Although they are sited at the eastern end of the proposed Boulder Bay heritage area, they are both scheduled as Significant heritage items in the District Plan. They have heritage significance individually in their own right, as well as contextually and in addition to their significance as part of the wider group of buildings. It is not clear that consent would be granted should there be an application to demolish Baches 1 and 2 on the grounds of hazard, especially given it is noted that the potential hazard could be mitigated in the case of both of these buildings. However, should such a consent be granted, then the proposed heritage area would lose two of its most significant and prominent buildings, and with them much of the heritage value of the wider group would also be lost. Combined with the loss of Bach 10 the area as a whole would no longer meet the threshold for significance as a Heritage Area.

If resource consent were not granted, and Baches 1 and 2 remained extant, albeit potentially not licensed for occupation, the heritage values of the wider proposed heritage area would remain and the area would still meet the threshold for heritage significance, and be eligible to be scheduled as a heritage area.

Heritage Area - Boulder Bay Building Ratings – potential removals highlighted – scheduled baches in yellow, unscheduled baches in red

<table>
<thead>
<tr>
<th>Address</th>
<th>Date/Construction</th>
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<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 1</td>
<td>c.1920s; from boulders obtained on site with 1950s fibre cement and weatherboard extensions</td>
<td>Primary</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>Boulder Bay No 2</td>
<td>c.1910/20s; from boulders obtained on site</td>
<td>Primary</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>Boulder Bay No 4</td>
<td>c.1920s; timber, recently re-clad</td>
<td>Contributory</td>
<td></td>
<td></td>
</tr>
<tr>
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<td>c.1920s; stuccoed timber</td>
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<td>Boulder Bay No 6</td>
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<td>c.1914; tin siding &amp; weatherboard</td>
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<td></td>
<td></td>
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<tr>
<td>Boulder Bay No 8</td>
<td>1920s; &amp; 1950s, fibre cement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 9</td>
<td>1930s; concrete</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder Bay No 10</td>
<td>1922 with later extensions; board &amp; batten</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Author:** Heritage Team, Christchurch City Council  
**Date:** 29 May 2018
Proposed Taylors Mistake Heritage Area – without high hazard baches - Summary

Introduction:

This information is produced as a draft summary to be accessible to the Taylors Mistake working party, for discussion. It is not Council policy. The information in it may be subject to change. It is not a final, full and detailed assessment of the proposed heritage area.

1. Location and Extent

Taylor’s Mistake is a large sandy bay east of Sumner and Scarborough, on the northern slopes of Godley Head. The Taylor’s Mistake beach and its valley are comparatively flat, but flanking hillsides ascend steeply, and the coastline both east and west of the bay is characterised by rugged cliffs. There are 36 baches on the Taylor’s Mistake coast located in two distinct areas. 19 baches are located along the back of the beach on the southern side of the bay in an area known as Rotten Row. 17 baches are located along the back of the beach on the northern side of the bay in an area known as North End; on the adjacent rocky outcrop known as The Point; and under the cliffs of the small cove north of The Point known as Hobson’s Bay. The Taylor’s Mistake Surf Life Saving Club (est 1916) Pavilion is located at the mid-point between the two groups. Eleven of the baches (28, 30-33, 47, 49, 56, 57, 59 and 68) are scheduled heritage items in the Christchurch District Plan. Thirteen of the baches (34-46) make up the Taylor’s Mistake Historic Area on the New Zealand Heritage List administered by Heritage New Zealand Pouhere Taonga. It is proposed that all 36 baches at Taylor’s Mistake be scheduled in the Christchurch District Plan as a Heritage Area. The boundary of the area will largely be that of the two existing heritage settings outlined in the Christchurch District Plan, but extended to make them geographically contiguous, which will also take in the Surf Club, the City Council toilet block and the beach itself. There is also a small western extension to take in the northern-most Bach 70. Note that the nine baches of nearby Boulder Bay (usually considered part of the wider Taylor’s Mistake area) are proposed for a separate Heritage Area, because they are geographically discontinuous.

2. Heritage Significance

The proposed Taylor’s Mistake Heritage Area has historical and social significance as a reflection of aspects of recreation and leisure in early and mid-twentieth century New Zealand. These aspects are embodied in the Taylor’s Mistake bach community – which is nationally recognised as representative of bach communities of this era. At the physical and metaphorical heart of this community for a century has been the Taylor’s Mistake Surf Club. The area has cultural significance for the manner in which it signifies the informal do-it-yourself bach way of life that was once a typical feature of holiday-making in New Zealand. The relaxed informality of the sea-side bach holiday has come to represent what is widely understood as an essential feature of the New Zealand character. The area has architectural significance for the fringe of humble beach-side baches, which are representative of the types of diminutive vernacular dwellings commonly built to serve as baches in the early and mid-twentieth century. The area has aesthetic significance for the picturesque nature of the baches, nestled in the landscape of Taylor’s Mistake, and the landscape itself. The area has craftsmanship significance for the baches, which were constructed with care and frequently over extended periods by their owners from cheap and or found materials, and often boated or carried by hand to their sites. The area has contextual significance for the relationship
between the baches – which are consistent in terms of age, scale and materials – and for the defining relationship between the baches and the physical environment, where the baches are a product of and only understandable in their spectacular sea-side location.

_The Taylor’s Mistake baches have significance sufficient to be scheduled collectively as a Heritage Area._

3. **Building Assessment**

A hazard assessment has been carried out on the Boulder Bay area following the Canterbury earthquakes and eight of the baches in the proposed heritage area have been identified as subject to high hazard and should therefore be removed. These are Baches 30, 31, 32, 62, 63, 64, 67, and 68.

The removal of Baches 30, 31 and 32 would have an impact on the proposed heritage area. Although they are sited at the eastern end of the proposed Taylors Mistake heritage area, they are all scheduled as Significant heritage items in the District Plan. They have heritage significance individually in their own right, as well as contextually and in addition to their significance as part of the wider group of buildings. It is not clear that consent would be granted should there be an application to demolish these baches on the grounds of hazard as the buildings themselves are in good condition and well maintained.

However, should such a consent be granted, then the proposed heritage area would lose three of its most significant buildings. Bach 30 is visually very prominent in the area as it is raised up, almost directly above the water and viewed from a distance makes an visual impact against the nearby cliffs. Baches 31 and 32 are much more subtle within the overall area, as they are set back into the hillside and create most impact when viewed up close.

Were these buildings to be removed they would affect the heritage area visually, however Bach 28 would still remain as a distinct terminus of the heritage area to the south, with the natural heritage of the landscape, containing the sites of the removed baches, becoming a more prominent feature of this part of the proposed heritage area.

The removal of Baches 62, 63, 64, 67, and 68 would also affect the proposed heritage area. Bach 68 is scheduled as a Significant heritage item in the District Plan. It has heritage significance individually in its own right, as well as contextually and as part of the wider group of buildings. It is not clear that consent would be granted should there be an application to demolish this bach on the grounds of hazard, noting its current state of repair and lack of occupation do not lessen its heritage significance to the degree of it not meeting the threshold for scheduling in the plan.

However, should such a consent be granted, along with the removal of Baches 62, 63, 64, and 67 the proposed heritage area would lose its continuity and coherence at the western end of the area, and would need to be amended so that the northern end would fall between Bach 60 and Bach 62, with the area terminating at its northern end just into Hobsons Bay, beyond the point between Taylors Mistake and Hobsons Bay.

If resource consent were not granted for the removal of the baches that are scheduled in the District Plan – Baches 30, 31, 32, and 68, albeit potentially not licensed for occupation, the built heritage values of the wider proposed heritage area would remain at the southern end, as well as the natural heritage values. However, the northern end of the proposed heritage area would still no longer meet the threshold for heritage significance that would make this part of the proposed area eligible to be scheduled as a heritage area. Therefore, in either case, the heritage area would remain as originally proposed, except that it would terminate
at the northern end between Baches 60 and 62, excluding the majority of Hobsons Bay from the proposed area.

**Heritage Area - Taylors Mistake Building Ratings – potential removals highlighted** – scheduled baches in yellow, non-scheduled baches in red

<table>
<thead>
<tr>
<th>Address</th>
<th>Date/Construction</th>
<th>Heritage Area Rating</th>
<th>District Plan Scheduling</th>
<th>Heritage NZ Listing</th>
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</thead>
<tbody>
<tr>
<td>28 Taylors Mistake Bay</td>
<td>Mid 1920s, alts &amp; adds 1966; board &amp; batten</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
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<tr>
<td>30 Taylors Mistake Bay</td>
<td>Early 20th century; 1917 &amp; 1936. Alts &amp; adds fibre cement</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
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<tr>
<td>31 Taylors Mistake Bay</td>
<td>1944; Art Deco concrete; separate concrete bunkhouse</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
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<tr>
<td>32 Taylors Mistake Bay</td>
<td>Mid 1940s; weatherboard; separate concrete bunkhouse</td>
<td>Primary</td>
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<tr>
<td>33 Taylors Mistake Bay</td>
<td>c.1920s, 1930s &amp; 1953; weatherboard, board and batten, fibre cement</td>
<td>Primary</td>
<td>Significant</td>
<td></td>
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<tr>
<td>34 Taylors Mistake Bay</td>
<td>c.1910s; weatherboard</td>
<td>Primary</td>
<td>Historic Area 7267</td>
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<tr>
<td>35 Taylors Mistake Bay</td>
<td>c.1920s; fibre cement</td>
<td>Primary</td>
<td>Historic Area 7267</td>
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<td>36 Taylors Mistake Bay</td>
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<td>Primary</td>
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<td>37 Taylors Mistake Bay</td>
<td>c.1920s/ with c.1960s alts fibre cement</td>
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<td>38 Taylors Mistake Bay</td>
<td>1960s/70s exterior fibre cement</td>
<td>Primary</td>
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<td>39 Taylors Mistake Bay</td>
<td>c.1920s/30s with 1960s adds fibre cement</td>
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<td>40 Taylors Mistake Bay</td>
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<tr>
<td>41 Taylors Mistake Bay</td>
<td>c.1920s/30s with 1950s alts fibre cement</td>
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<tr>
<td>42 Taylors Mistake Bay</td>
<td>c.1920s/30s; weatherboard, 1950s alts</td>
<td>Primary</td>
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<tr>
<td>43 Taylors Mistake Bay</td>
<td>c.1920s/30s with 1960s alts, corrugated iron cladding</td>
<td>Primary</td>
<td>Historic Area 7267</td>
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<tr>
<td>44 Taylors Mistake Bay</td>
<td>c.1910s—30s; corrugated iron cladding</td>
<td>Primary</td>
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<td>45 Taylors Mistake Bay</td>
<td>c.1920s-40s; weatherboard, railway carriage extended into bach</td>
<td>Primary</td>
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<tr>
<td>46 Taylors Mistake Bay</td>
<td>c.1920s – 60s; weatherboard, railway carriage extended into bach</td>
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<td>47 Taylors Mistake Bay</td>
<td>c.1924; board and batten, bungalow style</td>
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<td>Taylors Mistake Toilet Block</td>
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<td>Neutral</td>
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<td>Item No.</td>
<td>Location/Description</td>
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<td></td>
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<tr>
<td>48</td>
<td>Taylors Mistake Surf Life Saving Club c.1920s-50s weatherboard &amp; fibre cement</td>
<td>Primary</td>
<td></td>
<td></td>
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<tr>
<td>49</td>
<td>Taylors Mistake Bay c.1908, 1933 &amp; 1968; weatherboard</td>
<td>Primary</td>
<td></td>
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<tr>
<td>51</td>
<td>Taylors Mistake Bay c.1920s with c.1950s additions, fibre cement</td>
<td>Primary</td>
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<td>52</td>
<td>Taylors Mistake Bay c.1920s/30s; weatherboard</td>
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<td>Taylors Mistake Bay c.1950s/60s; fibre cement</td>
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<td>57</td>
<td>Taylors Mistake Bay Possibly 1890 with 1946 alts &amp; adds, corrugated iron &amp; fibre cement</td>
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<td>Taylors Mistake Bay 1920s-50s; weatherboard</td>
<td>Primary</td>
<td></td>
<td></td>
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<tr>
<td>59</td>
<td>Taylors Mistake Bay c.1910s-30s; weatherboard</td>
<td>Primary</td>
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<td></td>
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<td>60</td>
<td>Taylors Mistake Bay c. 1930s-50s; weatherboard &amp; fibre cement</td>
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<tr>
<td>62</td>
<td>Taylors Mistake Bay Modernised exterior on core of original bach. Plywood cladding</td>
<td>Contributory</td>
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<td>63</td>
<td>Taylors Mistake Bay 1920s/30s; board &amp; batten</td>
<td>Primary</td>
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<td></td>
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<tr>
<td>64</td>
<td>Taylors Mistake Bay 1930s/40s; fibre cement/weatherboard/corrugated iron</td>
<td>Primary</td>
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<td>67</td>
<td>Taylors Mistake Bay 1920s-50s; board &amp; batten</td>
<td>Primary</td>
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</tr>
<tr>
<td>68</td>
<td>Taylors Mistake Bay c.1891 or 1907; weatherboard &amp; fibre cement</td>
<td>Primary</td>
<td></td>
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<tr>
<td>69</td>
<td>Taylors Mistake Bay c. 1950s; fibre cement on stone &amp; concrete gun emplacement basement</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>Taylors Mistake Bay c.1930s; board &amp; batten</td>
<td>Primary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Author:** Heritage Team, Christchurch City Council  
**Date:** 29 May 2018
Appendix H

Christchurch City Council
City Services Group

Memorandum

Date: 6 November 2018
From: Richard Holland
To: Taylors Mistake Baches Hearings Panel

Taylors Mistake, Hobsons and Boulder Bays Baches – Public Access Past Dwellings.

Considering the legal advice from Buddle Findlay and guidance on any impediment to public access, I have carefully considered the public right to pass and repass along the unformed legal roads without hindrance and obstruction. The private rights of adjoining land owners to have access to a road has also been considered. From the legal advice I have noted in particular;

(a) *It appears that a degree of obstruction to the public right of access is permissible and that the particular circumstances of each case should be taken into account.*

(b) *What is relevant is whether the obstruction conflicts with the passage of the public to an unreasonable degree.*

(c) *In most cases activities and obstructions on roads can only be carried out in a way that would not substantially and unreasonably IMPEDE the general flow of pedestrian and vehicular traffic.*

(d) *The courts have said that the obstruction should not constitute an appreciable interference with traffic on the road.*

1. The nature of the particular unformed legal roads appears to be relevant when determining whether the public’s right of passage has been interfered with. In regard to these particular unformed legal roads on the sea edge of the Taylors Mistake, Hobsons and Boulder Bays, access along them for vehicles has not been possible due to the terrain and cliffs edge or has never been implemented in any way. There are no plans for Christchurch City Council to build roads along the unformed legal road. Taylors Mistake bach dwellings do have unformed vehicle access to most of the baches.

2. The assessment of access is therefore based only on walking and possibly cycling (there are separate mountain bike tracks in the area) and how the existing formed footpaths pass the existing baches and if the baches exclude the public’s right to pass and repass over the unformed legal road. Attached is a detailed assessment of each bach based on the newly surveyed road boundaries and Mean High Water Springs (MHWS) plus a summary assessment.

3. The formed footpath is the physical amenity and access to the dwellings is mainly on the unformed legal road or beach. Given the wide unformed legal road at Taylors Mistake and
the restrictions of the unformed road terrain at Hobsons and Boulder Bays these factors were taken into consideration.

Historically the footpaths were formed as an access to the baches and follows the most direct and available route remembering that there are terrain constraints at part of Taylors Mistake, Hobsons Bay and Boulder Bay due to steep terrain and cliffs along with beach frontages. This original walking access route has now become a public walkway and well used by the public for recreation walking.

1. Rotten Row (Figure 1)

Here the actual legal road is very wide being approximately 180 metres wide and forms a large foreshore reserve. There is no obstruction or impediment for the public to pass or re-pass and they can walk over any part or this very wide public road unimpeded. This road forms a foreshore reserve with carparks, a toilet block and walkways located on the unformed legal road. There are four other formed access walking paths to the beach. The formed walking path past the baches on Rotten Row is part of the Godley Head walkway. The formed footpath follows the baches for practical purposes and the baches do not impede access.

The row of Baches 47 to 32 are fronted by the wide open area of road reserve which also acts as beach access. The formed footpath is in good condition and around 1.5 metres wide. Vegetation on the formed footpath edge needs maintaining over the summer to limit any encroachment. Baches 31 to 25 are in the less wide cliff location of legal road but still have the good pedestrian and cycling access past the dwellings via the Godley Head Walkway.

Therefore there is little obstruction to the public right of access and the bach dwellings’ locations do not conflict with the public’s right to pass and re-pass over the legal road, nor unreasonably impede the general flow of pedestrian or cycling traffic.

2. Hobsons Bay (Figure 2)

The formed footpath follows the top of the cliff edge being the best physically practical route. There is tidal access past the baches on the beach also. Nearly all the bach dwellings are on the seaward side with the footpath along the rear. There is no practical access impediment created by the baches’ location unless one tries to access the beach by walking down the hillcliff. The beach has good access (subject to tidal conditions) from the surf club and at two other points along the Hobsons Bay section of track near Bach 60 and Bach 69. All of the baches apart from Baches 52 and 70, are below the formed footpath and at the edge of the unformed legal road near the newly surveyed and proposed MHWS boundary. Therefore, Baches 48, 49, 51, 55, 56, 57, 58, 59, 60, 62, 63, 64, 67, 68 and 69 are near the beach and legal road boundary. The formed footpath is behind the baches, and allows public access past and down to the baches and is generally 1.5 to 1.2 metres wide. In parts there is access to the beach also as mentioned above.

Therefore there is little practical obstruction to the public right of access and the bach dwellings’ locations do not conflict with the public’s right to pass and re-pass over the legal road, nor unreasonably impede the general flow of pedestrian or cycling traffic.

3. Boulder Bay (Figure 3)

The formed footpath is at the bottom of the cliff/hill and the baches occupy the narrow base flat. Access along the front of the bach dwellings, and due to lack of flat space, is somewhat impeded by the bach dwelling’ locations. Here the formed footpath is quite narrow at 1 – 0.75 metres wide but still allows passage of the public. The extent of building obstruction needs to be weighed up against the historical context that the bach owners would have formed the walkway as access to the bach dwellings and access to the beach is not impeded. Would this small bay be better without the baches as a public foreshore picnic spot? The answer would have to be yes. One mitigating factor is that the newly surveyed and proposed MHWS boundary is now wider on the foreshore affording more space to form a wider and more resilient walkway in the future, but that of course costs money.
The bach owners will need to maintain the walking path unobstructed. This is very important in this location. Any surfboards or kayaks for instance left on the formed footpath will definitely impede the public access.

*Therefore there is more restricted public right of access past the bach dwellings but this does not conflict with the public’s right to pass and re-pass over the legal road, nor unreasonably impede the general flow of pedestrian or cycling traffic if the formed footpath is kept clear of any obstructions and the footpath is well sign posted as public access.*

**CONCLUSION**

4. I have therefore, with the assistance of the park rangers, undertaken an individual survey of each bach dwelling in relation to the formed footpath location. The walking access past the baches at Taylors Mistake and Hobsons Bay is very popular with the public. Boulder Bay is less so due to being a side cul-de-sac off the main walkway to Godley Head from Taylors Mistake.

The track entrance at Hobsons Bay (Taylors Mistake end) and general track signage overall needs to be improved. Control of the vegetation on the walking paths needs in places to be maintained to a higher standard to maintain footpath width. The formed footpath surfacing and gravelling for all weather access needs to be maintained.

The attached spreadsheets indicate both the physical and legal interpretation of the access past the baches, whether that access is physically possible past the baches and if the dwellings unreasonably obstruct that access.

I have found that the baches’ locations at Taylors Mistake and Hobsons Bay do not unreasonably obstruct the public’s right to pass or re-pass on the unformed legal road. Physically the formed footpath is between good and reasonable to walking and cycling standards. Dwellings do not unreasonably impede the flow of walking and cycling access.

However, the physical access along the Boulder Bay formed footpath is quite narrow, being 1 – 0.75 metres wide. Given the remote location and less use of Boulder Bay by the public, the right for the public to pass and repass over the unformed legal road is more obstructed by the baches’ locations. However if the path is signposted and kept clear of obstructions and maintained by the bach owners it would be considered just reasonable. There will be conditions for any licence holder to meet in terms of keeping the walking path clear of obstructions and any other debris. Beach access is available along the small bay off the formed footpath.

**Figure 1.Taylors Mistake and Rotten Row**

This image is showing the wide foreshore of legal unformed road. The formed path is in front of the baches then winds up the cliffs and is formed behind the baches.
Taylors Mistake has very good public formed path access. The location of Baches 31 to 47 allows good public access to pass and repass the baches unimpeded. The two higher cliff edge Baches 28 and 30, have the well-formed Godley Head Walkway footpath access past the dwellings rear therefore good access for the public to pass and repass these baches.

Figure 2 Hobsons Bay

General view of Hobsons Bay with the formed path above the baches which are near the MHWS. The access allows the public to pass and repass the baches behind the bach dwellings.

Figure 2a. Bach location Hobsons Bay indicating the cliff and bottom of cliff location for the dwellings.
Figure 3 Boulder Bay

Boulder Bay with the formed footpath access near the MHWS, the new survey now widens the unformed legal road to the seaside of the existing walking path. The public can pass and re-pass the dwellings but it is a narrower footpath, however this footpath needs signage for public access and kept free of obstructions by the bach owners.

Attachments:

Spreadsheet summary of access, 18/1203143
Spreadsheet of dwellings and formed footpath access, 18/1185149

Richard Holland
Team Leader Asset Planning Transport
<table>
<thead>
<tr>
<th>General path type</th>
<th>Bach 1</th>
<th>Bach 2</th>
<th>Bach 4</th>
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<th>Bach 7</th>
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<td>Taylors Mistake, Hobsons Bay and Boulder Bay Access for PEDESTRIANS.</td>
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<td>Overall track access standard.</td>
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<td>Bach 52 Hobsons Pedestrian</td>
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<td>Good standard</td>
<td>Good standard</td>
<td>Good standard</td>
<td>Good standard</td>
<td>Good standard</td>
<td>Good standard</td>
</tr>
<tr>
<td>No. Given location only just reasonable. Official signage required as reads as private land.</td>
<td>No obstruction by Bach location.</td>
<td>No obstruction by Bach location.</td>
<td>No obstruction by Bach location.</td>
<td>No obstruction by Bach location.</td>
<td>No obstruction by Bach location.</td>
<td>No obstruction by Bach location.</td>
<td>No obstruction by Bach location.</td>
<td>No obstruction by Bach location.</td>
</tr>
<tr>
<td>Walking path entrance sign required to mark track entrance for the public.</td>
<td>Mtce vegetation trim and more gravel on track for better access.</td>
<td>Mtce vegetation trim and more gravel on track.</td>
<td>Mtce vegetation trim and more gravel on track.</td>
<td>Mtce vegetation trim and more gravel on track.</td>
<td>Mtce vegetation trim and more gravel on track.</td>
<td>Mtce vegetation trim and more gravel on track.</td>
<td>Mtce vegetation trim and more gravel on track.</td>
<td>Mtce vegetation trim and more gravel on track.</td>
</tr>
<tr>
<td>Item 28</td>
<td>Bach 67</td>
<td>Bach 68</td>
<td>Bach 69</td>
<td>Bach 70</td>
<td>Bach 33</td>
<td>Bach 32</td>
<td>Bach 31</td>
<td>Bach 30</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Hobsons</td>
<td>Pedestrian</td>
<td>Hobsons</td>
<td>Pedestrian</td>
<td>Hobsons</td>
<td>Pedestrian</td>
<td>Taylors</td>
<td>Pedestrian</td>
<td>Taylors</td>
</tr>
</tbody>
</table>

- Yes behind main path and beach.
- Yes
- Reasonable standard
- Good standard
- Yes behind
- Good standard
- Yes behind
- Good standard
- Yes behind
- Good standard
- Yes behind

- No obstruction by Bach location.
- No obstruction by Bach location.
- No obstruction by Bach location.
- No obstruction by Bach location.
- No obstruction by Bach location.
- No obstruction by Bach location.
- No obstruction by Bach location.
- No obstruction by Bach location.
- No obstruction by Bach location.

- Mtce vegetation trim and more gravel on track for better access. Better bridge required.
- Mtce vegetation trim and more gravel on track for better access.
- Requires Mtce trim vegetation and re-gravel in places.
- Good standard
- Good standard
- Good standard
- Good standard
- Good standard
- Good standard
### Taylors Mistake Bach Access for PEDESTRIANS

**General pedestrian / cycle path**

<table>
<thead>
<tr>
<th>Public can pass BACH</th>
<th>Yes / No</th>
</tr>
</thead>
</table>

**Footway provided**

<table>
<thead>
<tr>
<th>Yes / No</th>
</tr>
</thead>
</table>

**Width minimum 1.5 metres (City Council IDS)**

<table>
<thead>
<tr>
<th>Meets IDS and Urban Fringe DOC Guidelines</th>
<th>1m-0.75</th>
<th>1m-0.75</th>
<th>1m-0.75</th>
<th>1m-0.75</th>
<th>1m-0.75</th>
<th>1m-0.75</th>
<th>1m-0.75</th>
</tr>
</thead>
</table>

**Maximum slope (DOC Maintenance Guidelines 2008)**

<table>
<thead>
<tr>
<th>What is current slope past Bach's?</th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>0</th>
<th>0</th>
</tr>
</thead>
</table>

**Steps provision (DOC Maintenance Guidelines 2008)**

<table>
<thead>
<tr>
<th>Are there steps provided?</th>
<th>n/a</th>
<th>n/a</th>
<th>n/a</th>
<th>n/a</th>
<th>n/a</th>
<th>n/a</th>
<th>n/a</th>
</tr>
</thead>
</table>

**Crossfall**

<table>
<thead>
<tr>
<th>2%</th>
</tr>
</thead>
</table>

**No obstacle hindrance on surface or vertical including vegetation.**

<table>
<thead>
<tr>
<th>List any obstacle</th>
<th>Over rocks</th>
<th>No</th>
<th>No</th>
<th>No</th>
<th>Partly under balcony</th>
<th>No</th>
<th>No</th>
</tr>
</thead>
</table>

**Track surface type**

<table>
<thead>
<tr>
<th>Metal / Natural ground</th>
<th>Yes / No</th>
</tr>
</thead>
</table>

**Surface water management on track**

<table>
<thead>
<tr>
<th>Metal / Natural ground</th>
<th>No</th>
</tr>
</thead>
</table>

**Other passage**

<table>
<thead>
<tr>
<th>Is there pedestrian passage to the beach</th>
<th>Yes / No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is there pedestrian passage along the beach on public road</th>
<th>Yes / No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is track sign posted</th>
<th>Yes / No</th>
</tr>
</thead>
</table>

**Overall physical track access to allow the public to pass or repass on the unformed legal road.**

<table>
<thead>
<tr>
<th>Marginal access</th>
<th>Marginal access</th>
<th>Marginal access</th>
<th>Marginal access</th>
<th>Poor access</th>
<th>Marginal access</th>
<th>Marginal access</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Given location only just reasonable.</th>
<th>Owners will need to maintain the path unobstructed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given location only just reasonable.</td>
<td>Owners will need to maintain the path unobstructed.</td>
</tr>
<tr>
<td>Given location only just reasonable.</td>
<td>Owners will need to maintain the path unobstructed.</td>
</tr>
<tr>
<td>Owners will need to maintain the path unobstructed.</td>
<td>Owners will need to maintain the path unobstructed.</td>
</tr>
</tbody>
</table>

**From our legal advice, is the public right of access over unformed legal road unreasonably obstructed by the Bach location.**

<table>
<thead>
<tr>
<th>Conditions</th>
</tr>
</thead>
</table>

---

**Item No.: 28**

---

**Attachment H**

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**Item 28**
<table>
<thead>
<tr>
<th>Attachment H</th>
<th>Item 28</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Marginal access</strong></td>
<td><strong>Marginal access</strong></td>
</tr>
<tr>
<td><strong>Given location only just reasonable.</strong></td>
<td><strong>Given location only just reasonable.</strong></td>
</tr>
<tr>
<td><strong>Official signage required as reads as private land.</strong></td>
<td><strong>Official signage required as reads as private land.</strong></td>
</tr>
</tbody>
</table>

| Item No.: 28 |
|-------------|--------|
| **Bach 9 Boulder Pedestrian Yes** | **Bach 10 Boulder Pedestrian Yes** | **Bach 48 Hobsons Pedestrian Yes** | **Bach 49 Hobsons Pedestrian Yes** | **Bach 51 Hobsons Pedestrian Yes** | **Bach 52 Hobsons Pedestrian Yes** | **Bach 55 Hobsons Pedestrian Yes** | **Bach 56 Hobsons Pedestrian Yes** | **Bach 57 Hobsons Pedestrian Yes** | **Bach 58 Hobsons Pedestrian Yes** | **Bach 59 Hobsons Pedestrian Yes** | **Bach 60 Hobsons Pedestrian Yes** |
| Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| 1m-0.75 | 1m-0.75 | 1.5 behind bach | 1.5 behind bach | 1.5 behind bach | 1.5 behind bach | 1.5 in front of bach | 1.2 behind bach | 1.2 behind bach | 1.2 behind bach | 1.2 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| n/a | n/a | N/A | N/A | N/A | N/A | N/A | N/A | Yes, passes under batch verandah | Yes | No | No | Yes |
| No | No | no | no | no | no | no | no | passes under batch verandah | No | no | No | No |
| Gravel | Gravel | Gravel | sealed A/C | Gravel | Gravel | Clay | Clay | Clay | Clay | Clay | Clay |
| No | No | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| No | No | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |

1.5 behind bach, timber deck and hand rail good condition.
<table>
<thead>
<tr>
<th>Bach 62</th>
<th>Bach 63</th>
<th>Bach 64</th>
<th>Bach 67</th>
<th>Bach 68</th>
<th>Bach 69</th>
<th>Bach 70</th>
<th>Bach 33</th>
<th>Bach 32</th>
<th>Bach 31</th>
<th>Bach 30</th>
<th>Bach 28</th>
<th>Bach's 34-47</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hobsons Hobsons Hobsons Hobsons Hobsons Hobsons Taylor's Taylor's Taylor's Taylor's Taylor's Taylor's</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian Pedestrian</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Attachment H**

**Item 28**

<table>
<thead>
<tr>
<th>Behind main path and beach.</th>
<th>Behind main path and beach.</th>
<th>Behind main path and beach.</th>
<th>Behind main path and beach.</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Generally 1.5, less in places due to veg growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1m stairs wooden good condition plus 1.5 m track.</td>
<td>1m stairs wooden good condition plus 1.5 m track.</td>
<td>1m stairs wooden good condition plus 1.5 m track.</td>
<td>1.0-1.2</td>
<td>1.4</td>
<td>1.4</td>
<td>1.5</td>
<td>1.5</td>
</tr>
<tr>
<td>0 + steps one side. Steps and rock steps.</td>
<td>Yes</td>
<td>Stairs wooden</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Above cliffs</td>
<td>Not between baches</td>
<td>Yes, at end</td>
<td>Yes, at end</td>
<td>On cliff</td>
</tr>
<tr>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>Public road above beach here</td>
<td>Yes, at end</td>
<td>n</td>
<td>n</td>
<td>No</td>
</tr>
<tr>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>At start</td>
</tr>
</tbody>
</table>

**Good Access**

|-------------|-------------|-------------|-------------|-------------|-------------------|-------------------|-------------|-------------|-------------|-------------|

**Mtc vegetation**

<table>
<thead>
<tr>
<th>Mtc vegetation</th>
<th>Mtc vegetation</th>
<th>Mtc vegetation</th>
<th>Mtc vegetation</th>
<th>Mtc vegetation</th>
</tr>
</thead>
<tbody>
<tr>
<td>trim and more</td>
<td>trim and more</td>
<td>trim and more</td>
<td>trim and more</td>
<td>Mtc trim vegetation and more</td>
</tr>
<tr>
<td>gravel on track</td>
<td>gravel on track</td>
<td>gravel on track</td>
<td>gravel on track</td>
<td>gravel on track</td>
</tr>
<tr>
<td>Better bridge required</td>
<td>Requires Mtc trim vegetation and re-gravel in places</td>
<td>Requires Mtc trim vegetation and more</td>
<td>Requires Mtc trim vegetation and more</td>
<td>Requires Mtc trim vegetation and more</td>
</tr>
</tbody>
</table>
Notes:

- Ø Old MHWM (Mean High Water Mark) boundary shown on this plan has been taken from old survey plans. Previous surveys have assumed the sketched line on SC5866 (1881) along the bottom of the cliffs is MHWM and taken it as an approximation of the MHWM boundary line. The boundary along the coast was originally defined as the top of cliffs but was subsequently pushed out to MHWM and annotated on SO 3965.

- MHWS (Mean High Water Springs) boundary has been determined by giving weight to various evidence. This includes beach topography, MHWS level value and physical evidence of the MHWS line.

- The MHWS boundary shown is provisional and requires a cadastral survey and legalisation. The current road boundaries defined by SO 3965 (1881) hold true until such a survey is lodged with LINZ and legal process followed. This plan has been prepared to demonstrate the extents of the boundaries that would be defined by this process.

- Imagery is from CCC 2016 Aerials

Taylors Mistake - Boulder Bay Boundaries
Boulder Bay Boundaries - Godley Head
Attachment J

Item 28

Council
11 April 2019

Item No.: 28

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Attachment K: Taylors Mistake, Hobsons Bay and Boulder Bay Baches

Recreation access and amenity assessment

29 January 2019

My name is Kelvin Richard McMillan. I am a Senior Policy Planner in the Strategic Policy Unit of Christchurch City Council. I have been employed by the Council for 36 years in the areas of, landscape technology, parks administration, Reserves Act 1977 management planning, biodiversity and open space planning and land acquisition for parks. I was responsible for the preparation and co-ordination of the Christchurch City Council’s Biodiversity Strategy (2008) and Public Open Space Strategy (2010).

I have also contributed to the acquisition of some 3000 hectares of predominantly rural land on the Christchurch Port Hills, Banks Peninsula, Mcleans Island and Travis Wetland for public parks. My role in land acquisition has included pre purchase research, coordination of evidence, community liaison, advocacy, property negotiation and preparation of Council purchase reports. I was a member of the Council team that prepared the Port Hills Recreation Strategy (2004). I have provided evidence on open space matters for several Port Hills environment court hearings including Taylors Mistake (2002). I have visited the site on a number of occasions but most recently and of most relevance to the following report in 2015 and 2017.

Introduction

This report is based on and updated from a February 2015 District Plan Review Section 32 background report prepared by the author.

The following report assesses the influence of baches at Taylors Mistake, Hobsons Bay and Boulder Bay on access to and use of the coastal environment including the legal road for recreation use and amenity.

1.0 Summary and Conclusion

In conclusion I consider that the baches at Taylors, Hobsons and Boulder Bays contribute positively to recreation users’ experience of the coastal environment and do not unduly affect access to and along the coast within the uniformed legal road. These baches further complement and implement the provisions of the New Zealand Coastal Policy Statement 2010 and the Christchurch District Plan.

1.1 Conclusion Boulder Bay

Baches 1, 2, 4, 5, 6, 7, 8, 9, and 10: On balance I consider that none of these baches significantly detract from the amenity and recreation use or access to the beach, legal road and surrounding coastal area. The historic character and construction materials of baches 1 and 2 in particular contribute positively to recreation experience at Boulder Bay.

1.2 Conclusion Taylors Mistake

Baches 28 – 47 including Rotten Row: I consider that they do not impede public access and have minimal effect on the recreation use of the coastal environment. Batch 28 is in a location that the Council would not normally encourage use due to health and safety reasons. Potentially the space occupied by baches 46 and 47.
could be used by the public. However in my opinion the historic heritage character of these baches and plantings contribute to the amenity quality and educational value of the area and should be retained.

Rotten Row baches occupy relatively level ground on the edge of the unformed legal road and adjoining private property that could be used for public recreational use. However there are large areas of public land in the adjoining Council Park and balance of the legal road. The baches and associated plantings contribute to the area's historic character (see Boulder Bay, Taylors Mistake, Hobsons Bay – Baches – Report on heritage values by Fiona Wykes) and thus potentially enhance visitor's recreation experience without impeding public access in any significant way.

**Baches 48, 49, 51:** I consider that removal of these baches would not significantly increase beach access space without compromising the integrity of the vegetated sand areas between the baches and the beach. There may also be health and safety issues if the clearings occupied by the three baches are available for public use as they would be somewhat secluded. The baches do not inhibit public use of any main access routes or the beach. In my opinion the baches have no greater effect on the visual amenity of the public use area than the broader coastal backdrop of Taylors Mistake dwellings.

**Bach 52:** Recommend that it be retained as this bach does not impede recreation use or affect the amenity of the public use area.

**Bach 55:** Recommend that it be retained as this bach does not impede recreation use. However in my opinion the building’s lower retaining wall structure detracts from the visual amenity of the beach area and it may be desirable to reduce its visual effect.

**Baches 56, 57 and 58:** Recommend that all three be retained. On balance, I consider that whilst the three baches do reduce the natural appearance of the coastal rocky promontory, their presence can be considered a seamless extension of the Taylors Mistake settlement when viewed from the beach. In their favour they contribute historic heritage values to the bay. They do not appear to reduce the recreation utility of the lower tidal rock platform for users. The recreation track under the building overhang of bach 56 could be considered undesirable or desirable depending on recreation users' perspectives, especially if there are residents occupying the baches. However the route is clearly sign posted for public use. Possibly some beach users may be intimidated by the close proximity of these baches 'overhanging' the beach. Yet, on busy days I understand that this does not act as a deterrent to beach use.

Public access between Taylors Mistake and Hobsons Bay is provided by an all-weather high level track within the legal road that is not affected by high tides or baches.

### 1.3 Conclusion Hobsons Bay

**Baches 59, 60, 62, 63, 64, 67, 68, 69 and 70:** None of these baches inhibit recreation use or access in the coastal environment. Their location at the base of cliffs and steep slopes (with the exception of bach 70) is in an area of high natural hazard that is not a safe location for public recreation. A high level track above the cliffs provides public access between Taylors Mistake, Hobsons Bay and Giants Nose Park / Whitewash Reserve. Access along the beach is fully available to the public subject to tide levels.

### 2.0 New Zealand Coastal Policy Statement 2010

A primary recreation focus of the Coastal Policy Statement is to recognise the coastal marine area as a place that;
• the public can use and enjoy and
• that meets the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use, and
• to maintain and enhance public walking access to, along and adjacent to the coastal marine area.

See the highlighted sections of Appendix 1 page 12 for the coastal policy statement objectives and policies relating to public access and use.

In addition historic heritage is recognised in the Coastal Policy Statement (see highlighted sections of Appendix 2 page 13) as a matter that requires consideration when reviewing the impact of the baches on recreation and public access to the coastal environment. In order to protect and maintain historic heritage there are a number of policy provisions in the Coastal Policy Statement moderating the effect of other provisions e.g. public access or restoration of coastal natural character. Understanding, appreciation and experience of historic heritage is important and can be a fundamental component of recreation use and experience.

3.0 Christchurch District Plan

Chapter 9.6 Coastal Environment contains policies that relate to;

1. Natural coastal character;
2. Coastal landscape and ecology;
3. Coastal natural hazards;
4. Interaction with Coastal Marine Area;
5. public access and recreation;
6. historic heritage values

District Plan Coastal Environment objectives aim to maintain and protect the values of the coastal environment, provide for public access and protect historic heritage.

Objective 9.6.2.1.1 provides for people and communities social, economic and cultural wellbeing and their health and safety, while maintaining and protecting the values of the coastal environment, including; indigenous biodiversity and the maintenance of the ecological function and habitats; natural features and landscapes; natural character; historic heritage; Ngāi Tahu cultural values; visual quality and amenity; and recreation values.

Objective 9.6.2.1.2 maintains or enhances public access to and along the Coastal Marine Area by providing access in places and in forms which are compatible with public health and safety, sensitivity of the receiving environment and protecting the natural, historic and Ngāi Tahu cultural values of the coastal environment.

4.0 Recreation and Recreation Amenity Assessment of the Baches.

4.1 Taylors Mistake, Hobsons and Boulder Bay Overview

The City Council survey team has determined that all of the baches subject to the review of the Taylors Mistake Working Party are situated on unformed legal road. Within the legal road topographical limitations
significantly restrict access on or along the legal road. Primary users of the legal road where the baches are located are recreation users. Vehicle use is not feasible or encouraged over the majority of the bach area.

Physical constraints need to be taken into account when determining if public access would be unreasonably impeded by licencing of bach structures. Physical limitations within the Taylors Mistake, Hobsons Bay and Boulder Bay sections of the legal road include steep topography, cliffs, a stream, tidal inundation, and slopes with high natural hazard, dense vegetation and fragile ecological systems such as the dune system.

Generally the recreating public (primary users of the legal road and publicly accessible coastal area) self-regulate when accessing natural environments depending on terrain limitations, desire lines, visit objective, fitness, tolerance for risk and knowledge of access rights. However, as the above are all individually or group determined there will be a range of potential access requirements and desires. The primary and in many cases only practical route along the legal road part of the coastline for the majority of users will be on formed pedestrian tracks. The beach area provides alternative scope for access but is obviously subject to tidal influences.

Therefore, for locations where there are baches I consider that complete access to the coastal area including all of the legal road is not likely to be needed or viable for most people as they will restrict themselves to formed tracks and not try to traverse steep densely wooded terrain, cliffs, negotiate unbridged streams or marram dominated sand dunes, especially as a formed path is available.

Boulder Bay is a popular recreation destination situated off the Godley Head coastal walkway approximately 2.7 km from Taylors Mistake carpark. Access to the bay is down a hillside walkway into a valley then following a waterway out to the beach. The beach is predominantly boulder covered. The baches are enclosed by steep slopes and are located close to the beach. Access along the coastal edge is most feasible on the formed track that runs in front of the baches.

Taylors Mistake is a popular recreation destination for Christchurch residents. It is used for a range of recreation activities including swimming and surfing. During high use days the formed car park and overflow car park can reach maximum capacity with up to 4 – 500 cars. This occurs when the combination of favourable weather and holidays coincide, or when there are special events. Generally the public use the beach area to the south of and near the surf club (Pers comm. Rodney Chambers, Area Head Ranger Coastal and Plains Rangers Team, 4 February 2015). Taylors Mistake is the only beach on the Christchurch side of the Port Hills with similar environmental qualities to headland enclosed outer Banks Peninsula beaches, albeit with a greater amount of residential development than most Banks Peninsula bays.

Hobsons Bay is connected to Taylors Mistake by low tide beach access (outside the legal road area), a track passing baches 56, 57, 58 and 59 and descending to the bay beside bach 60 and a high level track parallel and above the cliff top connecting Taylors Mistake with Giants Nose area to the north. This track also connects to the beach beside bach 60.
4.2 Boulder Bay - Assessment of Baches 1, 2, 4, 5, 6, 7, 8, 9, and 10

These baches hug the coastal fringe and adjoin the formed track. Baches 1 and 2 are visually separated by a low cliff from the other baches in the bay. From a recreation perspective, baches 1 and 2 have a distinctive appearance largely attributed to their stone construction. Concerning these baches Environment Court Decision No. C50/2002 [162] stated “We have concluded that the contrast between the man made and wilderness elements contributes to the natural character of this area...). This, in combination with these baches historic qualities, spectacular coastal setting and high cliff / hill backdrop and the rocky coastal setting, contributes to the recreation and amenity value of this part of the bay. Exotic flowers in the warmer months of the year add to the bay’s cultural / heritage setting. The legal road in front of the baches is wider in this part of the bay and access is not an issue.

*Photo 1. above. Baches 1 (left) and 2 (right). Photo 2 right baches 4 – 9.*

The track varies in width from 0.75 m – 1 m wide in front of baches 4, 5, 6, 7, 8 and 9. Access behind these baches is topographically and in some cases natural hazard limited and mostly densely vegetated. If the baches on the flatter areas such as bache 5, 6, 7, 8 and 9 were removed, there would be more space available for informal recreation / sitting areas above the boulder beach and high tide line. However the baches cultural and historical values would be lost. Bach 10 is situated at a slightly higher elevation and backed by steep slopes, currently assessed as having natural hazard. I would not consider this to be an acceptable area for recreation use, especially as there are other areas in the bay with lower natural hazard levels.

Bach 1, 2 and 6 are listed historic heritage items in the District Plan. Although the rest of the Boulder Bay baches are not listed as heritage items in the District Plan they do meet the assessment criteria for listing with the exception of bach 4 (Ref. the Boulder Bay, Taylors Mistake, Hobsons Bay – Baches – Report on heritage values by Fiona Wykes). On balance, I consider that as the Boulder Bay baches do not impede public access and have heritage value, or at the least historical and cultural values, they enhance recreation experience and the character of the bay.
4.3 Taylors Mistake - Assessment of Baches 28 – 47 including Rotten Row

These baches are situated on the true right of Taylors Mistake Valley. Bach 47 is at the inland end of Rotten Row but separated from the main cluster of baches by about 20m distance. The main coastal path to Godley Head passes in front of bach 47 and Rotten Row. The route is clearly signposted and very obvious. Bach 28 is at the sea most end of the Row on the edge of the cliff above the beach. Photo 3 right, path in front of Rotten Row baches.

Bach 47, 28 and the Rotten Row baches do not impede public access and are partially screened by planting. The historical values of the buildings and garden planting contribute to the area’s seaside garden character cultural landscape values. In my opinion they contribute to the quality of the Taylors Mistake beach park experience. The amenity of the area is enhanced by the wild and planted flowers in the dunes and adjoining the baches, even though some of these plants may become biodiversity problems if permitted to spread further into the rural landscape.

Photo 4: bach 47 (white, centre right) with the Godley Head coastal path in the foreground and Rotten Row baches in the background.

Bach 28’s cliff edge location is potentially hazardous for recreation users. The Godley Head recreation route above the bach has been fenced adjacent to the cliff edge to protect users. The effect of the bach on the visual amenity of users is considered nominal.
4.4 Taylors Mistake - Assessment of Baches 48 – 58

There are currently three main access routes to Hobsons Bay from Taylors Mistake;

1. A high tide track above all the baches (except 52) within the legal road.
2. A set of concrete steps beside baches 56, 57 and 58 above the tidal rock platform and within the legal road, and lastly
3. Over the lower rock platform when the tide is out. This route is outside the legal road area.

Council Rangers who administer the beach park areas do not consider public access between the two bays to be an issue. (pers comm. Rodney Chambers, former Coastal Park Head Ranger). However lack of a sign at the surf club entrance to the high tide route negates the use of this route for people unfamiliar with Taylors Mistake. Route two is clearly signposted.
4.5 Taylors Mistake - Assessment of Baches 48, 49 and 51

These baches are situated between the beach and associated vegetated flat dunes and the base of the hill. All baches are linked to the beach by generally narrow pathways. The Council aims to actively discourage people from walking on dune areas and nearer the clubhouse a rope fence and keep off the dunes sign is installed. Opening up the areas occupied by the three baches to more public use is not desirable from an environmental management perspective.

There are also potential health and safety issues in allowing public use of potentially secluded (in part) clearings occupied by the baches. The baches do not appear to impede public access to any significant destinations. The effect of the baches on the visual amenity of the beach area is in my opinion negligible as they have a foreground of beach vegetation and merge into the wider built backdrop of Taylors Mistake settlement.

*Photo 7 above, planted dune area in front of baches 48, 49 and 51*

4.6 Taylors Mistake - Assessment of Bach 52

Bach 52 is situated on the hillside immediately above the high tide access route. It does not impede public access and is nestled into the heavily vegetated hillside in a way that is characteristic of Taylors Mistake settlement buildings. In my opinion it does not detract from the amenity of the area and is not an impediment to recreation.
4.7 Taylors Mistake - Assessment of Bachs 55, 56, 57 and 58

These baches are situated on the rocky promontory between Taylors Mistake Beach and Hobsons Bay. Bach 55 (Shangri La) is sited higher on the promontory with concrete stairs connecting it to the beach. The location is not the sort of place that the Council would encourage recreation use on and does not impede recreation access. In my opinion bach 55’s lower supporting structure detracts from the visual amenity of the beach area. Mitigation of the lower concrete supporting foundation of bach 55 would improve the amenity of the beach area for recreation users.

Bach 56 has a sign indicating that public access is permitted up steps from the beach and beneath the bach upper story overhang to the track leading to Hobsons Bay. Whilst public access is clearly marked some recreational users may find an access track passing about one metre from the bach windows and within the building confines psychologically uncomfortable, depending on the recreation users’ personality and whether the bach is occupied. Others may find it interesting and quaint. I assume that most users (not familiar with Taylors Mistake) would probably feel that the route traverses private space. The Council has not undertaken a survey of track users to determine if this is the case.

The recreation route also passes immediately past bach 57 and above bach 58. These baches do not impede public access.

![Photo 8 above, baches 55, 56, 57 and 58 and rock platform to the right.](image)

In my opinion these four baches do have an effect on the naturalness of the rocky outcrop from a natural coastal character perspective. However visually they are an extension of the overall Taylors Mistake settlement including houses and plantings and form an interesting contrast to the natural coastal rock platform below. I nevertheless do not believe that they significantly detract from recreation use. The lower rock platform and section of the beach seaward of bach 56 (located outside the area of the legal road) is easily accessible when the tide is lower.
Photo 9 and 10, bach 56 steps (left), and the recreation path passing under the bach 56 upper story overhang.

4.8 Hobsons Bay - Assessment of Baches 60 – 70

Earthquake damage and rock fall risk have reduced the desirability (from a risk management perspective) of encouraging access to areas near the Hobsons Bay cliffs. The Council has placed a warning sign on the track connecting Taylors Mistake beach with Hobsons Bay to dissuade people from using the area near the cliffs in the Hobsons Bay area because of potential rock fall danger. The sign (Photo 11 left) is near the track exit onto Hobsons Bay beach.

Access between Taylors Mistake carpark, Hobsons Bay and Giants Nose is provided by a high level track above the cliffs. Cave bach 68 is of particular historic interest. Its District Plan Heritage listing contributes to the recreation value of Hobsons Bay. More information about the historical aspects of baches in the bay would improve recreation experience. Overall the coastal baches in Hobsons bay do not unreasonably restrict public access or have any adverse effect on recreation use.
Photo 12 above, Hobsons Bay baches. The track is above the Cliff near the upper boundary of the legal road. Access along the base of the Cliffs within the legal road is close to the base of the cliffs and in high natural hazard area.
References:

Boulder Bay, Taylors Mistake, Hobsons Bay – Baches – Report on heritage values by Fiona Wykes, Christchurch City Council, 2019


Environment Court Decision No. C50/2002

Appendix 1 New Zealand Coastal Policy Statement 2010 – Walking Access and Public Open Space

The coastal policy statement places very strong emphasis on provision of public open space qualities and recreational opportunities of the coastal environment. Key points in the coastal policy statement have been underlined. See my suggested changes to the draft on page 3.

Coastal Policy Statement Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.”

Coastal Policy Statement Policy 18: Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

a. ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;

b. taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;

c. maintaining and enhancing walking access linkages between public open space areas in the coastal environment;

d. considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and

e. recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.”

Coastal Policy Statement Policy 19: Walking access

1. Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.

2. Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
a. identifying how information on where the public have walking access will be made publicly available;

b. avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and

c. identifying opportunities to enhance or restore public walking access, for example where:
   i. connections between existing public areas can be provided; or
   ii. improving access would promote outdoor recreation; or
   iii. physical access for people with disabilities is desirable; or
   iv. the long-term availability of public access is threatened by erosion or sea level rise; or
   v. access to areas or sites of historic or cultural significance is important; or
   vi. subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.

3. Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
   a. to protect threatened indigenous species; or
   b. to protect dunes, estuaries and other sensitive natural areas or habitats; or
   c. to protect sites and activities of cultural value to Māori; or
   d. to protect historic heritage; or
   e. to protect public health or safety; or
   f. to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
   g. for temporary activities or special events; or
   h. for defence purposes in accordance with the Defence Act 1990; or
   i. to ensure a level of security consistent with the purpose of a resource consent; or
   j. in other exceptional circumstances sufficient to justify the restriction.

4. Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.”

Appendix 2: NZ Coastal Policy Statement 2010 - Provisions relating to heritage

Preamble page 5 Issues: loss of natural, built and cultural heritage from subdivision, use, and development

Application of this policy statement.
This NZCPS is to be applied as required by the Act by persons exercising functions and powers under the Act. The Act itself should be consulted, but at the time of gazettal of this statement, its requirements in relation to this NZCPS are, in summary, that:

- regional policy statements, regional plans and district plans must give effect to this NZCPS (sections 62(3), 67(3)(b), 75(3)(b) refer);
- a consent authority, when considering an application for a resource consent and any submissions received, must, subject to Part 2 of the Act (i.e. RMA), have regard to, amongst other things, any relevant provisions of this NZCPS (section 104(1)(b)(iv) refers);

Objective 6 To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Policy 1 Extent and characteristics of the coastal environment
(2) Recognise that the coastal environment includes:... g) items of cultural and historic heritage in the coastal marine area or on the coast;
Policy 6 Activities in the coastal environment
(1) In relation to the coastal environment:
(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

Policy 14 Restoration of natural character.
Promote restoration or rehabilitation of the natural character of the coastal environment, including by:
vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or
(viii) restoring cultural landscape features; or...

Policy 15 Natural features and natural landscapes
To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to: (ix) historical and heritage associations; and...

Policy 17 Historic heritage identification and protection
Protect historic heritage\(^6\) in the coastal environment from inappropriate subdivision, use, and development by:
(a) identification, assessment and recording of historic heritage, including archaeological sites;
(b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
(c) initiating assessment and management of historic heritage in the context of historic landscapes;
(d) recognising that heritage to be protected may need conservation;
(e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;
(f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;
(g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
(h) requiring, where practicable, conservation conditions; and
(i) considering provision for methods that would enhance owners’ opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

Policy 19 Walking access
(3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
(a) to protect threatened indigenous species; or
(b) to protect dunes, estuaries and other sensitive natural areas or habitats; or
(c) to protect sites and activities of cultural value to Māori; or
(d) to protect historic heritage; or
(e) to protect public health or safety; or
(f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
(g) for temporary activities or special events; or
(h) for defence purposes in accordance with the Defence Act 1990; or...
(4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

**Policy 20 Vehicle access**

(1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:

(a) damage to dune or other geological systems and processes; or
(b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or
(c) danger to other beach users; or
(d) disturbance of the peaceful enjoyment of the beach environment; or
(e) damage to historic heritage; or
(f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or
(g) damage to sites of significance to tangata whenua; might result.
License Fee Consultancy

Taylors Mistake Baches
Christchurch City

Client: Christchurch City Council
Valuation Date: 19 January 2019
Report Status: Draft

TelferYoung (Canterbury) Limited

++ Local Knowledge, National Coverage telferyoung.com
4 February 2019

Christchurch City Council
COFP Property Consultancy Team
P O Box 73015
Christchurch 8154

Attention: Luke Rees-Thomas

License Fee Consultancy
Taylors Mistake Baches, Christchurch City
Purchase Order Number: 4500436943
Report Status: Draft

1.0 Background & Instructions

The beachfronts of Taylors Mistake, Hobsons Bay and Boulder Bay have a long history of being occupied by clusters of small baches. The baches occupy Council owned land (legal road reserve) and have no certainty of tenure. Many of the structures are vulnerable to sea inundation and rockfall and cliff collapse particularly post the Canterbury Earthquake Sequence.

We have been advised that the owners of these baches may be offered the opportunity to enter into a license to occupy agreement with the Council. Should this option be adopted, the bach owners will benefit from having a degree of security of tenure. In consideration for the agreement and associated tenure, the bach owners would pay a license fee.

We have been instructed to establish market-based license fee parameters to assist Council representatives in their decision making.

2.0 License to Occupy

We have not been provided with a copy of the license to occupy agreement which will be used between Christchurch City Council and the bach owners. All terms and conditions are yet to be finalised.

It is important to note that a license to occupy agreement may be offered rather than a lease agreement. License to occupy agreements convey less rights to the bach owner than a lease agreement.

The license fee cannot be established until the terms and conditions of the agreement are finalised, however, the broad parameters of how the fee is established are explored.
3.0 Valuation Rationale

3.1 Valuation Methodology

There are two accepted methodologies for establishing a market-based license fee. We briefly discuss these as follows:

3.1.1 Traditional Approach

With the traditional approach, the land value is firstly established by reference to vacant land sales and to this a market-based ground rental return is applied which is analysed from rental settlements for properties held under similar terms and conditions.

3.1.2 Classical Approach

With the classical approach, rental settlements for other similar license to occupy properties are analysed on a rental rate per square metre and then, following adjustment, are applied to the property under consideration to establish an annual license fee.

3.1.3 Discussion

The Christchurch market has very few ground lease properties. There are a number of these at the Port of Lyttelton with many of the others relating to land owned by Canterbury Regional Council and Christchurch International Airport.

This situation relates to a license to occupy rather than a lease which conveys fewer rights of occupation to the licensee. Market evidence of license to occupy agreements for effectively permanent structures are extremely rare in the region. For this reason, the classical approach is not suitable given the lack of comparable evidence. The traditional approach is preferred in this instance given we have evidence of vacant land sales and evidence of the returns required by the market for occupying the land.
4.0 Traditional Approach

4.1 Valuation Methodology

To establish the market-based license fee under the traditional approach we first look to sales of vacant sites in the same area as the baches. We then adjust these benchmarks to reflect the scale and characteristics of the bach sites. We then apply this adjusted value to a standard level of return a property owner would expect in the Christchurch market.

4.2 Market Sales Evidence

We first look to sales evidence of vacant sections in the Taylors Mistake locality. A selection of these sales as follows:

<table>
<thead>
<tr>
<th>Address</th>
<th>Area (m²)</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>139 Taylors Mistake Rd, Taylors Mistake</td>
<td>831</td>
<td>$235,000</td>
</tr>
<tr>
<td>151 Taylors Mistake Rd, Taylors Mistake</td>
<td>670</td>
<td>$181,000</td>
</tr>
<tr>
<td>86H Taylors Mistake Rd, Taylors Mistake</td>
<td>845</td>
<td>$145,000</td>
</tr>
<tr>
<td>209 Taylors Mistake Rd, Taylors Mistake</td>
<td>635</td>
<td>$290,000</td>
</tr>
<tr>
<td>23 Smugglers Cove, Taylors Mistake</td>
<td>872</td>
<td>$240,000</td>
</tr>
<tr>
<td>137B Taylors Mistake Rd, Taylors Mistake</td>
<td>1,068</td>
<td>$290,000</td>
</tr>
<tr>
<td>86D Taylors Mistake Rd, Taylors Mistake</td>
<td>1,039</td>
<td>$227,000</td>
</tr>
</tbody>
</table>

The above sections sold between early 2015 and mid-2018.

209 Taylors Mistake Road is the best comparable property as the site benefits from desirable views over the bay and is the closest physically to the baches. This property sold for $290,000 late 2015. We would expect modest value growth from late 2015 to 2019.

We have looked further afield for sales of properties which benefit from ‘front row’ position and superior views and aspect. 27 Beachville Road in Redcliffs sold in October 2018 for $485,000 and is 405m². This is a superior property to the Taylors Mistake bach sites but indicates the desirability of sites with direct access to water. This site has direct access to The Estuary.

18 Sumner Road in Lyttelton is a site of 359m² which is steep in contour and overlooks the harbour/port. The views available from the site make it one of the more desirable sites within the Lyttelton market. The property sold in August 2018 for $150,000. Developing the site would likely be expensive.

We have also had regard to vacant land sales in desirable locations which have challenging access and buildability issues due to a steep contour and access for machinery.

<table>
<thead>
<tr>
<th>Address</th>
<th>Area (m²)</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Selwyn Rd, Lyttelton</td>
<td>470</td>
<td>$75,000</td>
</tr>
<tr>
<td>22 Cressy Tce, Lyttelton</td>
<td>657</td>
<td>$73,000</td>
</tr>
<tr>
<td>4 La Costa Ln, Mt Pleasant</td>
<td>1,046</td>
<td>$75,000</td>
</tr>
<tr>
<td>9 Riffeman Ln, Redcliffs</td>
<td>1,068</td>
<td>$81,000</td>
</tr>
<tr>
<td>10 De Thier Ln, Richmond Hill</td>
<td>1,326</td>
<td>$85,000</td>
</tr>
<tr>
<td>11 De Thier Ln, Richmond Hill</td>
<td>1,020</td>
<td>$85,000</td>
</tr>
<tr>
<td>27 Clifton Tce, Clifton</td>
<td>654</td>
<td>$90,000</td>
</tr>
</tbody>
</table>
The sales have occurred during 2016 and 2017 with prices ranging from $73,000 to $90,000. A substantial discount is revealed from what ‘prime’ sites with drive-on access and a level building platform sell for in the same locality.

One further sale of interest is 6 The Zig Zag in Clifton. This property is relevant because it only has walk-on access. The contour is also steep and would be expensive to build on. The enduring inconvenience of only having walk-on access is a substantial detriment. The property sold in November 2016 for $47,500 and is 663m². Nearby sections with drive-on access would likely sell for $275,000 - $375,000. The discount is substantial in this instance.

Our sales evidence has indicated what the market has been prepared to pay for sites in the Taylors Mistake locality. We have also had regard to prices paid for prime ‘front row’ properties overlooking water in Redcliffs and Lyttelton. From this evidence, we can establish what a prime ‘front row’ site in Taylors Mistake would sell for. We have adopted a notional site of 650m² and established the value at $300,000. This notional site would have front row views, have an average contour (not necessarily level), and would provide a building platform and have drive-on access with the capability of garaging.

Our market evidence of sections with steep contour, walk on access and building challenges indicates the level of discount the market considers when purchasing land with these characteristics. We draw upon this evidence to make our adjustments.

Before we can apply our notional site value to the baches we need to look at the land the baches occupy in terms of scale, hazard risk and distance from vehicle access.

4.3 Bach Location

We have not been asked to provide a license fee assessment for each individual bach but rather provide some broad perimeters which could apply to a number of baches which will also retain a level of consistency between the bach owners.

The baches can broadly be split into 3 geographic categories:
+ Boulder Bay
+ Taylors Mistake – Rotten Row
+ Taylors Mistake and Hobsons Bay waterfront baches

The Boulder Bay baches are more isolated than the other baches with access being via foot either from the Summit Road at the Godley Head end above the bay or by a longer walk from Taylors Mistake beach.

The Rotten Row baches at Taylors Mistake are generally positioned on orthodox building platforms, set back from the water and are not as vulnerable to sea inundation or cliff collapse. Access is provided via a short walk from the Taylors Mistake car park or dirt track behind the baches.

The Taylors Mistake and Hobsons Bay baches generally have direct sea views and frontage, are more susceptible to cliff collapse, rockfall and sea inundation hazards.

We have looked at aerial photography to estimate the footprint of the buildings in these areas and also the land they occupy in terms of decking and pathways round the perimeter of the baches. We have estimated the average areas as follows:
## Boulder Bay

<table>
<thead>
<tr>
<th>Description</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Site Area (building, deck, pathways, small garden)</td>
<td>95</td>
</tr>
<tr>
<td>Average Building Footprint (ground floor only)</td>
<td>40</td>
</tr>
</tbody>
</table>

## Taylors Mistake – Rotten Row

<table>
<thead>
<tr>
<th>Description</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Site Area (building, deck, pathways, small garden)</td>
<td>130</td>
</tr>
<tr>
<td>Average Building Footprint (ground floor only)</td>
<td>45</td>
</tr>
</tbody>
</table>

## Taylors Mistake and Hobsons Bay Waterfront

<table>
<thead>
<tr>
<th>Description</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Site Area (building, deck, pathways, small garden)</td>
<td>75</td>
</tr>
<tr>
<td>Average Building Footprint (ground floor only)</td>
<td>30</td>
</tr>
</tbody>
</table>

We now take our notionial site of 650m² with a value of $300,000 established from Taylors Mistake sales evidence and make adjustments to reflect the smaller section sizes, the lack of sewer connection and the lack of drive on access. Our adjustments reflect the discounts analysed from the sales evidence previously detailed of more challenging sites throughout the broader region.

Our adjustments in this regard are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Boulder Bay</th>
<th>Rotten Row</th>
<th>Beach Front</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base notionial site – 650m²</td>
<td>$300,000</td>
<td>$300,000</td>
<td>$300,000</td>
</tr>
<tr>
<td>Average site area in each location</td>
<td>95m²</td>
<td>130m²</td>
<td>75m²</td>
</tr>
<tr>
<td>Adjusted value to reflect smaller area</td>
<td>$68,000</td>
<td>$120,000</td>
<td>$69,000</td>
</tr>
<tr>
<td>10% adjustment for lack of sewer reticulation</td>
<td>$79,200</td>
<td>$108,000</td>
<td>$62,100</td>
</tr>
<tr>
<td>Adjustment for lack of drive on access</td>
<td>50%</td>
<td>25%</td>
<td>25%</td>
</tr>
<tr>
<td>Adjusted value</td>
<td>$39,600</td>
<td>$81,000</td>
<td>$46,575</td>
</tr>
<tr>
<td>Adopt</td>
<td>$40,000</td>
<td>$81,000</td>
<td>$47,000</td>
</tr>
</tbody>
</table>

Our base values established at $40,000 for Boulder Bay, $81,000 for Rotten Row and $47,000 for the beachfront sites are supported by our broader evidence for sites with access challenges whilst still offering a level of desirable amenity in terms of view and outlook.

### 4.4 Additional Hazards

A number of the baches are vulnerable to cliff collapse and rockfall vulnerability and vulnerability to sea inundation. If these ‘higher risk’ properties were to be offered a license to occupy, a further adjustment/discount may be required to the base land value.
4.5 Return

We now turn our attention to the return property owners seek in exchange for a ground lease. Our market evidence is listed as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Tenant</th>
<th>Rent Review Term</th>
<th>Return</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyttelton</td>
<td>BP</td>
<td>4 years</td>
<td>6.35%</td>
</tr>
<tr>
<td></td>
<td>BP</td>
<td>4 years</td>
<td>6.35%</td>
</tr>
<tr>
<td></td>
<td>Z Energy</td>
<td>4 years</td>
<td>6.50%</td>
</tr>
<tr>
<td></td>
<td>Z Energy</td>
<td>4 years</td>
<td>6.50%</td>
</tr>
<tr>
<td></td>
<td>Z Energy</td>
<td>4 years</td>
<td>6.00%</td>
</tr>
<tr>
<td>Sawyers Arms Road</td>
<td>North Shore</td>
<td>5 years</td>
<td>6.25%</td>
</tr>
<tr>
<td>Johns Road</td>
<td>NZTA</td>
<td>5 years</td>
<td>6.25%</td>
</tr>
<tr>
<td>Orchard Road</td>
<td>Air NZ</td>
<td>5 years</td>
<td>6.35%</td>
</tr>
<tr>
<td>Sawyers Arms Road</td>
<td>Far Comers</td>
<td>5 years</td>
<td>6.00%</td>
</tr>
<tr>
<td></td>
<td>Morrow</td>
<td>5 years</td>
<td>6.00%</td>
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<tr>
<td></td>
<td>Musson</td>
<td>5 years</td>
<td>6.00%</td>
</tr>
<tr>
<td></td>
<td>Penny Wang</td>
<td>7 years</td>
<td>6.20%</td>
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<tr>
<td>Logistics Drive</td>
<td>Fairfax</td>
<td>5 years</td>
<td>6.35%</td>
</tr>
<tr>
<td></td>
<td>Calder Stewart</td>
<td>5 years</td>
<td>6.35%</td>
</tr>
<tr>
<td></td>
<td>Russley Business Park</td>
<td>5 years</td>
<td>6.35%</td>
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</tbody>
</table>

**Range** 6.00% - 6.50%

These transactions represent orthodox ground lease arrangements which convey exclusive occupation rights to the lessee with long term tenure. These agreements convey a level of certainty over the property which allows the lessee to invest in building improvements with the knowledge that they will benefit from the utility created.

We have no market evidence of the differential in returns achieved between typical ground leases and license to occupy agreements. A discount is certainly justified. The returns range from 6.00% to 6.50% for orthodox ground leases. We do not know the terms and conditions to be offered to the bach owners. In the absence of the agreed terms and conditions, it is likely the appropriate return for the license to occupy will be 5.00% to 5.50% of market value.

5.0 Summary

We have established the average market value of the bach sites for 3 separate locations. Additional adjustment may be required depending on the level of hazard on a property by property basis. The provisional level of return has been established at 5.00% to 5.50% of land value depending on the final terms and conditions within the license to occupy agreement. License fees are likely to range from $2,000 to $4,455 (excluding further hazard discount) per annum.

Note: All figures are established on an ‘Including GST (if any)’ basis.
6.0 Concluding Comments

In our view, the approach provides a robust measure of establishing an underlying market-based land value and then an appropriate level of return to the landowner.

Once the actual license to occupy document has been finalised, variations to the return component will be appropriate.

We have averaged the footprint of each bach (ground floor) and the site area they occupy based on aerial photography. It will be prudent to have these areas accurately surveyed in case some baches are significantly larger or smaller than the ‘average’ and an additional adjustment to land value is required.

We have based our report on information received from the Council and sourced from the following website:

https://gis.ccc.govt.nz/portal/apps/MapTour/index.html?appid=64a34d424b2943fe857343fb53273a69#map
7.0 Statement of Limiting Conditions and Valuation Policy

Purpose
This valuation report has been completed for the specific purpose stated. No responsibility is accepted in the event that this report is used for any other purpose.

Responsibility to Third Party
Our responsibility in connection with this valuation is limited to the client to whom the report is addressed and to that client only. We disclaim all responsibility and will accept no liability to any other party without first obtaining the written consent of TelferYoung (Canterbury) Limited and the author of the report. TelferYoung (Canterbury) Limited reserves the right to alter, amend, explain or limit any further information given to any other party.

Reproduction of Report
Neither the whole nor any part of this valuation and report or any reference to it may be included in any published document, circular or statement without first obtaining our written approval of the form and context in which it may appear. Our report is only valid when bearing the Valuer’s signature.

Date of Valuation
Unless otherwise stated, the effective date of the valuation is the date of the inspection of the property. This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 90 days from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

Legislation
We have not obtained a Land Information Memorandum (LIM) or Property Information Memorandum (PIM) for this property which, unless otherwise stated, is assumed to conform to all requirements of the Resource Management Act 1991, the New Zealand Building Code contained in the First Schedule to the Building Regulations 1992, the Building Act 2004 and any Historic Places Trust registration. Our valuation reports are prepared on the basis that properties comply with all relevant legislation and regulations and that there is no adverse or beneficial information recorded on the Territorial Local Authority (TLA) property file, unless otherwise stated. Legislation that may be of importance in this regard includes the Health & Safety at Work 2015, the Fire Safety and Evacuation of Buildings Regulation 1992, and the Disabled Persons Community Welfare Act 1975.

Registrations
Unless otherwise stated, our valuation is subject to there being no detrimental or beneficial registrations affecting the value of the property other than those appearing on the title. Such registrations may include Waahi Tapu and Historic Places Trust registrations.

Reliability of Data
The data and statistical information contained herein was gathered for valuation purposes from reliable, commonly utilised industry sources. Whilst we have endeavoured to ensure that the data and information is correct, in many cases, we cannot specifically verify the information at source and therefore cannot guarantee its accuracy.

Assumptions
This report contains assumptions believed to be fair and reasonable at the date of valuation. In the event that assumptions are made, based on information relied upon which is later proven to be incorrect, or known by the recipient to be incorrect at the date of reporting, TelferYoung (Canterbury) Limited reserves the right to reconsider the report, and if necessary, reassess values.
GST

The available sources of rental data upon which our valuation is based are generally not specific as to the GST content. Unless it has been necessary and possible to specifically verify the GST status of a particular rental agreement, it has been assumed that the available commercial rental data has been transacted on a plus GST (if any) basis, which is in accordance with standard industry practice for most commercial property. Should this interpretation not be correct for any particular rental used as evidence, we reserve the right to reconsider our valuation.

Rental evidence relating to a residential property or a residential component of a commercial property is not subject to GST. Unless it has been necessary and possible to specifically verify the GST status of a particular residential rental agreement, it has been assumed that the available residential rental data has been transacted with no GST, which is in accordance with standard industry practice for residential property. Should this interpretation not be correct for any particular rental used as evidence, we reserve the right to reconsider our valuation.

Land Survey

We have made no survey of the subject property and assume no responsibility in connection with these matters. Unless otherwise stated, the valuation has been assessed conditional upon all improvements being within the title boundaries.

Unless otherwise stated, we have not undertaken investigations or been supplied with geotechnical reports with respect to the nature of the underlying land. Unless otherwise stated, the valuation has been assessed conditional upon the land being firm and suitable ground for the existing and/or potential development, without the need for additional and expensive foundation and retaining work or drainage systems.

Leases

The interpretation of leases or other contractual agreements referred to in this report is solely the opinion of the author and should not be construed as a legal interpretation. Furthermore, summaries of contractual agreements which may appear in the report or appendices, are presented for the sole purpose of giving the reader an overview of the salient facts thereof.

Tenancies

Unless specifically requested, we do not make detailed enquiries into the covenant strength of occupational tenants but rely on our judgement of the market perception of them. Unless otherwise advised, our valuation has been assessed subject to the tenant being independent of the owner and capable of meeting all financial obligations under the lease, and that there are no arrears of rent or undisclosed breaches of covenant. Further, our valuation is conditional upon all rents referred to in this report representing the rental arrangement stipulated in the contractual agreements pertaining to the tenant’s occupancy, to the extent that such rents have not been prepaid, abated or related to reflect extraordinary circumstances, unless such conditions have been identified and noted in this report.

Please contact the writer should you wish to discuss any matters raised in this report.

Yours faithfully

TelferYoung (Canterbury) Limited

Martin Winder - B Com (VPM), ANZIV, MPI NZ  
Registered Valuer  
Director

Email: martin.winder@telferyoung.com
Christchurch City Council
Legal Services Unit

MEMORANDUM

Date: 15 FEBRUARY 2019

From: BRENT PIZZEY (Associate General Counsel, Legal Services)

To: BACHES HEARING PANEL

FURTHER INFORMATION ADDRESSING THE PRELIMINARY QUESTIONS FROM THE HEARING PANEL FOLLOWING THE CLOSE OF THE HEARING ON 11 FEBRUARY 2019

Purpose of Memo

1. Attached to this memo are the Council staff responses to a list of specific questions asked by Hearing Panel members, as requests for further information from Council staff, when the hearing closed on 11 February 2019.

2. The purpose of this memo is to provide an overarching context and overview that will assist understanding of the information provided in response to the specific questions.

3. The focus of many of the Panel’s requests for further information and advice relates to natural hazard, management of risks posed to people and property by those hazards, and the Council’s responsibilities in managing those risks when making a decision as a landowner regarding occupation of its land.

4. That topic is the focus of the following broad overview.

5. This overview can be expanded and further discussed at the Panel’s deliberations on 18-19 February.

6. It is my understanding that the following broad overview, set of propositions and recommendations reflect the views of the Council staff involved in this project in the legal, property, planning, and geotechnical spheres. Staff in any of those areas will be available on 18-19 February to answer any questions.
OVERVIEW

Council's role in relation to management of natural hazards and risks from those hazards

7. The avoidance or mitigation of natural hazards is a matter that councils must have particular regard to when performing their roles under the Local Government Act 2002 (section 11A).

8. Functions of District Councils under the Resource Management Act include controlling effects of the use of land for the purposes of avoiding or mitigating natural hazards (section 31).

9. The RMA function does not apply to the Council’s decision as landowner as to whether to licence occupation of its land; however, it is a relevant part of the context.

10. It is the staff view that leaving decisions about using land that is subject to natural hazards solely to the discretion of individuals would not be consistent with those LGA and RMA functions.

11. Advice to the Council from GNS and Tony Taig following the Canterbury Earthquake Sequence was also that decisions about voluntary assumptions of natural hazard risk should not be left to property owners and that management of those risks is an appropriate role of the Council.

12. Attachment D to the staff report provides more information on this issue.

13. The staff recommendation is that the Council’s decision as landowner as to whether to licence occupation of its land should give weight to avoiding or mitigating the risk from natural hazards.

14. The reason for that recommendation is not based on concern about potential liability of the Council as landowner if a natural hazard causes damage to a bach. As noted in Appendix D to the staff report, appropriate provisions in the licence agreements can ensure that there is no liability risk for the Council as landowner.

How a Council decision as landowner to licence baches relates to other Council decision making

15. The decision for the Hearing Panel is whether to grant a licence and, if so, on what guiding principles.

16. It is not the Panel’s role to determine the adequacy or appropriateness of possible physical hazard mitigation works. There are subsequent decisions needed for that.

17. As a matter of consistency of approach and policy, it would make sense for the Panel decision on the standard for “acceptable” risk, and approach to mitigation of the risk to that standard, to mirror that in the District Plan.

18. Future decisions needed before hazard mitigation works can be done include:

(a) A decision about what work is needed to avoid or mitigate the risk to an appropriate standard. In the current decision making process it is appropriate for
the Council to decide that standard (further explained below). It will then be up to
gеotechnical expert advice to bach owners and to the Council, and other
consenting processes (below) to determine what if any work is needed in order
for that standard to be reached.

(b) A decision by a landowner as to whether to allow the work on their land. If that
landowner is the CCC and the land is the road, that may require a licence to
occupy if the work is a bund or fence for example. If the work is needed on
someone else’s land (such as DoC) the bach owner will need that owner’s
approval.

(c) Possibly building consent from the CCC.

(d) Resource consent under the District Plan for “Hazard mitigation works”. All of the
baches identified by the Council’s geotechnical advisor as being subject to
moderate or high slope instability hazard are in the rockfall 2 or cliff collapse 2
overlays in the District Plan. District Plan rules require resource consent for
“hazard mitigation works” in those areas. The District Plan policy sets the
standard that those works need to achieve and sets how achieving that standard
is to be calculated.

Whether seeking to control users’ behaviour, rather than controlling hazard mitigation
works, is an appropriate approach to managing risk

19. It is legally possible for the Council as licensor to seek to mitigate risk of natural hazard
by terms of a licence that purport to restrict frequency of use.

20. Whether the Council ought to do that is a policy question for the Panel to determine.

21. Staff advice is that this is unwise as the terms of the licence cannot be adequately
monitored or enforced.

22. There is no legal barrier to having regard to the ease of monitoring and enforcing
licence terms when deciding whether those terms are appropriate. That means that the
Panel is entitled to have regard to the staff advice about the difficulty of monitoring and
enforcing licence terms about frequency of occupancy when deciding whether to rely
on those terms reducing risk to an acceptable level.

23. The staff advice is that the Council’s licensing decision should ensure that, before a
licence is granted, either the risk is at an acceptable level or physical hazard mitigation
works have ensured that the risk is at an acceptable level.

Setting a standard for hazard mitigation works required before granting a licence

24. The policy approach recommended to the CCC by GNS Science and Tony Taig in
2012, adopted by the Council in 2012, used by central government in red zone
decisions, embedded in the LGA and RMA, and/or determined for the District Plan after
extensive analysis and debate, is:

(a) It is an appropriate and necessary role for local government and central
government to manage risk from natural hazards rather than it being left to
individual choice;
(b) Assumption of 100% occupancy is a preferable policy approach to assuming restricted or limited occupancy. See: GNS Report 2012; policy 5.2.2.4.1 of the District Plan.
(c) An annual individual fatality risk of 1:10,000 pa (= 10^-4) is an appropriate benchmark for acceptability of natural hazard risk.

25. Policy 5.2.2.4.1 of the District Plan sets the GNS model, and assumption of 100% occupancy, and a standard of 10^-4, as the guiding standard for resource consent applications for hazard mitigation works.

26. As a matter of consistency of approach and policy, it would be logical, effective and efficient for the Panel recommendation to Council on the standard for "acceptable" risk, and approach to mitigation of the risk to that standard, to mirror that in the District Plan – bearing in mind that bach owners seeking to use hazard mitigation works will need a resource consent, and the District Plan standard will be the guiding focus for assessment of that resource consent application.

Form and content of licences

27. It is the Panel decision that sets the key principles and framework for the licence terms, not the licence that sets the framework for the Panel decision.

28. The manner in which the Council creates occupancy rights for property is either through negotiation or on non-negotiable offer basis. Staff recommend the latter in the interests of consistency and fairness of terms and conditions and the efficiency of administration.

29. There is no one licence form that meets all circumstances. The licence needs to reflect the decisions made and contain the terms required by the Council. The Council therefore needs to make decisions regarding the content of the licence.

30. Council staff are of the view that the detail of the hazard mitigation required for those baches affected and how it should be implemented are matters that should be dealt with later on a bach by bach basis, and must be dealt with that way under the separate resource consent process in the District Plan.

31. Staff recommend that the Hearings Panel and ultimately the Council adopt a decision-making framework to allow licences to be granted now for the majority of baches, and for the hazard affected baches to be dealt with in a measured way as mitigation solutions for the hazard affected baches are developed as set out in the recommended resolution below.

32. For a bach-owner with a bach affected by natural hazards to be eligible for a licence they will need to satisfy the Council (i.e. the Chief Executive acting under delegation) that they have sufficiently mitigated the hazard. In order to do this they will need to:
   (a) Design the form of mitigation that meets the required mitigation standard, and
   (b) Obtain landowner approval if the mitigation requires use of land outside the bach licence area (this could involve the Council if the Council is the landowner), and
   (c) Obtain all necessary resource consents, and
   (d) Arrange funding, and
   (e) Implement the mitigation and the monitoring, inspections and reporting required by the resource consent.
Staff recommendation on a draft resolution for the Panel's consideration

In the event that the Hearings Panel recommended to the Council that the baches be licenced, Council staff recommend a resolution in the following form:

“The Hearings Panel recommends as follows:

1. Notes:
   1. The public submissions received and heard; and
   2. The heritage issues involved; and
   3. The affected land is publicly owned legal road; and
   4. The staff advice concerning the appropriateness of granting licences on legal road relative to the right of the public to access the legal road; and
   5. The staff advice on natural hazards and mitigation; and
   6. The grant of licences transfers an interest in public land to private individuals;

2. Approves, in respect of baches currently assessed by the Council’s geotechnical experts as being subject to low risks from natural hazard (being all baches except 1, 2, 4, 8-10, 30-32, 62-64, 67-68), that a ground licence to occupy the unformed road be offered (on a non-negotiation basis) to the individual bach-owners as soon as practically possible following the date of this resolution;

3. Approves, in respect of baches in cliff collapse area 2 or rockfall area 2, being bach numbers 1, 2, 4, 8-10, 30-32, 62-64, 67-68, that a ground licence to occupy the unformed road be offered to the individual bach-owners as soon as practically possible following the date that the bach-owner affected applies to the Council as landowner and satisfies the Council that the relevant natural hazards have been reassessed or mitigated in accordance with the following standards:

   (a) The risk is certified as being acceptable in the manner required by rule 5.6.1.2 of the District Plan; or

   (b) Hazard mitigation works are consented under chapter 5 of the District Plan.

4. Resolves that the owners of baches 1, 2, 4, 8-10, 30-32, 62-64, 67-68 in cliff collapse area 2 or rockfall area 2 must apply to the Council as landowner under resolution 3 within 2 years of the date this resolution is adopted by the Council.

5. Approves that the terms and conditions to apply to licences issued as a result of resolutions 2 or 3 above shall be as follows:

   a. Term - 35 years with no right of renewal.

   b. Permitted Use – Residential use [Does the Council want to limit who occupies – owner and family? No letting?]

   c. [Does the Council want to include an obligation to make it available for public use on a casual letting basis?]

   d. Licence Area - That the area of occupancy is for the building footprint only i.e. there are no rights to any other space surrounding the bach [OR DOES THE COUNCIL INTEND TO INCLUDE THE AREA AROUND THE BACH AS WELL, INCLUDING DECKS, FENCES, ANCILLIARY BUILDINGS, GARDENS ETC].
e. Licence Rent Formula – based on market rent as assessed by registered valuers Teffer Young (based on the principles specified in their report). This is a “gross” rent i.e. all inclusive, there are no other costs or outgoings that are recoverable in addition to the rent. Rents are to be reviewed 5 yearly to market as assessed by an independent registered valuer appointed by the Council.

f. Transferable Ownership Rights - Building may only be sold and licences assigned with the consent of the Council (not to be unreasonably withheld). [or does the Council propose limits on transferability]

g. Maintenance Obligations – that the licence requires the licensee to maintain the bach in good condition, in keeping with the heritage values present and in compliance with the District Plan.

h. Additions and Alterations – any additions and alteration will require Council consent as landowner in addition to the obtaining of any regulatory consents.

i. Destruction or damage – where this occurs that causes the heritage values to be substantially lost or renders the bach to be uninhabitable the licence shall be automatically cancelled.

j. Public liability Insurance - The licence contains an obligation to hold public liability insurance policy for not less than $2m on terms and conditions acceptable to the Council.

k. Hazards – in relation to baches in rockfall area 2 or cliff collapse area 2 in the District Plan – The licence to include the provisions recording:

   i. the provision by the Council to the bach-owner of the available information relating to the natural hazards affecting their bach;

   ii. an acknowledgment by the bach-owner that they have entered into the licence having received that information and based on their own enquiries;

   iii. to the maximum extent permitted by law, the bach-owner is not to be entitled to make any claims against the Council arising in respect of any matter relating to such natural hazards affecting their bach (including, but not limited to, the presence of such natural hazards or any damage or harm caused to the bach-owner’s bach or other property by such natural hazards);

   iv. allowing the Council to cancel the licence if the Council forms the view, acting reasonably, that the natural hazards affecting the bach discontinue at any time to be mitigated in accordance with the standards referred to in resolution 4 above or the risk increases.

l. Other provisions – such other provisions as the Chief Executive shall consider appropriate or necessary in her discretion.

6. Delegates the Chief Executive authority to implement the above resolutions and to do all things necessary and take such steps as she shall consider appropriate in her discretion to give effect to the same, including entering into licences on behalf of the Council.
Brent Pizzey  
Associate General Counsel  
Legal Services Unit

Extension 5550
**Proposal for Baches at Taylors Mistake and Bays Hearings Panel – Panel’s questions referred for answers following the hearing of submissions**

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<th>Panel’s Questions</th>
<th>Answers (unless otherwise indicated provided by Council Officers)</th>
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| 1  The Chair allowed heard submitter, Justine Ottey, to submit further in writing in reply to the Chair’s question at the hearing, which Ms Ottey indicated not to properly hear or answer owing to distraction; the question being: If [as Ms Ottey was submitting] it were shown that the baches were in Council ownership, would you want them removed regardless of any heritage value they have? | **Answer from heard submitter, Justine Ottey:**  
*If any of the baches are to be retained because of their historic or heritage value, then their current ownership is really immaterial to that question. I note the findings of Commissioner Guthrie that only 3 baches (# 1, 2 and 34) had any real historic value. He noted that the tension between retention of the baches for their heritage value and their removal because of their impact on the natural values of the coast and its use by the wider community was finely balanced. But after hearing all of the evidence relating to the perceived historic or heritage value he held that only those three baches should be retained.*  

*I would support the retention of the baches that Commissioner Guthrie identified as having met the threshold for historic recognition, no matter who owns them, so long as they have retained their historic, architectural values since the date of that decision.*  

*The heritage values must be balanced alongside the issues of environmental impact, public use of public spaces, hazard and risk assessments, the potential for private profiteering of public spaces, the bach occupiers holding no existing license to occupy, future costs to the council for improvements and consents. Historically the bach occupiers have never complied with the terms of the previous license, court decisions and their own undertakings. I don’t feel they can be relied upon to comply with future license provisions.* |

| 2  Councillor Johanson had invited further information from the Taylors Mistake Association, so the Chair allowed the following remarks the Association (via its president, Brent Gilpin) submitted. | **Answer from heard submitter, Brent Gilpin on behalf of the Taylors Mistake Association:**  

**Taylors Mistake Association Comments on Licence Agreement:**  

*We would appreciate the opportunity for input/comment on the proposed licence. This isn’t a negotiation situation where we are trying to get the best deal for ourselves, but rather we want a licence which is fair and reasonable and meets shared objectives for the future of the baches. We think we can provide useful input to that. Without seeing the full details of any licence we can only make the following general comments:*  

- The licence should be based on managed retention of baches, not managed removal.
- As a fundamental principal, the licence needs to avoid the removal of any bach.
- The 35 years, no renewal clause.  
  - *We understand this may be required legally. But we would like recognised that the intention is not for removal of the baches at the conclusion of 35 years, but that there is some expectation of renegotiation of a new licence after for example 30 years.*
- Transferable Ownership Rights |
o There needs to be a capacity to sell a bach and assign licence beyond the immediate family in some cases. Not everyone has children or extended families, and not all families have the resources or interest to continue to maintain the bach. Allowing this doesn’t impact on historic values, and in fact would be detrimental if baches were abandoned.

- **Reinstatement, Additions and Alterations**
  o As specified in the city plan, the addition of toilet/shower area that increases floor space by no more than 2 x 2 metres may be necessary to future proof sewage and greywater solutions. Any addition needs to be in fitting with the bach aesthetics, and approved by CCC.
  o Rebuild option should be available and would only be in the case of fire or other such event, and would be a rebuild as close as possible on the same footprint and using the same style of materials. Replacement with a replica. Baches value is as a group, and loss of a bach in the middle of a group of baches negative impacts on visual and historic benefits.

- **Hazards**
  o Agree that CCC not obligated to remediate any hazards, but strongly reject terminating or not issuing a licence where hazard exists. May be additional requirements on licences for some baches where a hazard exists in terms of signage or other measures.

- **Public liability insurance**
  o We would like to explore the potential for this to be held as a joint policy by bach holders on a group cover basis.

- **Suggestion of removal of existing decks is the first time we are aware of this being raised. Existing decks are generally a natural part of the baches, and removal would not be practical in many situations, and would likely degrade historic integrity of the baches.**

- **Licence fee needs to be at a level that doesn’t preclude current families from being able to afford to continue to own and maintain a bach to the standard required. Licence fee should recognise cost of maintenance and restrictions on usage and modifications. Baches currently owned by wide-cross section of society, would like that to continue, not for ownership to only be practical for the wealthy.**

Engaging a valuer every five years seems unnecessarily complex. Perhaps explore simple 5 year review based on either the CPI or increases in CCC rates.

**Taylors Mistake Association Comments on Ms Ottey’s presentation at the hearings:**

I could refute in detail the points [Ms Ottey] made, which at best are a somewhat selective interpretation of the facts, and at worst just wrong. If you are giving any weight to them let me know and I can provide detailed information. I will just comment on two other things [Ms Ottey] said.
1. The bach custodians have never refused to comply with a council directive. The Council in the 1980’s deferred by way of a council resolution, the decision made in the 1970s to remove the remaining baches to allow time for bach owners to explore relocation options to land in the valley.
2. We refute absolutely any sewage issues related to the baches. This was an issue in the bay prior to the installation of reticulated sewage to Taylors Mistake Road in the late 1980’s, but was primarily related to residential properties.

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<th>Item No.</th>
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<td>3</td>
<td>The Panel sought its own legal advice on Ms Ottey’s written and heard submission. Answer from Associate General Counsel, Robert O’Connor: Ms Ottey submitted that as the baches are “fixtures” that they form part of the land, and are therefore owned by the Council as owner of the land. It is correct that ordinarily a fixture will form part of the land upon which it sits, however that presumption can be rebutted by the circumstances or what the parties may have agreed between themselves. The Legal Services Unit view is that there is sufficient evidence over a long period of time to support the view that both the Council and the bach-owners consider that the bach structures are not owned by the Council and are in fact owned by the bach-owners. In these circumstances, the Legal Services Unit view is that it is unlikely that the baches would be found to be owned by the Council. Comment from Brent Pizzey, Associate General Counsel: The 2003 Court decision on appropriate provisions in the District Plan is now irrelevant as there is a new District Plan; and District plan provisions do not predetermine Council decisions as landowner. Legal advice to the Council is that it does have the legal right to grant occupation licences of the road reserve. Relevance of the 2003 Environment Court decision comments on public access: The Panel can review that Court Decision as a possibly relevant consideration but the recent reviews and recommendations by Council officers concerning public access to the coastal environment, and whether the baches pose an unreasonable interference with public use of the road, are relevant.</td>
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<td>4</td>
<td>Brent Gilpin for the Taylors Mistake Association noted that: the GNS reports referred to in the materials for this Hearings Panel made no reference to the baches at Taylors Mistake and Boulder Bay. Their conclusions were in relation to private residential properties where people might build new houses, mortgage their futures, where red zoning applies with forced Answer from Associate General Counsel, Robert O’Connor, and Manager Property Consultancy, Angus Smith: In terms of the licence it has been suggested that these are not issued until the hazard is mitigated. The staff view is that, if the view is to grant licences, that a framework should be adopted by the Hearings Panel and the Council which provides at a high level: a) Baches at low hazard risk are granted a licence on terms at a high level determined by the Hearings Panel/Council (i.e. rent, term, transferability etc)</td>
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**Item 28**

**Council**

11 April 2019

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**Attachment M**

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<th>5</th>
<th>Can staff confirm the current wastewater and sewage solutions existing for the baches?</th>
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### b) Baches at moderate or high hazard risk

Baches at moderate or high hazard risk are granted a licence if and when the individual bach owners are able to demonstrate, using a standard set by the Panel, that the hazards affecting their individual baches have been mitigated to an acceptable level.

This framework would need to be accompanied by appropriate delegations to staff.

---

**Comment from Brent Pizey, Associate General Counsel**

It is correct that the GNS Life Risk Report (2012) was not focussed on structures that generally used for holiday accommodation. However, the general principles discussed in that report are relevant. Those general principles have been used as the framework for the District Plan policy and rules that would apply if a person was to seek to build a new bach in these hazard areas. In that context, those principles are relevant to a decision by the Council regarding licensing occupation of its land in hazard areas.

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**Answer from Jesse Dykstra, Principal Geotechnical Advisor:**

The GNS reports referred to in the Hearings Panel material are the reports which define the methodology used for calculating life safety risk in the Port Hills. The accepted methodology forms the basis for all life safety risk calculations, including those for Cliff Collapse and Rockfall at Hobsons Bay and Taylors Mistake and for Cliff Collapse at Boulder Bay. The methodology used for calculating life risk at those locations is identical to that used in other areas in the Port Hills, including residential properties.

I recommend using the same standards as those in the District plan for assessing the need for hazard mitigation. That assumes 100% occupancy.

The GNS life safety risk models do not only cover properties where boulders entered houses; they cover all properties in the Port Hills subject to rockfall, cliff collapse or mass movement hazards.

**Answer from Senior Project Manager – Transport, Neil Gillon:**

*(Information obtained from Asset Management Team, Three Waters and Waste)*

**Services provided to baches**

1. **Water Supply**
   
   The following baches are provided a water supply from the water supply network within Taylors Mistake:
   
   - Taylors Mistake – 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47
   - Hobson Bay – 48, 49, 51, 52, 55, 56, 57, 58, 59, 60, 62, 63, 64, 67, 68, 69, and 70
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<td><strong>6</strong> Can staff clarify whether, if the occupancy of the baches increased, the risk to life would increase, and to what extent?</td>
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<tr>
<td><strong>Answer from Jesse Dykstra, Principal Geotechnical Advisor:</strong></td>
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<td>The simplest model is one where occupancy effects risk in a linear fashion (e.g. increasing occupancy by 100% would increase risk by 100%). This approach does not take into account that other risk factors can vary with time. For example, managing occupancy during times of inherently higher risk (i.e. no or limited occupancy during/after heavy precipitation, or after seismic events of a certain intensity) could have a larger effect on risk compared to setting an overall maximum occupancy rate.</td>
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| **7** Can staff comment on what are the options or appropriate processes for negotiating the more detailed terms of licenses? Will it just involve the bach owners, or might further consultation with the community be warranted? |
| **Answer from Associate General Counsel, Robert O’Connor, and Manager Property Consultancy, Angus Smith:** |
| Elected members would generally sign off on the high level principle terms and conditions of a licence. Establishing the detailed terms and conditions of licences are generally negotiated by staff under delegated authority. |

| **8** Can staff clarify the nature of the title/ownership in the baches, so as to clarify how/whether that could be legally transferred. How would the option that their ownership must stay within the family, and that they can’t be sold, work? |
| **Answer from Associate General Counsel, Robert O’Connor, and Manager Property Consultancy, Angus Smith:** |
| The baches are effectively chattels owned by the bach-owners sitting on Council owned land held as legal road without any accompanying ownership or occupation rights in the underlying land. Accordingly, like any chattel, the baches can be transferred by the owner giving possession to another party by agreement. At the moment such transfers don’t involve any interest in the land. If the Council was to grant occupation licences to the individual bachowners, then it could include in the licence terms, including such controls on the transferability of the licence as it considered appropriate (i.e. including only to family members), and that such transfer or assignment of the licence could only occur with the consent of the Council. |

**Answer from Senior Project Manager – Transport, Neil Gillon:**
Mahaanui Kurataiao (MKT) provided a response from the Kaitiaki Portfolio Committee for Te Ngāi Tūāhuriri Rūnanga to the project team in May 2018 which included a recommendation that existing bach owners be
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<th>Answer from Associate General Counsel, Robert O’Connor, and Manager Property Consultancy, Angus Smith:</th>
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<td>9</td>
<td>For the sake of clarity, can staff confirm exactly what bach owners currently own insofar as they are said to be bach owners, and what does the Council own that it might grant licence to occupy cover. Does bach ownership revert to the Council if a licence is not granted or at the expiry of any licence granted, or could a licence specify that a bach comes into Council ownership at some time? Does any possible reversion of ownership to the Council have implication for the obligations of the Council?</td>
<td>The baches and associated structures (i.e. the bach structure, deck, fencing, landscaping ancillary buildings etc) are owned by the bach-owners and the land is owned by the Council and held as legal road. Any licence granted by the Council would grant the bach-owner the legal right to occupy a certain area of the land (legal road) for the purpose of locating a bach and associated structures on it. It’s the Council’s discretion what it chooses to grant a licence over the land for. Anything not granted a licence would need to be removed. Ownership of a bach at the end of the licence term doesn’t change automatically, but is a matter that would need to be specified in the licence. The licence could provide that the bach vests in the Council at the end of the term, or that the bach-owner is required to remove it. If the Council was to accept ownership of the bach at the end of the licence term then the bach would become the Council’s responsibility. There will be separate information available for the Panel in the week of 18 February concerning enforcing removal, either if no licence is entered into, or a licence is entered into and the bach is abandoned at the end of the licence.</td>
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<td>10</td>
<td>Can staff clarify, if the baches did come into Council ownership, or were already legally in Council ownership as Ms Ottey submits, and it were considered to grant a licence, would the type or terms of licence be different?</td>
<td>If the Council owned the baches, and granted a right to occupy an individual bach, then the form of the documentation would change from a ‘ground-lease’ type of arrangement currently envisaged to something akin to a ‘residential tenancy’ type of arrangement. If the Council owned the baches and the land, with no intention to allow any person to occupy the bach, then there would be no need for the Council to issue a licence to itself.</td>
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<td>11</td>
<td>Do bach owners have a legal obligation to mitigate hazard or to remove their baches? What happens if bach owners just decide to leave their baches?</td>
<td>Bach owners do not have a current legal obligation to mitigate the hazard. If the Council decides that people cannot occupy its land unless the hazard is mitigated, there will still not be a legal obligation to mitigate the hazard but there will be an incentive for people to do so. The baches are currently on Council land unlawfully as they are not licenced to be there. If they remain their without legal authority the Council could take enforcement action to require their removal.</td>
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<td>12</td>
<td>Can staff comment on whether the point that Heritage New Zealand note that the baches at Boulder Bay are not identified on the New Zealand Heritage List undermines, or is relevant to, submissions indicating that those baches have national significance?</td>
<td>Answer from Senior Heritage Advisor, Fiona Wykes:</td>
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<tr>
<td>13</td>
<td>What is the staff view on the proposal from submitters that the cost of hazard/risk mitigation (for rockfall, etc.) should be split where the mitigation also benefits the public, particularly public access to relevant areas?</td>
<td>Comment from Brent Pizzey, Associate General Counsel:</td>
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| 14      | Can staff provide advice around the possible environmental/aesthetic impacts of the relevant hazard/risk mitigation measures? What is the visual/environmental impact of mitigation works? If bach owner wasn’t there, would we do mitigation? | Comment from Project Manager - Parks, Marcy McCallum:     | Some resource consent applications have required a landscape assessment (particularly where they are on or near Council/Crown Land). This will be assessed when a hazard mitigation structure is proposed. Answer from Jesse Dykstra, Principal Geotechnical Advisor: Dependent upon location/mitigation used: Baches 1,2 and 31,32 – most likely mitigation scenario is a solid (reinforced earth or rock-filled gabion) barrier. Expected to be in the order of 50-70m long by 3m high. Example (Green Terramesh rockfall bund, can be planted): }
| 15 | **Can staff indicate whether a licencing approach could accommodate any potential collective approach bach owners may consider to implementing hazard/risk mitigation measures?** |

**Answer from Associate General Counsel, Robert O’Connor, and Manager Property Consultancy, Angus Smith:**

A collective approach could be accommodated in a licencing arrangement, possibly with two licences issued, one for the individual bach and the second to one or more bach-owners in respect of the land when the mitigation works are situated.

In terms of the second licence, complications could arise if the affected land is Crown land or in respect of Council land the proposed mitigation structures were incompatible with how the land is held.

Baches 4, 8, 9 and 30 – most likely mitigation is some scaling (primarily achieved using hand tools and air bags) and spot bolting, perhaps a small amount of mesh (low impact).

More significant earthworks would be required for baches 10, 62 and 68.
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<td>16</td>
<td>Can staff advise on whether it should be permissible, considered more broadly, to allow bach owners to install hazard/risk mitigation measures on Council or Crown land.</td>
<td>If the Panel adopt the staff recommendation on the resolution regarding the route to determining acceptability of hazard mitigation works, there is no barrier to people applying for resource consent for a structure that benefits multiple baches. For your information, however, there was extensive policy assessment by the Council in 2014 regarding whether hazard mitigation structures that benefit multiple properties should be approved by the Council for red zone properties. The Council resolution was to provide a route for applicants for individual property mitigation works only.</td>
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<td>17</td>
<td>Can staff advise whether it might be possible or advisable to consider extending rights and obligations under any possible licence to the areas in which the hazard/risk mitigation measures would need to be placed so that the bach owner is fully responsible for the maintenance and effectiveness of the mitigation measure over time.</td>
<td>The Council has no ability to authorise bach-owners to use Crown land for mitigation measures and the bach-owners would need to negotiate directly with the Crown over that. It may or may not be permissible to use Council-owned land for such mitigation measures depending on the way the land is held by the Council. For example, there would be issues if the Council land was recreation reserve. If the hazard mitigation works are on the unformed road, there will need to be an assessment as to whether it unreasonably impedes public access; however, given the nature of the land and the location of the public paths in this location, that may not be a practical issue.</td>
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<td>18</td>
<td>Can staff provide more advice around what the licence conditions and provisions would be for decks and such structures. Can staff comment on licencing of decks?</td>
<td>The licencing of decks is possible and it is envisaged that the terms and conditions would be no different to the bach structure itself. The licence can be drafted to provide for anything. The first fundamental decision is what does Council want to permit on the land or not – refer 9 above.</td>
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<td>19</td>
<td>Can staff advise what bespoke/site specific licensing provisions might be available and sensible to address the risks associated with the hazards present to some baches. Can</td>
<td>Yes, if that is the position adopted, that is possible within a licence.</td>
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<td>20</td>
<td>What possible guidelines or advice could staff offer for determining what level of hazard/risk should prevent the Council offering a licence, and how if there were a risk acceptable to a particular occupant would the Council ensure they are properly understanding it for that to be a consideration? How is this advice made suitably site specific?</td>
<td>This is addressed in the covering memo.</td>
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|         | Comment from Jesse Dykstra, Principal Geotechnical Advisor:                                                                                                                                                       | **Appropriate risk level is a complicated matter which has been considered in depth with respect to residential properties in the Port Hills (e.g. see Taig et al., “Principals and Criteria for the Assessment of Risk from Slope Instability in the Port Hills, Christchurch”, 2012)**

**If the Council is going to apply a risk-based criteria** to licencing of baches, my professional opinion is that $10^4$ is the appropriate threshold to allow bach occupation, for the following reasons:

- Same as private land in the Port Hills so not a different rule for the baches,
- I'm not convinced that all bach owners have the necessary information, incentive and understanding to 'self-manage' risk at a higher level,
- A higher threshold (i.e. $10^3$) would be getting into the zone where governments/authorities in New Zealand are currently adopting a policy of managed retreat from hazards (e.g. Franz Josef Township), so a policy of not retreating from or mitigating this level of hazard might be out-of-sync?
- Current (GNS) life risk assessments are uncertain to within about an order of magnitude (factor of 10) each way – this means that a location within the $10^3$ risk band could be as high as $10^5$, which is nearly one per lifetime (i.e. much too high).

| 21      | Can staff advise how any licence provisions aimed at heritage maintenance and risk mitigation would be made suitably site specific.                                                                                                           | **Answer from Associate General Counsel, Robert O'Connor, and Manager Property Consultancy, Angus Smith:**

As each licence would be site specific, and as each licence can contain such terms and conditions as the parties agree, each licence could be adapted to meet the particular circumstances applicable at each site, including dealing with maintenance, repair, and appearance obligations. In addition, there could be standard clauses related to Council approval for any works. However, it is desirable from an administrative point of view that each licence is as generic as possible. |

| 22      | Can staff advise on any Council obligation surrounding a bach which is not scheduled but has heritage value.                                                                                                        | **Fiona Wykes, Senior Heritage Advisor, replies:**

Regardless of whether something is scheduled or not, and whether it meets the threshold for scheduling in the District Plan, provision for heritage is a matter of national importance under the RMA. The Council has a draft heritage strategy, final due to be approved by Council this month, which states Council's commitment to|
protecting heritage, including particular actions that relate to when Council is responsible for the place as owner or manager.

The Heritage Strategy contains the following points:
Whāinga Goal 1: Our Heritage, Our Taonga is accessible to all and shared and celebrated. Especially relevant is Mahinga Action 4. Celebrate and promote the Council’s role as heritage champion,
e) Promote storytelling opportunities as part of Council- produced events where appropriate.
f) Promote heritage walks, cycleways and trails.
And perhaps also g) Promote Christchurch City Libraries’ repository for digital archives, and its capacity for community contribution.

Whāinga Goal 3: Our Heritage, Our Taonga includes and respects all the cultures and distinct communities of the district.
Mahinga Action 2. Acknowledge, respect and where possible enhance the heritage of the distinct communities and neighbourhoods which create a sense of place and local uniqueness for those who live there
a. Support communities to identify, protect and celebrate their local heritage places and histories, including developing tools to identify community heritage values.
b. Build and maintain strong relationships with different communities and groups.
c. Ensure community voices have a central role in identifying and celebrating their local heritage.
d. Recognise the role heritage plays in strengthening community identity and sense of place.

Whāinga Goal 4: Our Heritage, Our Taonga is protected through collaboration and partnership.
Mahinga Actions: The Council, in partnership with the six papatipu rūnanga and together with the community, will seek to:
1. Protect heritage:
a. Seek to increase the scope and breadth of regulatory and non-regulatory protection measures which could achieve recognition of:
   • heritage interiors
   • archaeological sites
   • places of significance to Ngāi Tahu
   • a broadened range of heritage places and values
   • cultural landscapes
   • heritage areas
b. Promote the use of voluntary protection methods (e.g. heritage conservation covenants and conservation plans).

In my opinion these things are relevant to retention of the baches.
There are also matters under 'Whāanga Goal 1: Our Heritage, Our Taonga is accessible to all and shared and celebrated' that relate directly to Council as owner, still under Mahinga Actions 4:
4. Celebrate and promote the Council’s role as heritage champion:
a) Promote the Council’s broad range of heritage assets.
b) Celebrate how the Council models best practice heritage asset management.
c) Enhance community access (physical, virtual or via storytelling) to Council-owned heritage assets where possible.
d) Create opportunities to share local heritage stories at Council facilities.

23 Can staff comment on any opportunities to partner with Heritage New Zealand and not carry the full cost around any option that might include advancing heritage values if there were associated costs falling on the Council?

**Answer from Senior Heritage Advisor, Fiona Wykes:**
CCC work in partnership with HNZPT regularly, but I do not think that this would result in any cost sharing. I am not clear how HNZPT could assist in saving Council costs in this instance as any costs incurred would be around undertaking a plan change process for the District Plan, and staff costs. The best assistance that could be provided to this process would be the support of HNZPT for Council’s position regarding heritage at a hearing.

24 How could heritage baches be funded if not owned by bach owners? Is there a Heritage NZ fund?

**Answer from Senior Heritage Advisor, Fiona Wykes:**
If baches are owned by Council, rather than private owners, then I am not aware of any funding that would be open to Council beyond its own funds. Grants from organisations such as HNZPT are not able to be awarded to local councils. There might be some direct government funding that could be awarded should the baches be deemed to be of sufficient importance nationally, but I think it is unlikely that there would be anything available to Council.

25 Can staff comment on what might be an acceptable life risk for public access – what would the policy position advisedly be?

**Answer from Jesse Dykstra, Principal Geotechnical Advisor:**
The “Port Hills Parks and Tracks – Reopening Process” document covers this in more detail.

For public reserves and tracks in the Port Hills, qualitative risk assessment has generally been deemed more appropriate for determining risk. In my view valid reasons for adopting a qualitative approach in these include:
- the relatively low amount of time (i.e. compared to a household or holiday home) that people tend to spend exposed to the hazards,
- the high variation of risk level depending on time of year, weather, recent activity (earthquakes, landslips, etc.)
- changes in vegetation growth, etc.

The qualitative assessments that I’ve been involved with in the past commonly compare post-EQ risk to the risk which existing prior to the earthquakes. For cases where there was elevated post-EQ risk mitigation works such
as scaling and source removal were commonly employed to reduce the risk to a level similar to that which existed prior to the earthquakes. The assessments of residual risk were completed by qualified geo-professionals from the Slope Stability Engineering Panel, and were subject to peer review.

A bach occupant who is present 15% of the time will be exposed to the hazard for approximately 1,300 hours over the course of a year. An avid track user who walks the track 5 days per week (250 times per year) and is exposed to the hazard for 10 minutes each trip will be exposed to the hazard for approximately 42 hours each year. All other factors being equal, the bach occupant would be subject to life risk which is 1,300/42 = 31 times higher than the track user.

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<td>26</td>
<td>Should Council be making policy calls about use of tracks that are subject to a hazard? Is this consistent across Council?</td>
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<tr>
<td>27</td>
<td>Can staff comment on what a licence might look like if it was developed on a risk based approach, and what, if any, issues this would raise for consistency across the city. Would it be consistent at a policy level to be considering allowing or requiring risk mitigations that would need to be undertaken on Council or Crown land as a condition of licensing? Can risk be removed from Council?</td>
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<td>28</td>
<td>Can staff comment on considerations relevant to what hazard mitigations should be permissible?</td>
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**Comment from Project Manager – Parks, Marcy McCallum:**

There is the Port Hills Parks and Tracks Reopening Process following the ALARP model – refer to Trim 12/907574 [this is a working document not intended for public release but has been separately circulated to Councillors]

**Comment by Brent Pizey, Associate General Counsel:**

The covering memo addresses this. The staff recommendation uses both a hazard and a risk based model, with the proviso that the mitigation of risk is by site specific assessment and management of physical works, rather than by purporting to manage human behaviour.

We are not aware of any policy of Council that bars hazard mitigation works on Council land for the benefit of private structures – a 2012 Council resolution to consider applications for hazard mitigation works expressly acknowledged that the works applied for could be on Council land.

Regarding “Can risk be removed from Council”: if that is a question about risk of legal liability, there are no absolutes but that risk is low and can be appropriately managed.

**Comment from Brent Pizey, Associate General Counsel:**

If the Panel’s recommendation to Council is to licence baches if moderate and high hazards are mitigated to an acceptable level, and the mitigation approval is left to the resource consent process, then the answer to this question is not relevant to the Panel’s decision making. The following comments from Jesse are for background information.

_in my view ‘single-impact’ mitigation structures whose performance is diminished after an event (e.g. rockfall or debris flow) should be avoided where possible. These type of structures (e.g. rockfall fences, attenuators) are_
designed to be flexible, and need to be re-assessed, maintained and in some cases re-built following impacts. An inflexible barrier such as a rockfall bund is designed to absorb expected rockfall energy without deforming, can take multiple impacts, and generally have a much higher capacity to ‘store’ debris without diminishing performance.

If there is a similar cost option between a rockfall bund and eliminating/reducing unstable material at the source (i.e. scaling, occasional spot bolting, and perhaps some rockfall mesh), the latter option may be preferable for the following reasons:

- Scaled areas generally blend in with the environment quickly, and after a year or two will have weathered to look like the surrounding unscaled areas,
- Dealing with the unstable material at source reduces the hazard, which has benefit for transient visitors such as track users as well as the bach occupants

There is a potential downside to treating the hazard at source, in that ongoing natural weathering and future earthquake events may result in the source areas becoming ‘active’ again in the future. In this case, additional scaling works may need to be completed to reduce the hazard. However, in my view this is less of a concern over a relatively short 35 year license period.

I don’t think that large-scale earthworks (e.g. benching back steep bluffs to reduce the overall slope) should be considered as appropriate mitigation. The aesthetic/environmental impact of these kind of works is high, and in my opinion would completely and permanently change the setting of somewhere like Hobson Bay. Also, the cost would likely be prohibitive.

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<th>Answer from Manager Property Consultancy, Angus Smith:</th>
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<td>29</td>
<td>Can staff comment on whether expected compliance levels or issues would normally be given weight when using a risk based approach.</td>
<td>Monitoring and enforcing occupancy levels set to manage risk would be impractical. This is an important factor in considering whether to adopt a risk based approach.</td>
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<th>Answer from Senior Heritage Advisor, Fiona Wykes:</th>
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<td>30</td>
<td>Can staff provide further heritage assessment for Bach 4. (Individual report by Fiona Wykes to be given to Hearings Panel).</td>
<td>See attached report. Note this is still draft and undergoing extensive revision – as with all bach reports – although this will not alter the overall findings. We will soon have a report from our peer reviewer noting that although the individual assessments are not at the point where they would meet the requirements of a plan change, they are sufficient to provide a decision on the heritage significance, or not, of any individual baches.</td>
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<tr>
<td>31</td>
<td>Can staff comment on how the risks of the area/bach occupation would be most reasonably communicated to people, and comment on whose responsibility it might</td>
<td>Any area not licenced is legal road / track and the communication process around any risk would be no different than any other similar area and situation on the Port Hills e.g. signage, fenced off areas etc.</td>
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| 32      | Can staff comment on, if a bach owner were granted a licence where mitigation is undertaken, how long would they advisably be given to mitigate the hazard, or what considerations would inform that decision, or how should it best be made. | **Answer from Jesse Dykstra, Principal Geotechnical Advisor:**

*I think that for the type of mitigation measures we are likely talking about (i.e. not involving major earthworks), a period of 12-24 months would be reasonable to complete site assessment/survey, design and construction of mitigation works.* |
| 33      | Can staff advise on what temporary, interim or conditional licence might advisably be used to maintain heritage value before hazard/risk mitigation measures are complete and a proper licence offered under the scenario that option were recommended. | **Answer from Associate General Counsel, Robert O’Connor, and Manager Property Consultancy, Angus Smith:**

The licence could be drafted and take effect immediately to provide all the ownership responsibilities with a condition that occupation is only permissible following approved hazard/risk mitigation.
DISTRICT PLAN – LISTED HERITAGE PLACE
HERITAGE ASSESSMENT – STATEMENT OF SIGNIFICANCE

BACH 4 AND SETTING, BOULDER BAY, TAYLOR’S MISTAKE

PHOTOGRAPH: G. WRIGHT, 2017

HISTORICAL AND SOCIAL SIGNIFICANCE

Historical and social values that demonstrate or are associated with: a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political or other patterns.

Bach 4 has historical and social significance as a reflection of aspects of changing patterns of recreation and leisure in early twentieth century New Zealand; for its association with local identities Dave Kingsland and Dick and Frankie Bain; and as part of the Taylor’s Mistake bach community – well-known in Christchurch.

Social and economic change at the end of the nineteenth century saw ordinary New Zealanders have sufficient leisure and money in their pockets to take holidays away for the first time, and tourist resorts and bach communities grew rapidly. The connection of Sumner to Christchurch by tramway in 1888 saw the sea-side suburb develop as a popular tourist destination in this period. The improved accessibility of Sumner also meant that nearby Taylor’s Mistake was also more accessible to excursionists - who would take the tram to its Scarborough terminus then walk over the headland to fish and camp. From the 1880s, weekend baches gradually began to appear in the bay and along its flanking coastline. After the electrification of the tramline to Sumner in 1907 and the construction of a road to Taylor’s Mistake in 1910 (although not suitable for cars until 1921), the number of baches in the locality grew substantially - from 16 in 1909 to 30 in 1910 and 53 in 1917. Twenty years later there were 72.

The Taylor’s Mistake baches were distributed along a significant length of coastline in several distinct localities. At the western end were the cliff-side dwellings of Hobson Bay. Then came the wide sandy sweep of Taylor’s Mistake beach - which included the densely-built dwellings of Rotten Row. Along the rocky eastern coastline of the bay were a series of cave dwellings. Finally at the eastern headland was the community of Boulder Bay (also known as Reef Bay and Stoney Bay), which housed a dozen baches at its peak - of which nine remain today.

Evidence suggests that the first part of Bach 4 was constructed by John (Jack) Lutton (1878-1958) in the years following World War I. Jack Lutton was born in Greymouth, but from the age of five grew up in Australia. In the early twentieth century (c1904), Jack returned to New Zealand. He settled initially in Palmerston North – where he married Elizabeth Harvey (Eliza) Allwright (1882-1958) in 1905 – but
moved on to Christchurch in 1906 where the couple lived in Linwood and nearby Phillipstown. Many 
of the early bach owners at Taylor’s Mistake also lived in this area; basket-maker/wicker worker 
Lutton is not known otherwise to have had any connection with Boulder Bay. Jack and Eliza had two 
daughters: Kathleen and Flora. Flora married Athel Crowley, a plasterer and the son of Bach 5 owner 
Randal Crowley, in 1928.

In 1940 ownership of Bach 4 was transferred to plasterer’s labourer David Robert (Dave) Kingsland 
(1901-1988). Dave Kingsland was one of the great personalities of Taylor’s Mistake. During 
the Great Depression of the 1930s, Dave resided periodically in Bach 4 as one of a semi-permanent 
population of unemployed men who lived a self-sufficient life in the bay on rabbits, fish and 
vegetables. Extensive gardens were established that also provided Christchurch with its first daffodils 
and new season potatoes.

During World War II, Taylor’s Mistake and Boulder Bay were part of the defence area designated Fort 
Lyttelton, and access was restricted. During this period, a tank trap was dug around the back of the 
Boulder Bay baches to prevent the possibility of Japanese tanks ascending to the Godley Head 
Battery. Once the threat from the Japanese had receded however, baches were returned to their 
owners. Kingsland himself saw service in the Pacific with the 35th Battalion, 3rd Division NZEF, 
between 1942 and 1944.

After the war, Dave passed ownership of Bach 4 to his good friends, Walter Gunn (Dick) Bain (1906-
1978) and Frances Ida (Frankie) Bain (1908-1982). The Bains married in Oamaru in 1930 but came to 
Christchurch in the late 1930s where Dick worked as a hardware salesman. After a short period in 
Shirley, the couple settled in Stanmore Road; Dave Kingsland was a neighbour. Dick also saw 
service overseas during the war, but unlike Dave he was posted to Italy. On his return he became 
proprietor of T. H. Davies, a substantial paint and wallpaper retailer in Colombo St, Sydenham. 
The Bains headed over to their bach (which they called My Blue Haven) almost every weekend.

Dave frequently came with them; so often in fact that a bedroom was added for him. In the late 1950s 
Kingsland began living on his own, and eventually sold Bach 5, where he settled permanently on retirement from his 
glassworker job in 1963. For the next 25 years he served as de-facto mayor of Boulder Bay. When 
he left for the last time in 1986, Dave had chalked up more than fifty years of association with this 
part of Taylor’s Mistake.

With increasing age, the Bains found it difficult to manage the walk up and down the hill, and so 
eventually sold Bach 4 to John (Hermes) McDermott (1932-2000) and his wife Elizabeth (Bliff, 1947-
date) in 1975. The McDermotts spent considerable time at the bach with their family. A 2015 
Christchurch District Plan submission recounts:

*Bliff and John, like many bach owners in the wider Taylor’s Mistake area were not wealthy but shared 
a passion for the simple seaside life of family, fishing and fun, with the children playing on the 
foreshore beach and reefs and the nearby swings in the adjacent valley. During this period crayfish 
were abundant and on return to Christchurch the weekend’s catch would often be cooked in the 
laundry tub over a hot fire!*  

Bliff and John were also keen surfers and members of the Taylor’s Mistake Surf Life Saving Club 
(TMSLC). John took national titles in both surfing and surf life-saving. Bliff joined the TMSLC in 
1963 and was both a competitor and administrator, running the junior surf 1998-2005 and serving as 
secretary 1996-2008. She received service awards from Surf Life Saving Canterbury in 2004 and 
Surf Life Saving New Zealand in 2006. In 2009 Bliff was elected the first female life member of the 
TMSLC.

In 1995 Peter and Helen Allpress took a part share in the bach; following the death of John 
McDermott in 2000 they became its principle users.

**CULTURAL AND SPIRITUAL SIGNIFICANCE**

_Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a_ 
_way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative_ 
_value of the place; significance to Tangata Whenua; and/or associations with an identifiable group_ 
_ and esteemed by this group for its cultural values._

Bach 4 has cultural significance for the manner in which it signifies the informal do-it-yourself self-
sufficient bach way of life of the early and mid-twentieth century. This way of life is held to represent 
values which are quintessentially kiwi. Today however it is increasingly rare as inflated real estate 
prices, greater affluence, more diverse recreational and travel options, and changing work practises 
mean families have both less desire and fewer opportunities to spend a traditional extended holiday 
break at a bach. Bach 4 is esteemed by its owners, the McDermott and Allpress families, who have 
cherished and protected it for the last forty years in spite of intermittent official opposition. Local and

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1 Submission of Peter and Helen Allpress (dated 08/12/2015) to Christchurch District Plan Review.
central government agencies have attempted to regulate and/or remove the informally-built baches at Taylor’s Mistake since the early years of the twentieth century. Relationships with bach holders have therefore been complex and frequently difficult.

One particular aspect of the kiwi bach way of life represented by many of the Taylor’s Mistake baches (including Bach 4) is a frequent connection with surf lifesaving. The Taylor’s Mistake Surf Lifesaving Club (TMSLC) was formed in 1916 in the first wave of surf club establishment that followed the Edwardian enthusiasm for sea bathing, and has been one of the strongest clubs in New Zealand ever since. The club’s biggest annual event is the Kesteven Cup, held regularly since 1918. In the early years the TMSLC maintained strong links with the Linwood Rugby Club, and to this day both clubs compete in the same green and black livery. Many of the common membership of the two clubs also established baches at Taylor’s Mistake. Consequently the baches at Taylor’s have always played a big part in the success of their local surf club, providing a pool from which members are drawn and through which memberships are maintained. The fact that many baches have been owned by the same families through multiple generations has contributed to a distinct family culture at the TMSLC. While the baches have contributed to the well-being of the TMSLC, the relationship has been two-way, and the club has also provided an on-going community focus for bach owners over the last century.

Taylor’s Mistake has been regularly and consistently represented in the visual media through the years as an archetypal bach community. In the middle decades of the twentieth century, the bay was an accessible subject for the ‘Canterbury School’ of regionalist painters, who felt its elemental landscapes and fragile human presence embodied the province’s essence. The most well-known of these paintings is Bill Sutton’s Untitled (Taylor’s Mistake) of the late 1940s. The bay has also been depicted by Francis Shurrock, Rosa Sawtell, Doris Lusk, and Cecil and Elizabeth Kelly. Since the 1960s, nostalgia for and celebration of the traditional bach way of life has seen Taylor’s Mistake baches frequently depicted in popular picture books such as Paul Thompson’s The Bach (1985) and Karen Rabbett’s The Bachs (2000). The trend has also seen the baches feature in a nationally-distributed poster (Nathan Secker’s Baches and Cribs of New Zealand) and even on the cover of the 2009-10 Christchurch telephone directory. This exposure has contributed to Taylor’s Mistake becoming one of New Zealand’s better-known and most iconic beach settlements.

ARCHITECTURAL AND AESTHETIC SIGNIFICANCE
Architectural and aesthetic values that demonstrate or are associated with: a particular style, period or development; design, form, material of the place.

Bach 4 has architectural and aesthetic value as an example of the small vernacular dwellings that were typically built to serve as baches in the early decades of the twentieth century. Such dwellings were usually built without formal plans (or planning) of locally-sourced and found materials, and were often altered and adapted to suit the needs of owners as required. When first built in c1920, Bach 4 was a small skillion-roofed board and batten-clad hut of probably one room. Before World War II, a rusticated weatherboard extension on the north elevation completed the gable. After the war the bach was altered with a further lean-to extension to the north, and clad in fibre-cement sheet. More latterly, Bach 4 was renovated in 1995 and then again in 2006/07 – when the building was re-roofed, re-clad, had its timber joinery replaced with aluminium, and was altered internally. Although the basic form and scale of Bach 4 remains, as a consequence of these alterations, it now lacks architectural and aesthetic integrity and authenticity.

TECHNOLOGICAL AND CRAFTSMANSHIP SIGNIFICANCE
Technological and craftsmanship values that demonstrate or are associated with: the nature and use of materials, finishes and/or technological or constructional methods which were innovative, or of notable quality for the period.

Bach 4 has technological and craftsmanship value as a vernacular building. As a consequence of wholesale modification in 2006/07, the building lacks technological and craftsmanship integrity and significance.

CONTEXTUAL SIGNIFICANCE
Contextual values that demonstrate or are associated with: a relationship to the environment (constructed and natural), a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style and/or detail; recognised landmarks and landscape which are recognised and contribute to the unique identity of the environment.

Bach 4 has contextual significance on its site and within its setting. The bach is located on the beachfront in the midst of the small sheltered sweep of Boulder Bay. The bach overlooks the eponymous beach, and across to Whitewash Head, Christchurch and the Southern Alps.
contextual significance of the bach is derived partly from its location in what is an elemental coastal landscape, and partly from its association with the neighbouring baches of Boulder Bay - similarly small scale and informally-built dwellings forming an isolated and distinctive settlement within the larger Taylor's Mistake area. The baches of Boulder Bay are well-known to Christchurch walkers as they are a prominent feature of a popular coastal walk.

ARCHAEOLOGICAL AND SCIENTIFIC SIGNIFICANCE

Archaeological or scientific values that demonstrate or are associated with: the potential to provide information through physical or scientific evidence an understanding about social, historical, cultural, spiritual, technological or other values of past events, activities, structures or people.

Bach 4 and its setting is of archaeological significance because it has the potential to provide archaeological evidence relating to past building construction methods and materials, and human activity on the site. There was no known Maori settlement at Taylor's Mistake (Te Onepoto/short beach), but it likely have been employed in food gathering. Baches were developed in the area from the turn of the nineteenth century.

ASSESSMENT STATEMENT

Bach 4 and its setting are of overall heritage value to Christchurch, including Banks Peninsula. The bach has historical and social significance as a reflection of aspects of changing patterns of recreation and leisure in early twentieth century New Zealand, for its association with local identities Dave Kingsland and Dick and Frankie Bain; and as part of the well-known Taylor's Mistake bach community. The bach has cultural significance for the manner in which it signifies the informal do-it-yourself bach way of life of the early and mid-twentieth century. The bach has architectural and aesthetic value as an example of the small vernacular dwellings that were typically built to serve as baches in the early decades of the twentieth century. However it lacks architectural and aesthetic integrity and authenticity. The bach has technological and craftsmanship value as a vernacular building. However it lacks technological and craftsmanship integrity and significance. The bach has contextual significance on its site and within its setting, a sea-side location in the Boulder Bay/Taylor's Mistake bach community. Bach 4 and its setting is of archaeological significance because it has the potential to provide archaeological evidence relating to past building construction methods and materials, and human activity on the site.

REFERENCES

P. Carpenter; K. Tutty Taylor's Mistake - Over the Hill for 100 Years: a history of Taylor's Mistake Surf Life Saving Club 1916-2016
Papers Past website
Births, Deaths and Marriages website
J. Abbott At the Bay 2016
Taylor's Mistake Association files
Allpress submission to Christchurch District Plan Review, 08/12/2015

REPORT DATED: 31 JANUARY 2019

Please note this assessment is based on information available at the time of writing. Due to the ongoing nature of heritage research, future reassessment of this heritage item may be necessary to reflect any changes in knowledge and understanding of its heritage significance.

Please use in conjunction with the CCC Heritage files.
Geotechnical

Memorandum

Boulder Bay, Taylors Mistake and Hobson Bay Baches – Hearings Panel
Boulder Bay, Taylors Mistake and Hobson Bay Baches – Hearings Panel

Geotechnical considerations for offering temporary licences to ‘Moderate’ Hazard Baches

Report Prepared by:
Dr Jesse Dykstra, Principal Geotechnical Advisor

21 February 2019

Consideration of Life Safety Risk at ‘Moderate’ Hazard Baches

This memorandum addresses the life safety risk implications associated with potentially implementing separate licence conditions for occupation of baches which are currently classified as being subject to ‘moderate’ hazard. Currently, baches which are classified as subject to either ‘moderate’ or ‘high’ slope instability hazards are grouped together in the draft licencing conditions. These baches are summarised in the table below:

![Location Table]

The ‘moderate’ hazard baches are numbers 4, 8 and 9 Boulder Bay, and 30 Taylors Mistake. Based on evidence previously presented by geotechnical hazard experts (including Don Macfarlane (AECOM) and Neil Charters (Engeo)) these 4 baches are not considered subject to high hazards because the potential source areas are low cliffs which are generally in good condition. The life safety risk at these locations is likely dominated by minor local rockfall, not cliff collapse. I have viewed these sites myself, and concur with the ‘moderate’ hazard classification assessed by others.

Life safety risk is the most important consideration for licencing of any bach. In that regard, I have considered how the life safety risk might be reasonably estimated for the ‘moderate hazard’ baches, based on currently available information. The current hazard classification system can be roughly equated to life safety risk using the following relationship (personal communication, D. Macfarlane, 2018):

![Risk Table]

Based on this comparison, baches 4, 8, 9 and 30 fall in a life risk band between $10^{-3}$ and $10^{-4}$. Baches classified as subject to low hazard are equated to a life safety risk of less than $10^{-4}$. If (based on currently available information) we adopt the most conservative estimate of life risk for moderate hazard baches, then the annual individual life safety risk is approximately $1 \times 10^{-3}$.

In my opinion, and considering the available site-specific geotechnical information, $1 \times 10^{-3}$ to $1 \times 10^{-4}$ is a conservative estimate of life risk at these baches. It is my judgment, after having visited the sites and acquainted
myself with the available hazard information, that when a site specific hazard assessment is completed for these baches in the manner required by the currently proposed resolution (that is, applying the assumptions required by the District Plan provisions) it is more likely than not that annual individual fatality risk will be assessed as being a lower risk than 10-4, meaning that no hazard mitigation works will be needed.

Given the above considerations, in my opinion, there is merit to allowing constrained occupancy of those baches under a temporary two-year licence which restricts occupancy to 10 days per year. This temporary ‘restricted’ licence would allow the owners some continued holiday use until risk is reassessed and/or mitigation works have been completed (after which a full licence could be applied for).

RECOMMENDATION

1. Consider granting a temporary licence for two years to baches 4, 8, 9 and 30; conditions to include maximum 10 nights per annum

I trust the information provided is useful. Please don’t hesitate to contact me if you have any questions or concerns.

Dr Jesse Dykstra | BSc (Hons), PhD
Principal Geotechnical Advisor
Technical Services & Design, City Services
The Christchurch District Plan

5.6.1 Activity status for Slope Instability Management Areas

5.6.1.1 Activity status for Slope Instability Management Areas excluding land within the Specific Purpose (Lyttelton Port) Zone

a. The activities listed below have the activity status listed within each Slope Instability Management Area, and are subject to any activity status, rules and any standards specified elsewhere in the District Plan for that activity.

b. In relation to controlled activities, discretion to impose conditions is restricted to the matters over which control is reserved as set out in Rule 5.6.1.4 and 5.6.1.5 as applicable.

c. In relation to restricted discretionary activities, discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 5.6.1.6.

d. Where subdivision is specified, a subdivision consent is also required under the provisions of Chapter 8.

Table 5.6.1.1a

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cliff Collapse Mgmt Area 1</th>
<th>Cliff Collapse Mgmt Area 2</th>
<th>Rockfall Mgmt Area 1, for exceptions, refer to Rule 5.6.1.2</th>
<th>Rockfall Mgmt Area 2, for exceptions, refer to Rule 5.6.1.2</th>
<th>Mass Mvmt Mgmt Area 1</th>
<th>Mass Mvmt Mgmt Areas 2 &amp; 3</th>
<th>Remainder of Port Hills and Banks Peninsula Slope Instability Mgmt Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Subdivision</td>
<td>PR1/NC1*</td>
<td>NC2</td>
<td>NC3</td>
<td>RD1</td>
<td>NC4</td>
<td>RD2</td>
<td>RD3</td>
</tr>
<tr>
<td>b. Earthworks (except where specifically provided below in Rule 5.6.1.1)</td>
<td>PR2</td>
<td>NC5</td>
<td>NC6</td>
<td>RD4</td>
<td>NC7</td>
<td>RD5</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
<tr>
<td>c. Hazard mitigation works or hazard removal works, including earthworks associated with those works unless provided for in d</td>
<td>PR3</td>
<td>NC8</td>
<td>RD6</td>
<td>RD7</td>
<td>NC9</td>
<td>RD8</td>
<td>RD9</td>
</tr>
</tbody>
</table>

Key: P = Permitted; RD = Restricted Discretionary; D = Discretionary; NC = Non-complying; PR = Prohibited.
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<table>
<thead>
<tr>
<th>Activity</th>
<th>Cliff Collapse Mgmt Area 1</th>
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<th>Remainder of Port Hills and Banks Peninsula Slope Instability Mgmt Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>d.</td>
<td>Hazard mitigation works to protect infrastructure, including earthworks associated with those works</td>
<td>RD10</td>
<td>RD11</td>
<td>RD12</td>
<td>RD13</td>
<td>RD14</td>
<td>RD15</td>
</tr>
<tr>
<td>e.</td>
<td>Demolition of buildings</td>
<td>RD17</td>
<td>RD18</td>
<td>RD19</td>
<td>RD20</td>
<td>RD21</td>
<td>RD22</td>
</tr>
<tr>
<td>f.</td>
<td>Repair and maintenance of existing infrastructure, including minor upgrading of the existing electricity network</td>
<td>P2</td>
<td>P3</td>
<td>P4</td>
<td>P5</td>
<td>P6</td>
<td>P7</td>
</tr>
<tr>
<td>g.</td>
<td>Earthworks associated with activities listed in f above</td>
<td>C1</td>
<td>C2</td>
<td>C3</td>
<td>C4</td>
<td>C5</td>
<td>C6</td>
</tr>
<tr>
<td>h.</td>
<td>Upgrading of existing infrastructure or development of new infrastructure (where there is a functional need to locate in the overlay), including earthworks associated with these works</td>
<td>RD23</td>
<td>RD24</td>
<td>RD25</td>
<td>RD26</td>
<td>RD27</td>
<td>RD28</td>
</tr>
</tbody>
</table>

*Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area.*
### The Christchurch District Plan

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cliff Collapse Mgmt Area 1</th>
<th>Cliff Collapse Mgmt Area 2</th>
<th>Rockfall Mgmt Area 1</th>
<th>Rockfall Mgmt Area 2</th>
<th>Mass Mvmt Mgmt Area 1</th>
<th>Mass Mvmt Areas 2 &amp; 3</th>
<th>Remainder of Port Hills and Banks Peninsula Slope Instability Mgmt Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>Retaining walls which are both less than 6m³ in area and less than 1.8 metres in height including earthworks associated with those works.</td>
<td>RD29</td>
<td>RD30</td>
<td>RO31</td>
<td>P10</td>
<td>RD32</td>
<td>P11</td>
</tr>
<tr>
<td>j.</td>
<td>Signage and fencing for warning or excluding the public, including post holes associated with those works.</td>
<td>RD33</td>
<td>P13</td>
<td>P14</td>
<td>P15</td>
<td>P16</td>
<td>P17</td>
</tr>
<tr>
<td>k.</td>
<td>Hazard mitigation works and associated earthworks and planting in accordance with the Port Hills Parks and Tracks Reopening Process (dated 19 December 2012)</td>
<td>NC10</td>
<td>P18</td>
<td>P19</td>
<td>P20</td>
<td>NC11</td>
<td>P21</td>
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## The Christchurch District Plan

<table>
<thead>
<tr>
<th>Activity Description</th>
<th>NC12</th>
<th>P23</th>
<th>P24</th>
<th>P25</th>
<th>NC13</th>
<th>P26</th>
<th>NC14</th>
<th>NC15</th>
<th>RD34</th>
<th>NC16</th>
<th>RD36</th>
<th>NC17</th>
<th>NC18</th>
<th>RD37</th>
<th>NC19</th>
<th>RD38</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation activities within parks and reserves and associated park management activities, including grazing and track repair.</td>
<td></td>
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<tr>
<td>Farm buildings and farm tracks, including earthworks associated with these works.</td>
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<tr>
<td>Any building or structure not listed in activities a. to m. of Rule 5.6.1.1</td>
<td>PR4</td>
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</tr>
</tbody>
</table>

*Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area.*
## The Christchurch District Plan

### Attachment O

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cliff Collapse Mgmt Area 1</th>
<th>Cliff Collapse Mgmt Area 2. For exceptions, refer to Rule 5.6.1.2</th>
<th>Rockfall Mgmt Area 1. For exceptions, refer to Rule 5.6.1.2</th>
<th>Rockfall Mgmt Area 2. For exceptions, refer to Rule 5.6.1.2</th>
<th>Mass Mgmt Area 1</th>
<th>Mass Mgmt Areas 2 &amp; 3</th>
<th>Remainder of Port Hills and Banks Peninsula Slope Instability Mgmt Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>o.</td>
<td>Any other activity not otherwise listed in this table.</td>
<td>NC20</td>
<td>NC21</td>
<td>NC22</td>
<td>RD39</td>
<td>NC23</td>
<td>RD40</td>
</tr>
</tbody>
</table>

e. Any resource consent application arising from C1-6, or RD1-RD40 set out in Rule 5.6.1.1 above shall not be limited or publicly notified.

* Prohibited where site subject to proposed subdivision is solely located within Cliff Collapse Management Area 1; non-complying activity where it is proposed to subdivide off land within Cliff Collapse Management Area 1 from an area of land not within Cliff Collapse Management Area 1.

### 5.6.1.2 Exceptions to Rule 5.6.1.1 - AIFR Certificate

a. The Council will issue an AIFR Certificate (which will be valid for 2 years from the date of issue) which specifies the calculated AIFR from i. and ii. below for an identified area of land in Rockfall Management Area 1, Rockfall Management Area 2 and/or Cliff Collapse Management Area 2 only, when the following procedure is undertaken and the requirements of the procedure are satisfied:

i. The Council has received a report, in respect of an identified area of land, prepared by a Chartered Professional Engineer with requisite experience in geotechnical engineering or a Professional Engineering Geologist (IPENZ registered), which calculates the AIFR from rockfall and/or cliff collapse for the identified land in the following manner:

A. If the land is in Rockfall Management Area 1:

   I. Apply the method for assessing the risk as set out in the GNS Science Consultancy Report 2011/311 Port Hills Slope Stability: Pilot Study for assessing life-safety risk from rockfalls (boulder rolls), and any subsequent updates to this report by GNS Science, using the parameters listed in the Table in Policy 5.2.2.4.1.a for Rockfall Management Area 1 along with any relevant site-specific information, and other parameters in the GNS Science report (calculation 1(a)).

   II. If the risk (AIFR) resulting from calculation 1(a) is less than that shown in the Table in Policy 5.2.2.4.1.a for Rockfall Management Area 1 (≥10-4), then using the same method set out in the GNS Science Consultancy Report 2011/311 Port Hills Slope Stability: Pilot Study for assessing life-safety risk from rockfalls (boulder rolls), and any subsequent updates to this report by GNS Science, calculate the AIFR using the parameters listed in the Table in Policy 5.2.2.4.1.a for Rockfall Management Area 2 along with all relevant site-specific information, and other parameters listed in the GNS Science report (calculation 1(b)).
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B. If the land is in Rockfall Management Area 2:

   I. Apply the method for assessing the risk as set out in the GNS Science Consultancy Report 2011/311 Port Hills Slope Stability: Pilot Study for assessing life-safety risk from rockfalls (boulder rolls), and any subsequent updates to this report by GNS Science, using the parameters listed in the Table in Policy 5.2.2.4.1.a for Rockfall Management Area 2 along with all relevant site-specific information, and other parameters in the GNS Science report (calculation 2(a)).

C. If the land is in Cliff Collapse Management Area 2:

   I. Apply the method for assessing the risk as set out in the GNS Science Consultancy Reports 2012/57 Port Hills Slope Stability: Pilot Study for assessing life-safety risk from cliff collapse and 2012/124 Port Hills Slope Stability: Life-safety risk from cliff collapse in the Port Hills, and any subsequent updates to those reports by GNS Science, using the parameters listed in the Table in Policy 5.2.2.4.1 for Cliff Collapse Management Area 2 along with all relevant site-specific information, and other parameters in the GNS Science Consultancy Reports (calculation 3(a)).

AND

ii. The Council has commissioned and received a peer review report from a Chartered Professional Engineer with requisite experience in geotechnical engineering or a Professional Engineering Geologist (OPENZ registered)**, which concurs with the application of the method required in i. above, and with the calculated AIFR(s) for the identified land.

**The peer reviewer must not, at the time of undertaking the review, be employed by either: a) the same company as the company that authored the report received in i. above, or b) the Council.

b. Where a valid AIFR Certificate has been issued by the Council for an identified area of land, in accordance with the procedure described in Rule 5.6.1.2a above, the activity status for activities listed in Table 5.6.1.1 a) that applies to that land shall be that which applies to the Slope Instability Management Area specified in Table 5.6.1.2a. below. An AIFR Certificate is valid for 2 years from the date of issue. If the activity is commenced (in the case of a permitted activity) or a resource consent application is lodged within 2 years from the date of issue of the AIFR Certificate, no further Certificate is required after the 2 year term expires.

The calculation shall not take account of hazard mitigation works.

Table 5.6.1.2a

<table>
<thead>
<tr>
<th>Slope instability hazard management area applying to the land on the planning maps</th>
<th>AIFR as specified in the site-specific AIFR Certificate</th>
<th>Slope Instability Management Area for the purpose of determining activity status for activities on the land (Table 5.6.1.1a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockfall Management Area 1</td>
<td>Result of calculation 1(a) ≥10-4</td>
<td>Rockfall Management Area 1</td>
</tr>
<tr>
<td></td>
<td>Result of calculation 1(b) where required &lt;10-4</td>
<td>Rockfall Management Area 2</td>
</tr>
<tr>
<td>Rockfall Management Area 2</td>
<td>Result of calculation 2(a) ≥10-4</td>
<td>Rockfall Management Area 2</td>
</tr>
<tr>
<td></td>
<td>&lt;10-4</td>
<td>Remainder of Port Hills and Banks Peninsula</td>
</tr>
</tbody>
</table>
The Christchurch District Plan

<table>
<thead>
<tr>
<th>Cliff Collapse Management Area 2</th>
<th>Result of calculation 3(a)</th>
<th>&gt;10-4</th>
<th>&lt;10-4</th>
<th>Cliff Collapse Management Area 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Remainder of Port Hills and Banks Peninsula</td>
</tr>
</tbody>
</table>

Advice note:

1. Calculated AIFRs specified in issued, valid AIFR Certificates for identified areas of land, and valid certificates themselves, will be made freely available to the public, recorded in the Council’s Geographical Information System and provided in Land Information Memoranda.

2. Changes to the District Plan will be regularly notified, as required, to change the planning maps, in order to reflect updated information regarding life-safety risk from rockfall and/or cliff collapse from issued AIFR Certificates.

5.6.1.3 Activity status for Slope Instability Management Areas within the Specific Purpose (Lyttelton Port) Zone

a. The activities listed below have the activity status listed within each Slope Instability Management Area.

b. In relation to controlled activities, discretion to impose conditions is restricted to the matters over which control is reserved as set out in Rule 5.6.1.4 and 5.6.1.5 as applicable.

c. In relation to restricted discretionary activities, discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 5.6.1.6.

d. Where subdivision is specified, a subdivision consent is also required under the provisions of Chapter 8.

Table 5.6.1.3a

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cliff Collapse Mgmt Area 1</th>
<th>Cliff Collapse Mgmt Area 2</th>
<th>Rockfall Mgmt Area 1</th>
<th>Rockfall Mgmt Area 2</th>
<th>Remainder of Port Hills and Banks Peninsula</th>
<th>Slope Instability Mgmt Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Subdivision</td>
<td>C7</td>
<td>C8</td>
<td>C9</td>
<td>C10</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
<td></td>
</tr>
<tr>
<td>b. Earthworks except as provided for below</td>
<td>NC24</td>
<td>RD41</td>
<td>C11</td>
<td>C12</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
<td></td>
</tr>
<tr>
<td>c. Hazard mitigation works, including earthworks associated with those works</td>
<td>C13</td>
<td>C14</td>
<td>C15</td>
<td>C16</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
<td></td>
</tr>
<tr>
<td>d. Demolition of buildings</td>
<td>C17</td>
<td>C18</td>
<td>C19</td>
<td>C20</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
<td></td>
</tr>
</tbody>
</table>

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### The Christchurch District Plan

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cliff Collapse Mgmt Area 1</th>
<th>Cliff Collapse Mgmt Area 2</th>
<th>Rockfall Mgmt Area 1</th>
<th>Rockfall Mgmt Area 2</th>
<th>Remainder of Port Hills and Banks Peninsula Slope Instability Mgmt Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Repair and maintenance of existing infrastructure, buildings, and accessways, including minor upgrading of the existing electricity network.</td>
<td>P1</td>
<td>P2</td>
<td>P3, includes earthworks associated with these works on flat land or where the earthworks are less than 10m³ cut or fill on sloping land.</td>
<td>P4, includes earthworks associated with these works on flat land or where the earthworks are less than 10m³ cut or fill on sloping land.</td>
<td>P</td>
</tr>
<tr>
<td>f. Earthworks associated with the activities listed in e above unless identified as permitted.</td>
<td>C21</td>
<td>C22</td>
<td>C23</td>
<td>C24</td>
<td>P</td>
</tr>
<tr>
<td>g. Upgrading of existing infrastructure, buildings, and accessways including associated earthworks, provided such upgrades are limited to an increase in capacity, efficiency or security of an existing structure or route</td>
<td>D1</td>
<td>RD42</td>
<td>RD43</td>
<td>RD44</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
<tr>
<td>h. Construction of new non-habitable** buildings or structures used for storage or infrastructure</td>
<td>D2</td>
<td>RD45</td>
<td>RD46</td>
<td>RD47</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
</tbody>
</table>

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*Note: ** signifies non-habitable.*
## The Christchurch District Plan

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cliff Collapse Mgmt Area 1</th>
<th>Cliff Collapse Mgmt Area 2</th>
<th>Rockfall Mgmt Area 1</th>
<th>Rockfall Mgmt Area 2</th>
<th>Remainder of Port Hills and Banks Peninsula Slope Instability Mgmt Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Construction of new retaining walls</td>
<td>RD48</td>
<td>C25</td>
<td>P5</td>
<td>P6</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
<tr>
<td>j. Quarrying and associated haul road formation on land below Sumner Rd</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>C26</td>
<td>C27</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
<tr>
<td>k. Bulk storage of cargo or construction material, outdoors on flat land</td>
<td>RD49</td>
<td>C28</td>
<td>P7</td>
<td>P8</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
<tr>
<td>l. Storage and fencing for warning or excluding the public including postholes associated with those works</td>
<td>P9</td>
<td>P10</td>
<td>P11</td>
<td>P12</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
<tr>
<td>m. Minor earthworks associated with tree planting, ecological restoration and the formation and maintenance of pedestrian walking and cycle tracks</td>
<td>D3</td>
<td>P13</td>
<td>P14</td>
<td>P15</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
<tr>
<td>n. Any activities not otherwise listed above, including buildings not otherwise provided for under h</td>
<td>NC25</td>
<td>NC26</td>
<td>NC27</td>
<td>D4</td>
<td>Refer to relevant chapters within zone and/or district wide provisions applying to the sites within this area</td>
</tr>
</tbody>
</table>

e. Any resource consent application arising from any controlled or restricted discretionary activities set out in Rule 5.6.1.3 above shall not be limited or publicly notified.

**Note:** for the purpose of Rule 5.6.1.3h, ‘non-habitable’ buildings means those buildings or structures where the building is not designed for human occupation and will not be used for human occupancy. Examples of such buildings include bulk storage silos, tanks, plant rooms and electricity substations.
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5.6.1.4 Slope Instability Management Areas - C1 to C6 matters of control

a. The Council’s control is limited to the following matters:
   i. timing, location, scale and nature of earthworks;
   ii. earthworks method; and
   iii. mitigation of effects as they impact slope instability hazards.

b. Controlled activities C1 to C6 will be assessed against the following criteria:
   i. Whether proposed earthworks could trigger slope instability or exacerbate risk posed by natural hazard(s) to people or property, and any measures required to avoid or mitigate that risk.
   ii. Measures proposed to reinstate the excavated or filled area on completion of the earthworks to reduce the natural hazard risk(s) and ensure long-term land stability.
   iii. Whether the earthworks could have any adverse effects as a result of disturbance to drainage patterns and any measures required to avoid or mitigate such effects.

5.6.1.5 Slope Instability Management Areas - C7 to C28 matters of control

a. The Council’s control is limited to the following matters:
   i. effects of natural hazards on people and property;
   ii. location, size and design of allotments, structures, roads, access, services or foundations in relation to natural hazard risk;
   iii. location, scale and design of buildings in relation to natural hazard risk;
   iv. clearance or retention of vegetation or other natural features that mitigate natural hazard risk;
   v. timing, location, scale and nature of earthworks;
   vi. earthworks method;
   vii. potential for the proposal to exacerbate natural hazard risk;
   viii. benefits of infrastructure and performance of critical infrastructure following a natural hazard event; and
   ix. mitigation of effects as they impact slope instability hazards.

b. Controlled activities C7 to C28 will be assessed against the following criteria:
   i. Whether the proposal and associated hazard mitigation works: A. can be shown, based on evaluation by a Chartered Professional Engineer with experience in geotechnical engineering, using best practice methods, to increase the stability of land and/or protect structures and buildings and their occupants; B. can be shown, based on evaluation by a Chartered Professional Engineer with experience in geotechnical engineering, using best practice methods, to achieve an acceptable risk to life or property, including the extent to which an Annual Individual Fatality Risk of 10⁻⁴ (1 in 10,000) or better can be achieved; and C. will have appropriate monitoring procedures applied, with inspections and maintenance undertaken and reported to the Council.
   ii. Whether, due to the sensitive nature of the proposed activity (for example, childcare centre, playground, hospital), an Annual Individual Fatality Risk lower than 10⁻⁴ is appropriate.
   iii. Whether development of the site transfers risk to another site.
   iv. Whether the location and design of proposed building platforms, access, earthworks, retaining walls and services to the site are the most appropriate considering the risk of natural hazards on the site.
   v. Provision for ground strengthening, foundation design, protection structures and the ability of these to be incorporated into the subdivision consent as conditions or consent notices.
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vi. The extent that surface or subsurface drainage patterns and stormwater management are impacted as a result of hazard mitigation works, and whether these have an effect on the site or surrounding sites.

vii. Where critical infrastructure is involved, whether the infrastructure is designed in a way to continue to operate safely in the event of a significant natural hazard occurring, including containment of any hazardous substances associated with that infrastructure.

viii. For infrastructure generally, the extent of benefits associated with that infrastructure, whether there is a functional or operational requirement for that location and whether there are any practical alternatives.

ix. Whether or not the work would be carried out under the supervision of either a Chartered Professional Engineer with experience in geotechnical engineering or a Professional Engineering Geologist (IPENZ registered).

5.6.1.6 Slope Instability Management Areas - RD1 to RD49 matters of discretion

a. The Council’s discretion is limited to the following matters:

i. effects of natural hazards on people and property;

ii. location, size and design of allotments, structures, roads, access, services or foundations in relation to natural hazard risk;

iii. location, scale and design of buildings in relation to natural hazard risk;

iv. clearance or retention of vegetation or other natural features that mitigate natural hazard risk;

v. timing, location, scale and nature of earthworks;

vi. earthworks method;

vii. potential for the proposal to exacerbate natural hazard risk;

viii. benefits of infrastructure and performance of critical infrastructure following a natural hazard event; and

ix. mitigation of effects as they impact slope instability hazards.

b. Restricted discretionary activities RD1 to RD49 will be assessed against the following criteria:

i. Whether the proposal and associated hazard mitigation works:

A. can be shown, based on evaluation by a Chartered Professional Engineer with experience in geotechnical engineering, using best practice methods, to increase the stability of land and/or protect structures and buildings and their occupants;

B. can be shown, based on evaluation by a Chartered Professional Engineer with experience in geotechnical engineering, using best practice methods, to achieve an acceptable risk to life or property, including the extent to which an Annual Individual Fatality Risk of 10-4 (1 in 10,000) or better can be achieved; and

C. will have appropriate monitoring procedures applied, with inspections and maintenance undertaken and reported to the Council.

ii. Whether, due to the sensitive nature of the proposed activity (for example, childcare centre, playground, hospital), an Annual Individual Fatality Risk lower than 10-4 is appropriate.

iii. Whether development of the site transfers risk to another site.

iv. Whether the location and design of proposed building platforms, access, earthworks, retaining walls and services to the site are the most appropriate considering the risk of natural hazards on the site.

v. Provision for ground strengthening, foundation design, protection structures and the ability of these to be incorporated into the subdivision consent as conditions or consent notices.

vi. The extent that surface or subsurface drainage patterns and stormwater management are impacted as a result of hazard mitigation works, and whether these have an effect on the site or surrounding sites.

vii. Where critical infrastructure is involved, whether the infrastructure is designed in a way to continue to operate safely in the event of a significant natural hazard occurring, including containment of any hazardous substances.
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associated with that infrastructure.

viii. For infrastructure generally, the extent of benefits associated with that infrastructure, whether there is a functional or operational requirement for that location and whether there are any practical alternatives.

ix. Whether or not the work would be carried out under the supervision of either a Chartered Professional Engineer with experience in geotechnical engineering or a Professional Engineering Geologist (IPENZ registered).

x. For RD34, RD36, RD37, RD38, RD39 and RD40 only, where the use and storage of hazardous substances are involved, whether the facility is designed in a way to manage the residual risks of adverse effects from hazardous substances to acceptable levels in the event of a significant natural hazard event occurring.
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5.2.2.4 Policies for managing risk from slope instability

5.2.2.4.1 Policy - Slope instability

a. Map areas of slope instability risk at an area-wide scale using the following fixed inputs into calculations that establish the Annual Individual Fatality Risk (AIFR) for a typical residential site:

<table>
<thead>
<tr>
<th>Slope instability hazard management area</th>
<th>Inputs</th>
<th>Mapped risk (AIFR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of a day the property is assumed to be occupied (%)</td>
<td>Year of predicted seismic activity used in modelling</td>
<td>Whether or not the property is evacuated immediately following a Natural Hazard Event</td>
</tr>
<tr>
<td>i. Cliff Collapse Management Area 1</td>
<td>100</td>
<td>2012</td>
</tr>
<tr>
<td>ii. Cliff Collapse Management Area 2</td>
<td>100</td>
<td>2012</td>
</tr>
<tr>
<td>iii. Rockfall Management Area 1</td>
<td>67</td>
<td>2016</td>
</tr>
<tr>
<td>iv. Rockfall Management Area 2</td>
<td>100</td>
<td>2016</td>
</tr>
<tr>
<td>v. Mass Movement Management Area 1</td>
<td>67</td>
<td>2016</td>
</tr>
<tr>
<td>vi. Mass Movement Management Areas 2 &amp; 3</td>
<td>Refer to natural hazard maps</td>
<td></td>
</tr>
</tbody>
</table>

b. In slope instability hazard management areas in the Port Hills and across Banks Peninsula:

i. avoid subdivision, use and development where the activity will result in an unacceptable risk to life safety (AIFR ≥10-4 using the GNS Science method and parameters for establishing life safety risk), taking into account all relevant site-specific information and any hazard mitigation works proposed; and

ii. otherwise, manage subdivision, use and development so that risk of damage to property and infrastructure is mitigated to an acceptable extent.

2 Using the method and parameters described in GNS Science Consultancy Report 2011/311 Canterbury Earthquakes Port Hills Slope Stability: Pilot study for assessing life-safety risk from rockfalls (boulder rolls) and GNS Science Consultancy Reports 2012/57 Canterbury Earthquakes Port Hills Slope Stability: Pilot study for assessing life-safety risk from cliff collapse and 2012/124 Port Hills Slope Stability: Life-safety risk from cliff collapse in the Port Hills, and any subsequent updates to those reports by GNS Science. Calculations also include modelling and estimates, such as probability of a rockfall/cliff collapse event, vulnerability, rock/debris volumes and rockfall run-out. The mapping does not take account of hazard mitigation works. Rocks can, and will, fall outside of the mapped hazard risk areas, however the risk of a fatality is lower.

3 Except Mass Movement Management Areas 2 & 3 which are mapped based on potential effect on property, not Annual Individual Fatality Risk.

5.2.2.4.2 Policy - Site-specific risk assessment for AIFR Certificates in certain areas potentially affected by rockfall and/or cliff collapse

a. Provide for site-specific assessment of risk from rockfall and/or cliff collapse, in Rockfall Management Area 1, Rockfall Management Area 2, and/or Cliff Collapse Management Area 2, in accordance with the method and parameters described in Policy 5.2.2.4.1a (along with all relevant site-specific information) in order to allow for the issue of AIFR...
The Christchurch District Plan

certificates.

b. Make information from site-specific assessments of risk from rockfall and/or cliff collapse (which have been certified by the Council) readily publicly available.

c. Regularly notify changes to the District Plan, as required to change the planning maps, in order to reflect updated information from site-specific assessments of life-safety risk from rockfall and/or cliff collapse which have been certified by the Council.

4 Refer to Rule 5.6.1.2
5 This method does not take account of hazard mitigation works.

5.2.2.4.3 Policy - Slope instability for all of the Port Hills and Banks Peninsula

a. In areas not already identified in Policy 5.2.2.4.1a as being subject to cliff collapse, rockfall or mass movement, but where the land may be subject to slope instability:
   i. to the extent appropriate, require proposals for subdivision, use and development to be assessed by a
gotechnical specialist to evaluate the presence of hazards and level of risk to people and property (including
infrastructure) from slope instability hazards; and
   ii. only allow subdivision, use and development where risk can be reduced to an acceptable level.

b. Avoid hazard mitigation works in areas of the Port Hills and across Banks Peninsula where cliff collapse or mass
   movement is likely to destroy or significantly damage such works, or where construction or maintenance of hazard
   mitigation works creates a safety hazard, unless reasonably required to protect critical infrastructure.

c. Control hazard mitigation works and hazard removal works for slope instability across all other areas of the Port Hills and
   Banks Peninsula, to ensure that works:
   i. are effective;
   ii. do not worsen any existing natural hazard; and
   iii. do not transfer or increase the risk to other people, property, including critical infrastructure or the natural
environment.

NOTE: The provisions of the Christchurch City Plan and the Banks Peninsula District Plan that relate to coastal
hazards continue to apply. The provisions of those plans that still apply (including the 20m building and earthworks
setback from mean high water springs) are set out in this table.
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29. Chief Executive's Report - March 2019

Reference: 19/315118
Presenter(s): Karleen Edwards, Chief Executive

1. Purpose of Report
   1.1 This Chief Executive's Report provides a summary of the Council's organisational performance for March 2019.

2. Recommendation to Council
   That the Council:
   1. Receive the report.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Chief Executive Report - March 2019</td>
<td>438</td>
</tr>
</tbody>
</table>

Signatories

| Author | Karleen Edwards - Chief Executive |
Chief Executive’s Report to Elected Members

March 2019
Chief Executive’s Foreword

In my report last month I wrote of the number of cultural events that had been held in the city to recognise and celebrate the diversity of the many ethnic groups who now call Christchurch home. They were joyous and colourful events, enjoyed by thousands of Cantabrians and visitors to our city.

Never in my wildest dreams could I have imagined that this month I would be writing of the abhorrent events of 15 March which have impacted so devastatingly on our Muslim communities, our city, and our country. So many words have already been written in an attempt to convey not only our horror and sadness, but also our love, compassion and solidarity.

I would particularly like to acknowledge the tireless efforts of Council staff who have been directly involved in supporting the response and collaborating in the organisation of events and the provision of information in the aftermath of the incident. Significant staff resource has been allocated to the Council’s response from the first lockdown and will continue for some time yet.

At incredibly short notice staff played key roles in organising the Call to Prayer on Friday 22 March, in preparing for the burials at Memorial Park Cemetery and in supporting the community-led events including “March for Love” and the Vigil in Hagley Park to remember those who lost their lives.

On Friday 29 March commemorations culminated in the National Remembrance Service, Ko Tātou, Tātou We Are One, jointly led by the Muslim community, the city of Christchurch, the Government of New Zealand, and Ngāi Tahu. A crowd of over 20,000 gathered in Hagley Park joining New Zealand’s political leaders, international dignitaries and members of the Muslim community for the 90 minute service of speeches and song. The Service reinforced the messages of kindness, love and hope which have been so prevalent since the attack and the graciousness and capacity for forgiveness of the Muslim community.

That these sensitive and emotional events have taken place safely and have been received so positively is testimony to the efforts of everyone involved.

Our staff have played a valuable role in representing Christchurch City Council at this most challenging of times and once again we were a trusted source of information during a very busy time. I thank staff for their expertise and commitment.

I also want to thank those who continued business as usual, providing cover for those staff who were assigned to work on the response. It is especially important that the city continues to run during difficult times.
During the Call to Prayer service in South Hagley Park on 22 March Imam Gamal Fouda from the Al Noor Mosque made a profound statement about New Zealand that stayed with me over the days that followed. He said “we are broken-hearted but we are not broken” and I feel this truly reflects our city’s response to the attacks - one of complete unity, compassion and respect. I feel proud to be a Cantabrian and to be a part of a community that, through amazing strength, has placed New Zealand on the global map for leading, celebrating and embracing cultural diversity.

**Westpac Lane**

Two lighting columns designed by artist Fayne Robinson have been installed at either end of Westpac Lane, which runs between Cathedral Square and Hereford Street. The columns are solar powered and feature Māori designs.

**Strategy and Transformation**

**Urban Regeneration, Design and Heritage**

**Enliven Places Programme**

Request for proposals in the ‘Light up the City’ competition opened this month. Specialist lighting designers are asked to submit ideas for an interactive display. An open category is also asking for designs for surface projectors in the central city. [https://ccc.govt.nz/lightupthecity/](https://ccc.govt.nz/lightupthecity/)

**Cross-agency Central City Action Plan**

Progress updates to date include:

- The Christchurch Town Hall is open – (an action in the Central City Action Plan).
- Development work has begun on the Ravenscar House Museum on Rolleston Ave.
- The Guthrie Centre development has been completed, adjacent to Cashel Mall.
- Scoping work has commenced on the Vacant Site Strategy, led by the Urban Regeneration Team.
- Wayfinding plinths in and around the Central City’s commercial core have been refreshed with distinctive new mapping and information.
- The summer events programme was delivered.
- Project 8011 (Inner City Residential): the Council resolved in February to consider mechanisms and incentives as part of the annual plan and a report will be going to Council with recommendations on a range of both supply focused and demand focused initiatives.

The Central City Steering Group is reviewing an initial draft set of Central City outcome measures.

**Urban Design workshops**

Two staff have been invited to workshops in Wellington (8 April and 6 May 2019) to be hosted...
by Hon Phil Twyford, Minister of Housing and Urban Development. These workshops arise from the UrbanismNZ conference in May 2018 and an urban issues paper produced shortly after.

The purpose of the workshops is to hear different perspectives across the sector, share experience and connect thinking to collectively deliver the best outcomes for New Zealand’s urban areas.

Heritage update

The Future of Heritage Strategy was adopted by the Council on 28 February. The document, produced in partnership with Ngāi Tahu, will be formally launched by both parties on World Monuments Day on Thursday 18 April 2019.

A significant Heritage Incentive Grant was recently approved for the building at 226 Kilmore Street, Lyttelton known as Kilwinning Lodge. This was a Lodge building originally but is also known as the former home of the artist Bill Hammond. The grant was for a total of $258,782 over two financial years. This will help to preserve, upgrade and change the use of the building which is now a prominent landmark directly adjacent to the new Albion Square and recently relocated Lyttelton Cenotaph. The new use will be as offices on the upper floors with hospitality on the ground floor.

Heritage Incentive Grant funding was also approved for the building at 226 Kilmore Street which has one of the last remaining bullnose verandas in the city.

Further funding was awarded to the renovation and seismic upgrade works being undertaken at the Pumphouse building at 544 Tuam Street and funding was approved to assist with the retention and refurbishment of the masonry façade at 158 High Street, formerly known as the Cotters Building. Other smaller grants were also approved for two residential buildings in Lyttelton.
Citizens and Community

Capital Delivery

Property Council of NZ Awards
The following projects were Finalists in the Property Council of NZ’s awards:

- Warren and Mahoney Civic and Arts Property Award – Tūranga
- Holmes Tourism and Leisure Property Award – Taiora QEII Recreation and Sport Centre

Canterbury Multi-Use Arena
The project is in its planning stage with collaboration across DPMC, CCC, LINZ, Treasury and Ōtākaro, as well as with a range of external experts in their field.

Core decisions to date include confirmation of the site and multi-use capability.

The Technical Team has modelled various concepts to inform the development of the Investment Case.

The Investment Case team have held several workshops and consulted with various stakeholders/venue operators.

Preparation of the first draft Cases and a draft event schedule is currently being prepared.

Metro Sports Facility
Ground remediation is continuing on site with over half the required 7,200 columns having been installed.

Ōtākaro have announced CPD as the main contractor.

Construction works continue throughout the remainder of the facility.

Performing Arts Precinct
A joint communication was issued to stakeholders along with a media release. A redacted copy of the staff report has been provided to media.

Next steps include further discussions with the Crown about the transfer of land to Council and the preparation of an RFP for a car park solution on or near the PAP.
A draft Development Agreement between Council and the Court Theatre has been prepared. Negotiations on this will now commence.

Town Hall
The Auditorium, foyer, function and Limes rooms and substantial quantity of exterior works were handed over ahead of the public reopening on 23 February 2019.

Opening events and scheduled ticketed events have proceeded as planned.

The Square and Surrounds
Council approved design works to start at its 28 March meeting.
Stakeholder engagements with heritage groups, private developers and property owners continue.

The Concept Design for the South and Southeast quadrants was approved by Infrastructure, Transport & Environment Committee on 13 March.

Old Municipal Chambers
Cyclical maintenance to prevent further deterioration of the OMC is ongoing and the team is currently addressing critical interim repairs to inhibit the degradation of the structure.

Packaging of roof works to address weather tightness issues has commenced with instructions to contract to proceed shortly.

Ngā Puna Wai
The formal opening was successfully held on 8 March 2019 to coincide with the start of the 3 day New Zealand Athletics Track & Field Championships.

The construction of 12 tennis courts is now complete with full operational use scheduled for April 2019.

Two Rugby League fields were sown in February 2019, which will have a 12 week grow-in period. Associated Lighting Towers were erected with commissioning planned for mid-April 2019. Rugby League Covered Seating & the Change Village is scheduled for completion on 30 March 2019.

Remaining landscaping works are underway for the north-eastern future car park and future hockey areas.

Hornby Library, Customer Services and South West Leisure Centre
Consultation regarding the change required in reserve classification and amendments to the Management Plan for Kyle Park commenced on 8 March, and will close on 15 April 2019.

A Hearings Panel will consider the submissions and make recommendations on the proposed changes to the Halswell-Hornby-Riccarton Community Board.

Linwood Pool
The Project Team is nearing its completion of the first draft Concept Design, including review by stakeholders. This will be presented to the Linwood-Central-Heathcote Community Board for feedback prior to finalisation and formal submission to the Community Board for approval.

An Expression of Interest for potential Design & Build contractors closed on 18 March 2019. A shortlist will be established to participate in the Request for Proposal process.

The gifting of a Te Reo name for the facility has been requested. The name will feed into the cultural design which Matapopore has been engaged to provide.

The project budget now includes additional funding for wastewater heat recovery.
Lancaster Park Deconstruction

Main demolition works have commenced including cutting hundreds of new lifting points in the upper stands and breaking out the lower bleachers in preparation for the large machines/equipment to commence deconstruction.

Current estimate is that completion of the main demolition work will be completed in Q4 2019.

Advice to local residents and businesses on commencement of main demolition has been provided.

Scrap is continuing to be recovered and recycling continues.

Future Use planning is underway to address redevelopment of the site.

Time-lapse camera footage is available online at: https://broadcastmedia.tv/timelapse/

Customer Services

February was another very busy month for Customer Services, with 62,567 calls, emails and customer enquiries; our highest interaction volumes for the year to-date.

There were significant issues contributing to delays in answering customer enquiries over the month due to:
- Key staff being involved with the training of new recruits
- We had a number of outages of our Service Request system.
- The rates payment portal was temporarily unavailable, resulting in a significant impact on our ability to service these customers.

The average response time of emails has been consistently within the KPI target of 48 hours. The average email response time in February was 43 hours.

We also processed 15,038 transactions at our Service Desks, including the newly added NZ Post services at Papanui – in February, they handled over 1,000 NZ Post transactions.

A number of outages, both planned and unplanned, had an impact on our ability to fully support our customers. We are continuing to deliver system improvements and mitigate the disruption caused to our Citizens.

We welcomed eight new recruits into Customer Services, and their training has commenced. They are already supporting our customers in both our Contact Centre and Service Desks.

Relocation of Fendalton Service Centre

On 1 March, the Fendalton Service Centre was relocated to Shop 6, Fendalton Village, 376 Ilam Road, while the long-awaited replacement of the Fendalton Library and Service Centre’s heating and ventilation equipment takes place. The work is expected to take 5 months, and will incorporate other changes to the Service Centre that make it easier for our citizens to access and use, including changes to the layout, desk design, signage, and integrating our customer contact services.

Libraries

Libraries participating at community events

This month Libraries staff have been out engaging with the community at a number of local events:
- At La Vida Youth Trust Community Fun Day at Hansons Reserve, one of Upper Riccarton Library’s Knit & Yarn groups was in full force with the support of Riccarton High School Library staff. On offer were a range of yarn crafts all designed to break down barriers and encourage all ages to have a seat and start a
conversation about the wider range of opportunities for connection and discovery offered by Christchurch City Libraries.

- The Mobile Library van was on site at the Culture Galore event in Ray Blank Park, where over 200 people, including children, enjoyed the display of World Languages Collections, as well as exploring inside the van and borrowing books. The 3D printing on display was very popular among children and their parents, as well as the summer Reading Challenge.

- Children’s Day 2019 was held in the Red Zone on Sunday 3 March. Libraries staff created a ‘lounge’ space by the mobile library van and received 118 visitors. The 3D printer demonstration was a hit, as were a range of literacy games and activities. A highlight for many was a library staff performance of “My Toothbrush is Missing” by Jan Thomas.

SPCA Preschool Programme

Linwood Library were lucky enough to have Kelsea, and Almond the kitten join them for a Storytime recently. Kelsea, who works for the SPCA in Christchurch, delivered a fun, educational programme to attendees, about the “five freedoms”, which are the five aspects of animal welfare.

Following the Sumner Road exhibition

The Following the Sumner Road exhibition is on display at Lyttelton Library and Matuku Takotako: Sumner Centre through until 28 April. The two exhibitions together tell the story of Sumner Road and the important role it has played in linking the communities of Lyttelton and Sumner.

Each contains unique information about Sumner Road and celebrates the post-earthquake reconstruction, which reopened to traffic for the first time in eight years on Friday 29 March.

Recreation & Sport

Childrens’ Day 2019

On Sunday 3 March, Children’s Day yet again drew families from all over Christchurch on a lovely sunny day to celebrate our tamariki.

Around 10,000 people enjoyed the great entertainment, free activities and organisations and groups (including Christchurch City Libraries) offering services and information for children and families.

A big thank you to Hellers for proving free sausages to all those hungry people.

Helen Miles and the Christchurch City Council’s Recreation team were well supported again by hundreds of volunteers whose assistance was invaluable and very much appreciated.
Civil Defence & Emergency Management

With the tragic events of Friday 15 March, the Council’s CDEM Unit was tasked by Police as the lead agency to provide support for the affected Muslim community. CDEM team members from our New Zealand Response and Welfare teams, as well as from the Emergency Operations Centre’s Welfare and Logistics functions were activated to provide direct support to St John Ambulance, and subsequently to establish and facilitate a Family Assistance Centre at Hagley College. The teams have been working 24/7 to ensure the Police are able to focus on other priorities.

Consenting and Compliance

Building consenting

IANZ Review

During the week of 25 March, IANZ completed the second part of our Building Consent Authority (BCA) Accreditation Assessment. This assessment focused on the implementation of the processes associated with our records.

Although we are awaiting the final report, we have received very positive feedback so far from the IANZ Team and MBIE observers, who also made comments about how engaged staff were, and how pleasant and hospitable the overall environment is.

In context and as part of our overall journey since 2014, our BCA is now considered by IANZ to be ‘low risk’, meaning our next full assessment will not be until March 2021. We believe this has been one of the most successful IANZ accreditation assessments for a large metropolitan Council.

Building Consents

The agreed Level of Service is to process 95% of applications in 19 days – that target was achieved in January with 100% of inspections carried out within the timeframe.

Earthquake Prone Buildings

By the end of January 2019, there were 602 Christchurch buildings on the National Earthquake-Prone Building Register. During January, there were four Christchurch buildings added, and 10 removed due to structural strengthening being completed. We sent one 133AH notice to an owner requesting a Detailed Seismic Assessment reports to clarify the earthquake-prone building status of their building.

Eco Design Advisor Service

The Eco Design Service workload for January reached 31 individual consultations for residential building (above our monthly target of 25), working with designers, building consent officers, and product suppliers. The service was also involved with two projects from BRANZ on indoor air quality for new buildings, and the life cycle analysis. The Eco Design service is also in the midst of planning the 2019 National EDA.

1 Note: January reporting has been provided as February 2019 reporting is due to be provided to the Regulatory Performance Committee on 3 April.
Conference, which will be hosted this year by Auckland City Council.

Resource Consents

Resource Consent application numbers decreased from 229 in December to 186 in January. This is a normal seasonal decrease over the holiday season.

In January 100% of applications were processed within the 20 day statutory timeframe.

Freedom Camping

The freedom camping season continues with enforcement and monitoring taking place throughout the Christchurch and Banks Peninsula area, seven days a week. For the months of January and February 2019, a total of 91 freedom camping infringements were issued.

City Services

Transport

Sumner Road reopening

After eight years of being closed, Sumner Road was reopened to the public on Friday 29 March.

The construction has taken approximately two and a half years, and is the final section of the Sumner Lyttelton Corridor to be completed.

Works involved the removal of approximately 100,000 cubic metres of rock to create a 400m long catch-bench, the construction of a seven metre high rock intercept bund, and the repair of almost 30 retaining walls. The road for the entire length has also been repaired and safety barriers have been installed.

The completion of this section of road is the final connection for over-dimensional and dangerous goods to the Lyttelton Port and is an iconic drive for the residents and cyclists of Christchurch and Banks Peninsula.

Speed restrictions will be in place for the first few weeks of operation to ensure the safety of all users.

Three Waters and Waste

Lyttelton Harbour Wastewater Pipeline Scheme

Construction of the onshore pump station in Governors Bay has been delayed due to poor ground conditions. This meant that the commissioning of the Governors Bay pipeline did not meet the current consent deadline. An extension (continuance) for ongoing discharges from the existing outfall was granted by ECan. Delays have pushed the commissioning process out.

The last work package for the project (work package #4) comprising the buried pipeline from the Heathcote Tunnel portal to Pump Station 15, including under the Heathcote River, was awarded to Fulton Hogan on 20 February 2019.
Wastewater Treatment Plant

The midge control program for the 2018/19 season is continuing well, with early teething issues fully resolved. The lifecycle disturbance (dragging chains through the sediment at the bottom of the ponds to disrupt the early aquatic stage of the midge lifecycle), was carried out consistently over the height of the midge (summer) season. Early results are positive, with the objective midge number monitoring indicating a 30% reduction compared to last season. This data will be fully evaluated at the end of the season. The majority of the native plants have been planted. This natural vegetation barrier will be expanded in coming seasons as funding becomes available.

Reticulation and Maintenance

For February there were around 2,100 water leak jobs, this time last year the total was closer to 1,200.

CityCare are prioritising all jobs coming in and are meeting the KPIs for urgent jobs through to three day jobs. “Minor leaks”, currently have approximately 1,300 jobs outstanding. On average 50 jobs per day are logged and 40 completed. We continue to work with CityCare to find a solution. Currently 23 crews are working through the week and another seven over the weekend.

Other contractors are being contacted to explore what support is available. When an urgent job is logged crews are pulled off lower priority jobs to complete the urgent works, this is having an impact on getting through the large number of outstanding jobs.

Land Drainage

Comprehensive Stormwater Network Discharge Consent (CSNDC) application

At the request of the Hearing Panel, CCC provided supplementary evidence on 15 March. Submitters had an opportunity to provide responses by 25 March, to which CCC had a right of reply, due by 28 March.

The Hearings Panel is expected to make its decision within a month.

Bells Creek

The Bells Creek project was completed in February 2019. This $19M Land Drainage Recovery Programme was combined with a $2.4M Storm Water Treatment Project. It reduces floor level flooding in a 50 year event for 33 houses to just one house, which is an improvement on pre-earthquake conditions. Below-floor flood levels are reduced for an additional 88 properties. The scheme included pipe upgrades in Mackworth Street, conversion of Edmonds Park to a stormwater basin, conversion of Lower Linwood Fields to Te Oranga Waikura Urban Forest, an access manhole and screen in Woolston Park, and construction of a pump station and stormwater filter on Richardson Terrace.

Solid Waste

Wheelie Bin tags

As of 15 March, 423,749 wheelie bins have been fitted with RFID tags, representing a completion rate of 89.3%, which is on target for the three year project completion. An additional 6,719 bins have been removed from circulation as of this date.
National Resource Recovery Workshop
Staff attended the National Resource Recovery Workshop held in Wellington on 6 March, in response to the China National Sword policy effects. The Associate Minister for the Environment, Eugenie Sage and Ministry for Environment’s Directors were also in attendance.

The Associate Minister advised that she is looking for some ‘quick wins’. A Container Deposit Scheme (CDS) was identified as a potential option, although it is not currently in the Ministry for the Environment’s work programme.

Medium-term work streams include feasibility of increasing domestic fibre mill capacity and transition into high value packaging (i.e. plastics marked with numbers 3-7). Long-term work streams include: examining the role of product stewardship; investigating feasibility of packaging content and recyclability regulations; working with MBIE to progress a positive procurement policy – local/central/business.
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>
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<tbody>
<tr>
<td>31</td>
<td>PUBLIC EXCLUDED COUNCIL MINUTES - 28 MARCH 2019</td>
<td></td>
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<tr>
<td>32</td>
<td>FACILITIES MAINTENANCE CONTRACT OPTIONS</td>
<td>S7(2)(G), S7(2)(I)</td>
<td>MAINTAIN LEGAL PROFESSIONAL PRIVILEGE, CONDUCT NEGOTIATIONS</td>
<td>THE WITHOLDING OF THE INFORMATION IS NECESSARY TO CONDUCT CONTRACT NEGOCIATIONS AND MAINTAIN LEGAL PROFESSIONAL PRIVILEGE.</td>
<td>WHEN THE CHIEF EXECUTIVE DETERMINES THERE ARE NO LONGER ANY REASONS TO WITHHOLD THE INFORMATION UNDER THE ACT.</td>
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<tr>
<td>33</td>
<td>INNOVATION AND SUSTAINABILITY FUND</td>
<td>S7(2)(C)(II)</td>
<td>PREVENT DAMAGE TO THE PUBLIC INTEREST</td>
<td>POINTS TO BE DISCUSSED ARE COMERCIAL SENSITIVE.</td>
<td>ONCE THERE IS NO LONGER ANY COMMERCIAL SENSITIVITY RELATING TO ANY OF THE APPLICATIONS.</td>
</tr>
<tr>
<td>34</td>
<td>PUBLIC EXCLUDED INNOVATION AND SUSTAINABLE DEVELOPMENT COMMITTEE MINUTES - 27 MARCH 2019</td>
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<td>PUBLIC EXCLUDED HEALTH, SAFETY AND WELLBEING COMMITTEE MINUTES - 15 MARCH 2019</td>
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<td></td>
<td>FUNDING ISSUES</td>
<td>S7(2)(G)</td>
<td>MAINTAIN LEGAL PROFESSIONAL PRIVILEGE</td>
<td>PROVIDING PRIVILEGED LEGAL ADVICE</td>
<td>CONCLUSION OF LEGAL PROCESSES</td>
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<tr>
<td>36</td>
<td>2018/19 CAPITAL ENDOWMENT FUND APPLICATION</td>
<td>S7(2)(G)</td>
<td>MAINTAIN LEGAL PROFESSIONAL PRIVILEGE</td>
<td>COUNCIL WILL REQUIRE PRIVILEGED LEGAL ADVICE TO CONSIDER THIS APPLICATION.</td>
<td>12 APRIL 2019 AS SOON AS PRACTICABLE FOLLOWING COUNCIL’S DECISION</td>
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