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## Christchurch City Council AGENDA

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### Notice of Meeting:

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

**Date:** Friday 29 May 2020  
**Time:** 9.30am  
**Venue:** Council Chambers, Civic Offices, 53 Hereford Street,  
Christchurch

*Due to Covid-19 requirements physical public access is restricted. The meeting is open to the public through access to the live streaming of the meeting, and a recording of the meeting will be available on the Council website: <https://councillive.ccc.govt.nz/live-stream>*

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### Membership

Chairperson	Mayor Lianne Dalziel
Deputy Chairperson	Deputy Mayor Andrew Turner
Members	Councillor Jimmy Chen
	Councillor Catherine Chu
	Councillor Melanie Coker
	Councillor Pauline Cotter
	Councillor James Daniels
	Councillor Mike Davidson
	Councillor Anne Galloway
	Councillor James Gough
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Phil Mauger
	Councillor Jake McLellan
	Councillor Tim Scandrett
	Councillor Sara Templeton

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26 May 2020

#### Principal Advisor

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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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**1. Apologies / Ngā Whakapāha**

At the close of the agenda no apologies had been received.

**2. Declarations of Interest / Ngā Whakapuaki Aronga**

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. Annual Plan 2020-21 options for public hearings

Reference / Te Tohutoro: 20/628055

Report of / Te Pou  
Matua: John Filsell, Head of Community Support, Governance and Partnerships, john.filsell@ccc.govt.nz

Ian Thomson, Special Counsel Governance,  
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General Manager /  
Pouwhakarae: Dawn Baxendale, Chief Executive, dawn.baxendale@ccc.govt.nz

#### 1. Executive Summary / Te Whakarāpopoto Matua

- 1.1 The purpose of this report is to present Council with a number of options and a recommendation for public hearings on the amended 2020/21 draft Annual Plan. This report has been written at the request of Council following its consideration of an Annual Plan report on 14 May 2020.
- 1.2 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by looking at the nature of the decision required in that it relates to options for public hearings and not in relation to decisions on the draft Annual Plan itself.
- 1.3 On 14 May 2020 the Council resolved to re-consult on the draft Annual Plan, in recognition of the significant impact that the COVID-19 crisis has had on the organisation's operations and financial position, and the requirement to update the draft Annual Plan accordingly.
- 1.4 Consultation on the draft Annual Plan will now run from Friday 12 June until 5pm Monday 29 June.
- 1.5 As Council is required to adopt a final plan by the end of July 2020, there is not sufficient time following the close of consultation to complete a separate hearings process. Regardless of which option to hear submissions Council resolves to adopt, hearings will need to run at the same time as submissions are being received, so that the whole consultation process is completed by 29 June 2020.
- 1.6 Staff were asked by Council to report back on options that would enable people who wanted to be heard, the opportunity to do so.
- 1.7 This report presents options, and recommends a preferred option, that allows people to be heard in a manner that complies with legislative requirements, preferences of Council and the community, and the ability of the organisation to deliver in unique circumstances.
- 1.8 130 submitters from the first round of consultation indicated they would like to be heard. Once Council has adopted an option, these submitters will be updated on the new process and the reasons for it.

#### 2. Officer Recommendations / Ngā Tūtohu

That the Council:

1. Schedule public hearings on the 2020/21 draft Annual Plan within the capacity of Council to deliver. Namely:
  - a. Schedule four full days to hear submissions on or about 23, 24, 26, 27 June 2020 with the option of an additional day on 29 June if required.

- b. Schedule half a day on or about 19 June 2020 to hear from Community Boards and larger, representative groups.
  - c. Delegate to the Chief Executive the ability to change the dates set aside and other arrangements if circumstances dictate.
2. Convene as a Hearings Panel for the purpose of receiving oral submissions/hearings and that [insert name] be appointed as Chair, and [insert name] as Deputy Chair of the Annual Plan Hearings Panel.
  3. Accommodate submitters on a first come first served basis, an allocation of 5 minutes for groups and 3 minutes for individuals.
  4. Receive hearings in person in the Council Chamber adhering to current COVID-19 requirements. Audio visual / audio link options will be available to those submitters who do not wish to attend the hearings in person.

### 3. Reason for Report Recommendations / Ngā Take mō te Whakatau

- 3.1 The recommendation aims to balance the preference expressed by Councillors for hearings and the anticipated view of the community in support of hearings; against the constraints imposed by the impact of COVID-19. Put simply the recommendation is that Council provide the optimal opportunity for hearings possible under current circumstances.

### 4. Alternative Options Considered / Ētahi atu Kōwhiringa

- 4.1 **No public hearings** – Council schedule no public hearings, consider written submissions only, and explicitly communicate in the consultation why this is necessary under the circumstances.

#### 4.1.1 Advantages:

- Elected Members would have more time to engage with their communities in other ways during the consultation period;
- Staff would have more opportunity to analyse written submissions and prepare advice for elected members;
- The limited days/hours available for public hearings would mean that oral submitters would have very little time in which to make presentations to elected members;
- People would be encouraged to make written submissions;

#### 4.1.2 Disadvantages:

- Council has historically held hearings as part of the Annual Plan process, as elected members see hearings as an important link between them and their communities.
- Given Council's preference for holding hearings, individuals and organisations now have strong expectations that they will have the opportunity to be heard as part of the consultation process. Being denied this opportunity could have a negative impact on Council's reputation and in residents' trust and confidence in Council's decision-making process.

- 4.2 **Council hear from Community Boards only** - Council schedule no public hearings other than for each Community Board. Council consider written submissions from all other groups and individuals and explicitly communicate in the consultation why this is necessary under the circumstances.

#### 4.2.1 Advantages:

- Community Boards already prepare and present submissions to the Council on expenditure within their communities, as part of the Annual Plan process (s.52(d) of the LGA 02);
- One of the roles of a Community Board is to represent and act as advocate for the interests of its community (s.52(a) of the LGA 02);
- Community Boards could invite members of the public in their areas to comment on the draft Annual Plan and reflect these in the Boards' oral submissions;
- This option would not take up as much time or administrative resource as full public hearings.

#### 4.2.2 Disadvantages:

- Those who want to present their views orally often prefer to do so in front of the deciding body (in this case, Council) rather than to representative groups such as Community Boards. Not having the opportunity to do so could have a negative impact on Council's reputation and in residents' trust and confidence in Council's decision-making process.
- Community Board members may feel they do not have sufficient time or resources to seek, or to adequately represent the views of their communities during this very limited consultation period.

- 4.3 **Council identify groups they wish to hear from** – Councillors identify specific groups they wish to hear from and invite these to a hearing. Council consider written submissions from all other groups and individuals and explicitly communicate in the consultation why this is necessary under the circumstances.

#### 4.3.1 Advantages;

- The Council would have the opportunity to select groups they believe would best represent a sufficiently broad range of interests in the community;
- Those groups would have to take the appropriate steps to ensure their presentations reflect the views of the communities they represent.

#### 4.3.2 Disadvantages:

- Given the time and resource constraints, it is very unlikely that a robust process could be established for determining which groups should be heard. As a consequence, the selection process would likely be arbitrary, subjective and open to challenge.
- Groups from within the original 130 submitters who indicated they wished to speak may have an expectation that they will be selected and could be disappointed and frustrated if this is not the case.
- This option has the potential to be very divisive within communities, and would likely have a negative impact on Council's reputation and in residents' trust and confidence in Council's decision-making process.

- 4.4 **Public hearings within the capacity of Council to manage (preferred)**

#### 4.4.1 Description:

- Opportunities to be heard are limited by Council's capacity to hear submissions over four full days with the addition of half a day for Boards and larger, representative groups.
- Submitters will be heard on a first come first served basis on 23, 24, 26, 27 (and 29<sup>th</sup> if required) June 2020 (bookings will be required). June 19 will be set aside to hear from the Community Boards and larger representative groups.

- Hearings to be in person in the Council Chamber adhering to the government's guidance on gatherings and COVID-19 social distancing requirements. Submitters not wishing to attend in person will have the option to video/audio conference.
- No presentations can be accepted as groups have a maximum of five minutes and individuals three minutes. There will also be no additional time allowance for questions.

#### 4.4.2 Advantages:

- This approach meets the governing body's wish to hear directly from those who wish to be heard;
- It enables the greatest number of submitters to be heard, which gives effect to the principles of consultation set out in section 82 of the Local Government Act (LGA02) that Council should provide a reasonable opportunity for people to present their views in the Council in a manner and format that is appropriate to their preferences and needs.

#### 4.4.3 Disadvantages:

- The circumstances facing the Council mean the period available for consultation is shorter than usual.
- To accommodate this, if public hearings are to be part of the process they need to be held within the consultation period rather than once all written submissions are received.
- Depending on demand, not all submitters who wish to speak may have the opportunity to do so and this could cause frustration and disappointment which, in turn, could impact on Council's reputation and in residents' trust and confidence in Council's decision-making process.

### 4.5 **Multiple hearing panels operating concurrently.**

#### 4.5.1 Description:

- Council splits itself into two panels, sitting concurrently.
- Submitters wishing to be heard will be allocated time on a first come first served basis.

#### 4.5.2 Advantages:

- More submitters will be able to be heard and the overall time required to hear submissions could be reduced.
- If the panels sat on alternate days rather than concurrently, elected members would have more time available to communicate and engage with the public in other ways;

#### 4.5.3 Disadvantages:

- There may be resistance from those members of the public who insist on presenting their views to the governing body as a whole, rather than just part of it;
- There may be some difficulty in getting sufficient staff to resource two panels;
- Only one hearings panel could be livestreamed at a time.

### 4.6 **Officers hear submissions and report to Council.**

#### 4.6.1 Description:

- Submitters wanting to be heard would be able to speak to, and engage with an officer who has the relevant skills and expertise to capture the points of their submission accurately.
- A report outlining issues raised would then be provided to elected members.

4.6.2 Advantages:

- This option would release Council from the time commitment required to hear submissions. Elected members would therefore have more time to engage with their communities in other ways during the consultation period;
- Submitters would be able to speak to, and engage with, an officer with the relevant skills and expertise, thus ensuring the points the submitters wish to make are captured accurately.

4.6.3 Disadvantages:

- There may be resistance from submitters who want to present their views to the Council, rather than a Council officer.

## 5. Detail / Te Whakamahuki

- 5.1 The detail and analysis of options is contained in section 4 of this report above.
- 5.2 The decision affects the entire city of Christchurch. Whilst community views have not been specifically sought it is anticipated that many members of the community would appreciate the opportunity to present their views on an updated draft Annual Plan via a hearing.

## 6. Policy Framework Implications / Ngā Hīraunga ā- Kaupapa here

### Strategic Alignment / Te Rautaki Tīaroaro

- 6.1 The recommendation is aligned with Council's strategic priority of enabling active and connected communities to own their own future.
- 6.2 This report supports the [Council's Long Term Plan \(2018 - 2028\)](#):
- 6.2.1 Activity: Governance & Decision Making

- Level of Service: 4.1.18 Participation in and contribution to Council decision-making - Percentage of respondents who understand how Council makes decisions: At least 41%

### Policy Consistency / Te Whai Kaupapa here

- 6.3 The decision is consistent with Council's significance and engagement policy primarily it recommends that Council take steps in a difficult and unique environment to engage with its community.

### Impact on Mana Whenua / Ngā Whai Take Mana Whenua

- 6.4 The decision 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 Mana Whenua, their culture and traditions.

### Climate Change Impact Considerations / Ngā Whai Whakaaro mā te Āhuarangi

- 6.5 Any climate change implications will be discussed in the submissions themselves and are not part of the hearings process per se.

### Accessibility Considerations / Ngā Whai Whakaaro mā te Hunga Hauā

- 6.6 Any accessibility implications will be discussed in the submissions themselves and are not part of the hearings process per se.
- 6.7 Submitters have the option to attend the hearings in person, or to audio/video conference.

## 7. Resource Implications / Ngā Hīraunga Rauemi

### Capex/Opex / Ngā Utu Whakahaere

- 7.1 Cost to Implement – The cost to implement the preferred option will not exceed \$10,000 which is primarily advertising and livestreaming meetings. This is set aside within existing budget.
- 7.2 Maintenance/Ongoing costs – There are no ongoing costs as this is a one-off consultative procedure that will conclude by the end of July 2020.
- 7.3 Funding Source – Existing budgets set aside for draft Annual Plan consultation

### Other / He mea anō

- 7.4 Due to the compressed timeframe, staff and elected member availability and the requirement to agree an Annual Plan by the close of July 2020 there are not the resources available to offer a widening of the opportunity to be heard.

## 8. Legal Implications / Ngā Hīraunga ā-Ture

### Statutory power to undertake proposals in the report / Te Manatū Whakahaere Kaupapa

- 8.1 The Council has resolved to resume the consultation process it was engaged in at the time the country went into level 4 lockdown as a result of the COVID-19 crisis.
- 8.2 The level of consultation will be in a manner that gives effect to the principles of consultation set out in section 82 of the Local Government Act 2002 (LGA 02).
- 8.3 One of the principles is that the Council should provide a reasonable opportunity for people to present their views to the Council in a manner and format that is appropriate to their preferences and needs.
- 8.4 However, the principles may be observed by the Council in such manner as it considers, in its discretion, to be appropriate in any particular instance, such as the COVID-19 crisis. In exercising its decision, the Council must have regard to the nature and significance of the matter, and its impact from the perspective of the people who may be affected by it (s.82(3) and (4)).
- 8.5 Within these constraints, it is up to the Council to determine whether or not to hold public hearings and, if it does, how they are to be held. A number of options are set out in this report, along with a recommendation from staff.

### Other Legal Implications / Ētahi atu Hīraunga-ā-Ture

- 8.1 The special consultative procedure has recently been modified (temporarily) to allow public hearings to be “highly desirable” rather than mandatory (COVID-19 Response (Further Management Measures) Legislation Bill). It would be relatively low risk for this change to be applied by analogy to the consultation process required for annual plans and to not include public meetings and hearings.
- 8.2 This report has been reviewed and approved by the Legal Services Unit.

## 9. Risk Management Implications / Ngā Hīraunga Tūraru

- 9.1 There is a risk that the time set aside for hearings will be insufficient resulting in frustration and claims that council is not fulfilling its commitments toward transparency.

- 9.1.1 This can be mitigated by communications in and accompanying the consultation document explaining the rationale behind the limited time. Staff will also endeavour to schedule hearings in a manner that uses all the time available best ensuring that Council hear a range of views.
- 9.2 There is a risk that community members may be confused by hearings running concurrent to the submission period resulting in some community members who wish to be heard missing the opportunity to do so.
  - 9.2.1 This can be mitigated by communications in and accompanying the consultation document explaining the rationale behind the concurrency. Staff will also endeavour to contact 130 community members who have already asked to be heard to reschedule.

### Attachments / Ngā Tāpirihanga

There are no appendices to this report.

In addition to the attached documents, the following background information is available:

Document Name	Location / File Link
Not Applicable	Not Applicable

### Confirmation of Statutory Compliance / Te Whakatūturutanga ā-Ture

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 / Ngā Kaiwaitohu

<b>Authors</b>	Ian Thomson - Special Counsel Governance Megan Pearce - Manager Hearings and Council Support John Filsell - Head of Community Support, Governance and Partnerships
<b>Approved By</b>	Dawn Baxendale - Chief Executive