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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:** Wednesday 24 January 2024  
**Time:** 9.30 am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

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### Membership

Chairperson	Mayor Phil Mauer
Deputy Chairperson	Deputy Mayor Pauline Cotter
Members	Councillor Kelly Barber
	Councillor Melanie Coker
	Councillor Celeste Donovan
	Councillor Tyrone Fields
	Councillor James Gough
	Councillor Tyla Harrison-Hunt
	Councillor Victoria Henstock
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Andrei Moore
	Councillor Mark Peters
	Councillor Tim Scandrett
	Councillor Sara Templeton

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**18 January 2024**

### Principal Advisor

Mary Richardson  
Interim Chief Executive  
Tel: 941 8999

Katie Matheis  
Democratic Services Advisor  
941 5643  
Katie.Matheis@ccc.govt.nz  
[www.ccc.govt.nz](http://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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# What is important to us?

Our Strategic Framework is a big picture view of what the Council is aiming to achieve for our community

## Our focus this Council term 2022–2025

### Strategic Priorities



Be an inclusive and equitable city which puts people at the centre of developing our city and district, prioritising wellbeing, accessibility and connection.



Champion Ōtautahi-Christchurch and collaborate to build our role as a leading New Zealand city.



Build trust and confidence in the Council through meaningful partnerships and communication, listening to and working with residents.

Adopted by the Council on 5 April 2023



Reduce emissions as a Council and as a city, and invest in adaptation and resilience, leading a city-wide response to climate change while protecting our indigenous biodiversity, water bodies and tree canopy.



Manage ratepayers' money wisely, delivering quality core services to the whole community and addressing the issues that are important to our residents.



Actively balance the needs of today's residents with the needs of future generations, with the aim of leaving no one behind.

## Our goals for this Long Term Plan 2024–2034

### Draft Community Outcomes



#### Collaborative and confident

Our residents have the opportunity to actively participate in community and city life, have a strong sense of belonging and identity, and feel safe.



#### Green and liveable

Our neighbourhoods and communities are accessible and well connected, supporting our goals to reduce emissions, build climate resilience and protect and regenerate the environment, especially our biodiversity, water bodies and tree canopy.

To be adopted by the Council as part of the Long Term Plan 2024–2034



#### A cultural powerhouse

Our diverse communities are supported to understand and protect their heritage, pursue their arts, cultural and sporting interests, and contribute to making our city a creative, cultural and events 'powerhouse'.



#### Thriving and prosperous

Our city is a great place for people, business and investment where we can all grow our potential, where enterprises are innovative and smart, and where together we raise productivity and reduce emissions.

## Our intergenerational vision

A place of opportunity for all.

Open to new ideas, new people,  
new investment and new ways  
of doing things – a place where  
anything is possible.



Ngāi Tahu has rangatiratanga over its takiwā – the Council is committed to partnering with Ngāi Tahu to achieve meaningful outcomes that benefit the whole community

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## Karakia Whakamutunga

## Karakia Tīmatanga

Whakataka te hau ki te uru

Whakataka te hau ki te tonga

Kia makinakina ki uta

Kia mataratara ki tai

E hi ake ana te atakura

He tio, he huka, he hau hu

Tihei mauri ora

### 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. Public Participation Te Huinga Tūmatanui

#### 3.1 Public Forum Te Huinga Whānui

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.

##### 3.1.1 INaturalistNZ

Dr. Colin Meurk and Jon Sullivan will speak on behalf of INaturalistNZ to introduce the INaturalistNZ app and the City Nature Challenge, demonstrating how easy it is for anyone to become a citizen scientist.

#### 3.2 Deputations by Appointment Ngā Huinga Whakaritenga

Deputations may be heard on a matter or matters covered by a report on this agenda and approved by the Chairperson.

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

### 4. Presentation of Petitions Ngā Pākikitanga

There were no Presentation of Petitions at the time the agenda was prepared.

5. Council Minutes - 6 December 2023

Reference / Te Tohutoro: 24/21734

Report of / Te Pou                   Katie Matheis, Democratic Services Advisor  
Matua:                                   (Katie.Matheis@ccc.govt.nz)  
Senior Manager /                   Lynn McClelland, Assistant Chief Executive Strategic Policy and  
Pouwhakarae:                   Performance (lynn.mcclelland@ccc.govt.nz)

1. Purpose of Report Te Pūtake Pūrongo

For the Council to confirm the minutes from the Council meeting held 6 December 2023.

2. Recommendation Te Tūtohu Council

That the Council confirm the Minutes from the Council meeting held 6 December 2023.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
<a href="#">A</a> 	Minutes Council - 6 December 2023	23/1527016	6

Signatories Ngā Kaiwaitohu

Author	Katie Matheis - Democratic Services Advisor
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## Christchurch City Council MINUTES

Item 5

Attachment A

**Date:** Wednesday 6 December 2023  
**Time:** 9.33 am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

### Present

Chairperson	Mayor Phil Mauer
Deputy Chairperson	Deputy Mayor Pauline Cotter
Members	Councillor Kelly Barber
	Councillor Melanie Coker
	Councillor Tyrone Fields
	Councillor James Gough
	Councillor Victoria Henstock
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Mark Peters
	Councillor Tim Scandrett
	Councillor Sara Templeton

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**Karakia Tīmatanga:** All Councillors

The agenda was dealt with in the following order.

**1. Apologies Ngā Whakapāha**

**Council Resolved CNCL/2023/00152**

That the apologies for absence from Councillors Donovan, Harrison-Hunt, and Moore, and the apology for partial absence from Councillor Henstock be accepted.

Deputy Mayor/Councillor Peters

Carried

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

Councillor Gough declared an interest in Items 18 – Interim Kerbside Organics Management and 28 – Preferred Supplier for the Ōtautahi Christchurch Organics Processing Facility.

Councillors Cotter and Peters declared an interest in Item 20 – Central Plains Water Trust – Amendment of Trust Deed.

Councillors MacDonald and Templeton declared an interest in Item 27 – Contract 4600000690/1 with EcoCentral Limited to own and operate the Materials Recovery Facility (MRF), maintain and operate Council owned buildings on the MRF site and maintain and operate the three city transfer stations.

**3. Public Participation Te Huinga Tūmatanui**

**3.1 Public Forum Te Huinga Whānui**

Councillor McLellan left the meeting at 9.39am and returned at 9.40am during consideration of item 3.1.1.

**3.1.1 Polish Children of Pahiātua**

Anna Gruczynska spoke regarding a request for giving the name of Polish Children of Pahiātua to either a park, reserve, or playground in the city, marking the 80<sup>th</sup> anniversary of 733 Polish children arriving in New Zealand.

That the Council:

1. Request that staff work with the Polish community regarding an appropriate site for marking the 80th anniversary of 733 Polish children arriving in New Zealand, and report back to the relevant Community Board.

**Attachments**

A Polish Children of Pahiātua - Presentation to Council

**3.1.2 Whaka-Ora Healthy Harbour Programme**

Yvette Couch-Lewis, Chair of the Whaka-Ora Healthy Harbour Programme, and Kirsty Brennan spoke on behalf of the Whaka-Ora Healthy Harbour Programme to provide an update on the harbour restoration activities achieved through the collaboration between the five programme partners.

**Attachments**

A Whaka-Ora Healthy Harbour Programme - Presentation to Council

## 3.2 Deputations by Appointment Ngā Huinga Whakaritenga

### 3.2.1 Vickie Walker

Waitai Costal-Burwood-Linwood Deputy Chairperson, Jackie Simons, read a deputation on behalf of Vickie Walker regarding Item 28 - Preferred Supplier for the Ōtautahi Christchurch Organics Processing Facility.

### 3.2.2 Harrison McEvoy

Harrison McEvoy spoke regarding Item 19 - Plan Change 14 Independent Hearings Panel Process Update.

Councillor Henstock left the meeting at 9.53am during consideration of 3.2.3.

### 3.2.3 Combined Residents Association Christchurch

Tony Simons spoke on behalf of the Combined Residents Associations Christchurch regarding Item 19 - Plan Change 14 Independent Hearings Panel Process Update.

#### Attachments

- A Combined Residents Association Christchurch - Presentation to Council

### 3.2.4 Greater Hornby Residents Association

Marc Duff spoke on behalf of the Greater Hornby Residents Association regarding Item 19 - Plan Change 14 Independent Hearings Panel Process Update.

### 3.2.5 Victoria Neighbourhood Association

Bob Manthei spoke on behalf of the Victoria Neighbourhood Association regarding Item 19 - Plan Change 14 Independent Hearings Panel Process Update.

#### Attachments

- A Victoria Neighbourhood Association - Presentation to Council

### 3.2.6 David Lynch

David Lynch spoke regarding Item 19 - Plan Change 14 Independent Hearings Panel Process Update.

#### Attachments

- A David Lynch - Presentation to Council

### 3.2.7 Helen Broughton

Waipuna Halswell-Hornby-Riccarton Community Board Chair, Helen Broughton, spoke on behalf of the Board regarding Item 19 – Plan Change 14 Independent Hearings Panel Process Update.



#### 4. Presentation of Petitions Ngā Pākikitanga

There was no presentation of petitions.

#### 5. Council Minutes - 31 October 2023

The meeting block resolved Minutes Items 5, 6, 7, and 8.

##### **Council Resolved CNCL/2023/00153**

That the Council confirm the Minutes from the Council meeting held 31 October 2023.

Councillor MacDonald/Councillor Scandrett

Carried

#### 6. Council Minutes - 1 November 2023

##### **Council Resolved CNCL/2023/00154**

That the Council confirm the Minutes from the Council meeting held 1 November 2023.

Councillor MacDonald/Councillor Scandrett

Carried

#### 7. Council Minutes - 8 November 2023

##### **Council Resolved CNCL/2023/00155**

That the Council confirm the Minutes from the Council meeting held 8 November 2023.

Councillor MacDonald/Councillor Scandrett

Carried

#### 8. Council Minutes - 15 November 2023

##### **Council Resolved CNCL/2023/00156**

That the Council confirm the Minutes from the Council meeting held 15 November 2023.

Councillor MacDonald/Councillor Scandrett

Carried

#### 9. Health, Safety and Wellbeing Committee Minutes - 9 June 2023

The meeting block resolved Minutes Items 9, 10, 11, and 12.

##### **Council Resolved CNCL/2023/00157**

That the Council receives the Minutes from the Health, Safety and Wellbeing Committee meeting held 9 June 2023.

Deputy Mayor/Councillor Scandrett

Carried

## 10. Central City Parking Restrictions Committee Minutes - 29 August 2023

### Council Resolved CNCL/2023/00158

That the Council receives the Minutes from the Central City Parking Restrictions Committee meeting held 29 August 2023.

Deputy Mayor/Councillor Scandrett

Carried

## 11. Christchurch West Melton Water Management Zone Committee Minutes - 27 July 2023

### Council Resolved CNCL/2023/00159

That the Council receives the Minutes from the Christchurch West Melton Water Management Zone Committee meeting held 27 July 2023.

Deputy Mayor/Councillor Scandrett

Carried

## 12. Banks Peninsula Water Management Zone Committee Minutes - 19 September 2023

### Council Resolved CNCL/2023/00160

That the Council receives the Minutes from the Banks Peninsula Water Management Zone Committee meeting held 19 September 2023.

Deputy Mayor/Councillor Scandrett

Carried

Councillor Gough left the meeting at 10.41am and returned at 10.43am during consideration of item 13.

## 13. Monthly Report from the Community Boards - November 2023

Marie Pollisco, Deputy Chairperson, joined the meeting for presentation of the **Waipuna Halswell-Hornby-Riccarton Community Board** area report.

Paul McMahon, Chairperson, and Jackie Simons, Deputy Chairperson, joined the meeting for presentation of the **Waitai Coastal-Burwood-Linwood Community Board** area report.

Lyn Leslie, Chairperson, and Penelope Goldstone, Community Governance Manager, joined the meeting for presentation of **Te Pātaka o Rākaihautū Banks Peninsula Community Board** area report.

Keir Leslie, Deputy Chairperson, joined the meeting for presentation of the **Waihoru Spreydon Cashmere-Heathcote Community Board** area report.

Jason Middlemiss, Deputy Chairperson, and Maryanne Lomax, Community Governance Manager, joined the meeting for presentation of the **Waimāero Fendalton Waimairi-Harewood Community Board** area report.

Emma Norrish, Chairperson, and Simon Britten, Deputy Chairperson, joined the meeting for presentation of the **Waipapa Papanui-Innes-Central Community Board** area report.

**Council Resolved CNCL/2023/00161**

**Officer recommendation accepted without change**

That the Council:

1. Receive the Monthly Report from the Community Boards November 2023.

Deputy Mayor/Councillor Scandrett

Carried

**Attachments**

- A Waipuna Halswell Hornby Riccarton Community Board - Presentation to Council
- B Waitai Coastal Burwood Linwood Community Board - Presentation to Council
- C Tē Pātaka o Rākaihautu Banks Peninsula Community Board - Presentation to Council
- D Waihoru Spreydon Cashmere Heathcote Community Board - Presentation to Council
- E Waimāero Fendalton Waimairi Harewood Community Board - Presentation to Council
- F Waipapa Papanui Innes Central Community Board - Presentation to Council

Item 5  
Attachment A

**Report from Waitai Coastal-Burwood-Linwood Community Board - 6  
November 2023**

**14. Streets for People - Aranui Connections**

The Officer recommendations were Moved by Councillor Barber and Seconded by Councillor McLellan with the addition of resolution 15 (refer below) requesting that staff work with the St James School to address any concerns regarding changes to the pick-up/drop-off zone outside of the school. The updated recommendations were then voted on and declared carried.

**Waitai Coastal-Burwood-Linwood Community Board Recommendation to Council**

That the Council:

11. Approve, subject to its powers under as a Road Controlling Authority under the *Land Transport Rule: Street Layouts 2023*, the installation of a pilot project in Aranui, as detailed in the Agenda attachments and Community Board resolutions.
12. Approve staff to install the pilot project, which will be given effect through a Temporary Traffic Management Plan.
13. Delegate power to staff to make changes to the approved layouts in response to observations and feedback, in line with the intent of a pilot project under the *Land Transport Rule: Street Layouts 2023*.
14. Approves that the delegated period for the pilot will lapse at the end of June 2024.

**Council Resolved CNCL/2023/00162**

That the Council:

11. Approve, subject to its powers under as a Road Controlling Authority under the *Land Transport Rule: Street Layouts 2023*, the installation of a pilot project in Aranui, as detailed in the Agenda attachments and Community Board resolutions.
12. Approve staff to install the pilot project, which will be given effect through a Temporary Traffic Management Plan.
13. Delegate power to staff to make changes to the approved layouts in response to observations and feedback, in line with the intent of a pilot project under the *Land Transport Rule: Street Layouts 2023*.
14. Approves that the delegated period for the pilot will lapse at the end of June 2024.
15. Requests Staff to work with St James School to resolve matters around the pick-up/drop-off zone outside the school.

Councillor Barber/Councillor McLellan

**Carried**

Item 5  
Attachment A

## Report from Waihoru Spreydon-Cashmere-Heathcote Community Board - 9 November 2023

### 15. Pedestrian Improvements - Hoon Hay Road and Rose Street

**Council Resolved CNCL/2023/00163**

**Community Board recommendation accepted without change**

That the Council approves:

1. Pursuant to Clause 18 of the Christchurch City Council Traffic and Parking Bylaw 2017:
  - a. That a Special Vehicle Lane (Cycle) be installed along the eastern side of Hoon Hay Road, commencing at a point 35 metres north of its intersection with Rose Street and extending in a southerly direction for a distance of approximately 112 metres as detailed in plan TP361501, dated 20/10/2023 and attached to the report on the meeting agenda as Attachment A.

Mayor/Councillor Coker

**Carried**

## Report from Te Pātaka o Rākaihautū Banks Peninsula Community Board - 6 November 2023

### 16. Rapaki Bay Drain - Name Change

**Council Resolved CNCL/2023/00164**

**Community Board recommendation accepted without change**

That Te Pātaka o Rākaihautū Banks Peninsula Community Board recommends to the Council:

1. To accept the recommendation for a name change from Rapaki Bay Drain to Ōmaru and that the name in the Council database is changed.

Councillor Fields/Mayor

**Carried**

## Report from Te Pātaka o Rākaihautū Banks Peninsula Community Board - 6 November 2023

### 17. Proposed naming of Reserve 4673 as the Governors Bay Community Centre and Pool Reserve, and Lots 1 and Lot 2 DP 29096 as the Hilda Frame Reserve

**Council Resolved CNCL/2023/00165**

**Community Board recommendation accepted without change**

That Te Pātaka o Rākaihautū Banks Peninsula Community Board recommends to the Council:

1. To approve the proposed reserve name for Lot 1 DP 29096:

**Hilda Frame Reserve** for the local/community park comprising of the property at 73 Main Road, Governors Bay, Lot 1 DP 29096 (Outlined in Section 5.2 of the agenda report).

Councillor Fields/Councillor Templeton

**Carried**

The meeting adjourned at 11.14am and reconvened at 11.33am.  
Councillor Henstock returned to the meeting at this time.

### 19. Plan Change 14 Independent Hearings Panel Process Update

Council Officers Mark Stevenson and Brent Pizzey joined the table to present Item 19. The Officer recommendations were Moved by the Mayor and Seconded by Councillor Scandrett. With the agreement of the Mover and Seconder, the meeting added resolutions 2 and 3 (refer below) regarding the progression of Plan Change 12 and Plan Change 13.

The meeting then voted on the Motion as amended and this was declared carried.

#### **Officer Recommendations**

That the Council:

1. Request that the Minister for the Environment give urgency to issue a Gazette Notice under section 80M of the Resource Management Act 1991 requiring that the Plan Change 14 hearing not recommence until after a date set by the Minister, and extending the 12 September 2024 date by which the Council must make a decision on the Independent Hearings Panel recommendations.

**Council Resolved CNCL/2023/00166**

That the Council:

1. Request that the Minister for the Environment give urgency to issue a Gazette Notice under section 80M of the Resource Management Act 1991 requiring that the Plan Change 14 hearing not recommence until after a date set by the Minister, and extending the 12 September 2024 date by which the Council must make a decision on the Independent Hearings Panel recommendations.
2. Requests staff provide advice on progressing the Coastal Hazards district plan change (PC12) with urgency.

3. Note that staff will continue to progress PC13.

Mayor/Councillor Scandrett

**Carried**

Councillor Templeton requested that her vote against resolution 1 be recorded.

## 20. Central Plains Water Trust - Amendment of Trust Deed

**Council Resolved CNCL/2023/00167**

### **Officer recommendations accepted without change**

That the Council:

1. Approves changes to the Central Plains Water Trust Deed to:
  - a. amend clause 14.5 (clause 17.5 in the draft Deed of Variation of Deed of Declaration of Trust) for reporting to shareholders to become six monthly rather than quarterly;
  - b. amend clause 14.7 (clause 17.7 in the draft Deed of Variation of Deed of Declaration of Trust) to provide that a summary of the annual report will be published on the Central Plains Water Trust's website and delete the requirement for it to be published in newspapers circulating in the regions;
  - c. delete clause 14.8 (clause 17.8 in the draft Deed of Variation of Deed of Declaration of Trust) requiring annual reports to be placed in public libraries in the regions; and
  - d. delete clause 14.9 (clause 17.9 in the draft Deed of Variation of Deed of Declaration of Trust) requiring a public meeting to be held within four months of balance date.
2. Approves minor technical amendments to the Central Plains Water Trust Deed to reflect the Trusts Act 2019;
3. Agrees to execute a Deed of Variation of Deed of Declaration of Trust giving effect to the amendments noted in recommendations 1 and 2; and
4. Notes that for changes to be made to the Central Plains Water Trust Deed, they must be agreed by both the Christchurch City Council and Selwyn District Council.

Councillor MacDonald/Councillor Keown

**Carried**

## 21. Policy and Practices 2022/2023-Section 10A Requirement Dog Control Act 1996

**Council Resolved CNCL/2023/00168**

### **Officer recommendation accepted without change**

That the Council:

1. Receive the information on the Council's administration of its Dog Control policy and practices and adopt this 2022/2023 annual report pursuant to Section 10A of the Dog Control Act 1996.

Councillor Gough/Councillor Scandrett

**Carried**

## 22. Mayor's Report - LGNZ Special General Meeting

### Council Resolved CNCL/2023/00169

#### Mayor's recommendations accepted without change

That the Council:

1. Endorse Local Government New Zealand's *The Future by Local Government – A consensus outcome paper based on Choosing Localism*; and
2. Authorise the Mayor to vote in favour of adopting *The Future by Local Government* at Local Government New Zealand's Special General Meeting on Monday 11 December.

Mayor/Councillor MacDonald

Carried

## 23. Notice of Motion - Transport Choices - Linwood Village Streetscape Enhancements

### Council Resolved CNCL/2023/00170

#### Councillor McLellan's recommendations accepted without change

That the Council:

1. Revoke resolution 2(a) (as part of CNCL/2023/00142) from the 15 November 2023 Council meeting which approved progressing the Linwood Village Streetscape Enhancements subject to signed Transport Choices programme funding agreements.
2. Approve the Linwood Village Streetscape Enhancements (S1) (#34094) project to progress to construction immediately, absent of a signed Transport Choices programme funding agreement, and:
  - a. In line with the designs previously approved by the Council on 8 September 2022 and 21 September 2023;
  - b. Note that the project may not obtain a Transport Choices programme funding agreement;
  - c. Approve that if the project is unsuccessful in receiving a funding agreement, the project will need to be funded through the 2024-2034 Long-Term Plan either by substitutions, or additional budget allocated; and
3. Request staff to report to the 13 December 2023 Finance and Performance Committee on any progress and the impact this would have on rates and on the Council's Transport capital programme, as well as the identification of potential project substitutions including at least one substitution from within the Central Ward.

Councillor McLellan/Councillor Scandrett

Carried

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

## 24. Resolution to Exclude the Public Te whakataunga kaupare hunga tūmatanui

### Council Resolved CNCL/2023/00171

That the Council note that, with the agreement of the Chairperson, Paul McMahon, Chair of the Waitai Coastal-Burwood-Linwood Community Board, Helen Broughton, Chair of the Waipuna Halswell-Hornby-Riccarton Community Board, James Raddich of Greenwood Roche, and Chris Patterson of Brookfields be permitted to remain after the public have been excluded for consideration of Item 28.

### AND

That at 12.06pm the resolution to exclude the public set out on pages 391 to 393 of the agenda be adopted.

Councillor Henstock/Councillor Peters

Carried

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

The meeting adjourned at 12.06pm and reconvened at 1.13pm.

### The public were re-admitted to the meeting at 2.17pm.

Councillor Keown left the meeting at 2.17pm and returned at 2.20pm during consideration of item 18.  
Councillor McLellan left the meeting at 2.28pm and returned at 2.30pm during consideration of item 18.  
The meeting adjourned at 2.41pm and reconvened at 2.57pm.

## 18. Interim Kerbside Organics Management

Council Officers David McArdle, Alec McNeil, and Lynette Ellis joined the table to present Item 18 and provided an updated set of Officer Recommendations, replacing recommendation 2 (refer below), and adding recommendations 3 and 4 (refer below). The updated set of Officer Recommendations were Moved by Councillor Templeton and Seconded by Councillor MacDonald.

With the agreement of the Mover and Seconder, the meeting further added recommendations 5 and 6 (refer below). During debate, Councillor Johanson Moved and Councillor Keown Seconded an amendment (refer recommendation 7 below). The meeting voted on the amendment which was declared lost.

The meeting then voted on the substantive Motion (resolutions 1-6 below), which was declared carried.

### Officer Recommendations

That the Council:

1. Agree to make, as soon as reasonably practicable, the following changes to its short-term management and processing of mixed kerbside organics (this being Option 5 in the Council's consultation with the community):



- a. Continue using the Organics Processing Plant site at Bromley for the first stage processing which entails:
    - i. the wholly indoors activity of receipt and tunnel processing of the mixed kerbside organics;
    - ii. no intended outdoor storage of partially processed compost or fully processed compost; and
    - iii. loading trucks from the tunnels indoors at the Organics Processing Plant site to transport partially processed compost to another site for the second stage of the processing.
  - b. Contract with Waste Management to undertake that second stage processing at Kate Valley in the following way: maturation in outdoor windrows, screening and selling the finished compost.
2. Delegates to the Manager Resource Recovery to make a variation and any subsequent variations and extensions to the existing Organics Processing Plant contract required for the first stage processing to be completed at the current site.

**Council Resolved CNCL/2023/00172**

That the Council:

1. Agree to make, as soon as reasonably practicable, the following changes to its short-term management and processing of mixed kerbside organics (this being Option 5 in the Council's consultation with the community):
  - a. Continue using the Organics Processing Plant site at Bromley for the first stage processing which entails:
    - i. the wholly indoors activity of receipt and tunnel processing of the mixed kerbside organics;
    - ii. no outdoor storage of partially processed compost or fully processed compost; and
    - iii. loading trucks from the tunnels indoors at the Organics Processing Plant site to transport partially processed compost to another site for the second stage of the processing.
  - b. Contract with Waste Management to undertake that second stage processing at Kate Valley in the following way: maturation in outdoor windrows, screening and selling the finished compost.
2. Delegate to the Chief Executive to extend the term of the current agreement to 30 June 2024 to cover the period until finalisation of the interim transitional agreement.
3. Note that this agreement could be by variation to the existing contract or a standalone interim transitional agreement.
4. Note that these agreements will be budgeted for as part of the 2024-34 Long-Term Plan.
5. Agrees to continue the monitoring for offensive and objectionable odour with the agreed interim solution.
6. Requests staff to report back to Council with urgency should any odour issues arise and include any solution changes that may be required to address the problem.

Councillor Templeton/Councillor MacDonald

**Carried**

Councillor Gough declared an interest in this Item and was not present for the discussion, debate or vote.

**Council Decision**

That the Council:

7. Note with concern:

- a) the submission of Mana Te Ora to recognise the prolonged exposure to the odours be taken into account from a public health impact point of view;
- b) the possible risk that offensive and objectionable odours continue at the Organics Plant with the adoption of option 5
- c) that Council continue to investigate immediate closure of the organics plant in Bromley and seek an alternative site for first stage processing while continuing to progress the second stage processing option at Kate Valley.

Councillor Johanson/Councillor Keown

**Lost**

**Attachments**

A Interim Kerbside Organics Management - Presentation to Council

**Item 5**  
**Attachment A**

**Karakia Whakamutunga:** All Councillors

**Meeting concluded at 3.19pm.**

**CONFIRMED THIS 24<sup>th</sup> DAY OF JANUARY 2024.**

**MAYOR PHIL MAUGER**  
**CHAIRPERSON**



6. Council Minutes - 12 December 2023

Reference / Te Tohutoro: 24/21699

Report of / Te Pou Katie Matheis, Democratic Services Advisor  
Matua: (Katherine.Matheis@ccc.govt.nz)

Senior Manager / Lynn McClelland, Assistant Chief Executive Strategic Policy and  
Pouwhakarae: Performance (lynn.mcclelland@ccc.govt.nz)

1. Purpose of Report Te Pūtake Pūrongo

For the Council to confirm the minutes from the Council meeting held 12 December 2023.

2. Recommendation Te Tūtohu Council

That the Council confirm the Minutes from the Council meeting held 12 December 2023.

Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
<a href="#">A</a>	Minutes Council - 12 December 2023	23/2038660	20

Signatories Ngā Kaiwaitohu

Author	Katie Matheis - Democratic Services Advisor
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## Christchurch City Council MINUTES

Item 6

Attachment A

**Date:** Tuesday 12 December 2023  
**Time:** 9.33 am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

### Present

Chairperson Mayor Phil Mauger  
Deputy Chairperson Deputy Mayor Pauline Cotter  
Members Councillor Kelly Barber  
Councillor Melanie Coker  
Councillor Celeste Donovan – via audio/visual link  
Councillor Tyrone Fields  
Councillor James Gough  
Councillor Tyla Harrison-Hunt  
Councillor Victoria Henstock  
Councillor Yani Johanson  
Councillor Aaron Keown  
Councillor Sam MacDonald  
Councillor Jake McLellan  
Councillor Andrei Moore  
Councillor Mark Peters  
Councillor Tim Scandrett  
Councillor Sara Templeton

### Principal Advisor

Mary Richardson  
Interim Chief Executive  
Tel: 941 8999

Samantha Kelly  
Team Leader Hearings & Committee Support  
941 6227

Samantha.Kelly@ccc.govt.nz  
[www.ccc.govt.nz](http://www.ccc.govt.nz)

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**Karakia Tīmatanga:** The Mayor and all Councillors.

Councillor Johanson joined the meeting at 9.35am.

Councillor Donovan joined the meeting at 9.38am via audio/visual link.

**Mayoral apology:** The Mayor read the following apology speech.

*I have received an email from David East, Darrell Latham, Kim Money and Tim Sintes that requested an apology be read out at a full Council meeting following the findings of the Ombudsman's 2022 investigation into the handling of Code of Conduct complaints raised against them.*

*A code of conduct complaint was made against the four former members after they said that staff had removed a section of the District Plan related to flooding. Professor Peter Skelton was appointed to investigate the complaint.*

*It was found that they had breached the code of conduct. This finding was subsequently referred to the Ombudsman who reviewed the investigation process.*

*The Ombudsman's investigation related to how the Code of Conduct proceedings were handled, it does not relate to the reason for the Code of Conduct investigation nor the findings of that investigation.*

*The Ombudsman reached the following five findings in relation to their investigation into the code of conduct complaint:*

- *The decision of the Council to commence and to continue Code of Conduct proceedings against the Complainants was not unreasonable or wrong;*
- *The Council has not acted unreasonably in the course of these Code of Conduct proceedings;*
- *The process that the Council followed to appoint Professor Skelton was not unreasonable;*
- *The Council acted unreasonably by not properly addressing the procedural fairness concerns raised by the Community Board members; and*
- *The decision to publish Professor Skelton's report was unreasonable.*

*In relation to findings four and five, the Ombudsman recommended that the Council apologise to the Complainants for its lack of engagement with them to address the concerns they had raised about Professor Skelton's report and Council's decision to publish the report without that engagement.*

*This was followed a letter apologising to the four former members from the Chief Executive 9 August 2022. These four citizens were all elected office holders of the Christchurch City Council.*

*Former Councillor David East represented the Coastal ward from 2013 to 2019, and was previously a member of the Burwood-Pegasus Community Board from 2007 to 2013.*

*Former Community Board Chair Kim Money represented the Coastal ward from 2016 to 2019.*

*Former Community Board member Tim Sintes represented the Coastal ward from 2007 to 2019.*

*All three are longstanding residents of the wider New Brighton area, actively involved in many different community projects, events and groups.*

*Similarly, former Community Board member Darrell Latham has been actively involved in many different community projects, events and groups in the wider Sumner area. He represented the Heathcote ward on the community board from 2016 to 2022.*

*All are tireless advocates for the residents of Christchurch's coastal communities – and they continue to do so today.*

*I have reviewed the Ombudsman's opinion and acknowledge these shortcomings in the Council process related to:*

- *Not properly addressing the procedural fairness concerns raised by the community board members; and*
- *The decision to publish Professor Skelton's report after the code of conduct proceedings were concluded.*

*The Council should have engaged with you to discuss your concerns about Professor Skelton's report and before our decision to publish the report. On behalf of the Council, I apologise for this and any concerns these decisions may have raised for you.*

## **External Recognition for Council Services**

The Mayor, on behalf of the Council, acknowledged the following external award for Council services:

- The Council's Regional Parks Ranger Project Manager was awarded the Ian Galloway Memorial Cup at Aotearoa's 2023 Recreation Awards.
- The Council received the following silver awards at the 2023 IAB New Zealand Digital Advertising Awards, for the Trash Talking kerbside campaign they developed with our partner media agency OMD:
  - The best multi-channel integration campaign.
  - The best use of programmatic.

The agenda was dealt with in the following order.

### **1. Apologies Ngā Whakapāha**

#### **Council Resolved CNCL/2023/00173**

That the apologies received from Councillors Gough and McLellan for lateness be accepted.

Mayor/Councillor Peters

**Carried**

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

Councillor Keown declared an interest in Item 9 - Better Off Funding - Ferrymead Heritage Park Second Tranche.

Councillor Gough declared an interest in item 17 - Notice of Motion - Live music venue acoustic assessments in the Central City.

### 3. Public Participation Te Huinga Tūmatanui

#### 3.1 Public Forum Te Huinga Whānui

##### 3.1.1 Christchurch City Mission

Melissa McCreanor and Josh Gardiner spoke on behalf of the Christchurch City Mission to provide an update on the Inner-City Street Project – The City Mission Outreach Service, including relationships, themes and next steps.

##### Attachments

- A Christchurch City Mission - Presentation to Council

Councillor Barber left the meeting at 9.56am and returned to the meeting at 9.57am during consideration of item 3.1.2.

##### 3.1.2 Community Energy Action

Robert Linterman, Chief Executive Officer of Community Energy Action (CEA) spoke to provide an overview of the various activities and community contributions of CEA and the outcomes achieved.

##### Attachments

- A Community Energy Action - Presentation to Council

Councillor McLellan joined the meeting at 10.17am during consideration of item 3.1.3.

##### 3.1.3 Central City Business Association

Annabel Turley and Nicki Carter spoke on behalf of the Central City Business Association (CCBA) to provide an update on the CCBA's work and progress this year and regarding the value of tourism, cruise and events to the businesses within the city.

##### Attachments

- A Central City Business Association - Presentation to Council

Councillor Barber left the meeting at 10.21am and returned at 10.27am during consideration of item 3.1.4.

##### 3.1.4 Toi Ōtautahi Advisory Group

Audrey Bauldwin and Josaih Morgan spoke on behalf of Toi Ōtautahi Advisory Group regarding:

- Why continued investment in arts and creativity has broad community benefits.
- Events, projects and work achieved with supported by the Council and partners in delivery of the strategy. A celebration and acknowledgement of a busy and productive year across the sector.

##### Attachments

- A Toi Ōtautahi Advisory Group - Presentation to Council

Councillor McDonald left the meeting at 10.32am during consideration of item 3.1.5.

**3.1.5 New Zealand Opera**

Annabel Holland (in person) and Brad Cohen (via audio/visual link) spoke on behalf of New Zealand Opera to provide an update on the launch of the 2024 season.

**Attachments**

- A New Zealand Opera - Presentation to Council

**3.2 Deputations by Appointment Ngā Huinga Whakaritenga**

Councillor McDonald returned to the meeting at 10.41am during consideration of item 3.2.1.

Councillor Scandrett left at 10.38am and returned at 10.39am during consideration of item 3.2.1.

**3.2.1 Christchurch International Airport Limited**

Jess Aimer and Nancy Vance spoke on behalf of the Christchurch International Airport Limited regarding Item 6 - Pūharakekenui Styx Stormwater Management Plan.

Councillor Cotter left the meeting at 10.43am and returned at 10.44am during consideration of item 3.2.2.

**3.2.3 Styx Living Laboratory Trust**

Selena Coombe and Jackie Howard spoke on behalf of the Styx Living Laboratory Trust regarding Item 6 - Pūharakekenui Styx Stormwater Management Plan.

**Attachments**

- A Styx Living Laboratory Trust - Presentation to Council

**3.2.6 Pillaiyar Kovil Trust**

Sandheep Kumar spoke on behalf of the Pillaiyar Kovil Trust regarding item 12 – Potential Sale of 14 Hasketts Road to Pillaiyar Kovil Trust.

**Attachments**

- A Pillaiyar Kovil Trust - Presentation to Council

**4. Presentation of Petitions Ngā Pākikitanga**

There was no presentation of petitions.

The meeting adjourned at 10.56am and reconvened at 11.22am. Councillor Barber was not present at this time.



Councillor Barber returned to the meeting at 11.25am during consideration of item 5.

Councillor Peters left the meeting at 11.34am during consideration of item 5.

## 5. Triannual Water Management Zone Committee Update

The Chairs and Deputy Chairs of each of the Water Management Zone Committees joined the table to present.

### Council Resolved CNCL/2023/00174

#### Officer recommendation accepted without change

That the Council:

1. Receive the information in the Banks Peninsula, Christchurch West Melton, and Selwyn Waihora Triannual Reports and note the work of each Water Management Zone Committee.

Councillor Scandrett/Deputy Mayor

**Carried**

**Secretarial Note:** In relation the Canterbury Water Management Strategy targets, the meeting requested an update as to when the 2023 monitoring on those targets is due to be completed.

#### Attachments

- A Christchurch West Melton - Presentation to Council
- B Selwyn Waihora - Presentation to Council

Councillor Gough joined the meeting at 11.48am during consideration of item 9.

Councillor Peters returned to the meeting at 11.50am during consideration of item 9.

## 9. Better Off Funding - Ferrymead Heritage Park Second Tranche

### Council Resolved CNCL/2023/00175

#### Officer recommendations accepted without change

That the Council:

1. Approve a second tranche payment of \$140,000 from the Metropolitan Better Off Fund to The Ferrymead Trust towards business plan implementation.
2. Provide the following advice to the Ferrymead Trust on their business planning process to date:
  - a. Any expectation of future financial support from the Council should be limited to an application to the contestable Strengthening Communities Fund for an amount no greater than historical norms.
  - b. The Ferrymead Trust should consider the impacts of climate change in their future planning primarily their response to adverse events, sea level rise and emissions.

- c. The business plan should contemplate how the Ferrymead Trust will work with its stakeholder organisations to secure the future of vulnerable buildings on site, be this repair, removal, or demolition.
3. Request that staff bring a report to the Council for consideration of a third tranche payment in 2024 for allocation of the remaining \$148,300. Noting that Council will take into consideration the degree to which the Ferrymead Trust has incorporated the advice provided in resolutions 2.a, 2.b and 2.c. (above) into its business planning process.

Councillor MacDonald/Mayor

**Carried**

Councillor Keown declared an interest in Item 9 – Ferrymead Heritage Park Second Tranche and sat back from the table during discussion and voting.

Item 6

## 14. Youth Portfolio Lead Report

**Council Resolved CNCL/2023/00176**

### **Youth Portfolio Lead recommendations accepted without change**

That the Council:

1. Receives the information in the Youth Sector Portfolio Report.
2. Approves the renewal of the Memorandum of Understanding with the Christchurch Youth Council as detailed in Attachment A of the report.
3. Resolves to write to Central Government in support of maintaining the Smokefree Environments and Regulated Products Act amendments currently planned for repeal. Noting that this is in line with Canterbury Mayoral Forum submission which Christchurch City Council supported.
4. Notes that the Council will work in partnership with the Christchurch Youth Council on the arrangements, terms, and future of Te Pae Pikari and its standing membership, with the final and amended terms to come to Council in 2024.
5. Notes that the youth sector support future initiatives that promote safer environments, reliable transport infrastructure and public transport shelters that are inclusive and welcoming.

Councillor Harrison-Hunt/Councillor Coker

**Carried**

### **Secretarial Notes:**

1. *In relation to the barriers for rangatahi/youth participating and accessing sport, the meeting requested staff undertake an audit on the condition of equipment at youth facilities across the city, to be broken down into wards (such as sports equipment e.g. basketball hoops, football posts without nets).*
2. *The meeting requested staff undertake a review of the Portfolio reports that have been presented to the Council, to identify any next steps that might be considered for the Long Term Plan process. It was noted that Councillors should put forward amendments if they have particular points they wish to raise.*

Attachment A

Councillors Harrison-Hunt and Templeton left the meeting at 12.09pm during consideration of item 6 and did not return.

Councillor McLellan left the meeting at 12.09pm and returned at 12.12pm during consideration of item 6.

## 6. Pūharakekenui-Styx Stormwater Management Plan

**Council Resolved CNCL/2023/00177**

**Officer recommendation accepted without change**

That the Council:

1. Adopt the Pūharakekenui-Styx Stormwater Management Plan (Attachment A to this report).

Deputy Mayor/Councillor Keown

**Carried**

## 7. New Large-Scale Event Alcohol Ban Area - QEII Park

**Council Resolved CNCL/2023/00178**

**Officer recommendations accepted without change**

That the Council:

1. Agree that there is sufficient support for including QEII as an alcohol ban area for large events.
2. Amend Schedule 2 (Large-Scale Event Alcohol Ban Areas) of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018, as set out in **Attachment A**, to include QEII as an area to which a large-scale event alcohol ban can apply under clause 6 of the bylaw, noting that the ban will only apply to specific events, nominated on a case-by-case basis.
3. Agree, as set out in **Attachment A**, that the QEII large-scale event alcohol ban will apply to the area bounded by both sides of the roads: Frosts Road, Beach Road, Ascot Avenue, Bower Avenue, Travis Road and back to Frosts Road as Large-Scale Event Alcohol Ban Area, for 24 hours on specified event days.
4. Determine, in accordance with section 155 of the Local Government Act 2002, that the amendment is the most appropriate way of addressing the problem; the most appropriate form of bylaw; and that it is not inconsistent with the New Zealand Bill of Rights Act 1990.
5. Determine, in accordance with section 147A (1)(a) of the Local Government Act 2002 that the amendment can be justified as reasonable limitation on people's rights and freedoms.
6. Approve the amendment coming into force on 18 December 2023.
7. Approve that staff are otherwise authorised to make any typographical changes or correct minor errors before the amendment comes into force.
8. Give public notice as soon as practicable that the Alcohol Restrictions in Public Places Bylaw 2018 has been amended, that it comes into effect on 18 December 2023, and that copies of the bylaw may be inspected and obtained at the Council's offices, or on its website, without payment.

Mayor/Councillor Barber

**Carried**

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

Councillor Gough left the meeting at 12.21pm and returned at 12.25pm during consideration of item 8.

## 8. Suburban Regeneration Biannual Report - April to September 2023

**Council Resolved CNCL/2023/00179**

**Officer recommendation accepted without change**

That the Council:

1. Receive the information in the Suburban Regeneration Biannual Report for April to September 2023.

Deputy Mayor/Councillor Scandrett

**Carried**

### **Attachments**

- A Suburban Regeneration Biannual Report - Presentation to Council

Councillor McDonald left the meeting at 12.33pm during consideration of item 10.

## 10. 2023-24 Metropolitan Discretionary Response Fund - Tenant Protection Service Collaboration, Kingdom Resources Ltd.

**Council Resolved CNCL/2023/00180**

**Officer recommendations accepted without change**

That the Council:

1. Makes a grant of \$40,000 to the Social Service Council of the Dioceses of Christchurch from its 2023/24 Metropolitan Discretionary Response Fund towards the Tenant Protection Service Collaboration.
2. Makes a grant of \$30,000 to Kingdom Resources from its 2023/24 Metropolitan Discretionary Response Fund towards their Equipping Those in Need project.

Councillor Peters/Councillor Barber

**Carried**

## 11. Plan Change 5 - Final Approval

**Council Resolved CNCL/2023/00181**

**Officer recommendation accepted without change**

That the Council:

1. Approve the changes to the District Plan as set out in the attached Plan Change 5 decision reports, Consent Orders of the Environment Court dated 1 February 2023 and 15 May 2023 and supplementary reports, pursuant to Clause 17(2) of Schedule 1 to the Resource Management Act, to become operative on 19 December 2023.

Councillor Keown/Councillor Scandrett

**Carried**

Councillor MacDonald returned to the meeting at 12.35pm during consideration of item 12 .

## 12. Potential Sale of 14 Hasketts Road, Templeton to Pillaiyar Kovil Trust

**Council Resolved CNCL/2023/00182**

**Officer recommendations accepted without change**

That the Council:

1. Approves a departure from the Disposal of Council Property Policy 2000 and the normal practice of an open, market process for 14 Hasketts Road, Templeton and notes that;
  - a. The inconsistency with policy is that Council is not proposing to publicly tender the disposal of this property.
  - b. The reason for the inconsistency is that dealing directly allows for achievements of Council's strategic aims and allows for consideration of the impacts of use restrictions on value.
  - c. The Council has no intention to change the policy.
2. Approves unilateral dealings with Pillaiyar Kovil Trust for 14 Hasketts Road, Templeton.

Mayor/Councillor Keown

**Carried**

### 13. Appointment of Recess Committee 2023/2024

The Council accepted the Officer Recommendations, with the addition of appointing Councillors Gough and Keown as members of the Recess Committee (refer to resolution 1).

Council Resolved CNCL/2023/00183

That the Council:

1. Appoints a Recess Committee comprising of the Mayor or Deputy Mayor and Councillors Gough and Keown and a minimum of any three Councillors (quorum to include Mayor or Deputy Mayor and Councillors Gough and Keown, to be authorised to make any urgent decisions of the Council required during the period 16 December 2023 and 14 January 2024 (both days inclusive).
2. Notes that any meeting of the Recess Committee will be publicly notified, and the details forwarded to all Councillors, all of whom can participate.
3. Notes that any decisions made will be reported to the Council for record purposes.

Mayor/Deputy Mayor

**Carried**

### 16. Resolution to Include Supplementary Report

**Council Resolved CNCL/2023/00184**

That the reports be received and considered at the Council meeting on Tuesday, 12 December 2023.

#### **Open Items**

17. Notice of Motion - Live music venue acoustic assessments in the Central City

Mayor/Councillor Scandrett

**Carried**

## 17. Notice of Motion - Live music venue acoustic assessments in the Central City

Councillor Moore tabled a set of updated recommendations, which were agreed to by the majority of the members consistent with Standing Orders. The Notice of Motion as amended, was Seconded by Councillor Scandrett and, following debate, declared carried.

### Councillor Moore's Recommendations

That the Council:

1. Request staff to investigate, and report back to the Council for consideration as part of the 2024-2034 Long Term Plan, on funding options for live music venue acoustic assessments in the Central City, which aligns with the Council resolution on 5 April 2023:

*"Notes that additional non-regulatory mechanisms may be identified in due course, including through the engagement processes, and may be subject to further approval processes."*

### Councillor Moore's Updated Recommendations

#### Council Resolved CNCL/2023/00185

That the Council:

1. Notes its interest in ensuring that the Central City remains a vibrant location that allows for both live music and residential opportunities;
2. Notes that funding for live music venue acoustic assessments may be a useful non-statutory tool to help achieve this goal;
3. Notes that a trial acoustic assessment has occurred, but that this is incomplete partially due to uncertainty created by a District Plan change process regarding future noise rules in the Central City; and
4. Requests staff provide advice about funding for live music acoustic assessments as part of an update report on the ongoing live music programme in early 2024.

Councillor Moore/Councillor Scandrett

**Carried**

Councillor Gough declared an interest in Item 17 – Notice of Motion - Live music venue acoustic assessments in the Central City and sat back from the table during discussion and voting.

**Karakia Whakamutunga:** The Mayor and all Councillors.

**Meeting concluded at 12.41pm.**

**CONFIRMED THIS 24<sup>th</sup> DAY OF JANUARY 2024**

**MAYOR PHIL MAUGER  
CHAIRPERSON**





## 7. Health, Safety and Wellbeing Committee Minutes - 15 September 2023

Reference / Te Tohutoro:	23/2033588
Report of / Te Pou Matua:	Ann Fitzgerald, Democratic Services Advisor (ann.fitzgerald@ccc.govt.nz)
Senior Manager / Pouwhakarae:	Lynn McClelland, Assistant Chief Executive Strategic Policy and Performance (lynn.mcclelland@ccc.govt.nz)

### 1. Purpose of Report Te Pūtake Pūrongo

The Health, Safety and Wellbeing Committee held a meeting on 15 September 2023 and is circulating the Minutes recorded to the Council for its information.

### 2. Recommendation Te Tūtohu Council

That the Council receive the Minutes from the Health, Safety and Wellbeing Committee meeting held 15 September 2023.

### Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
<a href="#">A</a> 	Minutes Health, Safety and Wellbeing Committee - 15 September 2023	23/1461784	34

### Signatories Ngā Kaiwaitohu

Author	Ann Fitzgerald - Democratic Services Advisor
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## Health, Safety and Wellbeing Committee OPEN MINUTES

**Date:** Friday 15 September 2023  
**Time:** 9.32 am  
**Venue:** Committee Room 1, Level 2, Civic Offices,  
53 Hereford Street, Christchurch

**Present**

Chairperson	Councillor Tim Scandrett
Deputy Chairperson	Councillor Kelly Barber
Members	Councillor Melanie Coker
	Councillor Mark Peters
	Mr Chris Jones
	Ms Helen Sadgrove

**Principal Advisor**

Leah Scales  
General Manager - Resources / CFO  
Tel: 941 8999

Megan Pearce  
Manager Hearings and Council Support  
941 8140  
Megan.pearce@ccc.govt.nz  
[www.ccc.govt.nz](http://www.ccc.govt.nz)

- Part A**      **Matters Requiring a Council Decision**  
**Part B**      **Reports for Information**  
**Part C**      **Decisions Under Delegation**
- 

The agenda was dealt with in the following order.

**1. Apologies Ngā Whakapāha**

**Part C**  
**Committee Decision**

There were no apologies.

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

**Part B**  
There were no declarations of interest recorded.

**3. Confirmation of Previous Minutes Te Whakaāe o te hui o mua**

**Part C**  
**Committee Resolved HSCM/2023/00009**

That the Open and Public Excluded minutes of the Health, Safety and Wellbeing Committee meeting held on Friday, 9 June 2023 be confirmed.

Councillor Barber/Councillor Peters

**Carried**

**4. Public Forum Te Huinga Whānui**

**Part B**  
There were no public forum presentations.

**5. Deputations by Appointment Ngā Huinga Whakaritenga**

**Part B**  
There were no deputations by appointment.

**6. Presentation of Petitions Ngā Pākikitanga**

**Part B**  
There was no presentation of petitions.

## 7. Health, Safety & Wellbeing Update

Committee Resolved HSCM/2023/00010

Officer recommendations accepted without change.

### Part C

That the Health, Safety and Wellbeing Committee:

1. Receive the information in the Health, Safety & Wellbeing Update Report

Councillor Peters/Councillor Barber

Carried

### *Secretarial note*

The meeting requested:

1. That Officers look into the recent Whakaari/White Island judgement and what, if anything, the Council can take from that decision.
2. A report back to the next meeting on training completion for staff assigned the Visible Safety Leadership session.

Meeting concluded at 10.35am.

CONFIRMED THIS 8<sup>th</sup> DAY OF DECEMBER 2023

COUNCILLOR KELLY BARBER  
DEPUTY CHAIRPERSON

## 8. Audit and Risk Management Committee Minutes - 16 October 2023

Reference / Te Tohutoro: 23/2026782

Report of / Te Pou Luke Smeele, Democratic Services Advisor

Matua: Luke.Smeele@ccc.govt.nz

Senior Manager /  
Pouwhakarae: Lynn McClelland, Assistant Chief Executive Strategic Policy and  
Performance (lynn.mcclelland@ccc.govt.nz)


### 1. Purpose of Report Te Pūtake Pūrongo

The Audit and Risk Management Committee held a meeting on 16 October 2023 and is circulating the Minutes recorded to the Council for its information.

### 2. Recommendation Te Tūtohu Council

That the Council receive the Minutes from the Audit and Risk Management Committee meeting held 16 October 2023.

### Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
<a href="#">A</a> 	Minutes Audit and Risk Management Committee - 16 October 2023	23/1673606	38

### Signatories Ngā Kaiwaitohu

Author	Luke Smeele - Democratic Services Advisor
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## Audit and Risk Management Committee OPEN MINUTES

**Date:** Monday 16 October 2023  
**Time:** 9:30am  
**Venue:** Council Chambers, Level 2, Civic Offices,  
53 Hereford Street, Christchurch

**Present**

Chairperson Mr Michael Wilkes  
Members Councillor Tyrone Fields  
Councillor Sam MacDonald  
Councillor Tim Scandrett  
Ms Jacqueline Cheyne – via audio/visual link  
Mrs Hilary Walton

**Principal Advisor**

Leah Scales  
General Manager - Resources / CFO  
Tel: 941 8999

Luke Smeele  
Democratic Services Advisor  
941 6374  
luke.smeele@ccc.govt.nz  
[www.ccc.govt.nz](http://www.ccc.govt.nz)

Item 8

Attachment A

- 
- Part A**      **Matters Requiring a Council Decision**  
**Part B**      **Reports for Information**  
**Part C**      **Decisions Under Delegation**
- 

The agenda was dealt with in the following order.

**1. Apologies Ngā Whakapāha**

**Part C**  
**Committee Resolved ARCM/2023/00015**

That the apology from Councillor McLellan be accepted.

Councillor Scandrett/Councillor Fields

Carried

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

**Part B**  
Councillor MacDonald declared an interest in Item 17.

**3. Confirmation of Previous Minutes Te Whakaāe o te hui o mua**

**Part C**  
**Committee Resolved ARCM/2023/00016**

That the minutes of the Audit and Risk Management Committee meeting held on Thursday, 3 August 2023 be confirmed.

Councillor MacDonald/Mrs Walton

Carried

**4. Public Forum Te Huinga Whānui**

**Part B**  
There were no public forum presentations.

**5. Deputations by Appointment Ngā Huinga Whakaritenga**

**Part B**  
There were no deputations by appointment.

**6. Presentation of Petitions Ngā Pākikitanga**

**Part B**  
There was no presentation of petitions.

## 7. Procurement and Contracts Unit FY23 Q4 Report

**Committee Resolved ARCM/2023/00017**

**Officer Recommendation Accepted without Change**

### Part C

That the Audit and Risk Management Committee:

1. Receive the information in the Quarterly Procurement Report for the months of April, May and June 2023 (FY2023 Q4 Report).

Councillor Scandrett/Councillor MacDonald

**Carried**

## 8. Conflict of Interest and Gift Declaration

**Committee Resolved ARCM/2023/00018**

**Officer Recommendation Accepted without Change**

### Part C

That the Audit and Risk Management Committee:

1. Receive the information in the Conflict of Interest and Gift Declaration Report.
2. Note the support available to Elected Members to support compliance with conflict-of-interest obligations.

Mrs Walton/Councillor Fields

**Carried**

The Committee inquired whether the Gift Register gets circulated and requested that an answer to this question be provided to Committee members.

## 9. LTP 2024-34 Update

**Committee Resolved ARCM/2023/00019**

**Officer Recommendation Accepted without Change**

### Part C

That the Audit and Risk Management Committee:

1. Receive the information in the LTP 2024-34 Update Report.
2. Note the LTP 2024-34 project update and Audit NZ Self-Assessment.

Councillor Fields/Mrs Walton

**Carried**



## 10. Audit and Risk Quarterly Update

**Committee Resolved ARCM/2023/00020**

**Officer Recommendation Accepted without Change**

### Part C

That the Audit and Risk Management Committee:

1. Receive the information in the Risk and Assurance Update Report.

Councillor Scandrett/Mrs Walton

**Carried**

## 11. Resolution to Exclude the Public Te whakataunga kaupare hunga tūmatanui

**Committee Resolved ARCM/2023/00021**

### Part C

That Chantelle Gernetzky, Anna Jones and Debbie Bradfield of Audit New Zealand, remain after the public have been excluded for Items 12-17 of the public excluded agenda as they have knowledge that is relevant to those items and will assist the Council. That Abby Foote, Chris Day, Kelly Hyde, Toni Rowell and Paul Silk of Christchurch City Holdings Limited, remain after the public have been excluded for Item 17 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

### AND

That at 10.15am the resolution to exclude the public set out on pages 65 to 68 of the agenda be adopted.

Councillor MacDonald/Councillor Scandrett

**Carried**

**The public were re-admitted to the meeting at 12.14pm.**

**Meeting concluded at 12.15pm.**

**CONFIRMED THIS 7<sup>th</sup> DAY OF DECEMBER 2023**

**MICHAEL WILKES  
CHAIRPERSON**



## 9. Christchurch Model Yacht Club - Landlord Permission for Building Mural

Reference / Te Tohutoro: 23/2039649

Report of / Te Pou  
Matua:

Felix Dawson, Leasing Consultant (felix.r.dawson@ccc.govt.nz)

Senior Manager /  
Pouwhakarae:

Andrew Rutledge, Acting General Manager Citizens and Community  
(Andrew.Rutledge@ccc.govt.nz)

### 1. Purpose and Origin of Report Te Pūtake Pūrongo

- 1.1 The purpose of the report is to seek the Council's permission, as Landlord, to approve a painted mural on the Christchurch Model Yacht Club Incorporated (the "Club") building located adjacent to Victoria Lake on Hagley Park.
- 1.2 The report is generated at the request of the Club, to ensure compliance with the lease.
- 1.3 This report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by the number of people affected being the local community and visitors to the area.
- 1.4 In accordance with the lease, the Club is required to obtain Landlord consent prior to making any additions or improvements on the building occupying the leased land.

### 2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Approve the request from Christchurch Model Yacht Club Incorporated to paint a mural, as depicted in Attachment A, on their clubhouse building located adjacent to Victoria Lake, Hagley Park to commemorate the 125 year anniversary of the Club.

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

- 3.1 The report recommendation ensures compliance by the Club with their lease conditions.

### 4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 Declining the request of the Club is not practical and would be unsupportive of local initiatives.

### 5. Detail Te Whakamahuki

#### The Club

- 5.1 The Club was established in 1898 and is the oldest model yacht club in New Zealand and the second oldest club in the world.
- 5.2 The Club celebrated its 125th anniversary in June 2023 with a commemorative plaque unveiled by Mayor Mauger.
- 5.3 There are more than 95 members in the Club.
- 5.4 Sailing is at Lake Victoria in North Hagley Park as well as Lake Rua in the winter months.

- 5.5 The Club owns the building and leases the land through a ground lease with the Council.

**The Mural**

- 5.6 To celebrate the 125<sup>th</sup> anniversary of the Club, a request has been made to paint a mural on the exterior of the building as depicted below.



**Consultation**

- 5.7 The Hagley Park Reference Group was advised at the July 2023 workshop that the Christchurch Model Yacht Club wished to install a mural on their building. No concerns were noted.
- 5.8 Council Officer Notification and Support received from:
- Parks Unit Visitor Experience Team
  - Principal Advisor Community Arts
  - Director Botanic Gardens & Garden Parks; Hagley Park Manager
  - Heritage Conservation Projects Planner

**Hagley Park / Botanic Gardens Master Plan 2007**

- 5.9 The project contributes to the vision for Hagley Park by contributing to a number of elements of the vision:
- Retaining a landscape character that reflects the central city's open space heritage but which is also in harmony with the contemporary urban environment.
  - Valued for its cultural heritage value.
- 5.10 One of the performance indicators for the Plan is that key heritage and cultural values of the Park are understood, recognised, conserved and, where appropriate, enhanced and celebrated through interpretation and public events. The new mural on the building will enhance this.
- 5.11 The decision affects the following wards/Community Board areas:
- 5.11.1 All wards/Community Board areas as this is Hagley Park is a metropolitan asset.

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

### Strategic Alignment Te Rautaki Tīaroaro

- 6.1 This report supports the [Council's Long Term Plan \(2021 - 2031\)](#):
- 6.2 Parks, heritage and coastal environment
  - 6.2.1 Activity: Parks and Foreshore
    - Level of Service: 6.8.4.1 Overall customer satisfaction with the presentation of Hagley Park - Hagley Park presentation: resident satisfaction  $\geq 90\%$

### Policy Consistency Te Whai Kaupapa here

- 6.3 The decision is consistent with Council's Plans and Policies.

### 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.
- 6.5 The decision does not involve a matter of interest to Mana Whenua and will not impact on our agreed partnership priorities with Ngā Papatipu Rūnanga.
- 6.6 Te Aporei Whakawhanaunga ā-Tiriti, Pari Hunt, has advised that consultation with MKT is not required in this matter.

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

- 6.7 The proposals in this report are unlikely to contribute significantly to adaptation to the impacts of climate change or emissions reductions.
- 6.8 No significant impacts are anticipated as the request is to improve the appearance of an existing building at Hagley Park.

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

- 6.9 This decision does not affect accessibility considerations.

## 7. Resource Implications Ngā Hīraunga Rauemi

### Capex/Opex Ngā Utu Whakahaere

- 7.1 Cost to Implement – no cost to the Council as Landlord.
- 7.2 Maintenance/Ongoing costs – Christchurch Model Yacht Club.
- 7.3 Funding Source – the Club is investigating contributions from the Intangible Heritage Grant fund; staff will advise on other potential grant funding sources. The Club will be making in-kind and financial donations; other grants, private donations and sponsorship is being sought for the balance of the funding. The Club will be undertaking other fundraising activities.

### Other He mea anō

- 7.4 Not applicable

## 8. Legal Implications Ngā Hīraunga ā-Ture

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

- 8.1 Hagley Park is a metropolitan asset, therefore the decision to grant Landlord approval sits with the full Council.

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

- 8.2 The legal issue is ensuring compliance with the lease agreement and clause 6.1. of the lease which stipulates that no changes to the colour of any building may be made without the prior written consent of the Lessor (the Council).


## 9. Risk Management Implications Ngā Hīraunga Tūraru

- 9.1 There may be minimal risk to the Council in not approving the installation of the mural requested by the Christchurch Model Yacht Club. This may result in some negative publicity.

## 10. Next Steps Ngā Mahinga ā-muri

- 10.1 The decision seeking Landlord approval for the mural will be communicated to the Christchurch Model Yacht Club following the Council meeting.

## Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A 	Attachment A - Mural	24/25143	47

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

Document Name – Location / File Link
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>Author</b>	Kathy Jarden - Team Leader Leasing Consultancy
<b>Approved By</b>	Angus Smith - Manager Property Consultancy Rupert Bool - Manager Metropolitan Parks Al Hardy - Acting Head of Parks

### The Mural

To celebrate the 125<sup>th</sup> anniversary of the Club, a request has been made to paint a mural on the exterior of the building as depicted below.







## 10. Yaldhurst Memorial Hall - Future Use Issues and Options

Reference / Te Tohutoro: 23/1663490

Report of / Te Pou Matua:	Matthew Pratt, Community Facilities and Activation Manager, Community Support and Partnerships (matthew.pratt@ccc.govt.nz); Angus Smith, Manager Property Consultancy (angus.smith@ccc.govt.nz)
Senior Manager / Pouwhakarae:	Jane Parfitt, Interim General Manager Infrastructure, Planning and Regulatory Services (Jane.Parfitt@ccc.govt.nz)

### 1. Purpose and Origin of Report Te Pūtake Pūrongo

- 1.1 This report summarises the outcome of an expression of interest (EOI) process, provides a summary of issues and options and seeks a Council decision regarding the future use of the Yaldhurst Memorial Hall to inform pending LTP 2024-2034 discussions.
- 1.2 A prior Council resolution required staff to undertake an EOI process for the Yaldhurst Memorial Hall to identify a community based group able to own, upgrade and maintain the Hall at no cost to the Council.
- 1.3 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by the fact that the affected parties are a small group, and the effects of the report are generally positive as it provides a solution to the inertia associated with this long-standing issue.
- 1.4 The proposed recommendation is structured such that there is no cost to Council and thus would have no impact on rates.

### 2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Approve a departure from the Disposal of Council Property Policy 2000 for the Yaldhurst Memorial Hall noting that:
  - a. This policy primarily states that the Council shall publicly tender properties for sale unless there is a clear reason for doing otherwise. This report and resolutions propose a unilateral dealing which is inconsistent and therefore a departure from the policy; and
  - b. The reason for the inconsistency with the Policy requiring the departure is because there are currently no other proposals or effective options, mainly because of the heritage and earthquake prone building status.
  - c. The Council has no intention of changing the Disposal of Council Property Policy 2000 to accommodate this decision.
2. Approve that Council Officers can deal unilaterally with the Yaldhurst Rural Residents Association (YRRA) in respect of the Yaldhurst Memorial Hall at 254 Pound Road.
3. Gift the Yaldhurst Memorial Hall at 524 Pound Road to the YRRA for the sum of \$1, the gift being conditional on:
  - a. The Council undertaking a special consultative procedure via the 2024-2034 Long Term Plan consultation;

- b. The Council confirming the decision on the gifting the Yaldhurst Memorial Hall at 524 Pound Road to the YRRA upon adopting the 2024-2034 Long Term Plan.
- c. Upon satisfaction of the above conditions, that there is a requirement on the transfer of the building that:
  - i. it be strengthened and repaired to a minimum of 34% NBS (so it can be removed from the national earthquake prone register of buildings), and
  - ii. it be code compliant standard, ready for occupation (the scope and standard of works to be determined and approved with, and at, Council's discretion) within 5 years from the date of transferring ownership from the Council to the YRRA.
- d. The repair and subsequent operation and maintenance of the building being at no cost to the Council (including the cost of securing any necessary consents);
- e. The Council having a first right of refusal option to take the building back if the YRRA fail to perform the condition (4)(c) above.
- 4. To give effect to the transfer of the building, agree to lease the land at 524 Pound Road to the YRRA at a peppercorn rent (for a term of years to terminate if and when the YRRA return the building to Council ownership, or the building no longer exists).
- 5. Authorise the Manager Property Consultancy to negotiate and conclude all of the agreements necessary to facilitate the above resolutions on terms and conditions acceptable to him, and in doing so make any decisions necessary to give effect to resolutions 1 to 4 above.

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

- 3.1 This report recommends gifting/transferring the Yaldhurst Memorial Hall (the Hall) to the Yaldhurst Rural Residents Association Incorporated (YRRA) on an 'as is where is' basis, to fund repairs to 34% and then own, operate, and manage. The Council will retain the land.
- 3.2 Since its closure in 2011 a state of inertia has evolved regarding the future use of the Hall. The Council has determined that it has no use or demand for it as a community facility while the Yaldhurst Rural Residents Association (YRRA) have been strong advocates for its retention and reinstatement as a vital rural community hub.
- 3.3 To inform the decision-making process the Council, as part of the approval and adoption of the 2021/31 LTP, passed the following resolution (C-LTP/2021/00106 M19Ai):

*"That the Council undertake an expression of interest (EOI) process for Yaldhurst Memorial Hall, to identify a community- based group able to own, upgrade, operate and maintain the hall at no cost to Council. The property can be transferred as a community asset transfer to an appropriate community group for a less than market price subject to the new owners repairing the hall to a minimum 67% of NBS standard, and operating and maintaining it for community purposes for a minimum of five years. The repair, operation and maintenance of the facility would be at no cost to ratepayers. The EOI would apply to the building only, with the land to remain with Council".*
- 3.4 The YRRA, as the only respondent to the EOI, remain committed to activating and running the Hall as a community facility. Conversely, Council staff have reservations regarding the YRRA's ability and capacity to source the funding necessary and to manage the works required to repair the building to a standard fit for occupation and use.
- 3.5 However, recognising the YRRA's commitment and the recent scheduling of the Hall as a listed heritage item, there is some merit in transferring ownership of the Hall to the YRRA on a time bound basis to provide them with the opportunity to fund the repair and activation of the Hall,

at no cost to the Council. This option (referred to below as Option 5 – Recommended Option) together with several alternative options are considered further below.

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

4.1 The options (1 to 6) below are analysed and presented with the following:

- A discounted cash flow (DCF) analysis showing results in a net present value (NPV) form from the Council's perspective. A positive NPV indicates a favourable option i.e., the cost of capital and required return is covered and the positive amount reflects the financial gain on that option under that analysis. A negative NPV (in red) reflects a financial loss to the Council.
- An advantages and disadvantages analysis table.

4.2 The DCF analysis of the options is rudimentary and simplistic, containing a number of generic assumptions to enable a relative financial comparison of the options.

4.3 **Option 1. The Hall remains closed/ Status Quo (Do Nothing)**

This option is not recommended as a resolution promoting a positive way forward for the Council to determine the future use of the building.

Indicative DCF outcome: **NPV \$13,750.**

Advantages	Disadvantages
Scheduled heritage building remains insitu i.e., not demolished	The Hall remains closed; continued inertia
	The Hall continues to deteriorate
	Ongoing Council unbudgeted Capex/OPEX required
	*Earthquake Prone Buildings (EPB) Notice remains 'live' (*EPB: the notice requires action by the owner (repair or demolition of the Hall) by 2035).
	Continued frustration for the YRRA / Council

#### 4.4 Option 2. Demolish the Hall and sell the land.

This option includes the demolition of the building, which is not recommended, at this stage, from a heritage and public perception perspective. (Note: a variation to this option could contemplate retention of the land as a war memorial park. This is not considered ideal given the site's isolated rural location and proximity to a busy intersection).

Indicative DCF outcome: **\*NPV \$110,000**

Advantages	Disadvantages
A positive response to ongoing inertia	Scheduled heritage building demolished
Council's ongoing unbudgeted CAPEX / OPEX liability extinguished	Resource Consent required for demolition: political and challenging as now a scheduled building.
Potential income to the Council from the sale of the land	Opposition to the sale of land gifted for war memorial purposes
Staff work with the YRRA to repatriate / preserve memorial plaques in the Yaldhurst area	*A disputed resource consent process and unforeseen asbestos removal costs could significantly reduce net land sale proceeds of \$110,000
Retention of the Hall as a community facility is not supported by the Council's Community Facilities, Support and Partnerships Unit (CPSU) – community need in the area is adequately provided for	The YRRA required to seek an alternative base
	Remediation of the land would be required before any future use is developed

#### 4.5 Option 3. Council upgrades the Hall and sells/gifts to the YRRA

This option is not recommended in the current fiscal environment. (Note: a variation to this option could involve also transferring the land to the YRRA (which is also not recommended).

Indicative DCF outcome: **NPV -\$2,300,300**

Advantages	Disadvantages
Provides a Hall available for immediate occupation and use by the YRRA	Council is required to find \$2.3m of currently unbudgeted expenditure to strengthen and repair the Hall to 67% NBS
Hall ownership / occupation costs (maintenance, repairs, insurance etc) transferred to the YRRA	Direct impact on rates
Council retains control of the land asset	Council Opex budget required for insurance
Land maintenance costs transferred to the YRRA	Retention of the Hall as a community facility is not supported by the Council's Community Facilities, Support and Partnerships Unit (CPSU) – community need in the area is adequately provided for

4.6 **Option 4. Council upgrades the Hall and manages as a community facility**

This option is not recommended in the current fiscal environment. (There is also no requirement from a Community Facilities Network perspective for this building as a Council owned community facility in this area).

Indicative DCF outcome: **NPV -\$1,978,961**

Advantages	Disadvantages
Provides a Hall available for immediate occupation and use	Retention of the Hall as a community facility is not supported by the Council's Community Facilities, Support and Partnerships Unit (CPSU) – community need in the area is adequately provided for
The YRRA could hire space in the Hall	It would require Council allocating currently unbudgeted CAPEX of \$2.3m to strengthen and repair the Hall to 67% NBS and OPEX of c\$10,000+pa
Assumed hire income of \$20,000 p.a.	*NPV – leasing (typically based on peppercorn rents), would likely reduce the above NPV return (which is based on income from casual hires)

4.7 **Option 5. Council transfers the Hall to the YRRA 'as is where is' – (Recommended Option)**

This option would require the Council to transfer ownership of the Hall to the YRRA. The Hall would be handed over in an 'as is where is' condition. The YRRA would assume responsibility for securing the funds required to strengthen and repair the Hall to 34% NBS (based on the Councils strengthening and repair strategy and estimated cost of \$2.3m). Once repaired the YRRA would manage and maintain the Hall at no cost to the Council. This would be conditional on the YRRA securing the necessary funding and completing the strengthening and repair works within 5 years.

This is the **recommended option**. (Note: a variation to this option could involve also transferring the land to the YRRA. Although this option would provide the YRRA more leverage from a funding perspective it also requires the Council to give away control and value of the land which is not recommended).

Indicative DCF outcome: **NPV \$15,000**

Advantages	Disadvantages
Ends the inertia associated with the future use of the Hall; further deterioration of the Hall should be minimised; completion of the works will enable the EPB notice to be lifted	Risk that the YRRA will fail to generate the funding required to repair the Hall
Unbudgeted costs for repair and ongoing maintenance transferred from the Council to the YRRA	Risk that the YRRA will apply to the Council for future unbudgeted funding through the LTP
Ownership Provides the YRRA with the opportunity to deliver on their vision	Staff concern regarding the sustainable (realistic) utilisation of the facility by community / other groups

The Hall remains available for local rural community use	Hall returned to the Council after 5 years in a worse state
Ownership of the Hall provides the YRRA with stronger funding leverage	Potential negative feedback resulting from gifting a building 'as is where is' to a community group
Retention of a scheduled heritage building	Negative feedback (unlikely) from the Council's decision to deal unilaterally with the YRRA
The land remains in the Council's ownership	Negative feedback associated with the Council transferring ownership of a (albeit deteriorating) strategic asset
A time bound encumbrance providing the Council with the option to take the Hall back if the YRRA fail to fund and repair, or no longer require, the Hall after 5 years	Retention of the Hall as a community facility is not supported by the Council's Community Facilities, Support and Partnerships Unit (CPSU) – community need in the area is adequately provided for

#### 4.8 Option 6. Sell the Property (land and Hall) as is where is

This option is a variation on Option 2, sell the land and building to a third party with a covenant requiring repair and retention of the Hall. Given the costs to strengthen and repair the Hall, the likely price a third party would be prepared to offer would likely be nominal i.e., \$10,000 to \$20,000.

Options 2 and 6 (sale to a third party) would be subject to the Council undertaking consultation pursuant to s138 Local Government Act 2002 and clearing Council's s40 offer-back obligations, if any.

Given the ongoing interest of the YRRA, the local community board, and the local community, either sale option would likely be politically sensitive and unpopular.

This option is not recommended.

#### 4.9 Financial Summary of options 1 to 5.

	NPV
Option 1: Do nothing	<b>\$13,750</b>
Option 2: Demolish the Hall and sell the land	<b>*\$110,000</b>
Option 3: Upgrade the Hall and gift to the YRRA	<b>-\$2,300,300</b>
Option 4: CCC upgrade and Manage the Hall	<b>-\$1,978,961</b>
Option 5: Gift the Hall to the YRRA 'as is where is'	<b>\$15,000</b>

4.10 The Council's prior resolution contemplates the transfer of the Hall to a community group able to own, upgrade, operate and maintain the Hall as community facility for a minimum of 5 years at no cost to the ratepayer with the Council retaining the land.

4.11 Option 5 most readily delivers the intent of the Council's resolution. However, based on the business case information provided by the YRRA, staff have reservations around the ability

and capacity of the YRRA to secure the funding necessary to strengthen and repair the Hall without recourse to seeking capital funding from the Council at some point in the future.

- 4.12 In context, had the building not been scheduled recently as a heritage item the staff recommendation would have favoured demolition of the building from a financial perspective and based on there being no compelling community need for the building in the area.
- 4.13 Making the gift to the YRRA subject to a time-bound encumbrance provides the Council with an ability to intervene and take the building back if, and only if, the YRRA run into difficulties.
- 4.14 In the interim option 5 provides the YRRA with an opportunity to pursue and deliver their vision, at no cost to the Council.

## 5. Detail Te Whakamahuki

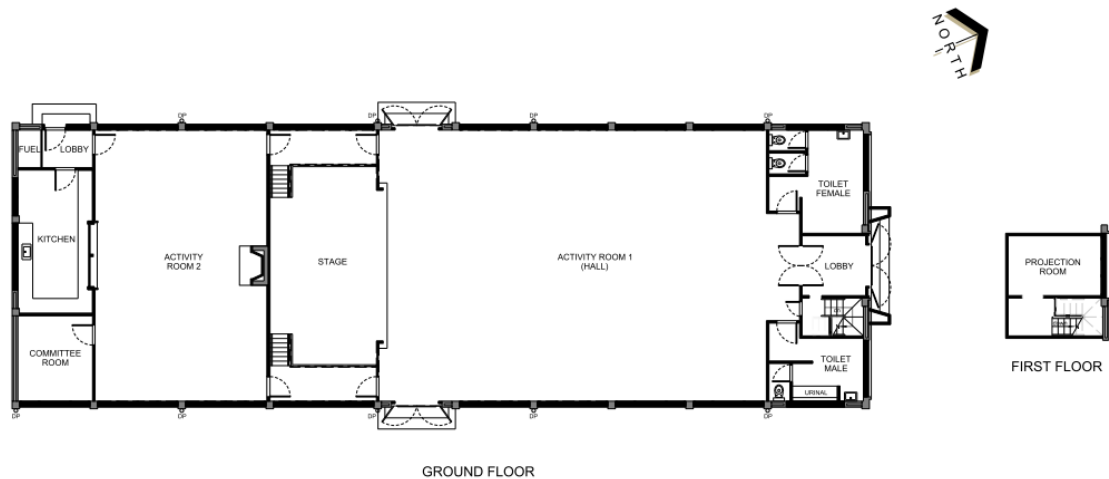
### Background

- 5.1 The future use of the Hall has been the subject of numerous reports and discussions since its closure in 2011. To provide background and context to the discussion and options considered in this report a brief summary of key events is referenced in chronological order below.
- 5.2 The Hall is situated on fee simple land at 524 Pound Road at the intersection of Pound Road, West Coast Road and Yaldhurst Road. The land extends to some 1577m<sup>2</sup> and is described as Section 6 SO Plan 448090, held in Record of Title 574923.



- 5.3 The site is zoned rural urban fringe, the permitted uses for which are relatively limited i.e., veterinary care facility, emergency services facility and not residential. General advice from the planning team is that the use of rural land for non-rural or rural-related activities is not simple; consent is probably required for most uses.
- 5.4 The land was acquired from Colin William Alexander Kyle in 1953 and ownership transferred to Council for the purposes of a War Memorial. The Hall was constructed in 1954 with funds raised by the community in association with a pound for pound government subsidy scheme for the construction of war memorials around New Zealand. The Council assumed ownership of the building on completion.
- 5.5 Use of the Hall for community purposes by the Yaldhurst War Memorial Hall Committee continued until it was closed following the 2010 / 2011 Canterbury Earthquake sequence.





- 5.6 In 2012, a Detailed Seismic Assessment (DSA) Report by Opus determined that the building's earthquake capacity was in the order of 6% NBS (*buildings with a seismic capacity of less than 34%NBS are classified as earthquake prone*).
- 5.7 The Hall remains closed under the Council's occupancy policy which requires its buildings to have a minimum rating of 34%NBS (but preferably greater than 67%NBS).
- 5.8 In the interim, while the Hall has been deemed surplus to Council's Community Facilities network requirements, the YRRA have been promoting its retention and reinstatement as a community facility.
- 5.9 Staff and Community Board recommendations to demolish the Hall in 2017 and 2018 were placed on hold to provide the YRRA the opportunity to submit a sustainable business case for the continued community need, activation and funding of the Hall by June 2018 (extended to April 2019 and not received at that time).
- 5.10 In March 2018 the cost to strengthen and repair the Hall to 67%NBS was estimated to be in the order of \$1.5m in an independent QS report prepared for Council by WT Partnership.
- 5.11 In March 2020 the YRRA submitted a DSA prepared by TH Consultants Ltd which assessed the buildings seismic capacity at 55%NBS (i.e. not earthquake prone).
- 5.12 The Opus and TH Consultants DSA reports were subsequently assessed via peer review by Council's Compliance and Building Consents Unit which precipitated the issue of an Earthquake Prone Building (EPB) notice on 27 July 2020 (requiring demolition of the building or remedial action by July 2035).
- 5.13 The YRRA sought a review of the Hall's EPB status. Following a meeting with Council's Building Consents team on 1 September 2020, TH Consultants Ltd were advised what additional engineering information would be required to facilitate this review (refer 5.16 below).
- 5.14 To inform decision making around the future use of the Hall, the Council resolved on 21 June 2021 to undertake an Expression of Interest (EOI) process to identify a community-based group able to own, upgrade, operate and maintain the Hall at no cost to the Council.
- 5.15 The EOI was released on 17 November 2021. One submission was received – from the YRRA. This was deemed a 'Fail' on the basis of insufficient financial information. The YRRA were requested to provide additional financial / business case information for assessment.
- 5.16 (*On 6 May 2022 TH Consultants submitted a one-page engineering update indicating that they were preparing an updated DSA which would be provided once that report had been reviewed by*



*an independent engineering consultant and a site visit undertaken – to date this DSA report, and supporting engineers PS2 has not been received by Council staff).*

- 5.17 A further business case submission was received from the YRRA in September 2022. To better understand the rationale behind the YRRA’s proposed repair strategy, scope of works and cashflow forecast (which assumed a strengthening and repair budget of only \$557,000 to achieve an NBS of 67%) Council staff requested copies of TH Consultants updated Engineering report (refer 5.16 above) and the supporting QS cost estimate report.
- 5.18 To date this information has not been received from the YRRA. As a consequence, Council staff engaged Finesse Consulting Engineers Ltd (FCEL) in October 2022 to undertake a peer review of the available engineering documentation in conjunction with a full on-site inspection. This report concluded that the building has an assessed seismic capacity of 15%NBS (and is thus considered an EPB).
- 5.19 Based on this report, and an associated engineered strengthening / repair concept to 67%NBS, WT Partnership provided an updated cost estimate for Council in February 2023 of \$2.32m plus GST to upgrade the Hall to the standard required for full compliance prior to occupation and use (refer to 5.33 / 5.34 for commentary regarding ‘exclusions’).
- 5.20 Following subsequent submissions to the recent Plan Change 13 Hearings process, the Hall is now registered as a Scheduled Heritage Item. All and any future repairs / alterations to, or demolition of, the Hall will require resource consent.
- 5.21 Numerous incremental repairs have been carried out on the Hall since 2011. It remains closed and continues to deteriorate. The windows are now boarded up to minimise vandalism.
- 5.22 There is currently no allocated LTP Capital or OPEX funding allocated to the Hall.



### **The Hall – An Earthquake Prone Building (EPB) Structure**

- 5.23 The Hall is a predominantly single storey structure with a combination of timber framed, reinforced concrete and unreinforced masonry construction.
- 5.24 The Council’s occupancy policy notes that “*buildings which have a seismic capacity of 33% NBS or less and have significant damage (as defined by MBIE) and / or have brittle collapse*

*mechanisms shall not be occupied – all other buildings are generally fit to occupy.*” It’s noted that the Council’s preference is for its buildings to have a minimum seismic capacity of 67% NBS.

- 5.25 The most recent, and defining, independent engineering report was prepared by FCEL in October 2022 the scope of which included:
- A detailed review of existing drawings and reports. This included:
    - Opus DSA Report 2012 (for Council) – rated the structure at 6% NBS.
    - TH Consultants Report 2020 (for the YRRA) – rated the structure at 55% NBS.
  - Site visit to observe the existing layout / condition of, and damage to, the Hall.
  - A quantitative structural analysis as per MBIE EPB Guidance and NZSEE Assessment Guidance Documents 2017.
  - Reference to current New Zealand design codes as per NZS1170.5: 2004.
  - The provision of concept strengthening solutions to achieve 34% NBS and 67% NBS.
- 5.26 The report assessed the Hall structure at 15% NBS and therefore an EPB with the weakest elements being the large unreinforced masonry panels, the reinforced concrete chimney structure and the roof bracing.
- 5.27 The strengthening works required to achieve a seismic rating of 67% NBS included:
- Removal or significant strengthening of the chimney structure.
  - Removal or strengthening of the infill masonry panels.
  - Introducing horizontal roof trusses or diaphragms to improve end wall and roof load transfers.
  - Confirming reinforcing in the masonry wall located by the entry lobby. Ensure diaphragm connects this masonry to the main structure.
  - Strengthening the reinforced concrete columns (likely by introducing new portal frames).
- 5.28 A copy of the FCEL report and concept plans are appended as **Attachment A**. Copies of the Opus and TH Consultants reports are appended as **Attachment B**.
- 5.29 An EPB Notice was issued to the Council as building owner in July 2020 under Section 133AL of the Building Act 2004 requiring the demolition, or strengthening and repair, of the building to be completed by July 2035.
- 5.30 The YRRA’s engineering consultant met with the Council’s Building Consent staff in 2020 and received a summary of the additional engineering information required by the Consents team to review the EPB status of the Hall. This further information (in the form of a formal report supported by an independent engineer’s peer review and PS2) has not been provided to date.

#### **Cost Estimates – Strengthening and Repair**

- 5.31 Based on the FCEL report and strengthening concepts WT Partnership prepared,
- 5.32 an independent cost estimate in February 2023 for strengthening, repairing and upgrading the building to ensure compliance from a consenting perspective.
- 5.33 Given the dilapidated nature of the building this included making appropriate allowances for consequential works to the existing building fabric, finishes and services and other current building code provisions including fire and accessibility requirements.

- 5.34 The cost to strengthen and upgrade the building to 67% NBS was estimated at **\$2,232,725 plus GST**.
- 5.35 It's noted that there were some notable exclusions from the cost estimate including escalation, consents, ground works, asbestos removal, unforeseen works to existing services and works arising from opening up the structure (walls/floors/ceilings).
- 5.36 *This could conceivably mean that the end cost of the works could be closer to \$3.0m.*
- 5.37 A copy of the cost estimate is appended as **Attachment C**.
- 5.38 A further estimate by WT Partnership to repair the building to 34% NBS indicated a cost of **\$2,183,390 plus GST** (and exclusions) noting that the scope for the structural and consequential works varied only slightly from the 67% NBS concept.

### Expression of Interest (EOI) – Background

- 5.39 The Council is the owner of the Hall and land which is managed by the Council's Community Facilities, Community Support and Partnerships unit (CSPU).
- 5.40 Following a recommendation by CSPU to the Waipuna Halswell-Hornby-Riccarton Community Board in 2017 to demolish the building, any action was placed on hold by the Council to provide the YRRA with the opportunity to provide a sustainable business case in support of the retention and reinstatement of the Hall as a community facility.
- 5.41 To resolve the impasse which followed, and to inform the decision-making process, the Council resolved on 21 June 2021 to undertake an EOI process to identify a community-based group able to own, upgrade, operate and maintain the Hall at no cost to the Council.
- 5.42 The EOI was tendered on 17 Nov 2022, the key elements of which were to address the requirements of the Council resolution with particular emphasis on the following:
- A clear demonstrated community need that cannot be fulfilled elsewhere.
  - A community group as a project partner able to sustainably operate and activate the facility and inform its development, and
  - A sustainable capital / operational budget for strengthening / repairing the building to 67% NBS and the ongoing whole of life operating / maintenance costs and other services.
  - The resources (personnel / financial) to drive the consenting and repair of the hall and deliver sustainable community and heritage outcomes.
  - No cost to Council (i.e., no capital or operational funding from Council other than through normal community funding channels).

### EOI Outcomes

- 5.43 The initial EOI resulted in one submission being received – from the YRRA.
- 5.44 This submission was reviewed and failed on insufficient *Initial Financial Viability* grounds. To address this Council staff requested the YRRA to provide a detailed business case by 15 July 2022 (extended to 16 September 2022) to include a funding strategy covering off the following:
- the operating budget cashflow (revenue and expenses) while the repair/restoration/upgrade is underway.
  - the capital budget cashflow (expenditure) for the repair/restoration/upgrade.
  - the operating budget cashflow (revenue and expenses) after the repairs/restoration/upgrade.

- 5.45 Copies of the YRRA's initial EOI submission, its subsequent business case proposal, and notes from its most recent AGM are appended as **Attachment D**. Key elements relevant to the assessment of their proposal are discussed below.

**The YRRA's Proposal**

- 5.46 **The YRRA:** the Yaldhurst Rural Residents Association was incorporated in September 2000. It currently comprises a voluntary committee of six including a chair, treasurer and secretary. Attendance at its most recent AGM on 27 July 2023 totalled 16 (3 of which were elected Council members).
- 5.47 **Vision for the Yaldhurst Memorial Hall:** *"to serve as a community hub for a multitude of rural community needs" where people can gather for social, educational, cultural and recreational purposes...and to recognise its War Memorial status.*
- 5.48 **Community Use:** potential users of the hall, frequency of use and income from user groups is unknown and purely anecdotal at this stage. The YRRA's goal is to have the Hall permanently hired for 4 hours a day for 40 weeks of the year (based on 6 days per week and an average charge out rate of \$30 per hour). Experience suggests that this will be a challenging target to achieve, particularly given the availability of other community facilities in the immediate area
- 5.49 **Strengthening and Repair Costs:** The YRRA propose a two-stage repair process. They estimate the Stage 1 cost (to *"bring the Hall up to a standard that will make it useable (67%, and meeting accessibility and fire requirements) but also to be desirable to be used and hired"*) is \$275,000. Their Stage two cost (for *'nice to have items'*) of \$282,000 provides a total repair cost of \$557,000.

Council staff consider this to be vastly underestimated and unrealistic given the current dilapidated state of the hall, the independent concept to strengthen and repair the Hall to 67% NBS (Attachment A) and the cost estimate for the strengthening, repair and compliance works (\$2.23m +). The YRRA's staged approach to the repairs is also considered flawed as the majority of their proposed Stage 2 works would need to be completed as Stage 1 items in order for the Hall to be fit for purpose from a compliance and user perspective.

*(This view is corroborated in an independent review by Maguire Harford Architects of the YRRA's proposed scope, staging and cost estimate. This review is attached to the YRRA's business case proposal at **Attachment D**).*

The scale of the repair work is such that it will require a professionally managed, rather than ad hoc, approach.

- 5.50 **Financial Status:** The YRRA's Statement of Financial Performance for the year ended 31 March 2023 indicated a current account balance of \$11,138.85, which included a subs/donations total of \$300 for the year 2023. Other existing trusts and accounts total \$21,000 (including fundraising to date of \$7,000). The YRRA currently have no other fixed income.
- 5.51 **Funding Strategy:** at this stage the YRRA's funding strategy is reliant on ownership of the Hall providing greater leverage to access a wider range of funding sources and securing a variety of pledges and indications of support, including:
- *Community support* in the form of donated materials and services from local businesses, consultants (ie Engineer, Architect, QS), contracting firms and residents. All of these are pledges only at this stage and many are noted as 'full cost' contributions (i.e., for architectural services). Whether these eventuate is a moot point particularly given that the anticipated scale and costs of the Hall repairs are significantly greater than that envisaged in the YRRA's business case.

- *Charitable Trusts* including the Rātā Foundation, Lotteries. It is noted that some of these entities have cut their funding allocations in recent times.
- *Support* from the Waipuna Halswell-Hornby-Riccarton Community Board.

Securing the necessary (and significant) funding required to strengthen and repair the Hall will be entirely reliant on the ability, capacity and drive of the YRRA committee. To reflect this risk staff recommend that the transfer of ownership to the YRRA is conditional on completing the repair works and securing the code of compliance required for operation of the Hall within 5 years of the transfer).

- 5.52 **Capital and Operating Cash Flow Projections:** the requested operating and capital cashflows referred to at 5.43 have been provided by the YRRA. However, as they are based on the YRRA's view of estimated strengthening and repair costs they are under-estimated and not particularly helpful or relevant.

The Councils Building Consents team, who are independent from Council staff and the general public, have assessed the Hall as an EPB based on the engineering and peer review reports made available to them, most recently the FCEL engineering report. This latter report outlines the works required to repair the building to 67% NBS.

If the YRRA are to be provided the opportunity to assume ownership of the Hall, a first step requires the YRRA to acknowledge this assessment and commit to revisiting their business case strategy to fundraise the \$2.23m + required to fund the repair works in the first instance and to work towards the operation and use of the Hall, at no cost to Council.

- 5.53 **Financial Viability:** a review of the YRRA's original EOI submission (which precipitated the request for the YRRA to provide further business case information) by the Council's Finance team raised the following concerns:

- The cost to get the Hall up to 67% is more than most Trusts could raise in this situation (*the cost has since increased from \$1.5m to \$2.32m*).
- The likelihood of the YRRA being able to obtain grants (*more recently a number of key grant funders have reduced the funding allocation available to community groups*).
- The likelihood the YRRA's financial position enables them to support and repay loans necessary to pay for repairs.
- A reluctance to transfer an asset without being sure the transaction will be completed.
- Small number of the YRRA members; ability/capacity of the YRRA to drive the works / project.
- No allocated LTP Capital or Opex funding allocated to the Hall.
- Transfer / works / operation of the Hall to be undertaken at no cost to Council.

The YARA's EOI was considered a fail on financial viability grounds at that time. The subsequent business case information provided by the YRRA (outlined above at 5.45 to 5.52) has done little to address these previous concerns.

#### **Heritage Status – Retention and / or Demolition**

- 5.54 The Council has adopted the 'Our Heritage Our Taonga Heritage Strategy 2019-2029' which has goals to support heritage buildings owners and to be good guardians/kaitiaki.
- 5.55 The Hall is now a scheduled heritage item. Alterations to, or demolition of, the Hall will require resource consent.

- 5.56 The YRRA, as building owner, will be able to apply to the Council for Heritage Incentive Grants to repair the building for a re-adaptive use, noting that this fund is limited and subject to quantum and Council approval. Grant applications to other heritage related bodies would also be possible.
- 5.57 Scheduling in the district plan seeks to retain heritage places (Policy 9.3.2.1.1), but the objective acknowledges that there are sometimes exceptional circumstances where this cannot be achieved. When considering the appropriateness of the demolition of a scheduled heritage item, Policy 9.3.2.2.8 requires having regard to the following matters:
1. Whether there is a threat to life and /or property for which interim protection measures would not remove the threat;
  2. Whether the extent of the work required to retain and / or repair the heritage item is of such scale that the heritage values and integrity of the heritage item would be significantly compromised;
  3. Whether the costs to retain the heritage item (particularly as a result of damage) would be unreasonable;
  4. The ability to retain the overall heritage values and significance of the heritage item through a reduced degree of demolition; and
  5. The level of significance of the heritage item.
- 5.58 The Hall is a Memorial Hall to those members of the community who served and died in both World Wars and has strong links and value to the community. If the Hall were demolished it may be possible for the site to endure as a memorial park.
- 5.59 A “Heritage Assessment – Statement of Significance” for the Hall as prepared by the Council’s Heritage team: is appended as **Attachment E**.

#### **Disposal of Council Owned Property - Criteria**

- 5.60 Any disposal / gift is to be in a manner as set out in the Council’s policies and normal practices, i.e.,:
- Policy: to publicly tender properties for sale unless there is a clear reason for doing otherwise.
  - Practice: in an open, transparent, well-advertised and public manner at market value.
- Assessed against:
- Is the property still required for the purposes for which it was originally acquired? *No*
  - Does the property have special cultural, heritage or environmental values that can only be protected through public ownership? *No*
  - Is there an immediate alternative public use / work / activity in a policy, plan or strategy? *No*
  - Are there any strategic, non-service delivery needs that the property meets and that can only be met through public ownership? *No*
  - Are there any identified unmet needs, which the Council might normally address, that the property could be used to solve? And is there a reasonable pathway to funding the unmet need? *No*

*(It’s noted that the gift of the building does not technically constitute an absolute disposal of a built asset by virtue of the Council retaining a first right of refusal to reclaim ownership of the building).*

### Dealing Unilaterally with the YRRA

- 5.61 Where there is only one logical ‘purchaser’ of a property, the Council may deal unilaterally with the purchaser, subject to undertaking public consultation in accordance with the requirements of Sections 78 and 138 LGA 2002. Refer **Attachment F**.
- 5.62 The gifting of the building to the YRRA does not affect the Council’s current levels of service as the building has been closed since 2011 and is not required as a community facility by the Councils CSPU.
- 5.63 The YRRA were also the successful respondent arising from a publicly tendered EOI process.
- 5.64 As such, this proposal does not depart from the considerations outlined in Attachment F. Accordingly, it is appropriate for the Council to resolve to gift the Hall to the YRRA subject to undertaking a special consultative process (refer below).

### Special Consultative Process – Community Views and Preferences

- 5.65 As a scheduled heritage building, the Hall is categorised as one of the Council’s strategic assets. As such, the gifting of the Hall to the YRRA will be subject to a special consultative process. This requirement will be fulfilled through consultation via the LTP 2024-2034 process.
- 5.66 The decision affects the following wards/Community Board areas:
- 5.66.1 Waipuna Halswell-Hornby-Riccarton Community Board.

## 6. Policy Framework Implications Ngā Hiraunga ā- Kaupapa here

### Strategic Alignment Te Rautaki Tīaroaro

- 6.1 This decision aligns with the Council’s vision to enable active and connected communities to own their future.
- 6.2 This report supports the [Council's Long Term Plan \(2021 - 2031\)](#):
- 6.3 Citizens and communities
- 6.3.1 Activity: Community Development and Facilities
- Level of Service: 2.0.1.2 Review and identify community facilities surplus to requirement and recommend a course of action - Review network, identify facilities and recommend options to Council for disposal

### Policy Consistency Te Whai Kaupapa here

- 6.4 The decision is consistent with the Council’s Community Facilities Network Plan 2020. Community facilities contribute to community outcomes in many ways, but not limited to:
- Promotes effective and efficient use of Council assets.
  - Through the YRRA’s proposed activities, supports active citizenship and connected communities by providing venues to support community engagement with the Council, Community Boards and community organisations in order to grow community participation in civic life.
  - Builds community resilience, social capital and community capacity to support a response to major stressors such as climate change, terror attacks and the effects of Covid-19.
  - Supporting a network of volunteers and opportunities for community partnerships regarding provision, activation and operation of facilities.

- They enable the celebration of local identity and diversity by providing venues for events, arts, culture, heritage, sport and recreation.

6.5 The decision is inconsistent with the Disposal of Council Property Policy 2000:

- a) This policy primarily states that the council shall publicly tender properties for sale unless there is a clear reason for doing otherwise. This report and resolutions propose a unilateral dealing with the YRRA, which is inconsistent and therefore a departure from the policy.
- b) The reason for the inconsistency with the Policy requiring the departure is because there are currently no other proposals or effective options, mainly because of the heritage and earthquake prone building status;
- c) The Council has no intention of changing the Disposal of Council Property Policy 2000 to accommodate this decision.

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

- 6.6 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.
- 6.7 The decision does not involve a matter of interest to Mana Whenua and will not impact on our agreed partnership priorities with Ngā Papatipu Rūnanga.
- 6.8 The grant of a ground lease to the YRRA is effectively a continuation of the community use to which the Hall and site were used for prior to the Hall being closed following the 2010/2011 earthquake sequence.
- 6.9 As referenced previously, the 'disposal' of the building is conditioned by the Council's first right of right refusal to reclaim ownership of the building.
- 6.10 The Council's Treaty Relationships Team have confirmed that the building is not of interest to Mana Whenua.

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

- 6.11 The decision attempts to create certainty over future use by returning the property to its former use, effectively maintaining the status quo. The continued use of the building for a community facility will have no change to the impact on the environment or resources.

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

- 6.12 There is no accessibility impact as the decision is whether to approve the gift of the Hall to the YRRA or not.
- 6.13 On the basis that the building is strengthened and repaired in accordance with the relevant statutory consents it will be fully compliant for its proposed use.

## **7. Resource Implications Ngā Hīraunga Rauemi**

### **Capex/Opex Ngā Utu Whakahaere**

- 7.1 Cost to Implement – Nil cost to the Council other than staff property / legal time required to facilitate formal handover of ownership.
- 7.2 Maintenance/Ongoing costs – Limited to nominal ongoing insurance and maintenance costs pending formal transfer of ownership to the YRRA.
- 7.3 Funding Source – Existing operational budgets.



**Other He mea anō**

- 7.4 The recommended option is precipitated on the assumption that it will be at no cost to the Council i.e., the YRRA will not require / request capital or operational funding from the Council other than through normal community funding channels.

**8. Legal Implications Ngā Hīraunga ā-Ture**

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

- 8.1 The general powers of competence set out in section 12(2) “Status and Powers” of the Local Government Act.




**Other Legal Implications Ētahi atu Hīraunga-ā-Ture**

- 8.2 There is a legal context, issue, or implication relevant to this decision.
- 8.3 The legal consideration is the Local Government Act 2002 and the Council’s ‘Disposal of Council Property’ policy, referred to at 5.59 above.
- 8.4 This report has not been reviewed and approved by the Legal services Unit.

**9. Risk Management Implications Ngā Hīraunga Tūraru**

- 9.1 The success of the YRRA is heavily reliant on their ability and capacity to raise the funds required to repair, operate and manage the Hall.
- 9.2 In the event that they fail to raise the necessary funds to strengthen and repair the building suitable for operation within 5 years (or they no longer wish to retain ownership of the building) the impact for Council would be mitigated by virtue of it retaining ownership of the land and a first option to resume ownership of the building asset.
- 9.3 The future use of the building would then need to be revisited.
- 9.4 It is possible that there may be some residual community feedback regarding Council’s decision to deal unilaterally with the YRRA.

## Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A 	FCEL Engineering Report and Repair Concepts ( <i>Under Separate Cover</i> )	23/1896559	
B 	OPUS / THC Structural Reports ( <i>Under Separate Cover</i> )	23/1896610	
C 	Cost Estimate - WTP ( <i>Under Separate Cover</i> )	23/1896663	
D 	YRRA EOI Information ( <i>Under Separate Cover</i> )	23/1896673	
E 	Statement of Significance ( <i>Under Separate Cover</i> )	23/1896693	
F 	Factors to Consider When Dealing Unilaterally ( <i>Under Separate Cover</i> )	23/1896701	

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

Document Name – Location / File Link
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: <ul style="list-style-type: none"> <li>(i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and</li> <li>(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.</li> </ul>
(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>	Barry Woodland - Property Consultant Matthew Pratt - Community Facilities & Activation Manager Angus Smith - Manager Property Consultancy
<b>Approved By</b>	Angus Smith - Manager Property Consultancy Matthew Pratt - Community Facilities & Activation Manager



## **11. Resolution to Exclude the Public**

*Section 48, Local Government Official Information and Meetings Act 1987.*

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:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	WHEN REPORTS CAN BE REVIEWED FOR POTENTIAL RELEASE
12.	PUBLIC EXCLUDED AUDIT AND RISK MANAGEMENT COMMITTEE MINUTES - 16 OCTOBER 2023			REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.	
13.	PUBLIC EXCLUDED COUNCIL MINUTES - 6 DECEMBER 2023			REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.	

## Karakia Whakamutunga

Kia whakairia te tapu

Kia wātea ai te ara

Kia turuki whakataha ai

Kia turuki whakataha ai

Haumi e. Hui e. Tāiki e