

CHRISTCHURCH CITY COUNCIL SUPPLEMENTARY AGENDA NO. 2

WEDNESDAY 10 DECEMBER 2014

10.30AM

AND

THURSDAY 11 DECEMBER 2014

9.30AM

9.30AM

**COUNCIL CHAMBER, CIVIC OFFICES,
53 HEREFORD STREET**

CHRISTCHURCH CITY COUNCIL

**Wednesday 10 December 2014 at 10.30am and Thursday 11 December 2014 at 9.30am
in the Council Chamber, Civic Offices, 53 Hereford Street**

Council: The Mayor, (Chairperson).
Councillors Vicki Buck, Jimmy Chen, Phil Clearwater, Pauline Cotter, David East, Jamie Gough,
Yani Johanson, Ali Jones, Raf Manji, Glenn Livingstone, Paul Lonsdale, Tim Scandrett and
Andrew Turner.

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COUNCIL 11. 12. 2014**56. RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORTS**

Approval is sought to submit the following reports to the meeting of the Council on 11 December 2014:

- **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 5 DECEMBER 2014**
- **REPORT OF THE INFRASTRUCTURE, TRANSPORT AND ENVIRONMENT COMMITTEE MEETING OF 4 DECEMBER 2014**
- **REPORT OF THE COMMUNITIES, HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE MEETING OF 4 DECEMBER 2014**
- **MEMORANDUM OF UNDERSTANDING BETWEEN CHRISTCHURCH CITY COUNCIL AND THE CHRISTCHURCH YOUTH COUNCIL**
- **COMMUNITY FACILITIES REBUILD UNIT: AIREDALE COURTS SOCIAL HOUSING COMPLEX CLOSED UNITS 18-1C & 28-1C EARTHQUAKE REPAIRS**
- **TAYLORS MISTAKE BACHES**

The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the reports were not included on the main agenda is that they were not available at the time the agenda was prepared.

It is appropriate that the Council receive the reports at the current meeting.

RECOMMENDATION

That the reports be received and considered at the meeting of the Council on 11 December 2014.

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59. TAYLORS MISTAKE BACHES

		Contact	Contact Details
Chief Planning Officer responsible:	Mike Theelen, Chief Planning Officer	Y	PA Diane Campbell 941 8281
Officers responsible:	Brigitte de Ronde, City Planning Unit Manager	Y	PA Sarah Streatfield 941 8045
	Peter Mitchell, Principal Advisor - Governance	Y	941 8549
Authors:	Ian Thomson	Y	941 6343
	Sarah Oliver	Y	941 8295

1. PURPOSE AND ORIGIN OF REPORT

- 1.1 To recommend that the Council establishes a Working Party to reconsider options for the long term future of privately-owned baches at Taylors Mistake, Boulder Bay and Maori Gardens to ensure that all required decisions under the Local Government Act and Resource Management Act are informed by the same new information, aligned and consistent. The Working Party will be asked to consider:
- i. new information, including assessments on slope stability and whether the Council's decision in 2003 to schedule in its District Plan 31 baches to remain and not schedule 14 baches to be removed is still appropriate; and
 - ii. any further legal issues relevant to the Council's obligations under the Local Government Act 2002 and the Resource Management Act 1991;
- 1.2 Having considered these and other issues the Working Party will be asked to report its findings and recommendations to the District Plan Review Committee and the Council, including whether or not the baches should continue to occupy public land and, depending on those findings, any implications for the Council's Replacement District Plan.

2. EXECUTIVE SUMMARY

- 2.1 For many years now the Council has been trying to balance the interests of bach owners, who want their baches to remain where they are, those people who want them removed, and the public's right of access to the land.
- 2.2 A staff report recommending a way forward was adopted by the Council on 23 July 2010. The report and Council's decision recognised the requirement to comply with District Plan provisions introduced under the Environment Courts 2003 decision, that manages the retention and removal of baches. It also supported the creation of licences to enable some baches to remain on Council road reserve. The directions given in Council's July 2010 decision were however never implemented due to the Canterbury earthquakes.
- 2.3 However now the earthquakes have meant that a number of baches are at risk from rockfall or cliff collapse (refer to Attachment 1). Hazard assessments in respect of all baches will need to be taken into account when the future of the baches is considered. The Environment Court 2003 decision requires review in light of the new hazard information.
- 2.4 Four baches at Maori Gardens are affected by this risk. They were not previously included in discussions involving the Taylors Mistake and Boulder Bay baches.

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- 2.5 There is some urgency for progress to be made in dealing with this matter. The District Plan Review Hearings Panel will be receiving and deciding on submissions to the proposed Natural Hazards Chapter of the draft Plan (Stage 1 of the District Plan Review (DPR). In February 2015 the Natural Hazards Chapter introduces new Slope Instability Management Areas over land at Taylors Mistake, Boulder Bay and Maori Gardens.
- 2.6 Early next year and as part of Stage 2 of the DPR, the Council is required to prepare and notify chapters specifically relating to the management of the existing baches (i.e. whether all or some remain or are removed) and the development of a new bach zone (for replacement and/or relocated baches).
- 2.7 The DPR and decisions relating to licences for the baches are two closely linked processes under which the Council will need to reconsider options for the long term future of each bach. Staff believe it would make sense for both issues to be considered together.
- 2.8 To speed things up and ensure critical deadlines for the DPR are met, it is suggested a Working Party be appointed. The Working Party will be required to work through the matters that relate specifically to the baches and to make recommendations to the Council for dealing with them. If adopted, the recommendations would also be the basis for advice to the District Plan Review Committee on the Council's response to submissions and Council's decisions regarding the licences to occupy the subject land.

3. BACKGROUND

- 3.1 Privately owned baches have been part of the landscape at Taylors Mistake and Boulder Bay since the early 20th century. However, the bachowners' continued occupation of land set aside for public use has polarised views in the community, for and against the baches remaining.
- 3.2 In 2003 the matter was considered by the Environment Court, which ruled that 14 of the baches should be removed and the affected bachowners given the opportunity to build new ones on land at Taylors Mistake owned by all bachowners and set aside for that purpose. There were no appeals and the Council amended its District Plan to accommodate the Court's decision.
- 3.3 Council staff endeavoured to reach agreement with bachowners on the terms of a licence that would allow the remaining 31 baches to occupy public land. This was never achieved but eventually, on 23 July 2010, the Council considered a report from staff that recommended a way forward, essentially putting into effect the Environment Court's solution subject to the successful negotiation of licences. The earthquakes intervened and the Council's resolution adopting the recommendation has never been implemented.
- 3.4 It is not intended that the matters discussed in that report be canvassed again. It can be accessed at <http://archived.ccc.govt.nz/Council/Proceedings/2010/July/CnclCover22nd/index.asp>, along with an earlier report included as an attachment. They provide a comprehensive background to many of the matters that will need to be considered in dealing with the bach issue.
- 3.5 If the recommendations in this report are adopted, staff will provide a full briefing and on-going support for the elected members appointed to the Working Party. The findings and recommendations of the Working Party will be included in a further report to be considered by the Council.

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- 3.6 Staff believe the time is right for the Council to make significant progress in resolving this matter. A Working Party is seen as the best, most efficient, way to achieve this and for obtaining the information required for decisions to be made. Discussions have already been held with bachowners.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of supporting the working party, including staff time, and of any reports it may commission will be met from the existing budgets of the Chief Operating Officer and the Chief Planning Officer.

5. STAFF RECOMMENDATION

It is recommended that the Council appoints a working party to:

- 5.1 Progress resolution of the Taylors Mistake, Boulder Bay and Maori Gardens bach issue and to recommend options for determining the future of the baches, including the option of granting licences to occupy Council-owned land; and
- 5.2 When required to meet DPR process deadlines, provide advice to the District Plan Review Committee on the Council's response to submissions on the phase 1 and recommendations for new provisions as part of phase 2 of the DPR.
- 5.3 That the Working Party be made up of Councillors, and that Councillor be appointed as Chair.
- 5.4 That the Working Party review the purpose of the Working Party as outlined in Para 1.1 of this report, and recommend any changes to Council.

- Operative City Plan Zoning
- Scheduled Baches under operative City Plan
- Baches to be removed as not scheduled under City Plan
- Replacement District Plan
- Liquefaction Assessment Area 1
- Liquefaction Assessment Area 2
- Hazard Line 1 (Coastal)
- Cliff Hazard Management Area 1
- Cliff Hazard Management Area 2
- Mass Movement Hazard Management Area 1
- Mass Movement Hazard Management Area 2
- Mass Movement Hazard Management Area 3
- Rockfall Hazard Management Area 1
- Rockfall Hazard Management Area 2
- Remainder of Port Hills and Banks Peninsula Slope Instability Management Area



Taylors Mistake Baches Showing Draft District Plan Hazard Management Areas



COUNCIL 11. 12. 2014**39. RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)**

Attached.

THURSDAY 11 DECEMBER 2014

COUNCIL

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 the item 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)

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:

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ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SUBCLAUSE & REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
60.	EARTHQUAKE EXACERBATION OF FREQUENT FLOODING	Protection from improper pressure or harrassment Commercial Activities Conduct of Negotiations	7(2)(f)(i) 7(2)(h) 7(2)(i)	So Councillors can consider application in confidence. Sensitive commercial negotiations with Crown	Following announcement of policy – expected to be March 2015.

COUNCIL 11. 12. 2014**Chairperson's**

Recommendation: That the foregoing motion be adopted.

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.”