



Christchurch City Council

HAGLEY/FERRYMEAD COMMUNITY BOARD AGENDA

8 FEBRUARY 2006

3.00 PM

IN THE BOARDROOM, LINWOOD SERVICE CENTRE
180 SMITH STREET

Community Board: Bob Todd (Chairperson), David Cox, Anna Crighton, John Freeman, Yani Johanson, Brenda Lowe-Johnson and Brendan Smith

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1. APOLOGIES

2. CONFIRMATION OF REPORT

The report of the ordinary meeting held on Wednesday 14 December 2005 has been circulated to Board members.

CHAIRPERSON'S RECOMMENDATION

That the report of the ordinary meeting held on Wednesday 14 December 2005 be confirmed.

3. CORRESPONDENCE

4. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

4.1 2005/06 PROJECT AND DISCRETIONARY FUND

The attached schedule shows the allocations in the Board's Discretionary and Project Funds, since 1 July 2005.

4.2 REPORT ON DECISION OF RECESS EMERGENCY COMMITTEE

The Recess Emergency Committee considered and approved a submission under delegated authority of the Board regarding the draft Christchurch City Council Aquatics Facility Plan. The submission is attached.

5. **QUESTIONS FROM MEMBERS**6. **DEPUTATIONS BY APPOINTMENT**6.1 **FORESHORE LAND AT REDCLIFFS – CHRISTCHURCH ESTUARY ASSOCIATION**

Murray Snowdon and Les Batchelor, representing the Christchurch Estuary Association, will be in attendance to speak about foreshore land at Redcliffs.

6.2 **FORESHORE LAND AT REDCLIFFS – AVON/HEATHCOTE ESTUARY IHUTAI TRUST**

Alex Drysdale, representing the Avon/Heathcote Estuary Ihutai Trust, will be in attendance to speak about foreshore land at Redcliffs.

6.3 **CHRISTCHURCH COMMUNITY GARDENS**

Ross Paterson, representing the Christchurch Community Gardens Association, will be in attendance to discuss community gardens in Christchurch.

6.4 **FERRYMEAD RESERVE**

Mr Wright will be in attendance to address the Board regarding Ferrymead Reserve and a 1978 agreement with the Tramway Society.

6.5 **ENGLEFIELD NEIGHBOURHOOD COMMITTEE**

Irinka Britnell, representing the Englefield Neighbourhood Committee will be in attendance to address a number of issues of interest to the Neighbourhood Committee.

7. **REDCLIFFS FORESHORE - PART RURAL SECTION 309 - ADVERSE POSSESSION CLAIM BY R G AND C ROMERIL**

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Legal Services Manager, Acting Greenspace Manager
Author:	John Allen, Policy and Leasing Administrator, Greenspace Unit, DDI 941-8699 Robert O'Connor, Solicitor, Legal Services Unit, DDI 941-8575

PURPOSE OF REPORT

1. To seek Council's approval for the initiation, if required, of legal proceedings to establish that a subdivision consent under the Resource Management Act is required in respect of the Romeril application for "adverse possession" of part of Rural Section 309. If such consent is required and granted the expected outcome is that the land will vest in the Council as esplanade reserve.

EXECUTIVE SUMMARY

2. There exists along the foreshore between Beachville Road and Main Road in Redcliffs a strip of land legally described as Part Rural Section 309 held under the "deeds" system of land registration.
3. Roderick Grant Romeril and Claire Romeril, the owners of the property at 133 Main Road, Redcliffs, have made application to the Registrar-General of Land for title to part of this "deeds" land between their property and the foreshore containing an area of 163 square metres. If that application is successful a certificate of title to the land claimed will issue in the name of Mr and Mrs Romeril.
4. The Council has had some recent involvement with this strip of land along the foreshore as follows:
 - (a) On 22 June 2005 the Board resolved to approve a proposed application by the Council to the Registrar-General of Land for title to approximately 765 square metres of Part Rural Section 309 generally located around the tram shelter near the junction of Main Road and Wakatu Avenue by way of "adverse possession";

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- (b) The Council has had to deal over recent months with an application by Ian Alexander McKenzie of 149 Main Road for an application for a retrospective resource consent for an illegal structure erected by Mr McKenzie between his property and the sea on part of Part Rural Section 309. This was settled by a compromise whereby the size of the structure was reduced and public access preserved. However, importantly, by so agreeing the Council did not accept that the land upon which the structure was built was owned by Mr McKenzie.
5. In view of the high level of public interest in this strip of foreshore, it is considered that the Council should take the steps available to it to prevent the application for "adverse possession" by Mr and Mrs Romeril from proceeding. Approval is therefore sought from the Board to enable Council officers to initiate, if required, the appropriate legal proceedings to require Mr and Mrs Romeril to apply for a subdivision consent before their application for "adverse possession" of the land may be progressed by the Registrar-General of Land. It is expected that any subdivision consent would require as a condition of that consent that the land vest in the Council as esplanade reserve in accordance with the requirements of the City Plan. We have received a written assurance from the Registrar-General of Land that he will not progress the Romeril application until he either accepts that a subdivision consent is required or, if not, the Council's proposed legal proceedings in the Environment Court are determined.
6. Given the long public use and public utility of this land, the high level of public interest and the stated intentions of Government and Council to protect and enhance public access to the foreshore, the Council should act to protect the public interest. Local interest groups, including the Avon-Heathcote Estuary Ihutai Trust and the Christchurch Estuary Association, have expressed a strong interest in protecting this area for public access as a vital link from Main Road to the Estuary. Te Runanga O Ngai Tahu have been kept informed throughout this process and have been provided with opportunities to participate.
7. Developments in this matter remain fluid and it may be that matters will develop differently than presently anticipated. However, in view of the very real possibility that legal proceedings will need to be issued it is necessary to place this matter before the Council so that officers have the authority to initiate court action should this be necessary. It is important that these issues are resolved prior to the issue of any title to Mr and Mrs Romeril and once that title issues it would be very difficult to have it cancelled.

FINANCIAL AND LEGAL CONSIDERATIONS

8. Part Rural Section 309 is privately-owned land known as "deeds" land.
9. Under the deeds system of land ownership a party is able to claim ownership of land by deed (ie by written documentation) or by virtue of continuous possession. This legal form of title is a "common law" system of land ownership originating from inherited British law. The "deeds" system of land registration was replaced by the modern day land transfer system under which certificates of title issue for land. However, there are many pockets of "Deeds Land" remaining in this city.
10. The land transfer or "Torrens" system of land registration and title guarantee which exists in New Zealand today plays a very significant part in economic life and social development. In less developed countries land ownership issues are a critical impediment to social and economic development.
11. Under the common law any person may claim by "adverse possession" any part of "deeds" land which that person has occupied exclusively for a period of 12 years or more. Where such a claim can be established, the claimant may apply for a Land Transfer Act title to issue in respect of the land claimed, the effect of which is to override the rights of all other parties, including the rights of the owner of the "deeds" land.
12. This process requires an application to be made to the Registrar-General of Land. Such an application has been made in respect of that part of Part Rural Section 309 described as Lot 1 ("Lot 1") on title Plan 359297 (a copy of which is attached to this report) by Roderick Grant Romeril and Claire Romeril. As part of the application process the Registrar-General of Land is required to advertise the application and to set a period of time by the end of which any objections to the application must be received. The due date for applications in respect of this particular application is 24 January 2004.

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13. If no objections are received by the Registrar-General of Land by that date and the Registrar-General considers that the application should proceed, then he will issue to Mr and Mrs Romeril a Land Transfer Act title for the land claimed (ie Lot 1) and the land will pass to Mr and Mrs Romeril as their freehold asset. Their title thereafter will be guaranteed by the Crown.
14. The advice of the Legal Services Unit and the Council's external solicitors, Buddle Findlay, is that the application by Mr and Mrs Romeril for "adverse possession" of Lot 1 technically constitutes a "subdivision" of land for the purposes of the Resource Management Act. Where there is a division of a piece of land by an application for the issue of a separate certificate of title for any part of the land, a "subdivision" occurs. In this case, issuing a separate title for the proposed Lot 1 constitutes a division of Part Rural Section 309 which itself constitutes an allotment as defined in section 218(2)(d) of the Resource Management Act.
15. Section 11(1) of the Resource Management Act prohibits a person from subdividing land unless that subdivision is permitted by the exceptions specified in subsections (a) to (d) of that section. The present subdivision does not appear to satisfy any of those exceptions. Therefore before the application proceeds a resource consent to subdivide should first be obtained by Mr and Mrs Romeril from Council (acting in its regulatory capacity) to permit the subdivision of Part Rural Section 309.
16. Section 224(c) of the Resource Management Act provides that no survey plan shall be deposited under the Land Transfer Act 1952 unless there is lodged contemporaneously with the Registrar-General of Land a certificate signed by an authorised officer of the Council stating that (amongst other things) it has approved the survey plan and that the conditions of the subdivision consent have been complied with or dealt with in some other way. When a survey plan "deposits" it signifies that all matters have been dealt with to enable the subdivision contemplated by the plan to be completed and at that point new titles will issue for the new allotments created by the plan. In this case, no certificate has been issued by the Council. Indeed, the Council is unable to issue such a certificate as no subdivision consent application has been made for it to consider.
17. There is no subdivision consent or a section 224(c) certificate and accordingly the survey plan to subdivide Lot 1 can therefore not be deposited. If the survey plan is deposited by the registrar nonetheless, it is our view that there will be a breach of section 224(c) of the Resource Management Act.
18. If a subdivision application were received then, to comply with the conditions of the City Plan, a condition of any consent granted would require that Lot 1 vest in the Christchurch City Council as esplanade reserve.
19. The Registrar-General of Land set 24 January 2006 as being the date by which objections to the application for "adverse possession" by Mr and Mrs Romeril must be received. The Legal Services Unit investigated the possibility of making such a formal objection but have concluded that such an objection can only be lodged and sustained if the Council can demonstrate that it has a "legal" interest in the land. The position of the Council as the relevant regulatory authority in respect of subdivision matters under the Resource Management Act does not give the Council the requisite "legal" interest in land.
20. To have such an interest the Council must have an ownership interest or an interest as mortgagee or easement holder or the like. In essence our advice is that the Council does not have the required legal interest in the land. Therefore the Council is not in the position of being able to object in the normal course to the application by Mr and Mrs Romeril for "adverse possession".
21. In the absence of any compelling evidence that the Council possesses a legal interest in the land, the only method by which the Council may "object" to the application is by enforcing the requirement of the Resource Management Act requiring a subdivision consent and the issue of a section 224(c) certificate before the "adverse possession" application may proceed.
22. The Legal Services Unit and Buddle Findlay, solicitors acting for the Council, have entered into correspondence with the Registrar-General of Land specifying the Council's concern that subdivision consent has not been obtained. The Council's legal advisers have sought an undertaking from the Registrar-General of Land that he will not proceed to process Mr and Mrs Romeril's "adverse possession" application for Lot 1 until the issue of the Council's requirement for a subdivision consent is resolved. This undertaking has been received.

23. Due to the very short timeframe available between the date of writing this report and the objection expiry date of 24 January 2006 it may be that by the time this report is considered that it may have been necessary for proceedings to have been initiated.
24. Whilst it is always difficult to quantify with any accuracy anticipated legal costs in respect of litigation, it could reasonably be expected that the costs of such an application could be of the order of up to \$30,000. The Greenspace Unit has indicated that they are able to find this money from within their current budget.

STAFF RECOMMENDATION

That the Board recommend to the Council that the Council's legal advisers, if required, prepare and file the necessary legal proceedings in the Environment Court seeking a declaration of the Court requiring that a subdivision consent be obtained in respect of the application by Mr and Mrs Romeril for "adverse possession" of Lot 1 on Plan 359297 before that plan is deposited.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

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BACKGROUND ON REDCLIFFS FORESHORE - PART RURAL SECTION 309 - ADVERSE POSSESSION CLAIM BY R G AND C ROMERIL

25. The strip of land along the Redcliffs Foreshore known as Part Rural Section 309 is a remnant of a larger piece of land which has substantially been eroded by the sea. Rural Section 309 was subdivided for residential sections in 1895 but the remnant of land that we know today was excluded from the subdivision. It is probable that at that time the land had been inundated by the sea and that this was the reason why it was not included within the subdivision. However, subsequently some of the land appears to have been reclaimed and used for the erection of protection works against erosion by the sea.
26. You will observe from Plan SM1214-08 attached to this report that beyond Part Rural Section 309 is a strip shown as "Sec 1, SO 18207" and that this strip is substantially within the Coastal Marine Area (ie the sea). This strip was formerly legal road and was created when the original Rural Section 309 was first granted by the Crown to private owners in the 1850s. It is clear that at that time that dry land must have extended to the seaward boundary of the old legal road but must have subsequently been eroded away. This legal road has been formally stopped and is now, in respect of those parts of it below mean high water springs, owned by the Crown pursuant to the Foreshore and Seabed Act, and in respect of those parts above mean high water springs, owned the Council as local purpose reserve.
27. It appears that no party has asserted legal ownership of Part Rural Section 309 since the original subdivision in 1895.
28. In 1933 the Sumner Borough Council prepared a plan and initiated a process to take the remnant of Part Rural Section 309 under the Public Works Act, presumably for land protection works. However, this appears, for unknown reasons, to not have been proceeded with.
29. It appears that throughout the last century and to the present day that the public have used Part Rural Section as access to the foreshore around the Estuary treating it as and assuming that it was publicly owned.
30. The Board will recall that on 22 June 2005 the Board considered a report concerning part of the land known as Part Rural Section 309, in particular that part of the land generally situated around the tram shelter at the southern end of Part Rural Section 309 near the junction of Main Road and Wakatu Avenue. The recommendation, as adopted by the Board, of that report was that the Council proceed with an application to the Registrar-General of Land for a claim of adverse possession to that land generally around the tram shelter.
31. In acting upon the Board's recommendation the Legal Services Unit undertook further investigation of the processes involved and the nature of the information required to enable that application to proceed. Those investigations brought to light an inadequacy in the Council's position as proposed applicant, the result of which was further advice from the Legal Services Unit that the application could not proceed at that time. The particular issue is that for an "adverse possession" claim to be made by the Council in respect of deeds land, a period of 12 years adverse possession by the Council must be established. It became apparent on investigation by the Legal Services Unit that a period of only approximately 10 years could be established to date, although some Council involvement occurred with the land before that time. It may therefore be possible to initiate such an application in approximately two years time after the requisite 12 years have been accumulated.
32. The Council has been involved over the last year or so with respect to an application for retrospective resource consent made by the owner of the property at 149 Main Road, Ian Alexander McKenzie, in relation to an illegal structure erected on part of Rural Section 309 between the legal boundary of his property and the sea. It is possible to apply for a resource consent without owning the land to which the application relates. This application by Mr McKenzie created significant controversy and involved in opposition to it the Avon-Heathcote Estuary Ihutai Trust, the Christchurch Estuary Association Incorporated and initially the Te Runanga O Ngai Tahu amongst others.
33. The McKenzie application was dealt with by a commissioner who decided against Mr McKenzie. The matter was then appealed but resolved by agreement between the parties on the basis that consent was given for part of the structure but that public access through the foreshore was preserved by the demolition of the remaining part. No acknowledgement of any claim by Mr McKenzie as to ownership of the land was made by the Council.

34. As a consequence of the McKenzie application public interest in this stretch of foreshore has been heightened. Over recent months Council staff have received many representations from the Avon-Heathcote Estuary Ihutai Trust and the Christchurch Estuary Association Incorporated concerning issues of public access along this strip of foreshore.

OPTIONS

Preferred Option

35. To issue, if necessary, legal proceedings in the Environment Court seeking a declaration of the Court requiring the Mr and Mrs Romeril to obtain a subdivision consent under the Resource Management Act in respect of Lot 1 before their application for "adverse possession" is permitted to proceed.

Status Quo

36. Not to issue the legal proceedings.

If no legal proceedings are issued, then the Council will not be in a position to object or oppose the application by Mr and Mrs Romeril for "adverse possession" of Lot 1. The risk is that in that event the Registrar-General of Land will process the application and a freehold certificate of title under the Land Transfer Act will issue to Mr and Mrs Romeril for Lot 1, the effect of which will be to change the status of the land from "deeds" land to land transfer land and to thereby prevent public access to it. The title to Lot 1 will then be guaranteed by the Crown and it will be very difficult to dispute it.

The Council is very likely to come under a great deal of public criticism if it takes no action to attempt to protect public access to and along the Estuary foreshore.

ASSESSMENT OF OPTIONS

The Preferred Option

37. To proceed, if required, with an application to the Environment Court for a declaration requiring Mr and Mrs Romeril to apply for a subdivision consent in respect of Lot 1 Deposited Plan 359297 before their "adverse possession" application to the Registrar-General of Land is processed.

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> Ensuring the integrity of the City Plan is maintained by enforcing the requirement for a subdivision consent under the Resource Management Act. Ensuring that the public have continued access around the Estuary through the medium of requiring as a condition to any subdivision consent the creation and vesting in the Council of an esplanade reserve which will be over the entirety of the land claimed by "adverse possession" by Mr and Mrs Romeril. Ensuring that the community's aspirations that this land be brought under public ownership are met. Ensuring that a precedent is set for dealing with any other claims by landowners neighbouring Part Rural Section 309 (ie preventing such further claims). 	<ul style="list-style-type: none"> The denial of Mr and Mrs Romerils' "adverse possession" claim to Lot 1 DP 359297. The denial of the claims for "adverse possession" of any other person because the Romeril application is considered to be a precedent.
Cultural	<ul style="list-style-type: none"> Ensures Maori have continued access to this part of the Estuary, the Estuary being very important to them historically as a food gathering area. 	
Environmental	<ul style="list-style-type: none"> Ensures that the intrinsic environmental value of the area and the openness of the Estuary are maintained as far as possible. 	
Economic		<ul style="list-style-type: none"> A one-off cost of up to \$30,000 may have to be expended to finance the required litigation. Money is available in the Greenspace Unit's Budget to pay these costs. Continued maintenance of the area will be required if the land vests in the Council as Esplanade Reserve. This will need to be budgeted for in the Greenspace Eastern Area Maintenance Contract.

Extent to which community outcomes are achieved:

The community aspiration to retain public access to the land is achieved. Potentially the community's aspiration that the land be brought under public ownership may also be achieved.

Impact on Council's capacity and responsibilities:

There will be a small increase in the Council's capacity and responsibilities than there is at present (ie to develop and maintain the area) plus the one-off cost of initiating legal proceedings.

Effects on Maori:

It will ensure that Maori are able to continue to have access to this part of the Estuary.

Consistency with existing Council policies:

Consistent with the ethos of Council and Government policies of maintaining public access to and along foreshore areas, thereby ensuring the general public's enjoyment of foreshore areas.

Views and preferences of persons affected or likely to have an interest:

It has clearly been indicated by the Avon-Heathcote Estuary Ihutai Trust, the Christchurch Estuary Association Incorporated and other groups that the retention of this area for public access to the Estuary is important.

Other relevant matters:

Nil.

Maintain The Status Quo (If Not Preferred Option)

38. Maintaining the status quo, by doing nothing.

	Benefits (current and future)	Costs (current and future)
Social		<ul style="list-style-type: none"> • The general public's continued access to the Estuary foreshore in this part of the Estuary cannot be assured if Mr and Mrs Romerils' "adverse possession" claim proceeds and is successful. • Does not ensure that the community's aspiration that this land passes into public ownership is met.
Cultural		<ul style="list-style-type: none"> • Does not ensure that Maori have continued access to this part of the Estuary, the Estuary being very important to them historically as a food gathering area.
Environmental		<ul style="list-style-type: none"> • Does not ensure that the intrinsic environmental value of the area and the openness of the Estuary are maintained.
Economic	<ul style="list-style-type: none"> • Potentially a saving is made in the amount of money needed to be budgeted in the Greenspace Area Maintenance Contract if the Council does not gain title to the land. • A one-off cost of up to \$30,000 in respect of legal costs will not have to be expended if the Council decides not to initiate these proceedings. 	
<p>Extent to which community outcomes are achieved: The community's aspiration to ensure the land passes into Council ownership is not being actively acted upon and therefore is more at risk of not being achieved.</p> <p>Impact on Council's capacity and responsibilities: Nil</p> <p>Effects on Maori: By doing nothing the Council would not ensure that Maori are able to continue to have access to this part of the Estuary.</p> <p>Consistency with existing Council policies: By not issuing the legal proceedings recommended the ethos of the Council, and government policies of maintaining public access to foreshore areas, ensuring the general public's enjoyment of foreshore areas, would not be acted upon.</p> <p>Views and preferences of persons affected or likely to have an interest: By not issuing the suggested legal proceedings the Council would not be acting in compliance with the wishes of the community for the retention of public access across the land as has been strongly expressed by the Avon-Heathcote Estuary Ihutai Trust, the Christchurch Estuary Association Incorporated and other community groups.</p> <p>Other relevant matters: Nil.</p>		

8. NEW BUS STOP LOCATION

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Lindsay Eagle, Maintenance Engineer, DDI 941-8661

PURPOSE OF REPORT

1. The purpose of this report is to inform the Board of new bus stop locations required in the Board's area following consultation with residents. The Board is asked to approve the creation of two new bus stops.

BACKGROUND

2. The Council has been approached with a request to install a pair of bus stops in Gloucester Street to the east of the intersection with Fitzgerald Avenue. The person requesting the bus stops has a mobility problem but has been able to utilise public transport where the distance to a bus stop is not excessive. Bus routes pass along this section of Gloucester Street, however the nearest stops are in the block to the west of Fitzgerald Avenue which has eight lanes of traffic and can be daunting for a pedestrian to cross at any time of the day.

Following this request from the resident and further public consultation, new locations for the stops have been identified and are recommended below.

3. The Council is required to provide bus stops to enable the various services to operate in an effective and efficient manner. In order to undertake this, the following proposed bus stops are recommended in this report.

BUS STOPS

4. The stops have been located to maximise access to the surrounding catchment area while allowing the bus to travel as freely as possible and to stop a minimum number of times. The distance between the stops will be convenient for bus patrons.

CONSULTATION

5. In locating new stops, the Council investigates a number of locations to assess suitability. It consults as a courtesy the property owner adjacent to a suitable location. It is preferred to locate stops where agreement has been gained from the property owner.
6. Agreement to establish a permanent bus stops outside the property at 182 Fitzgerald Avenue has been gained from the owners. Discussions have been held with the owners of 336 Gloucester Street. They have neither given nor refused consent but have expressed concerns about the behaviour of patrons likely to utilise the service in this area. In this situation it would be appropriate to establish a bus stop on a temporary basis and to monitor its usage and effect on the adjoining properties.

FINANCIAL AND LEGAL CONSIDERATIONS**Costs**

7. Two bus stop signs and road marking at \$200 each installed can be met within existing budgets.

Legal

8. Land Transport Rules Traffic Control Devices 2004 provides for the erection of bus stop signs and road marking.

STAFF RECOMMENDATIONS

It is recommended that the Board approve the installation of two bus stops in the following locations:

- (i) On the north side of Gloucester Street, adjacent to the frontage of 182 Fitzgerald Avenue, commencing at a point 15 metres east of Fitzgerald Avenue and extending in an easterly direction for a distance of 16 metres.
- (ii) On the south side of Gloucester Street, adjacent to the frontage of 336 Gloucester Street, commencing at a point 24 metres east of Fitzgerald Avenue and extending in an easterly direction for a distance of 16 metres.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendations be adopted.

9. TUAM STREET PEDESTRIAN CROSSING

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Katherine Eveleigh, Project Manager (Streets Capital Programme), DDI 941-8667

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Advise the Board that informative consultation is currently underway;
 - (b) Seek the Board's support for the Tuam Street Pedestrian Crossing project to proceed to implementation;
 - (c) Seek the Council's approval to proceed this project to implementation; and
 - (d) Seek the Council's approval for resolutions for new traffic restrictions associated with the Tuam Street Pedestrian Crossing project.

EXECUTIVE SUMMARY

Background

2. The Tuam Street project is in relation to an existing midblock zebra pedestrian crossing, located on the pedestrian desire line between the City Council Tuam Street car park and the Christchurch City Council offices. This section of Tuam Street is a collector road, carrying 12,000 vehicles per day. The area generally consists of commercial, retail and office facilities.
3. The project was initiated in 2003, when the Council requested a safety audit be undertaken of the Tuam Street pedestrian crossing. The audit report outlined a number of safety issues and recommendations for improvement. The proposal outlined in this report identifies a scheme that aims to address the issues recommended in Council's Safety Audit report.

Pedestrian Crossing Warning Light Trial

4. In response to the Safety Audit, the Council has chosen to trial a new flashing light warning system in conjunction with the proposed safety improvement work. The warning light system is activated by pedestrians waiting to use the crossing facility to alert an approaching motorist of the need to stop.
5. As this warning light technology is new, approval from Land Transport New Zealand (LTNZ) is required. A "Proposal for a Pedestrian Crossing Warning Lights Trial" has been presented to Land Transport NZ. In response to this, LTNZ has developed a draft Gazette Notice for this trial, which is expected to be finalised in January 2006. This will legalise the trial of this technology.

Consultation

6. This project is a safety improvement work that is responding to an identified safety problem. Hence, there is little scope for change to the proposal and consultation with stakeholders is on an "informative" basis only. At the time of writing this report, the informative consultation was being initiated. A verbal update on the results of this will be made to the Board on presentation of this report.

Recommended Option

7. The preferred option at Tuam Street is to upgrade the existing pedestrian crossing by replacing the existing cobbles with stamped asphalt and to rearrange parking to the east of the Civic Offices on the north side of Tuam Street. Pedestrian crossing warning lights will be installed at the same time as the crossing upgrade.
8. It is recommended that the Board support the safety works proposed for Tuam Street pedestrian crossing (as detailed in Attachment 1) to the Council, to proceed to implementation.

FINANCIAL AND LEGAL CONSIDERATIONS

9. The estimated total costs for the Tuam Street Pedestrian Crossing project is \$78,000 inclusive of all consultation, design, construction and project management. The cost is also inclusive of the installation and analysis of the pedestrian warning light system.
10. The Tuam Street pedestrian crossing project is part of the Safety Improvement Programme and is programmed for construction in the 2005/06 financial year.
11. With the appropriately gazetted warning light trial system, there are no legal implications from this project.
12. Without the approval of the resolutions for traffic restrictions, the restrictions will not be enforceable upon implementation.

STAFF RECOMMENDATIONS

It is recommended that the Board recommend that the Council:

1. Approve the safety works for the Tuam Street pedestrian crossing (as detailed in Attachment 1) to proceed to implementation, including the installation of a warning light system.
2. Approve the following new traffic restrictions for the Tuam Street project:

Move existing P5 Goods Vehicles Only Loading Zone to new location:

- (a) That the existing P5 Vehicles Only Loading Zone be revoked from the north side of Tuam Street at its present position commencing 133 metres east of the intersection with Colombo Street and extending 10 metres in an east direction, and reinstated on the north side of Tuam Street commencing 148 metres east of the intersection with Colombo Street and extending 12 metres in an east direction.

Move existing P60 Mobility Park to new location:

- (b) That the existing metered P60 Mobility Park be revoked from the north side of Tuam Street at its present position commencing 149 metres east of the intersection with Colombo Street and extending 7.5 metres in an east direction, and reinstated on the north side of Tuam Street commencing 160 metres east of the intersection with Colombo Street and extending 7 metres in an east direction.

Move existing P30 Motorcycle Park:

- (c) That the existing P30 motorcycle park be revoked from the north side of Tuam Street at its present position commencing 163.5 metres east of the intersection with Colombo Street and extending 3.5 metres in an east direction, and reinstated on the north side of Tuam Street commencing 140 metres east of the intersection with Colombo Street and extending 3 metres in an east direction.

Remove existing P60 Park:

- (d) That the existing P60 park be revoked from the north side of Tuam Street at its present position commencing 156.5 metres east of the intersection with Colombo Street and extending 7 metres in an east direction.

Install a P30 Mobility Park:

- (e) That the parking of vehicles be restricted to a non-metered P60 Mobility Park on the north side of Tuam Street commencing 133 metres east of the intersection with Colombo Street and extending 7.0 metres in an east direction.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendations be adopted.

BACKGROUND - TUAM STREET PEDESTRIAN CROSSING

DESCRIPTION OF SITE

13. This project relates to the section of Tuam Street between Colombo Street and Manchester Street, which is a collector road carrying approximately 12,000 vehicles per day. This section of Tuam Street is approximately 240 metres long, and has an existing width of 14 metres.
14. In this section of Tuam Street, there is a midblock zebra pedestrian crossing, located on the pedestrian desire line between the City Council Tuam Street car park and the Christchurch City Council offices. This section of Tuam Street generally consists of commercial, retail and office facilities, including, a car retail yard, a preschool, the Council offices and Tuam Street car park. These premises generate high traffic movements throughout the day.

PROJECT INITIATION AND DEVELOPMENT

15. In 2003, the Council requested a safety audit be undertaken of the Tuam Street pedestrian crossing as a result of a crash involving a pedestrian (February 2003) and general safety concerns raised by the public. The audit report outlined a number of safety issues and recommendations for improvement.
16. As a result of the safety audit, the Council requested (December 2003) that a scheme be developed to improve the safety of the pedestrian crossing. The solution was to include innovative solutions to alert drivers to the presence of pedestrians on the crossing.
17. During 2004 and 2005, the Council has actioned a number of the safety audit concerns including traffic signage, road markings and parking allocation.
18. The aim of the proposal presented in this report is to identify and develop a scheme to address the outstanding issues recommended in the safety audit report. The proposal includes upgrade of the existing pedestrian crossing and the installation of pedestrian crossing warning lights.

PEDESTRIAN CROSSING WARNING LIGHT TRIAL

19. In conjunction with the pedestrian crossing project, the Council has chosen to take this opportunity to trial a pedestrian crossing warning light system to further improve pedestrian safety.
20. The pedestrian crossing warning light system is an in-pavement flashing light system which is activated by pedestrians waiting and using the crossing facility to alert motorists to their presence.
21. In order to install and trial this new technology, approval is required from Land Transport New Zealand. A "Proposal for Pedestrian Crossing Warning Lights Trial" has been produced and presented to Land Transport NZ. The proposal outlines the sites to be trialled, background to the proposed technology and the proposed data collection, monitoring and analysis methodology.
22. The trial proposal is for two Christchurch sites, Tuam Street and Hereford Street, and one Auckland site. Note the Hereford Street project is part of the same trial but the planning process is progressing separately to the Tuam Street project and hence this project has not been included in this report. The Auckland site has also been included in the trial at the request of Auckland City Council and Land Transport NZ, since trial approval can be given for a number of sites but only for a single trial proposal.
23. The trial proposes to carry out a number of studies before, during and after construction during a one year post construction period to assess the successes of the warning light technology. The surveys will include traffic volumes, traffic speeds, video camera analysis, pedestrian surveys and motorist surveys. Processes have been put in place to manage the collection and analysis of this data.
24. Land Transport NZ will provide the necessary approval for the use of the warning light system. They have been involved during the development of the three projects and have drafted a Gazette Notice for the trial. A final Gazette Notice is due in January 2006.

TERMS OF REFERENCE

25. The initiating aim of the project is:
- To upgrade the existing pedestrian crossing on Tuam Street.
26. The objective of the project is to:
- Provide a safe pedestrian crossing facility on Tuam Street.
 - Provide the opportunity to trial a new form of advanced warning light system.
 - Assess the success of the warning light trial through collection and analysis of data.

CONSULTATION

27. This project is a safety project that is responding to an identified safety problem. Hence, there is little scope for changes to the proposal and therefore the consultation with stakeholders has been on an "informative" basis only.
28. The only aspect of the streetscape that will be changed by proposal, apart from the installation of the warning light system and replacement of the existing cobbles with stamped asphalt, is a slight rearrangement of the parking restrictions on the north side of Tuam Street, east of the Civic Offices.
29. An additional mobility park will be installed at the expense of losing one P60 park. This has been installed based on a request from patrons using the mobility park, in particular taxi drivers who drop off and pick up people from the Skill Wise organisation, who often find the mobility park is unavailable. One on one consultation has been undertaken with the organisations adjacent to and users directly affected by the parking change and they all support the proposal.
30. At the time of writing this report, the informative consultation was being undertaken, as summarised below:
- (a) Site visits are being undertaken with those parties who may be directly affected by the proposed works.
 - (b) A notice has also been placed on the City Council Intranet, to alert Council staff to this proposal, and on the internet, to advise the wider community.
 - (c) The publicity pamphlet will also be delivered to all businesses and stakeholders in the surrounding area. The leaflet will not formally ask for feedback but provide contact details if comments are wanted to be made.
31. A verbal update on the results of this informative consultation will be made to the Board on presentation of this report.
32. A media release will also be undertaken in relevant local newspapers to inform the local and wider community of the project once the pedestrian crossing warning light trial commences.

OPTIONS

33. Three options were assessed as part of Tuam Street pedestrian crossing project:
- (a) Maintenance of the status quo.
 - (b) A concept that proposes to upgrade the existing pedestrian crossing and the installation of pedestrian crossing warning lights - Preferred Option.
 - (c) Pedestrian crossing upgrade without pedestrian warning lights.

Assessment - Option (A) - The Status quo

34. Maintenance of the status quo will not result in any social, cultural, environmental or economic benefits. Maintaining the status quo is not consistent with the Road Safety Strategy. Further, it does not meet the needs raised through the specific safety audit of this location, nor the Council resolution to address safety concerns.

Assessment - Option (B) - Upgrade pedestrian crossing and installation of pedestrian crossing warning lights - Preferred Option

35. Option B consists of the following elements:

- (a) Uplift of the existing cobbles at the Tuam Street crossing and replace these with a reshaped stamped asphalt surface. Replacing the crossing with asphalt will renew an older asset and clearly define the existing footpath from the pedestrian facilities. The slight reshaping of the crossing profile will improve the visibility of the crossing for approaching motorists.
- (b) On the north side the location of three parking spaces; a loading zone, a mobility park and a motorcycle park will be rearranged. The location of the existing loading zone will be swapped with that of the existing adjacent mobility park and motorcycle park. This will eliminate parked loading vehicles encroaching on visibility at the crossing. This is evident due to the minimal kerb buildout width at the crossing and the tendency for loading vehicles to park at some distance out from the kerb. An additional mobility park will also be installed, at the expense of losing a P60 car park, to the east of the relocated loading zone.
- (c) The mobility park replacing the current loading zone is close to the Council Offices and will be a non metered P30 park, to offer some consistency with the no metered P10 general parking currently allowed outside the Council Offices. The mobility park located between the loading zone and the metered P60 parking, will be a metered P60 mobility park, to ensure consistency east of the loading zone and also consistency with the restriction of the current existing mobility park.
- (d) An in-pavement flashing light system will be installed at the same time as these minor alterations.

36. This option will result in the following social, environmental and economic benefits:

- (a) **Social:** Improvement to safety for all road users, particularly pedestrians.
- (b) **Economic:** Improvement of a Council infrastructure asset and accident savings.
- (c) **Environmental:** Nil.

37. This option fulfils the shortcomings identified through the safety audit and meets the requirements raised through Council resolution.

Assessment - Option (C) - Upgrade pedestrian crossing

38. Option C is identical to Option B, except that it does not include the installation of the in-pavement flashing light system. Option C may provide some minimal safety improvements. It is not anticipated that it will provide the same level of effectiveness for safety improvements as the warning light system - however this will only be validated by this trial.

PREFERRED OPTION

39. Option B has been selected as the preferred option, as outlined in Attachment 1. This concept will upgrade the existing pedestrian crossing by replacing the existing cobbles with stamped asphalt and a rationalisation of parking. Pedestrian crossing warning lights will also be installed at the same time as the crossing upgrade.

40. The preferred option has been selected because:

- It best satisfies the project's aims and objectives from the options considered.
- The option provides a unique opportunity to install and trial new technology with potentially huge benefits, particularly safety benefits, to the community.
- The option has full support of the project team and is expected to have a good degree of community support.
- The project also has support from Land Transport New Zealand, who have offered to assist with resources for the trial data collection and analysis. Potential technology suppliers have also suggested that they may potentially assist with funding for the warning lights supply, installation and trial analysis.
- Additionally, the project provides a unique opportunity for CCC to work and project manage a job in conjunction with Auckland City Council to produce a New Zealand wide innovative solution to improve pedestrian safety.

10. MANCHESTER STREET - PROPOSED 10 MINUTE PARKING RESTRICTION AND BUS STOP REMOVAL

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Paul Burden/Andrew Hensley, DDI 941-8516

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval for the installation of a 10 minute parking restriction outside "*St Mary's in the City Catholic Primary School*" on the west side of Manchester Street just north of the Aberdeen Street intersection (see attached map). Approval is also sought to delete two bus stops in the same vicinity.

EXECUTIVE SUMMARY

2. St Mary's School have asked the Council to assist in meeting the demand for short-term parking generated by parents and caregivers dropping off and picking up children attending the school.
3. The demand cannot be practicably contained on site. Many younger primary school children need to be accompanied by their parent or caregiver into the classroom. Parents and caregivers will generally require 5-10 minutes to conduct the tasks necessary to either leave the children or pick up the children. While some provision for set-down parking is required by the City Plan, this is seldom sufficient to contain such activities wholly within the site. As such the majority of activity associated with delivering and picking up children from primary schools occurs on the road.
4. It is impracticable to expect that up to seven car parking spaces on the site be made available to accommodate a demand that exists for approximately an hour in the morning and afternoon. There are also safety concerns with encouraging the demand to be wholly accommodated on site. These concerns are associated with mixing vehicles manoeuvring with pedestrian activity. This is typically why many primary schools discourage or prohibit parents and caregivers to drive onto school grounds unless there are purpose built facilities for accommodating such activity. St Mary's does permit parents and care givers to drive onto the school grounds but this is only because there is no other alternative as on street parking is fully occupied by commuters from early in the morning until the evening.
5. Two options were considered to rectify the problem including the "status quo".
6. The views of affected stakeholders including the MOA Neighbourhood Committee have been obtained.
7. The installation of a P10 parking restriction for the period 8am to 9.30am and 2pm to 4pm (operative on school days) on the western side of Manchester street, covering 6 to 7 spaces immediately outside the School, is considered the most cost effective and practical solution to the problem.
8. There is currently a bus stop outside the school and another on the opposite side of the road. This particular area is well serviced by bus stops relatively to the frequency of the service and the current demand. The stops outside and opposite St Mary's School are considered surplus and not particularly well located. There are more strategically placed stops in close proximity that are considered sufficient for the desired level of service to be provided.

FINANCIAL AND LEGAL CONSIDERATIONS

9. Cost

The installation and removal of signs and markings is within operational budgets.

10. Legal Considerations

The Land Transport Rules provide for the installation of parking restrictions including bus stops.

STAFF RECOMMENDATIONS

It is recommended that the Board agree that:

- (a) The bus stop located on the western side of Manchester Street commencing at a point 19 metres in a northerly direction from the Aberdeen Street intersection and extending in a northerly direction for a distance of 16.5 metres be deleted.
- (b) The bus stop located on the eastern side of Manchester Street commencing at a point 8.3 metres in a northerly direction from the Aberdeen Street intersection and extending in a northerly direction for a distance of 15.7 metres be deleted.
- (c) The parking of vehicles be restricted to a maximum of 10 minutes, from 8am to 9.30am and 2pm to 4pm, School Days, on the west side of Manchester Street commencing at a point 19 metres in a northerly direction from the Aberdeen Street intersection and extending in a northerly direction for a distance of 36 metres.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendations be adopted.

OPTIONS

Two options were considered to address the problem. These are outlined as follows;

A Status Quo

The problem is short-lived, however there is a high risk of accident or injury should the situation remain the same.

B Install a Short Term Parking Restriction on Manchester Street.

Installing a 10 minute parking restriction for specified periods will provide sufficient time and capacity for parents and care givers to park while balancing the parking needs of other users outside of the peak periods of school related activity.

PREFERRED OPTION

11. After careful consideration, **Option B** is favoured as it provides a cost effective solution to the problem. Option B involves the installation of a 10 minute parking restriction covering 6 to 7 parking spaces immediately outside the school and operative only during the periods of peak demand.
12. The option is aligned to the Parking Strategy, specifically Policy 9D "*Frontage Streets*"- "*To recognise and specifically consider the provision and management of on-street parking adjoining educational institutions*". This policy is achieved through the method "*Time Restrictions - to apply selective time restrictions to the on-street parking on the road frontages of the institutions.*" Furthermore "*short stay parking for site visitors*" has a higher priority than "*commuter parking*" in the context of "*kerbside parking Priority*" as stated in the Strategy.

Although bus stops are given a higher priority in the parking strategy for educational institutions, given their usage and position in this instance, it is felt that their removal will have little or no overall effect to passenger transport.

CONSULTATION

13. This proposal is supported by St Mary's School. The MOA Neighbourhood Committee has no objection to the proposal. No other stakeholders are directly affected.

CONCLUSION

14. The demand for short term parking cannot be adequately or practicably met on the School site. The installation of a P10 parking restriction on Manchester Street, covering 6 to 7 parking spaces immediately outside the school and operative only during the periods of peak demand is considered a cost effective, strategically aligned and practicable solution.

ASSESSMENT OF OPTIONS

The Preferred Option

	Benefits (current and future)	Costs (current and future)
Social	Greater potential for convenient and safe parking	Savings with respect to accidents and injuries
Cultural	N/A	
Environmental	Greater balance between the parking demands of commuters and visitors	Cost savings associated with less dependence on private motor vehicle use
Economic	Does not require any additional land resources	No impact
<p>Extent to which community outcomes are achieved: Primary alignment with community outcomes “a prosperous city” and “a safe city”</p> <p>Impact on Council’s capacity and responsibilities: Low</p> <p>Effects on Maori: Nil</p> <p>Consistency with existing Council policies: Parking Strategy</p> <p>Views and preferences of persons affected or likely to have an interest: St Mary’s School supports the proposal.</p> <p>Other relevant matters:</p>		

11. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.