

**SHIRLEY/PAPANUI COMMUNITY BOARD
AGENDA**

WEDNESDAY 16 DECEMBER 2009

AT 4PM

**IN THE BOARDROOM
PAPANUI SERVICE CENTRE
CORNER LANGDONS ROAD AND RESTELL STREET**

Community Board: Yvonne Palmer (Chairperson), Ngaire Button, Kathy Condon, Pauline Cotter, Aaron Keown, Matt Morris and Norm Withers.

Community Board Adviser

Peter Croucher
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1. APOLOGIES

2. CONFIRMATION OF MINUTES – 2 DECEMBER 2009

The minutes of the Board's ordinary meeting of Wednesday 2 December 2009 are **attached**. The public excluded section has been circulated separately.

CHAIRPERSON'S OR STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting (both open and public excluded sections) of Wednesday 2 December 2009 be confirmed.

3. DEPUTATIONS BY APPOINTMENT

3.1 LAURA WHITTAKER – YOUTH DEVELOPMENT REPORT BACK

Laura Whittaker will brief the Board on her experience in representing New Zealand at the Women's World Golf Croquet Championships being held in Melbourne, Australia from 20 November to 1 December 2009.

3.2 CHRISTOPHER WIREMU – YOUTH DEVELOPMENT REPORT BACK

Christopher Wiremu will brief the Board on his experience attending the 2008 Pacific School Games in Canberra.

3.3 PAPANUI TOUCH TEAM – YOUTH DEVELOPMENT REPORT BACK

Members of the Papanui Touch team will brief the Board on their experience attending the NZ Secondary School's Touch Nationals in Palmerston North, December 2009.

3.4 TONY SPOWART – NEW ZEALAND TRANSPORT AUTHORITY

Tony Spowart will provide information on New Zealand Traffic Authority (NZTA) roading matters in the ward.

3.5 PAUL KINGSTON – SCHOOL PATROL WARDEN

Paul Kingston will address the Board on the funding cut for the Papanui Primary School Patrol warden.

3.6 IVAN HIBBERD – DONEGAL STREET KERB AND CHANNEL RENEWAL

Ivan Hibberd will address the Board on the Donegal Street Kerb and Channel Renewal report (clause 9).

4. PRESENTATION OF PETITIONS

Nil.

5. NOTICES OF MOTION

The following notices of motions are submitted by Aaron Keown pursuant to Standing Order 3.10.1:

5.1 SISSON RESERVE TREES

That the Shirley/Papanui Community Board have the nominated trees in Sissons Reserve removed by private contractors by the board and the invoice to be paid by the Christchurch City Council. The amount of the contract is not to exceed the amount to be paid for the scheduled tree maintenance.

5 Cont'd

5.2 YELLOW LINES – PAPANUI ROAD

That the Shirley/Papanui Community Board have the yellow lines on the eastern side of Papanui from Harewood Road to Frank Street removed and the original parking restrictions returned with the exception of this section of road being a designated CLEARWAY from 7am – 9am Monday to Friday.

6. BRIEFINGS

6.1 PATRICK CANTILLON – PROJECT MANAGER

Patrick Cantillon will provide a briefing on the Queenspark Bus Priority route.

7. APPLICATION TO THE SHIRLEY/PAPANUI COMMUNITY BOARD'S YOUTH DEVELOPMENT FUND – DESIREE JADE STEVENS

General Manager responsible:	General Manager, Community Services, DDI 941-8607
Officer responsible:	Unit Manager, Recreation and Sports
Author:	Helen Miles, Community Recreation Adviser

PURPOSE OF REPORT

1. The purpose of this report is to present a Youth Development Fund application for funding in the 2009/10 financial year to the Shirley/Papanui Community Board.

EXECUTIVE SUMMARY

2. The applicant is Desiree Stevens – a 12 year old seeking funds to assist with the costs associated with attending the National Marching Tournament being held in Rotorua from 19 to 21 March 2009.
3. **Background on Desiree Stevens** – Desiree Stevens lives in Anfield Street and is a Year 7 student at Chisnallwood Intermediate School. Desiree has a younger brother and sister.
4. This is Desiree's second season marching. She currently is marching for the McVicar Challenge team. At present she trains three times a week at the Belfast Netball Courts. Desiree has a real passion for marching and really enjoys all aspects of the sport.
5. Desiree is hoping to travel with the team to the New Zealand Nationals. This year the Nationals will be held in Rotorua. The team, however, intends to travel up earlier as part of their preparation for the Nationals.
6. This is Desiree's first application to the Community Board. Desiree's family is very supportive and is involved with the teams fundraising efforts. This has included sausage sizzles, pizza nights, scratchies and raffles. Any financial support the Community Board can give would be greatly appreciated.

Desiree Stevens	
Expense	Cost (\$)
Season Fee	\$ 280
Team Registration	\$17.33
Air Flights	\$ 120
Accommodation	\$ 200
Van Hire	\$ 80
Food	\$ 134
Total Cost	\$831.33
Fundraising (team fundraising)	\$4,000

FINANCIAL IMPLICATIONS

7. The Shirley/Papanui Community Board has available \$2,610 from its Youth Development Fund for allocation. This is the first time Desiree has applied for funding from the Community Board.

LEGAL CONSIDERATIONS

8. There are no legal considerations.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. This fund aligns with the 2009-19 LTCCP.

7 Cont'd

ALIGNMENT WITH STRATEGIES

10. This fund aligns with the Strengthening Communities Strategy.

STAFF RECOMMENDATION

It is recommended that the Shirley/Papanui Community Board allocate \$200 to the applicant Desiree Jade Stevens from its 2009/10 Youth Development Fund to assist her with costs associated in competing in the National Marching Tournament being held in Rotorua.

CHAIRPERSON'S RECOMMENDATION

For discussion.

8. APPLICATION TO THE SHIRLEY/PAPANUI COMMUNITY BOARD'S YOUTH DEVELOPMENT FUND – ELIZABETH TALASKA

General Manager responsible:	General Manager, Community Services Group, DDI 941-8607
Officer responsible:	Unit Manager, Community Support Unit
Author:	Bruce Meder, Community Development Adviser, Community Support Unit

PURPOSE OF REPORT

1. The purpose of this report is to present a request for funding to the Board. The application is from Elizabeth Talaska and is for a grant from the Youth Development Scheme.

EXECUTIVE SUMMARY

2. Elizabeth's family lives in St Albans, with Elizabeth boarding at St Kevins Catholic School in Oamaru. Previously she attended Marian College in Year 9 and 10. She is aged 16.
3. Elizabeth is participating in an Immersion trip to India departing on 8 December 2009 and returning on 10 January 2010. She will be part of a group of 30 students from three Canterbury schools: St Thomas, Villa Maria and St Kevins.
4. The group are spending two weeks undertaking volunteer work at Mother Teresa's in Calcutta with a week in New Delhi and Varanasi beforehand and a further week in Goa and Mumbai afterwards.
5. Elizabeth is involved in Waitaki SADD (Students Against Drunk Driving), the local Justice Awareness Group and Trade Aid (Oamaru). She also plays soccer, netball and touch.
6. Elizabeth notes that this trip will provide her with a great opportunity for self-development and teach her about leadership. The trip will also enable her to develop a deeper awareness of other cultures and provide an insight into the social inequalities of India. Her work at Mother Teresa's will teach her "more about perseverance, empathy, justice and injustice.
7. Elizabeth is the youngest of three sisters.

FINANCIAL IMPLICATIONS

8. The cost of this trip is \$4,600. Elizabeth has so far raised \$2,200 towards this trip via a Ceilidh at St Albans Catholic Church (\$1,350), selling chocolate (\$200), a quiz night (\$350) and has had donations from the school and church community (\$300).
9. Elizabeth has not indicated an amount that she is seeking through the Youth Development Scheme. The 2009/10 Youth Development Scheme has a current balance of \$2.610.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

10. Yes.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

11. There are no legal implications in regards to this application.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. This application aligns with LTCCP and Activity Management Plans.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. Yes.

8 Cont'd

ALIGNMENT WITH STRATEGIES

14. This application aligns with the Strengthening Communities Strategy and the Councils Youth Strategy

Do the recommendations align with the Council's strategies?

15. Yes.

CONSULTATION FULFILMENT

16. None required.

STAFF RECOMMENDATION

It is recommended that the Shirley/Papanui Community Board decline the application from Elizabeth Talaska as the application is of a retrospective nature.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

9. DONEGAL STREET KERB AND CHANNEL RENEWAL

General Manager responsible:	General Manager, City Environment Group, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Mary Hay, Consultation Leader – Greenspace

PURPOSE OF REPORT

1. The purpose of this report is to seek approval from the Board to proceed to final design, tender and construction of the Donegal Street Renewal project.

EXECUTIVE SUMMARY

2. Donegal Street is a local road located in Belfast and is approx 465 metres long and 14 metres wide. Main North Road (State Highway 1) is at the west end and the main South Island railway line lies at the east end. The surrounding area is mostly residential, with a few industrial premises in the vicinity.
3. The primary objectives for the project are as follows:
 - (a) To replace the kerb and channel;
 - (b) To maintain or improve safety for all road users;
 - (c) To ensure adequate drainage is provided;
 - (d) To complete the project within the allocated budget;
 - (e) To complete the construction within the 2010/11 financial year;
 - (f) To minimise whole-of-life costs.
4. A concept was developed to meet these objectives. Three options were considered:
 - (a) 'Do nothing';
 - (b) An option using chicanes as a traffic calming mechanism;
 - (c) An option using traffic platforms as a traffic calming mechanism (the preferred option).
5. The concept was distributed with a Public Information Leaflet to the affected community. The consultation received 28 responses, which is a moderate response rate. Most submissions were received from local residents. The proposal has a good level of community support, with 71 percent indicating that they fully support the proposal. However a number of submitters raised issues that they would like considered by the project team.
6. The key issue raised in consultation relates to the proposed design for the Donegal Street/Main North Road intersection, in particular the inclusion of a road hump on Donegal Street. The concern from some residents is that traffic turning into Donegal Street, when northbound on Main North Road, will have to slow at the entrance to Donegal Street. This is of particular concern in peak hours when traffic is heavy on Main North Road. The concern is that a quick turning manoeuvre will be followed by an abrupt reduction in speed, resulting in a queue of vehicles, or their trailers, on Main North Road. The New Zealand Transport Authority, which manages Main North Road, was consulted about the proposed design of the intersection and did not raise any safety concerns.

9 Cont'd

7. The concerns about the road hump have been discussed with the Council's Networks Operations and Traffic Systems Team. The purpose of the road hump is to identify a 'gateway' to a residential road environment, with its associated traffic calming and lower vehicle speeds. A flush threshold would only be used if this was a bus route. It is recommended that the road hump is used in association with a 25 kilometre Speed Advisory Sign at the entrance to the Donegal Street intersection. It is expected that at peak times, when road users are not confident that a suitable gap in traffic is available, an alternative route to Donegal Street will be used. The intersection at Richill Street is controlled by traffic lights and provides a suitable alternative route to Donegal Street via Tyrone Street. The phasing of the lights at Richill Street and John Street will be reviewed.
8. The recommended concept for the Donegal Street Renewal project is included as **attachment 1**.
9. These works are scheduled for implementation in the 2011/12 financial year.

FINANCIAL IMPLICATIONS

10. The Kerb and Channel Renewal works for Donegal Street are programmed in the Long Term Council Community Plan (LTCCP) for implementation in the 2011/12 financial year.
11. Based on current estimates, staff believe there is sufficient funding in the budget to implement the proposed plan.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

12. Yes. Funding is provided from within the Transport and Greenspace Capital Programme in the 2009-19 LTCCP (refer page 245).

LEGAL CONSIDERATIONS

13. There are no land ownership issues associated with this project. The project is within existing land boundaries.
14. No Resource Consents are required.
15. Community Board resolutions are required to revoke the existing traffic restrictions in the street and approve the new traffic and parking restrictions, which will require amendment or addition to the Christchurch City Traffic and Parking Bylaw 1991. The Community Board has the delegation from the Council to make these decisions. These are detailed in the Staff Recommendations section of this report.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Funding for the proposed Donegal Street Renewal project is programmed in the 2009-19 LTCCP Street Renewal Programme.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

17. Funding for this project is provided within the Transport and Greenspace Unit's Capital Programme as outlined above.

ALIGNMENT WITH STRATEGIES

18. This project is consistent with key council strategies including the Parking Strategy, Road Safety Strategy and Pedestrian Strategy.

Do the recommendations align with the Council's strategies?

19. Yes, as above.

9 Cont'd

CONSULTATION FULFILMENT

Consultation Process

20. The project team advised the Community Board of the upcoming public consultation with a memorandum in August 2009. This advised of the proposed concept, consultation stakeholders, project timeline and provided an opportunity for Board members to comment on the consultation programme.
21. The formal public consultation period was open from 31 August to 14 September 2009. A public information leaflet and feedback form was delivered to residents on Donegal Street, adjoining cul-de-sacs (Mayo Place, Kilkenny Place and Ballymena Drive), absentee owners and other key stakeholders. This pamphlet included a summary of the concept, an initial concept plan and a feedback form. The project team sought feedback from the community to see whether the proposal was generally supported and asked for any feedback. Also included was an offer to meet onsite, if requested. The proposal was advertised in the Christchurch City Council Have Your Say website.
22. Further informal discussions were held with two residents from Mayo Place, who had concerns about proposed intersection treatments
23. Each submission received an interim reply letter, which acknowledged that the submission had been received and that it would be considered, once the consultation period had closed.
24. All respondents were sent a final reply letter that outlined the outcome of consultation and the recommended concept plan. The letter informed respondents that a report would be presented to the Shirley/Papanui Community Board for their approval. Details of the Board meeting were also provided so that any interested residents could attend or request speaking rights from the Board prior to the decision being made.

Consultation Outcome

25. The consultation received a 22 percent response rate (28 responses), which is a moderate to high response rate. Most submissions were received from local residents.

Community Feedback Option	Number of Responses	% of Total Responses
YES: <i>"I fully support the proposal"</i>	20	71%
MIXED VIEWS: <i>"I have some concerns that I would like to be considered"</i>	5	18%
NO: <i>"I completely oppose the proposal"</i>	0	0%
No preference expressed	3	11%

26. The quantitative responses above clearly indicate support for the proposal, with no respondents checking the 'No' box and 71 percent indicating that they fully support the proposal. The qualitative community feedback and project team responses is summarised below and will be circulated to submitters and elected members, prior to the meeting.

9 Cont'd

27. The key issue in this consultation relates to the proposed road hump at the Main North Road intersection. The concerns about the road hump have been discussed with the Council's Networks Operations and Traffic Systems Team, who supports the inclusion of this traffic calming device. The purpose of the road hump is to identify a 'gateway' to a residential road environment, with its associated traffic calming and lower vehicle speeds. A flush threshold would only be used if this was a bus route. It is recommended that the road hump is used in association with a 25 kilometre Speed Advisory Sign at the entrance to the Donegal Street intersection. Where road users are not confident that a suitable gap in traffic is available, particularly at peak periods, an alternative route to Donegal Street is suggested. The intersection at Richill Street is controlled by traffic lights and provides a suitable alternative route to Donegal Street via Tyrone Street.
28. Further issues were raised in the public consultation. These have been responded to by the project team, below.
- (a) Additional road platforms requested - a traffic survey was recently carried out in this section of Donegal Street. It indicates an 85 percentile speed of 40.7 kilometres per hour and 2.05 percent exceeding the posted speed limit. This does not indicate the need for further traffic calming measures. The proposed narrowing of Donegal Street to nine metres should also help address residual speed issues;
 - (b) Concern that road narrowings may make it difficult to manoeuvre through intersections – the intersection with Ballymena Drive will be widened to seven metres and kerbs realigned to improve turning circles for large towing vehicles. Tyrone Street intersection is considered to be wide enough. Traffic volumes are low and it is expected that most motorists would be able to mutually resolve who gives way at the narrowings;
 - (c) Loss of parking – one resident noted that they would prefer not to lose parking. The purpose of the narrowings at intersections is to maintain lower traffic speeds, improve safety and visibility for pedestrians (noting this is also a Safe Routes to School crossing point) and deter 'boy-racer' activity. Whilst the loss of parking at this location is regretted, on-street parking demand has been observed to be light and alternative spaces are available nearby. It is also noted that this property has off-street parking available;
 - (d) Safe Route to School – a resident noted that the Safe Route to School is on the wrong side of Ballymena Drive as children walk down through the new subdivision between Ballymena Drive and Belfast Road. However there is continuous footpath on west side of Ballymena Drive, and not on the east side, therefore the Safe Route to School will remain as proposed;
 - (e) Visibility on Main North Road – it was noted that visibility north of Main North Road is blocked by parked vehicles, which is an issue when exiting Donegal Street. These concerns have been referred to the New Zealand Transport Authority (NZTA), who is the road controlling authority for this section of Main North Road (SH1). They will consider an extension of no-stopping lines to improve visibility at intersection with Donegal Street;
 - (f) Traffic lights at Main North Road/Richill Street – a request was made for a longer phase of the lights at Richill Street, to accommodate exiting Donegal Street. The phasing of traffic lights at Johns Rd and Richill Street intersections will be reviewed with NZTA;
 - (g) Existing 'No Exit' signage on Ballymena Drive – the location of this will be reviewed;
 - (h) Undergrounding sought - this is outside the scope of this project and neither the Council nor the utility providers have plans at present to do undergrounding on residential streets;

9 Cont'd

- (i) Landscaping – berms and landscaping;
 - (i) Request to omit the piece of grass between 2 and 6 Donegal Street. As there is an existing power pole in the proposed berm at this location, and the berm helps to protect the pole from potential collisions, the proposal will not be amended. Grass will be retained as it is lower maintenance;
 - (ii) Request that the proposed grass verge outside 2 Donegal Street be tar seal from 2 Donegal Street around to Main North Road. The proposal will be amended by replacing the proposed grass berm outside 2 Donegal Street with landscaping, to balance with landscaping on other side of intersection;
 - (iii) Request for grasses in the landscaped areas because they get full of rubbish (which the respondent believes is due to the boy racers). The Landscape Architect will review choice of proposed plantings;
 - (iv) Suggestion that the landscaped areas include Libertia “Taupo Blaze” and Hebe “Emerald Green”, to reflect the colours of the trees. The Landscape Architect will consider species of plantings proposed;
 - (v) Suggested plantings of New Zealand Natives, evergreen and low maintenance. The Landscape Architect will consider the use of natives and evergreens in choice of plantings.
 - (j) Landscaping – trees;
 - (i) Request to vary the tree planting plan. The size of trees and conditions vary, so having multiple tree species each side of the street would create a street of variable tree health and growth conditions. The Acer Rubrum cannot be located on the north side of the street due to the presence of overhead cables a smaller tree species can only be provided. Therefore the tree planting plan will not be amended. A comment was made about that Acer Palmatum get very large. However this species is not expected to grow to this size in a street environment;
 - (ii) Concern that the proposed trees on Donegal Street may block visibility at the intersections. The proposal has been reviewed by safety auditor, who has not raised concerns about visibility. However with the proposed amendment of the Ballymena Drive intersection, one of the proposed trees will be removed from the concept plan;
 - (iii) Request for removal of street tree in Mayo Place – The City Arborist has investigated the concerns raised by resident regarding street tree outside property in Mayo Place and advises that remedial pruning (rather than removal) will be undertaken.
29. The public consultation resulted in the following amendments to the proposal:
- (a) Increasing the proposed width of the Ballymena intersection to seven metres;
 - (b) Removal of the proposed tree outside 19 Donegal Street, at the Ballymena Drive intersection, to reduce possible interference with pedestrian sight lines;
 - (c) Replacing the proposed grass berm against property boundary at 2 Donegal Street, to landscaping to balance with landscaping on other side of intersection.
30. The project team have recommended that no-stopping lines be installed on Main North Road (SH1), at its intersection with Donegal Street. This proposal is supported by the adjoining neighbours and the NZTA, which is the road controlling authority for this section of Main North Road.

9 Cont'd

STAFF RECOMMENDATIONS

It is recommended that the Shirley/Papanui Community Board approve:

- (a) the proposed plan for the Donegal Street Renewal (TP315001), as per Attachment 1; and
- (b) It is recommended that the Shirley/Papanui Community Board requests that New Zealand Transport Agency (NZTA) install the following parking restrictions on Main North Road (SH1):

No stopping

- (i) That the stopping of vehicles be prohibited at any time on the east side of Main North Road commencing at its intersection with Donegal Street and extending 6.5 metres in a southerly direction;
 - (ii) That the stopping of vehicles be prohibited at any time on the east side of Main North Road commencing at its intersection with Donegal Street and extending 38 metres in a northerly direction.
- (c) the following parking restrictions for the Donegal Street Renewal project:

Revoke existing no stopping:

- (i) That the existing no stopping on the south side of Donegal Street commencing from the Main North Railway and extending in a westerly direction to Main North Road be revoked;
- (ii) That the existing no stopping on the north side of Donegal Street commencing from the Main North Railway and extending in a westerly direction to Main North Road be revoked.

New no stopping:

- (i) That the stopping of vehicles be prohibited at any time around the head of the cul-de-sac of Donegal Street commencing on the north side of Donegal Street at a point 156 metres east of its intersection with Tyrone Street and extending in a clockwise direction around the head of the cul-de-sac for a distance of 35 metres finishing on the south side of Donegal Street;
- (ii) That the stopping of vehicles be prohibited at any time on the south side of Donegal Street commencing at a point 61 metres east of its intersection with Ballymena Drive and extending 43 metres in an easterly direction;
- (iii) That the stopping of vehicles be prohibited at any time on the north side of Donegal Street commencing at its intersection with the Tyrone Street and extending 10 metres in an easterly direction;
- (iv) That the stopping of vehicles be prohibited at any time on the east side of Tyrone Street commencing at its intersection with Donegal Street and extending 8 metres in a northerly direction;
- (v) That the stopping of vehicles be prohibited at any time on the west side of Tyrone Street commencing at its intersection with Donegal Street and extending 6 metres in a northerly direction;
- (vi) That the stopping of vehicles be prohibited at any time on the north side of Donegal Street commencing at its intersection with the Tyrone Street and extending 15 metres in a westerly direction;
- (vii) That the stopping of vehicles be prohibited at any time on the south side of Donegal Street commencing at its intersection with Ballymena Drive and extending 16.5 metres in an easterly direction;

9 Cont'd

- (viii) That the stopping of vehicles be prohibited at any time on the east side of Ballymena Drive commencing at its intersection with Donegal Street and extending 14.4 metres in a southerly direction;
- (ix) That the stopping of vehicles be prohibited at any time on the west side of Ballymena Drive commencing at its intersection with Donegal Street and extending 14.4 metres in a southerly direction;
- (x) That the stopping of vehicles be prohibited at any time on the south side of Donegal Street commencing at its intersection with Ballymena Drive and extending 16.5 metres in a westerly direction;
- (xi) That the stopping of vehicles be prohibited at any time on the north side of Donegal Street commencing at a point 200.7 metres east of its intersection with Main North Road and extending 29 metres in an easterly direction.
- (xii) That the stopping of vehicles be prohibited at any time on the south side of Donegal Street commencing at a point 129 metres east of its intersection with Main North Road and extending 12.4 metres in an easterly direction.
- (xiii) That the stopping of vehicles be prohibited at any time on the north side of Donegal Street commencing at a point 125 metres east of its intersection with Main North Road and extending 12 metres in an easterly direction.
- (xiv) That the stopping of vehicles be prohibited at any time on the south side of Donegal Street commencing at its intersection with Main North Road and extending 16 metres in a westerly direction.
- (xv) That the stopping of vehicles be prohibited at any time on the north side of Donegal Street commencing at its intersection with Main North Road and extending 15 metres in a westerly direction.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted subject to hearing the deputation from Ivan Hibberd. Meets the Board objective of having safe streets.

10. WINSTON AVENUE – TURNING RESTRICTION

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Transport & Greenspace Unit Manager
Author:	Patrick Cantillon, Project Manager

PURPOSE OF REPORT

This report is submitted to the Board in two parts:

1. Seeking a recommendation from the Board to the Council to approve that southbound Main North Road traffic to be prohibited from turning right into Winston Avenue as **Attachment 1**.
2. Seeking a resolution from the Board under delegated authority that Winston Avenue traffic to be prohibited from turning right into Main North Road as **Attachment 1**.

EXECUTIVE SUMMARY

3. The Papanui Road/Main North Road Bus Priority project was presented to the Shirley/Papanui Community Board at its meeting held on 16 April 2008, and then at a further extraordinary meeting held on 22 April 2008. At this latter meeting, the Shirley/Papanui Community Board recommended that staff consider restricting the access to Winston Avenue from Main North Road to left in and left out only.
4. The Papanui Road/Main North Road Bus Priority project was presented as a Joint Chairpersons report to Council at its meeting held on 15 May 2008, where Council approved the project to proceed to detailed design, tender and construction. The approved plans did not include the installation of a left in/left out only turning restriction for vehicles at the Winston Avenue/Main North Road intersection.
5. The construction of the Papanui Road/Main North Road bus priority project commenced on 17 August 2009, following the detailed design and procurement phases. The section of the corridor between Blighs Road and Langdons Road, which includes Winston Avenue, became operational on 23 October 2009.
6. Following completion of the construction works related to the bus priority project at this location, Council staff were advised by local business owners that motorists were ignoring the “No Right Turn” signs and continuing to access Winston Avenue in this manner, causing traffic congestion and safety issues on Main North Road. A subsequent review by Council staff noted that staff had not returned to the Community Board to seek agreement to include the implementation of the left in/left out only turning restriction within the scope of the bus priority project.

FINANCIAL IMPLICATIONS

7. The construction of the left in/left out only restriction has been included in the construction works for the Papanui Road/Main North Road bus priority project. Therefore there are no additional financial considerations to be considered in relation to the implementation of this turning restriction.
8. However, should the Shirley/Papanui Community Board not agree with the staff recommendation below to legalise the constructed left in/left out turning restriction at the intersection of Winston Avenue and Papanui Road, then the cost of removing the turning restriction is approximately \$15,000. This cost would be borne by the Papanui Road/Main North Road bus priority project, as a variation to the existing contract.

10 Cont'd

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. There is sufficient funding within the Papanui Road/Main North Road bus priority project to cover the variation, if required, to remove the left in/left out only turning restriction. The cost of the installation of the turning restriction was included within the detailed design, and the subsequent tender price for the overall project.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

10. Complies with the Land Transport Rule: Traffic Control Devices 2004
11. Following the staff review referred to above in paragraph 5, the project team sought advice from the Council's Legal Services Unit to confirm the legality of the turning restriction at Winston Avenue. The Legal Services Unit confirmed the following:

"In my opinion, there is an issue about the validity of the installation of the left in/left out traffic restrictions on Winston Avenue. At this point I would not recommend the Police enforce the no-right turn restriction until the Shirley/Papanui Community Board has ratified the installation of the restrictive access to Winston Avenue."
12. According to the Council's Delegations Register (December 2007), Community Boards have delegated powers as follows:
 - (a) 4(d) - The installation of traffic islands, roundabouts and traffic restraints on roads (p4);
 - (b) 7 - To make any changes to road markings after consultation with stakeholders (p4);
 - (c) 8(a) - To control, by the methods (signs, markings, etc) listed below, traffic movement on any roads, or within car parks or in other areas controlled by the Council and used for vehicle;
 - (d) No Right Turn (clause 14(1) of the Christchurch City Council Traffic and Parking Bylaw 2008);
 - (e) No Left Turn (clause 14(1) of the Christchurch City Council Traffic and Parking Bylaw 2008).
13. Therefore Community Boards have the authority to determine the installation of traffic islands and the turning restrictions such as those installed at the Winston Avenue/Main North Road intersection.
14. The Legal Services Unit concluded the following in relation to the Winston Avenue turning restriction:
 - (a) In April 2008, the Shirley/Papanui Community Board did not approve the installation of turning restrictions in and out of Winston Avenue. However the Board report notes that staff agreed to consider restricting access to Winston Avenue from Papanui Road to left in and left out only. It is not clear whether the Board intended staff to report back to the Board once staff had considered the matter. However, arguably this was implied. What is clear is that the Board only asked staff to consider the matter of the traffic restrictions. The Board did not authorise staff to proceed to installing the traffic restrictions once staff had considered the matter.
 - (b) *"In my opinion, there is a good argument that restrictive access to Winston Avenue, and the no right turn signs have been installed by staff without delegated and therefore lawful authority."*

10 Cont'd

- (c) What is the consequence of acting without lawful authority? In terms of administrative law, a decision is “valid” until it has been set aside by a court. In *Murray v Whakatane District Council* [1999] 3 NZLR 276, the High Court noted as follows:
1. *It is settled law that every unlawful administrative act, except perhaps in extreme cases of clear usurpation of power, is operative until set aside by a court. Even where a decision is challenged by a plaintiff entitled to do so in appropriate legal proceedings, the court is not compelled to set aside the decision: Smith v East Elloe Rural District Council [1956] AC 736 at 769 Lord Radcliffe; A J Burr Ltd v Blenheim Borough [1980] 2 NZLR 1 at 4 per Cook J. The validity of a decision is therefore a concept which is "relative, depending upon the court's willingness to grant relief in any particular situation." Wade, Administrative Law 7th Ed, p.341: Martin v Ryan [1992] 2 NZLR 209.*
- (d) This means that the restrictive access to Winston Avenue, and the installation of the no right turn signs are technically valid until a Court sets aside the “decision” taken by staff to install those measures.
- (e) However, given that Council officers are aware of the issues about the authority for these restrictions, in my opinion the best course of action is to ask the Community Board to ratify the installation of the restrictions.
- (f) In the meantime, I would advise the Police not to enforce the no right turn restrictions. This is **not a case** where the Council considers that it has acted lawfully and is defending its position. Here the Council knows of the defect in procedure.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. The recommendation aligns to the Council's Streets and Transport safety programme activities by contributing to the Council's Community Outcomes – Safety and Community.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

16. As above.

ALIGNMENT WITH STRATEGIES

17. The recommendations align with Council strategies for Road Safety Strategy 2004.

Do the recommendations align with the Council's strategies?

18. As above.

CONSULTATION FULFILMENT

19. The turning restriction at Winston Avenue has not been formally consulted on with the community either as part of the bus priority project or as a separate issue. During the construction of the Papanui Road/Main North Road bus priority project, some informal discussions were held with local businesses, including the intersection safety measures. There was an understanding and general support for the left in/left out only turning restriction at Winston Avenue.
20. It is noted that the local community raised the issue of non-compliance with the turning restriction based on their observations and requested enforcement of the “No Right Turn” into and out of Winston Avenue.

10 Cont'd

STAFF RECOMMENDATION

It is recommended that:

1. The Community Board recommend to the Council that it resolve that southbound Main North Road traffic be prohibited from turning right into Winston Avenue
2. The Community Board resolves under delegated authority that Winston Avenue traffic be prohibited from turning right into Main North Road

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted. Meets the Board objective of having safe streets.

11. EASEMENT OVER RESERVE – 1001 LOWER STYX ROAD

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport & Greenspace Manager
Author:	Stuart McLeod , Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Boards approval to grant a right to convey electricity easement in gross in favour of Orion New Zealand Limited over the Utility reserve located at 1001 Lower Styx Road.

EXECUTIVE SUMMARY

2. As part of the upgrade of the fresh water pumping station at 1001 Lower Styx Road there is a need to increase the electrical supply to the site. Orion New Zealand Limited has done this by laying an 11KVA cable to the site and installing a new electrical kiosk. This electrical infrastructure will ensure continuity of electrical supply to the pump station and ensure that the future demand for residential electrical supply is met.
3. On 6 May 2009 the Board approved an electrical cabling and water easement over this reserve, although this easement is additional to those easements they are all part of the same project.
4. The kiosk was constructed a number of months ago and replaced overhead wires. At the time it was not realised that this particular easement would be required. The Property Consultancy Team have since been engaged to complete the necessary process.
5. The easement to be granted is a right to convey electric power in gross in favour of Orion New Zealand Limited over Section 1 Survey Office Plan 20162 shown "A" on DP 419762 (**attachment 1**).

FINANCIAL IMPLICATIONS

Do the Recommendations of this Report Align with 2009- 2019 LTCCP budgets?

6. The upgrade to the electrical supply is part of an earlier pump station upgrade project, the easement costs have been funded from the "WS New Wells for Growth" line item of the 2008/09 water supply capital works programme in the Long Term Council Community Plan (LTCCP).

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

7. The legal description of the reserve land is Lot 134 Deposited Plan 6164 and is held in Identifier CB46C/136 (**attachment 2**). Gazette Notice 23 March 2000 page 663 classifies the affected reserve as Utility Reserve and identifies the same as Section 1 Survey Office Plan 20162 (**attachment 3**).
8. The consent of the Department of Conservation must be obtained prior to granting easements over reserves. This consent will be sought once Community Board Approval is given and after the statutory advertising period has expired.
9. Community Boards have the delegated authority to grant easements over reserves.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009- 2019 LTCCP?

10. Yes – In alignment with page 67 of the LTCCP: increased demand for water supply.. There are no adverse effects on levels of service for parks, open space and waterways, pages 118–135 of the LTCCP.

11 Cont'd

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

11. Yes – In alignment with the Water Supply Asset Management Plan.

CONSULTATION FULFILMENT

12. Under Section 48 of the Reserves Act 1977, before granting easements over a Reserve the Council is required to give public notice specifying its intentions to grant any easement. Advertising is required in this instance as a new kiosk has been installed.
13. Public notice by way of advertisement in a local newspaper will occur after Community Board approval is given to the granting of this easement.

STAFF RECOMMENDATION

It is recommended that the Board approve under Section 48 of the Reserves Act 1977 a right to convey electric power in gross in favour of Orion New Zealand Limited over Section 1 SO 20162 marked A on DP 419762 (**attached**) subject to

- (a) Public notification as required under the provisions of the Reserves Act 1977, and;
- (b) The consent of the Department of Conservation being obtained.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

12. SHIRLEY/PAPANUI COMMUNITY BOARD - RECESS COMMITTEE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Peter Croucher, Community Board Adviser

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to put in place delegation arrangements for matters of a routine nature (including applications for funding) normally dealt with by the Board, to cover the period following its last scheduled meeting for 2009 (being 16 December 2009) until the Board resumes its ordinary meetings in February 2010.

EXECUTIVE SUMMARY

2. In past years it has been practice for the Board to give delegated authority to a Recess Committee to make decisions, if required, on its behalf over the Christmas/New Year period.
3. During the same period in 2008/09, the Shirley/Papanui Community Board delegated its authority to make decisions to a Recess Committee comprising the Board Chairperson or Deputy Chairperson and two Board members available (or their nominees).

STAFF RECOMMENDATION

- (a) That a Board Recess Committee comprising of the Board Chairperson or Deputy Chairperson and two Board members available (or their nominees) be authorised to exercise the delegated powers of the Board for the period following its 16 December 2009 meeting until the Board resumes its scheduled business in February 2010.
- (b) That the application of any such delegation be reported back to the Board for record purposes.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

13. CORRESPONDENCE

Any items of correspondence will be separately circulated to members.

14. COMMUNITY BOARD ADVISER'S UPDATE

14.1 CURRENT ISSUES

14.2 UPDATE ON LOCAL CAPITAL PROJECTS

That the Board receives the Local Capital Project Update for information.

14.3 BOARD FUNDING UPDATE FOR 2009/10

14.4 CSR REPORT FOR NOVEMBER 2009

15. ELECTED MEMBERS' INFORMATION EXCHANGE

The purpose of this exchange is to provide a short brief to other members on activities that have been attended or to provide information in general that is beneficial to all members.

16. MEMBERS QUESTIONS

16 December 2009

SHIRLEY/PAPANUI COMMUNITY BOARD

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 item 18.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
PART A 18.	PURCHASE OF PROPERTIES FOR THREE NEIGHBOURHOOD PARKS IN ST ALBANS) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	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:

Item 18. Conduct of Negotiations (Section 7(2)(i))

CHAIRPERSON'S RECOMMENDATION:

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.”