

5. 4. 2007

LYTTELTON/MT HERBERT COMMUNITY BOARD
21 FEBRUARY 2007

A meeting of the Lyttelton/Mt Herbert Community Board
was held on Wednesday 21 February 2007 at 4.00pm
in the Trinity Hall, Lyttelton Recreation Centre, 25 Winchester Street, Lyttelton

PRESENT: Claudia Reid (Chairperson), Jeremy Agar, Stuart Bould, Ann Jolliffe,
Dawn Kottier and Bob Parker.

APOLOGIES: An apology for lateness and for earlier departure was received and
accepted from Bob Parker.

Bob Parker arrived at 5.59pm and was present for clauses 8, 9, 10
and 18 before retiring at 6.47pm.

The Board reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

**1. APPLICATIONS BY SHELL OIL (NZ) LIMITED AND MOBIL OIL (NZ) LIMITED FOR
INSTALLATION OF OIL PIPELINES AND WATER MAIN IN LEGAL ROADS**

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport & Greenspace Manager
Author:	Weng Kei Chen, Asset Policy Engineer

PURPOSE OF REPORT

1. The purpose of this report is to submit the Board's recommendation that the Council resolve to grant the right to:
 - (a) Shell Oil (NZ) Ltd to lay new petroleum pipes in that part of Cyrus Williams Quay, Godley Quay and George Seymour Quay as shown on the **attached** plan 22968005 and marked as Sections A to H.
 - (b) Mobil Oil (NZ) Ltd to retain existing petroleum pipes in that part of George Seymour Quay as is marked as Sections C, E and G on the **attached** plan 22968005 and in addition to lay a new 300 mm diameter water main along Charlotte Jane Quay as is shown on the **attached** plan P310N/P/301.

EXECUTIVE SUMMARY

2. The Council has received an application from Shell Oil (NZ) Ltd to seek a right to install petroleum pipelines in Cyrus William Quay, Godley Quay and George Seymour Quay as shown on plan 22968005.
3. The proposal by Shell Oil (NZ) Ltd is part of its upgrading work to the oil tank farm facilities at Lyttelton. Along the proposed route there are already some existing pipelines owned by Mobil Oil (NZ) Ltd and it is therefore appropriate to formalise and address the right of access for Mobil Oil (NZ) Ltd for this part of the road (Sections C, E and G on plan 22968005).
4. There has also been an application received by the Council from Mobil Oil (NZ) Ltd to install a 300 mm diameter water main along Charlotte Jane Quay from the existing fire protection compound to Godley Quay and extending to Naval Point on land owned by the Lyttelton Port Company Limited.
5. All the above requests are related to the upgrading of existing facilities forming part of the oil tank farm.

1 Cont'd

6. Subsequently, a further report to the Council will be presented to formalise and address the rights of the oil companies in relation to other infrastructure currently on and in legal roads serving the oil tank farm.

FINANCIAL AND LEGAL CONSIDERATIONS

7. There will be a financial return to the Council for the proposed occupation of legal roads by the applicants and it is appropriate that the Corporate Support Manager be authorised to determine the terms and conditions relating to that occupation.
8. The Council has the authority to permit oil companies to install their infrastructure on and in legal roads pursuant to Section 338 of the Local Government Act 1974, that provides:

“[338 Council may grant right to lay petroleum conduit pipes along or under road:

- (1) Subject to Section 357 of this Act, the Council may grant to any person an easement or other right for such period not exceeding 50 years and on such terms and conditions as the council thinks fit, authorising that person to lay conduit pipes for petroleum or for any other purpose in the district under or along any road or (with the consent of the owners) under or along any private road or private way; but no such grant shall be to the exclusion of like grants to any other person.*
- (2) The grant of any such right or easement shall be subject to the payment of such rent, and to the observance of such conditions as to size, construction, repair and maintenance of the conduit pipes, and as to repair of any road or private road or private way under or along which they are laid, as the council thinks fit.]”*

BACKGROUND

9. There are already a significant number of oil pipelines on and in Cyrus Williams Quay, George Seymour Quay, Godley Quay and Charlotte Jane Quay. These roads are access ways to the oil tank farm.
10. Some of these pipelines have been in existence since the tank farm was established on land owned by the Lyttelton Port Company.
11. Oil companies do not have automatic access rights to install their infrastructural facilities on or in legal roads, hence the Council's permission is required for such installations.
12. The requests by Shell Oil (NZ) Ltd to install oil pipe lines and Mobil Oil (NZ) Ltd to install a 300 mm diameter water main are required for the companies' upgrading works to their facilities.
13. These requests can be accommodated in the roads and it is also appropriate that the Council's normal conditions for road opening processes be imposed for these works. These conditions will be consistent to utility works occurring in the rest of the City's roads.

STAFF RECOMMENDATION

That the Council resolve that:

- (a) Subject to paragraph (c) of this resolution, and pursuant to s338 of the Local Government Act 1974, that the application of Shell Oil (NZ) Ltd be granted for an easement or right to lay petroleum pipes in those parts of Cyrus Williams Quay, Godley Quay and George Seymour Quay as shown on the attached plan 22968005 as Sections A to H.
- (b) Subject to paragraph (c) of this resolution, and pursuant to s338 of the Local Government Act 1974, that the application of Mobil Oil (NZ) Ltd be granted for an easement or right to lay petroleum pipes in that part of George Seymour Quay as is defined as Sections C, E and G on attached plan 22968005 and in addition to lay a new 300 mm diameter water main along Charlotte Jane Quay as shown on the attached plan P310N/P/301.

1 Cont'd

- (c) The terms and conditions upon which the said easements or rights shall be granted, and any rent payable, shall be determined by the Corporate Support Manager.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

PART B - REPORTS FOR INFORMATION

2. DEPUTATIONS BY APPOINTMENT

2.1 GOVERNORS BAY RESIDENTS' ASSOCIATION

On behalf of the Governors Bay Residents' Association, Messrs Ray Vickers and David Stemmer addressed the Board regarding residents' concerns and uncertainties in relation to provisions of the Council's recently adopted Christchurch City Fires Bylaw and in particular, the practical issues of not having a facility to dispose of green waste material in the Harbour Basin area and Governors Bay in particular.

Members noted that the Council was in the process of evaluating the Bylaw given the feedback received from communities since its implementation in 2006. It was also noted that Environment Canterbury had its own fire related provisions contained in the Natural Resources Regional Plan.

The Chairperson thanked the representatives for bringing this matter to attention and it was indicated that the Board would also await with interest the outcomes of the Council's considerations.

3. BRIEFINGS

3.1 COUNCIL'S WASTE MANAGEMENT PLAN 2006

The Board **received** a presentation from staff members Simon Collin and Tim Scott regarding the background, implementation and timeline arrangements for the Waste Management Plan adopted by the Council in November 2006.

Members referred to the Board's submission on this matter to the LTCCP and in particular a need for flexibility for waste collection arrangements on Banks Peninsula where often kerbsides did not exist and the site characteristics of properties could limit the convenience and effectiveness of using wheelie bins. Also reiterated was the need to investigate the provision of a green waste transfer facility in the lower Lyttelton Harbour Basin.

The Chairperson thanked the staff members for the information provided.

3.2 LYTTELTON TOWN CENTRE REDEVELOPMENT

Mr Jack Wormald, Project Manager, advised that a topographical survey had been undertaken and project costings were presently being updated. A detailed report was coming to the March meeting of the Board.

Mention was made of the Lyttelton Community Arts Council's interest in the provision of a public art work in London Street as part of the project, and staff undertook to liaise further with representatives of that organisation.

The Chairperson thanked Mr Wormald for his update.

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3.3. LOCAL ROADING PROJECTS

Mr David McNaughton, Area Roothing Manager, updated the Board on local roading projects and works in the harbour basin area.

Mr McNaughton was thanked for his update.

4. PETITIONS

Nil.

5. CORRESPONDENCE

5.1 The Board **received** correspondence from Alison Ross regarding street furniture on footpaths in London Street, Lyttelton and a request for the enforcement of on-street parking restrictions.

Staff were asked to provide information to the Board in response to the issues raised and to note these aspects in relation to the planning and design of the Lyttelton Town Centre Redevelopment project.

5.2 A letter of thanks was **received** from the Lyttelton Harbour Basin Youth Council acknowledging the funding support recently provided by the Board.

5.3 Staff undertook to clarify and advise members on the question of the appointment or otherwise of a Board representative on the Summit Road Society.

6. NOTICES OF MOTION

Nil.

7. DIAMOND HARBOUR COMMUNITY EARLY CHILDHOOD CENTRE – POSSIBLE SITES

As the author of the report was indisposed, this item was withdrawn from consideration until the Board's next meeting on 21 March 2007.

8. LYTTTELTON/MT HERBERT RECESS COMMITTEE – REPORT OF 31 JANUARY 2007

The Board **received** a report of its Recess Committee meeting of 31 January 2007 that resolved under delegated authority, to approve the final plan for the replacement toilets and changing facility at Corsair Bay.

9. BOARD MEMBERS' INFORMATION EXCHANGE

Members commented on the following matters:

- Rapaki - waste and litter issues – Members were encouraged to make use of the Council's request for service system in reporting such matters.
- Maori Garden Track – Staff undertook to check and advise on the contract maintenance arrangements including details of the former Banks Peninsula District Council's consideration of forming a new track.
- Sandy Bay Resanding – Some concern was expressed about the lack of progress in reporting. Staff advised that a report to the Board was expected in the near future.
- Governors Bay Mountain Bike Facilities – An update on this proposal was requested from staff.

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- Local Reserves – Updates were provided on a recent Governors Bay foreshore meeting, plantings at Reserve 68 and a member's involvement in native wood pigeon counts.
- Cressy House – A new trust deed had recently been completed which no longer required the appointment of a Council/Board representative..
- Harbour Basin Area re planning issues – Staff were continuing to address queries and responding as required.
- Rapaki Wharenui – The new carvings were stunning.
- Board's Reserves Fund – It was confirmed that both the Peninsula Boards have a discretionary budget of \$20,000 per annum to expend.
- Diamond Harbour Medical Centre – The business was for sale and a community trust is to be formed to administer the practice albeit at a reduced level of service.
- Lyttelton Wastewater Working Party – Report given of recent meeting.
- Road Reserves at Charteris Bay/Diamond Harbour – Staff undertook to ascertain and advise on the maintenance arrangements for the road reserve linkages.

10. BOARD FUNDS UPDATE

The Board **received** an update on the balances of the Board's 2006/07 reserves and discretionary funds.

11. ACTING COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

The Board **received** an update on forthcoming Board activity along with information on Customer Service Requests for the Board's area for December 2006/January and early February 2007.

The Board also **received** for record purposes, copies of submissions to the Council on the Draft Community Strategy (incorporating the Community Grants Review and Community Facilities Plan) and the Draft Greater Christchurch Urban Development Strategy.

The Board also **decided** to adopt the submissions prepared on the Draft Ageing Together Policy and the Draft Social Housing Policy.

12. MEMBERS QUESTIONS

Nil.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

13. CONFIRMATION OF MEETING REPORT – 13 DECEMBER 2006

The Board **resolved** that the report of its ordinary meeting held on 13 December 2006, be confirmed.

14. PART OF PARK TERRACE RESERVE LAND EXCHANGE FOR OTHER LAND

The Board considered a report from Mr John Allen, Policy and Leasing Administrator, seeking a Board decision for an exchange of land being the flat portion of Park Terrace Reserve, as part of the agreement the Council has with the developers of the proposed Lyttelton Marina.

The Board **resolved** under delegated authority, to approve the exchange of the present reserve land as set out in Schedule A for the land as set out in Schedule B below:

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(a) **Schedule A**

Approximately 654 square metres (subject to survey), of RS 41394 (formerly Reserves 5023 and 5024), situated in Block VI, Halswell Survey District. C/A 338933/1. All New Zealand Statute, 1877, (Local), page 3 and all K518213 (New Zealand Gazette, 1960, page 134). S.O. Plan 15475, a classified recreation reserve (page 2768 New Zealand Gazette 1984) vested in the Christchurch City Council.

(b) **Schedule B**

Approximately 1515 square metres (subject to survey), of Lot 1 DP 72644 comprised and described in Certificate of Title 42A/442 vested in the Christchurch City Council for no particular purpose.

(c) That the Council, as required by the Crown, approve the expenditure of the GST exclusive amount of \$889 to pay the Crown, as required by the Crown because of the equality of exchange being in the Council's favour.

15. NEW ROAD NAME

The Board **resolved** to approve the name "Taimana Lane" for the new access lot at 10 Stoddart Terrace, Diamond Harbour.

16. COMMUNITY BOARD "ONBOARD" MONTHLY NEWSLETTER - UPDATE

The Board considered a report seeking approval to continue funding the printing of "OnBoard", the production of printed variations of the newsletter and to alter "OnBoard's" e-mail format.

The Board **resolved** to:

- (a) Continue to fund printing the "OnBoard" newsletter up to a cost of \$1,100 per annum from its annual discretionary budget.
- (b) Adjust the number of its non-laminated A4 print run to accommodate the requisite printing of A3 and A4 laminated versions for notice boards.
- (c) Change the email version of the newsletter to a simpler format.

17. NEW ZEALAND COMMUNITY BOARDS' CONFERENCE 2007

Consideration was given to a report seeking nominations from the Board to appoint a representative(s) to attend the New Zealand Community Boards' Conference 2007 in Auckland.

The Board **resolved** that the matter lie on the table until its March meeting when information on the conference programme would be available.

18. LYTTTELTON/MT HERBERT COMMUNITY SUPPORT FUND

The Board considered a report from the Acting Community Board Principal Adviser in response to a proposal from members that the Board allocate some of its 2006/07 discretionary funding to establish a small support fund to enable the Board to be more responsive to community needs.

The Board **resolved**:

- (a) To approve the allocation of \$2,000 from its 2006/07 discretionary fund to establish a Lyttelton/Mt Herbert Community Support Fund.

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18 Cont'd

- (b) To appoint a Subcommittee of three members comprising the Board Chairperson and two other Board members with delegated authority to allocate the funding.
- (c) To require the Subcommittee to report its decisions back to the Board for record purposes.

The meeting concluded at 6.54pm.

CONFIRMED THIS 21ST DAY OF MARCH 2007

**CLAUDIA REID
CHAIRPERSON**