

7. 6. 2007

**LYTTELTON/MT HERBERT COMMUNITY BOARD
18 APRIL 2007**

**An extraordinary meeting of the Lyttelton/Mt Herbert Community Board
was held on Monday 18 April 2007 at 3.00 pm
in the Holy Trinity Church, Meeting Room, 17 Winchester Street, Lyttelton**

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

APOLOGIES: Apology for absence was received and accepted from Bob Parker.

The Board reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. REUTER SCENIC RESERVE – FORESTRY RIGHT

General Manager responsible:	General Manager City Environment, Jane Parfitt
Officer responsible:	Transport and Greenspace Manager, Michael Aitken
Authors:	Lewis Burn, Property Consultant, DDI 941-8522 Kay Holder, Regional Parks Team Manager, DDI 941-8797

PURPOSE OF REPORT

1. The purpose of this report is to submit the Board's recommendation to the Council to formally accept an offer from Mr Horst Reuter to gift the cutting rights he holds over two plantations of mainly eucalyptus trees on Reuter Scenic Reserve.

EXECUTIVE SUMMARY

2. The Council holds as Scenic Reserve some 23 hectares on the Port Hills adjacent to Dyers Pass Road above Governors Bay. This land which formed part of a property was gifted to the Council in 1994 by Mr and Mrs Reuter who retained about 3 ha of land around the house.
3. As part of the conditions of this land gift the Council agreed to the Reuters retaining cutting rights over two eucalyptus woodlots covering approximately 1.7 hectares of the reserve. The cutting rights were retained in the form of a Memorandum of Grant of Forestry Right registered against the title to the scenic reserve. This right is for a term of 40 years from 1 August 1996 and ceases on the earlier of expiry, 31 July 2036 or the felling of all trees to stump level.
4. Mr Reuter has approached the Council expressing his wish to now gift this Forestry Right to the Council. On accepting this offer this would mean that the right would extinguish and merge with the Council's title leaving the Council free to manage the trees in any way it sees fit.
5. A forestry consultant who was involved in the planning and establishment of the two plantations from 1984 onwards has provided an initial report on these trees. This report gives a description of the current state of the trees and comments on issues with harvesting the trees. When the trees are owned by the Council further work will be done on the options for managing and/or harvesting the trees for economic and environmental benefits. Before questions can be answered to make a reasonably accurate assessment of any financial benefit there may be from these plantations, further study is needed. For the time being the offer should be accepted with gratitude as there are clearly benefits to the Council in being able to manage as it sees fit, the vegetation as a whole on the reserve.

1 Cont'd

FINANCIAL IMPLICATIONS

6. There will be legal process costs that rightfully the Council should bear to have the forestry right formally conveyed to the Council. These costs are estimated to be around \$1,000.
7. The trees do not need any significant maintenance and any costs will be covered within the current LTCCP by the operational budget for Port Hills, Regional Parks. Any on-going financial implications with the management of the trees will be covered in future LTCCP's but this need not impact on the decision to accept Mr Reuter's offer to gift the cutting rights.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Not applicable.

LEGAL CONSIDERATIONS

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

9. As there is no delegation from the Council to any officer in relation to the subject matter it is necessary for the Council to formally accept or decline the gift offered.
10. The Board, whilst not having the delegation to make the decision to accept or decline the proposed gift, does however have the power to make a recommendation to the Council.
11. The proposed gift will result in the transfer to the Council of a legal property right in the form of the extinguishment of a registered Memorandum of Grant of Forestry Right. The effect of this will be to extinguish the existing legal right of Mr Reuter to harvest the trees and to transfer ownership and responsibility for those trees to the Council.
12. If the Council resolves to accept the gift the Council's Legal Services Unit will arrange for the necessary documentation to be prepared, signed and registered to give effect to the gift.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Parks, open spaces and waterways – Regional Parks. These parks are used for informal recreation, conservation of natural resources and scenic values, and cultural and heritage preservation.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

14. Yes. Proposed track linkages within the reserve connecting Sugarloaf Reserve and Reuter Scenic Reserve to the residential area of Governors Bay may utilise these woodlots.(Regional parks walkways development). The existence of these woodlots provides important canopy connections between areas of regenerating native forest while restoration plantings become established in the surrounding areas (Port Hills restoration projects).

ALIGNMENT WITH STRATEGIES

15. Not applicable.

Do the recommendations align with the Council's strategies?

16. Not applicable.

CONSULTATION FULFILMENT

17. Not applicable. The asset owning Unit, Transport and Greenspace, supports accepting the offer to take these trees over to enable the Scenic Reserve to be managed as a single entity for its environmental, recreational and scenic values.

1 Cont'd

STAFF RECOMMENDATIONS

- (a) That the Council accept Mr Horst Reuter's offer to gift the cutting rights held in Forestry Grant A256619/1.
- (b) That all costs associated with legally conveying the forestry grant to the Council be met by the Council.
- (c) That a letter of appreciation be sent to Mr Reuter expressing the Council's thanks for his offer to gift the forestry right.

The Board recorded its appreciation and gratitude for this extremely generous gift to the Council.

BOARD RECOMMENDATION

That the staff recommendations be adopted.

PART B - REPORTS FOR INFORMATION

2. DEPUTATIONS BY APPOINTMENT

2.1 Ms Susan Wigmore – Governors Bay Trees

Ms Susan Wigmore of 859 Governors Bay Road addressed the Board on her own behalf and also for other local residents regarding ongoing concerns and requests made to the previous and present Councils over the years for the removal of a number of trees believed to pose a danger that are located in road reserves in the Governors Bay area.

She spoke of recent advice received from the Council indicating that the trees in question were no longer considered to be a danger and would therefore not be removed as was previously intended. Residents were therefore concerned at this apparent reversal of intention.

Following questions from members, the Chairperson in thanking Ms Wigmore, invited her to submit copies of correspondence held on the matter and indicated that this information would be reviewed and responded to by staff including any consequential referral to the Board for its consideration.

3. BRIEFINGS

3.1. LOCAL ROADING PROJECTS

Mr David McNaughton, Asset Engineer, Asset and Network Planning Unit, updated the Board on local roading projects and works in the harbour basin area.

After responding to questions from members, the Chairperson thanked Mr McNaughton for his update briefing.

4. PETITIONS

Nil.

5. CORRESPONDENCE

A letter was tabled from the Diamond Harbour and Districts Historical Association Inc. outlining the Association's past involvement with the preservation of the Stoddart Weir and of the Association's willingness to assist with any future development of the weir.

The Board **received** the correspondence and noted the points made and interest shown by the Association.

Also tabled and **received** was a circular letter from the Christchurch Beautifying Association regarding the graffiti problem throughout the city.

6. NOTICES OF MOTION

Nil.

7. LYTTELTON/MT HERBERT COMMUNITY SUPPORT FUND SUBCOMMITTEE – REPORT OF 15 MARCH 2007

The Board **received** the report of the Subcommittee's meeting held on 15 March 2007 where decisions on funding requests were made under delegated authority in relation to Tug Lyttelton Preservation Society Inc. and the Lyttelton Reserve Committee.

8. BOARD MEMBERS' INFORMATION EXCHANGE

Members commented on the following matters:

- Rapaki – damage to and replacement of bus shelter.
- Corsair Bay Advisory Committee – report given of recent meeting.
- Project Port Lyttelton – report given of recent meeting including visioning project involving harbour basin groups and of safety concerns for pedestrians regarding the Oxford Street pedestrian crossing outside the Lyttelton Main School and usage particularly on market day. Members did note however that proposed improvements to this facility as approved by the Board, were currently the subject of consultation with the local community.
- Board Chairs and Staff Forum – report given of recent meeting.
- Banks Peninsula landscape study – report given of a very well attended recent public meeting at Diamond Harbour.
- Banks Peninsula/Selwyn District Council Road Safety Committee – final meeting to be held on 19 April 2007 and a need noted for the Board to be advised of the new replacement arrangements via a Board seminar in due course.
- Residents Groups Annual General Meetings – a number of the local residents associations had held their AGM's with others to occur in the near future.
- Fire ban – revised arrangements now in place to allow for exemptions to be applied for from the Bylaw for Banks residential areas up until 31 October 2007.
- Council's Draft Annual Plan – a submission from the Board will be made.

9. BOARD FUNDS UPDATE

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

10. ACTING COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

The Board **received** an update on forthcoming Board activity together with information on Customer Service Requests for the Board's area from 9 March to 11 April 2007.

The Board also **decided** to convene an Extraordinary Board meeting on Monday 7 May 2007 at 12 noon at Lyttelton to finalise its submission to the Council's Draft Annual Plan for 2007/08.

7. 6. 2007

Lyttelton/Mt Herbert Community Board 18.4.2007

- 5 -

11. MEMBERS QUESTIONS

The Chairperson tabled the following question for a response from staff:

“When will the clean up activities on the public boat ramp adjoining the area at Naval Point, Lyttelton be started?”

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

12. CONFIRMATION OF MEETING REPORTS – 7 AND 21 MARCH 2007

The Board **resolved** that the report of the Joint Lyttelton/Mt Herbert and Akaroa/Wairewa Community Board's extraordinary meeting and the ordinary meeting of the Lyttelton/Mt Herbert Community Board held on 7 and 21 March 2007 respectively, be confirmed.

13. LYTTTELTON/MT HERBERT COMMUNITY BOARD'S DISCRETIONARY FUND 2006/07 – PROPOSED ALLOCATION

Further to a report from the Acting Community Board Principal Adviser, the Board **resolved** that an allocation of up to \$1,500 be made from its 2006/07 discretionary fund towards the 2007 Anzac Day Community Services at Lyttelton and Diamond Harbour.

14. LYTTTELTON/MT HERBERT RESERVES DISCRETIONARY FUNDING 2006/07 – PROPOSALS FOR UNALLOCATED FUNDING

The Board considered a report from the Parks and Waterways Area Advocate proposing possible projects for the allocation of the Board's 2006/07 reserves funding of \$20,000.

The Board **resolved** to allocate its \$20,000 of reserves funding for 2006/07 to the following projects:

- Lyttelton Recreation Ground Drinking Fountain - \$7,000
- Dr Upham Clock Replacement Seat - \$3,000
- Pony Point Seating and Picnic Tables - \$5,000
- Planting Projects (e.g. signal box site, Stoddart Reserve, car park area of cemetery, Lyttelton cemetery) - \$5,000

The Board also noted that the question of the continuation or otherwise of this funding in future budgets be covered in the Board's submission on the Council's 2007/08 Draft Annual Plan.

15. BOARD REPRESENTATION ON THE SUMMIT ROAD SOCIETY INC

Further to a report from the Acting Community Board Principal Adviser, the Board **resolved** that Mr Jeremy Agar be appointed as the Board's representative on the Summit Road Society Inc.

The meeting concluded at 12.36 pm.

CONFIRMED THIS 16TH DAY OF MAY 2007

**CLAUDIA REID
CHAIRPERSON**