

**REPORT BY THE CHAIRPERSON OF THE  
SPREYDON/HEATHCOTE COMMUNITY BOARD  
19 FEBRUARY 2008**

**PART A – MATTERS REQUIRING A COUNCIL DECISION**

**1. 56 PARKLANDS DRIVE (MORVEN TERRACE BOUNDARY) – PROPOSED ROAD STOPPING**

<b>General Manager responsible:</b>	General Manager City Environment DDI 941 - 8656
<b>Officer responsible:</b>	Transport & Greenspace Manager
<b>Author:</b>	Stuart McLeod, DDI 941 - 8520

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend that the Council commence road stopping procedures, pursuant to Section 116 (1) of the Public Works Act 1981, to stop a portion of unformed road adjoining 56 Parklands Drive (Morven Terrace boundary).

**EXECUTIVE SUMMARY**

2. The owners of the property at 56 Parklands Drive in St Martins made an approach to the Council in July 2005 about the possibility of purchasing part of the adjoining legal road (Morven Terrace) comprising 428m<sup>2</sup>. A property location map is attached as Appendix 1, and a scheme plan (SM1615-02) showing the subject area of road ("Section 1") is attached as Appendix 2.
3. The Transport and Greenspace Unit considered the proposal and upon deciding that it could be supported, commenced negotiations with the landowner.
4. There has been considerable debate about the value of Section 1, however this has been resolved. The Council is now in a position to consider this matter with a view to deciding whether or not to commence a formal road stopping procedure.
5. A formal survey plan will be prepared and a further report submitted to the Council, via the Community Board, to facilitate the conclusion of the road stopping process. Therefore, 'in-principle' approval to the proposed stopping is all that is sought at present.

**FINANCIAL IMPLICATIONS**

6. The previously agreed position as to value is \$55,000 inclusive of GST, this price has been confirmed by our valuer, Simes Limited. In addition to the purchase price the applicant will meet all cost associated with the road stopping process including, but not limited to survey fees, LINZ and gazettal disbursements and legal fees.

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

7. Yes aligns with the general provisions of the LTCCP & Management Plan.

**LEGAL CONSIDERATIONS**

8. The Community Board does not have the authority to approve the commencement of the road stopping process; such a decision must be made by the full Council. The Board however does have recommendatory powers.
9. The Council has the ability to stop roads pursuant to the Public Works Act 1981 and the Local Government Act 1974. The latter Act requires the Council to publicly notify the proposed road stopping and to call for objections or submissions. Conversely, the Public Works Act process does not require public submission; however the Council and the adjoining landowner(s) must consent in writing to the proposal.

**1 Cont'd**

10. If the proposed road stopping is potentially contentious then the Council should process the road stopping application pursuant to the Local Government Act. If not, the Public Works Act process can be followed.
11. It is proposed to process this application pursuant to the Public Works Act 1981 as it is not considered to be controversial for the following reasons:
  - (a) The adjoining landowner at 56 Parklands Drive is the only logical purchaser of Section 1.
  - (b) Section 1 follows the physical footpath and road formation, and is largely defined by existing retaining walls. From the formed road edge Section 1 slopes steeply up to the applicant's property. Comprising substantial mature trees and a roughly mown area of grass, Section 1 could reasonably be perceived as being part of 56 Parklands Drive.
  - (c) There were no Registrations of Interest from within the Council in response to the Property Interest Survey.

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

12. Yes as above and see the "background" below.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLAN**

13. The proposal aligns with the general provisions of the LTCCP Activity Management Plans.

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

N/A.

**ALIGNMENT WITH STRATEGIES**

14. The proposal supports the Christchurch Road Safety Strategy and Metropolitan Christchurch Transport Statement.

**Do the recommendations align with the Council's strategies?**

15. Yes as above.

**CONSULTATION FULFILMENT**

16. In response to the Community Board's recommendations a property interest survey has been circulated to the Leadership Group. No registrations of interest were received.
17. Given the size, shape and location of the road to be stopped no other consultation is considered necessary.

**STAFF RECOMMENDATION**

That the Council approve the commencement of the road stopping procedure under the Public Works Act 1981 in respect of Section 1 on Scheme Plan SM1615-02 and approve in principle the declaration of the affected parcel of land as being surplus to roading requirements.

**BOARD RECOMMENDATION**

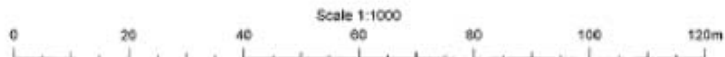
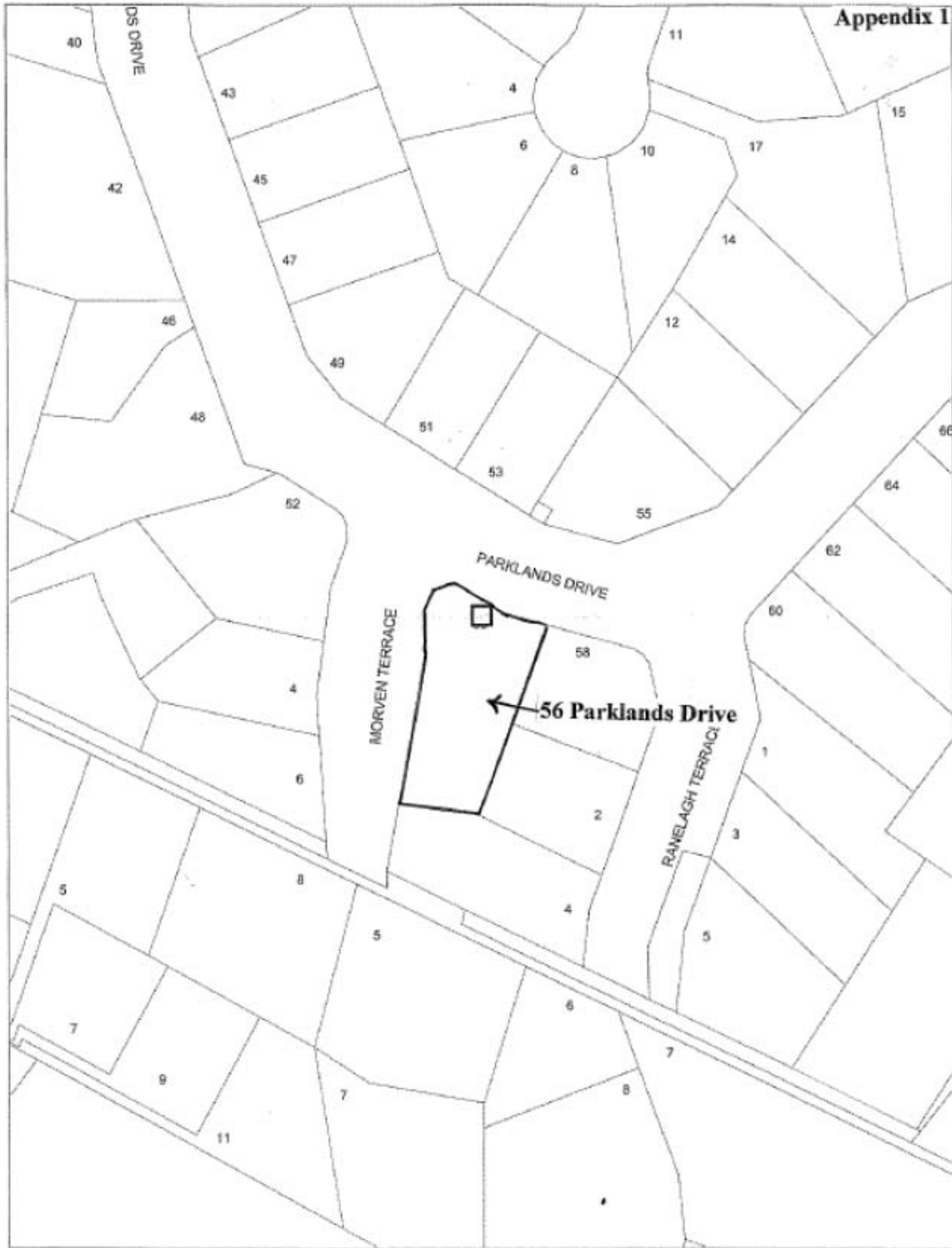
1. That the Council adopt the staff recommendation subject to:
  - (a) Consulting other owners in the immediate vicinity of 56 Parklands Drive
  - (b) Establishing that the combined area will not make 56 Parklands Drive subdivisible and thereby create an unanticipated increase in the value of this property

1 Cont'd

- (c) The valuation being assessed to make sure it is appropriate and that relevant considerations of time, staff costs and other costs be investigated
  - (d) Any sale, to the owners of 56 Parklands Drive, of the adjoining legal road (Morven Terrace) comprising 428m<sup>2</sup>, be conditional upon the amalgamated title not being subdivisible.
2. That the Council develop a policy on disposal of roading land surplus to requirements across the Port Hills.

**BACKGROUND DISCUSSION**

18. The Spreydon/Heathcote Community Board considered the original staff report in the public excluded session on this matter on 5 December 2006, the report recommended;  
  
*“that the Board recommends that the Council resolve to commence the road stopping process in respect of the parcel of road marked Section 1 on Scheme Plan SM1615-02 situated at 56 Parklands Drive (Morven Terrace boundary)”.*
19. After due consideration the Board recommendation was as follows
  - (a) The Board was not satisfied that the land is surplus to requirements, or that disposal options have been fully explored, and therefore is not supportive of the staff recommendation.
  - (b) In the event of the Council agreeing to the staff recommendation that this process proceed, the Board recommends that the application be treated pursuant to the Local Government Act, and not the Public Works Act, to enable community input.
20. At the Board meeting on 19 December 2006 and after receiving advice from staff that the reasons for considering this issue in the public excluded session were no longer relevant the Board resolved to:
  - (a) Reconsider the report at a future Board meeting with the public present, in order to provide the community with an opportunity for input; and
  - (b) Request staff to provide the Board with additional information on disposal options for the area of road covered by the report.
21. In essence this report satisfies the resolutions set out in paragraph 20 by putting this issue back to the Board for discussion in an open forum. In addition staff have since circulated a Property Interest Survey to the Leadership Group to ascertain if any other Council Unit has an interest in the said property. No registrations of interest were received.
22. Staff have also sought legal advice and input from the Councils Transport and Greenspace Unit on the best statutory process for the stopping and disposal of this portion of road, i.e. The Public Works Act 1981 or the Local Government Act 1974 and have concluded that the Public Works Act 1981 is the appropriate mechanism to stop this portion of road as;
  - a separate title will not issue for the land as it would be a non complying lot
  - there is only one adjoining owner and thus only one logical purchaser
  - the adjoining owner agrees to the stopping
  - no other parties are considered to be affected as the road is unformed and could already be perceived as being part of 56 Parklands Drive
  - the stopped road will be formally amalgamated with the adjoining title
23. Other disposal options have been considered including issue of separate title, selling to an alternative purchaser (other than the adjoining owner), or doing nothing. For the reasons outlined in this report none of these options are considered viable.



56 PARKLANDS DRIVE (HUNTSBURY)  
Survey and Title Data as at 7-JUNE-2006, Valuation and Sales Data as at 8-JUNE-2006 and Geodetic Mark data as at 7-JUNE-2006. For additional mark data visit [www.linz.govt.nz](http://www.linz.govt.nz). Cadastral Information from LINZ Core Record System (CRS). CROWN COPYRIGHT



## 2. ESTABLISHMENT OF EASEMENTS AS PART OF THE UPPER SHERRINGS DRAIN PROJECT

<b>General Manager responsible:</b>	General Manager City Environment, Jane Parfitt, DDI 941-8656
<b>Officer responsible:</b>	Transport and Greenspace Manager, Michael Aitken, DDI 941- 8096
<b>Authors:</b>	Tony Hallams Property and Leasing Adviser Corporate Support Unit

### PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council acquire easements to enable a stormwater main drain to be laid in place of the existing open boxed drain, which to date has not been protected by easements, through the properties at 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65 and 67 Redgrave Street, and 82 Mathers Road.

### EXECUTIVE SUMMARY

2. The timbered waterway, the Upper Sherrings Drain, which currently runs through residential properties from 82 Mathers Road to 43 Redgrave Street, is in a deteriorated state and in need of replacement and hydraulic improvement. It is impracticable to replace and naturalise the existing flow path area as a stream because of the insufficient width of the timbered drain footprint and physical obstructions on residential properties. The purpose of the Council obtaining easements is to enable the Council to obtain legal rights of access to establish and protect strips of land two metres wide at the rear of the above properties in which the intended 450mm and 600mm diameter stormwater drain will be laid.
3. Pipe renewal in place of the timber waterway has been scheduled in the Capital Programme by the Transport and Greenspace Unit in the 2007/2008 financial year.
4. Piping will be installed within the existing drain alignment, which runs within the rear boundaries of the above mentioned properties. At most of the above mentioned addresses an inner wooden fence runs within the boundary to physically separate the existing timbered waterway from the rear yard areas. At most of the above addresses the Council has offered to remove, recycle or dispose of these fence(s), to reconstruct the rear fences separating the Redgrave Street properties from the Fusilier properties to the true boundary line, and to extend the side boundary fence lines to be recycled from existing fences dismantled or complemented with new materials as necessary.
5. The beneficial effects of these measures to be implemented by the Council after negotiation with property owners are as follows:
  - The level of vandalism and accumulation of litter will diminish with the removal of the existing fenced corridor
  - The removal of the internal fences at the above mentioned properties and accommodating a new drain below the ground within the easement areas will "free up" the rear yard areas
  - The piping of the existing open boxed drain will remove a potential insect breeding site

### FINANCIAL IMPLICATIONS

6. The funding is being provided from the Transport and Greenspace Capital Programme. Specifically \$250,000 in 2007/08 from Utility Waterway Relining – Upper Sherrings Drain.

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

7. Yes. Funding is provided from within the Transport and Greenspace Capital Programme in the 2006-16 LTCCP.

2 Cont'd

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

8. The legal implications of the proposal have been considered. Delegated authority for a decision to approve or otherwise the Council obtaining easements by Grant of Easement rests with the Council under the general governance provisions of the Local Government Act 2002. The Council's Corporate Support Manager or Spreydon/Heathcote Community Board do not have delegated authority to make this decision, but may support the proposal being referred to a meeting of the Council to be considered under Part A.

The addresses, legal descriptions, and land areas of the parcels of land sought are as follows:

43 Redgrave Street	Lot 3 DP 45722	44 m <sup>2</sup>
45 Redgrave Street	Lot 444 DP 26615	38m <sup>2</sup>
47 Redgrave Street	Lot 445 DP 26615	38m <sup>2</sup>
49 Redgrave Street	Lot 446 DP 26615	39m <sup>2</sup>
51 Redgrave Street	Lot 447 DP 27578	38m <sup>2</sup>
53 Redgrave Street	Lot 448 DP 27578	38m <sup>2</sup>
55 Redgrave Street	Lot 449 DP 27578	38m <sup>2</sup>
57 Redgrave Street	Lot 450 DP 27578	38m <sup>2</sup>
59 Redgrave Street	Lot 451 DP 27578	39 m <sup>2</sup>
61 Redgrave Street	Lot 452 DP 27578	39m <sup>2</sup>
63 Redgrave Street	Lot 453 DP 27578	39m <sup>2</sup>
65 Redgrave Street	Lot 454 DP 27578	38m <sup>2</sup>
67 Redgrave Street	Lot 455 DP 27578	39m <sup>2</sup>
82 Mothers Road	Lot 457 DP 27578	90 m <sup>2</sup>

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. LTCCP 2006-16

**Parks, Open Spaces and Waterways – Page 123**

Waterways and Land Drainage

The Council provides and operates the city's stormwater system, manages the waterways into which it discharges and it protects and enhances the life-supporting capacity of the city's waterways and wetlands

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

10. Yes. Specifically \$250,000 in 2007/08 from Utility Waterway Relining – Upper Sherrings Drain.

**ALIGNMENT WITH STRATEGIES**

11. **Supports Councils Strategic Direction – Healthy Environment**

Goal 3 – Manage water and land drainage systems efficiently, and contribute towards landscape, ecology, recreation, heritage and cultural values.

**2 Cont'd**

**Do the recommendations align with the Council's strategies?**

12. Yes as above.

**CONSULTATION FULFILMENT**

13. All property owners whose properties in Fusilier Street border the intended easements strips have been written to and provided with comment forms. Any written comments received will be considered and acted upon as far as practicable to assist with project implementation.
14. The Council has written to affected property owners detailing the need to create easements to lay the stormwater drain, and the report author is currently entering into negotiations with these owners to procure easement agreements on behalf of the Council.

**STAFF RECOMMENDATION**

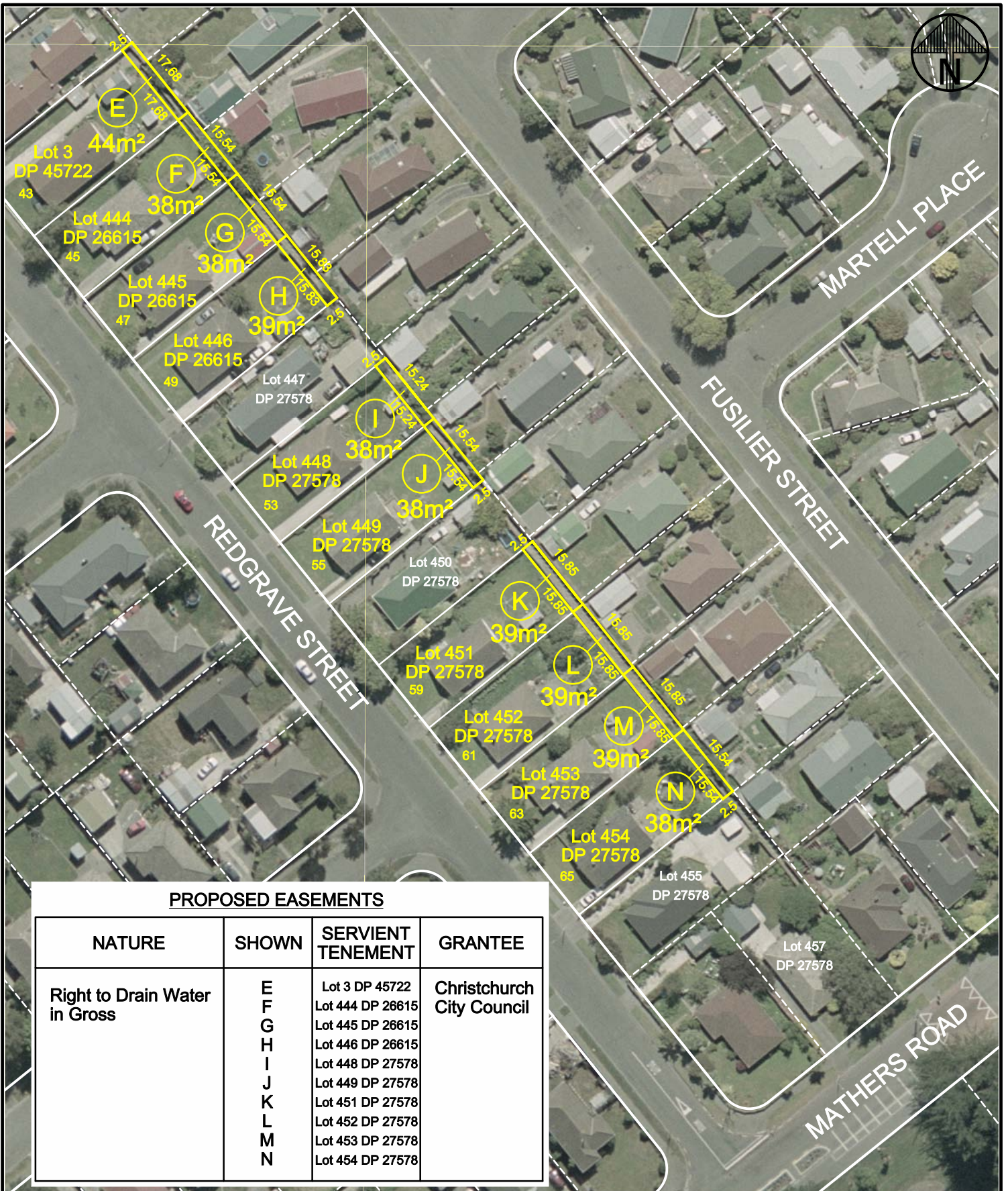
It is recommended that:

- (a) The Council acquire stormwater easements over 43, 45, 47, 49, 51, 53, 55, 55, 57, 59, 61, 63, 65, and 67 Redgrave Street, and 82 Mathers Road, as generally outlined in this report.
- (b) The Corporate Support Unit Manager be granted delegated authority to enter into agreements with the property owners upon conclusion of negotiations.

**BOARD RECOMMENDATION**

That the staff recommendation be adopted.






Areas and Dimensions Subject to Survey

A			
ISSUE	AMENDMENT	SIGNED	DATE

# PROPOSED EASEMENTS

 <b>CHRISTCHURCH</b> CITY COUNCIL · YOUR PEOPLE · YOUR CITY	SURVEYED		DRAWING NUMBER	ORIGINAL SHEET SIZE	SCALES
	DRAWN	J Anderson	FILE REFERENCE	A4	1:1000
	DATE	10/2007	562/1302/1/2		
© COPYRIGHT CHRISTCHURCH CITY COUNCIL AERIAL PHOTOGRAPHY © COPYRIGHT TERRALINK INTERNATIONAL LIMITED		PROJECT NUMBER	SHEET		
		<b>500191</b>	<b>5 OF 5</b>		



### 3. FARADAY STREET – ROAD STOPPING

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Ross Herrett, Acting Transport and Greenspace Manager
<b>Author:</b>	Lorraine Wilmshurst, Project Manager

#### PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval of the proposal to abandon the street renewal project for Faraday Street and commence road stopping procedures.

#### EXECUTIVE SUMMARY

2. Faraday Street is a short cul-de-sac on the west side of Colombo Street, a few metres north of the Colombo/Huxley/Milton Streets intersection. It runs between part of City Care's Milton Street yard and a retail development on Colombo Street
3. Faraday Street is a local road and the main driver for the kerb and channel renewal project on the southern side is to make it consistent with the new kerb and flat channel on the northern side, which was laid when the retail development was constructed.
4. The intersection of Faraday Street and Colombo Street is less than 25m from the Colombo/Huxley/Milton Streets intersection. This is less than would normally be advisable for safety reasons and would not be permitted as a cul-de-sac entrance if it was being constructed as a new street.
5. Initial investigations into the kerb and channel replacement were initiated earlier in 2004. Several options were considered including narrowing the street to approximately half its width and "absorbing" the newly created berm space into landscaping and tree planting but this was limited owing to the presence of underground services. Another option was to restrict entry to left-in/left-out to reduce the collision risk posed by an intersection so close to the signalised intersection.
6. To replace the kerb and channel on any alignment, including the current alignment, is expensive, owing to the large number of services on the southern side of Faraday Street, including five 11kV power cables connected to the Milton Street sub-station.
7. At the Faraday Street/Colombo Street intersection there is no clear definition between the footpath and carriageway for pedestrians crossing the intersection. This would be addressed with the renewing of the kerb and channel or by stopping the road.
8. The present road serves only to provide a second access to the retail development to the north and an additional parking area for all day parking.
9. There appears to be no strong reasons why Faraday Street should remain as a local road, nor why it should even remain as a Council property. It is recommended that the land under Faraday Street be sold.

#### FINANCIAL IMPLICATIONS

10. The abandonment of the kerb and channel project will return funding to the capital programme. Any costs incurred in relation to the road stopping would be offset by the sale of the road reserve.

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

11. As above.

#### LEGAL CONSIDERATIONS

12. There are standard processes for the stopping and sale of the land that currently comprises road reserve. The sale will need to incorporate appropriate easements to allow continued access to the services currently in Faraday Street.

**3 Cont'd**

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

13. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. The Faraday Street project aligns with the street renewal capital works programme, as detailed on page 85 of the LTCCP (2006-2016)

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

15. As above.

**ALIGNMENT WITH STRATEGIES**

16. This project is consistent with key Council strategies including Parking Strategy, Pedestrian Strategy, and Road Safety Strategy

**Do the recommendations align with the Council's strategies?**

17. As above.

**CONSULTATION FULFILMENT**

18. Consultation was undertaken with the retail businesses in September 2004, the property owner in March 2005 and again in January 2008 with the retail business to the north of Faraday Street.

19. The businesses acknowledged the dangers of Faraday Street entrance being in close proximity to the traffic signals, with resulting visibility and access issues.

20. The concerns raised are the narrowness of the existing carpark entrance on to Colombo Street and the fact that it is not lane marked at all. There is insufficient space within the existing carpark for some of the large delivery trucks to turn and lack of clarity re general traffic flow. Closure of the street would mean the loss of several long term parking spaces, generally used by workers during the day.

21. The issues raised could be addressed by signage/marketing within the carpark, widening and marking the Colombo Street entrance, and extending the existing carpark if Faraday Street was stopped.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Abandon the kerb and channel project for Faraday Street
- (b) Approve the commencement of the appropriate process to stop that portion of road reserve known as Faraday Street.

**BOARD RECOMMENDATION**

That the staff recommendation be adopted.

**PHIL CLEARWATER  
CHAIRPERSON**



## **Feedback from Fire House Shopping Centre re Possible Sale and Closure of Faraday Street 8/1/08 Philippa Upton**

### **Businesses consulted:**

Pizza Hut, P/C Service Centre, Gales Super Cheap Auto Spares, Pinata Party Shop, Tea Bakery and Noodle House (one business vacant)

### **Feedback from Individual Businesses:**

#### **Pizza Hut:**

Acknowledges danger of Faraday's proximity to Milton St/Colombo St intersection. Could mean less parks for Pizza Hut but there would be more straightforward access without the complication of Faradale, especially during the day, when long-term parked cars mean that the street is in effect single lane, and traffic becomes blocked in the street. Also cars coming in and out of Faraday complicate the flow from the other entrance (see below).

Happy with existing access off Colombo, but pointed out that it could be too busy for only one rather narrow entrance – need an entrance and an exit, or at least widen the existing one.

#### **P/C Service Centre**

Busy car park, road gets used by workers for parking long-term parking during the day.

Colombo Street is so busy that when the traffic is banked up right back from the centre of town, it is sometimes too difficult to access the main entrance, and drivers then use Faraday St instead.

Existing entrance on Colombo St considered too small.

#### **Gales Auto Spares**

This shopping centre has no back entrances for loading so the biggest issue seen as truck access, especially large trucks (eg Mainfreight, Peter Baker, fire truck) that do not have enough room to turn in the existing car park loop. At the moment they come in the main entrance and go out Faraday St – would they have to back out? Suggests it would be OK if existing owner buys it and extends car-park.

#### **Pinata Party Shop**

Confirmed danger resulting from Faraday Street's proximity to lights – visibility, turning. Confirmed truck access issue – eg helium truck, and that it could be solved by extending the car-park. Confirmed entrance/exit not wide enough.

#### **Tea Bakery and Noodle House**

Adjacent to entrance – notes that it is a complicated and dangerous piece of road, with several (also narrow) entrance to the funky pumpkin and other businesses across the road. Numerous accidents, people and buses at times zooming through the median strip. Real difficulty at times turning right into the car park – especially if a car is waiting to come out of the car park when there is barely room for two vehicles to pass.

Also an issue with pedestrians – people trying to get across to and from the Funky Pumpkin. A number of people park in the Fire House Car Park instead of across the road.

Need arrows directing traffic flow around car park – lack of these results in near misses and difficulty parking outside the Noodle House.

### **Summary – Main Issues**

Relatively narrow single entrance not adequate if Faraday removed

Large trucks don't have space to turn within existing car park loop, and use Faraday as an exit point

Busy car park so possible loss of parking in Faraday to be considered (but not a major issue)

Would like car park extended and traffic flow clarified

### **Related issues**

Major concern about dangerous access even at the main entrance

Pedestrian access from Fire House to Funky Pumpkin?