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SHIRLEY/PAPANUI COMMUNITY BOARD  
17 SEPTEMBER 2008

Minutes of a meeting of the Shirley/Papanui Community Board  
held on Wednesday 17 September 2008 at 4pm  
in the Boardroom, Papanui Service Centre

**PRESENT:** Megan Evans (Chairperson), Ngaire Button, Pauline Cotter, Matt Morris, Yvonne Palmer and Norm Withers.

**APOLOGIES:** An apology was received and accepted from Aaron Keown.

An apology for early departure was received and accepted from Pauline Cotter who retired from the meeting at 5.55pm and was absent for clauses 11 and 12.

The Board reports that:

**PART A - REPORTS REQUIRING A COUNCIL DECISION**

**1. PROPOSED LAND EXCHANGE – BELFAST SCHOOL**



<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Asset and Network Planning Unit Manager
<b>Author:</b>	Debbie McKay, Property Consultant

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Council's approval to negotiate a lease with the Ministry of Education over part of Belfast School that for all intended purposes comprises part of Sheldon Park and is maintained by the Council accordingly.

**EXECUTIVE SUMMARY**

2. The Ministry of Education (MOE), Belfast School, and Council staff have been in discussion for approximately three years over a proposal to undertake a land exchange.
3. The proposed exchange involves 2307m<sup>2</sup> of Sheldon Park (Section 1) that will be transferred to the MOE, and 2307m<sup>2</sup> of Belfast School (Section 2) that will be transferred to the Council. Refer to the plan in **Attachment 1**.
4. Section 1 offers little recreational benefit to the users of the park due to its secluded location. The Belfast School is keen to acquire this section because they would then have the ability to expand existing buildings onto the site. Section 1 offers the school a more logical area for expansion and development, and car parking will be created to provide a safer pick-up and drop-off point for the school children.
5. Section 2 is not located to provide logical development of the school. The acquisition of Section 2 would provide a critical link between the pending Apple Fields development reserve network, and Sheldon Park, and it would also assist the Council in facilitating any future development around Sheldon Park (identified as a priority through public consultation in 2003 over the proposed Belfast Area Plan).

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6. The Council and the MOE agree that for the reasons discussed above, an exchange of the Sections 1 and 2 is desirable and mutually beneficial. It has also been agreed that the Council, and the general public, will have a right of way over Area C shown on scheme plan 500216-05 (**Attachment 1**) to ensure there is access continuity between Sheldon Park and Section 2. The school will be given legal access over Sheldon Park to Section 1 and those easements are shown as Areas A and B on the same scheme plan.
7. Section 15 of the Reserves Act 1977 ("the Act") enables the exchange of reserves for other land. Approval in principal is sought from the Community Board to proceed with the exchange pursuant to this section of the Act. If the Board gives approval then staff can proceed to notify the proposal and to seek objections before a final report is put to the Board.
8. The approval of the Community Board has already been obtained for the proposed right of way easements (Areas A and B) over Sheldon Park in favour of the Ministry of Education.
9. **Attachment 2** shows a hatched area of land owned by Her Majesty the Queen more particularly described as Lot 2 DP 6402 ("Lot 2") contained in Certificate of Title CB31A/406, and held for the purposes of a Public School (namely Belfast School). Lot 2 provides a critical link between the two Council owned areas of Sheldon Park. There has been a long term understanding between the Belfast School and the Council that the Council incorporate and maintain this land with Sheldon Park, with the School having free right of access as and when they require.
10. The exchange proposal has provided a catalyst to formalise a lease for Lot 2, and to conclude all property matters associated with Sheldon Park and Belfast School. The MOE has agreed in principal to a lease, the terms and conditions of which have yet to be negotiated. It is therefore recommended that with the approval of the Board, the Council delegate the negotiation of a long term lease for Lot 2 to the Corporate Support Unit Manager.

**FINANCIAL IMPLICATIONS**

11. The cost of the exchange to the Council will be approximately \$6,500. This figure includes half of the cost to survey both parcels of land, and costs to comply with the Council's statutory obligations to effect the exchange.
12. The Ministry of Education will meet half of the cost of the survey, and will fund its own costs in this matter.
13. Simes Limited assessed the current market value of both parcels of land and concluded that as they are of equal size (2307m<sup>2</sup>), and because the land exchange is beneficial to both parties, Section 1 and Section 2 have a similar market value. Therefore a straight swap is proposed with no exchange of monies.
14. It is not anticipated that an annual fee will be applied to the Lease of Lot 2 on the basis that the Council manages and funds the maintenance of Lot 2 with the balance of Sheldon Park. The MOE's reasonable legal fees associated with the drafting and execution of the lease may apply.

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

15. Not applicable.

**LEGAL CONSIDERATIONS**

16. The Board has delegated authority to approve:
  - (a) an exchange of reserves for other land under Section 15 of the Reserves Act 1977; and
  - (b) grant rights of way and other easements over reserves under Section 48 of the Reserves Act 1977. (refer item 3 of these minutes.)

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17. The Board does not have delegated authority to consent to negotiate and enter into a lease with the Ministry of Education for Lot 2 DP 6402, such decisions can only be made by the full Council. The Board does however have recommendatory powers.
18. Section 15 Reserves Act 1977 – Exchange of reserves for other land. The Minister of Conservation may authorise the exchange of the land comprised in any reserve for any other land to be held for the purposes of that reserve subject to the Council passing a resolution requesting the exchange, following a public notification process.
19. Section 50 Ngāi Tahu Claims Settlement Act 1998 – Exceptions. This Section operates to provide an exception for this transaction from the usual right of first refusal in favour of Ngāi Tahu.
20. Section 51 Ngāi Tahu Claims Settlement Act 1998 – Notice of Excepted Transactions. The Council is required to give Ngāi Tahu notice of the proposed exchanged.
21. Section 48 Reserves Act 1977 – Grants of right of way and other easements. With the consent of the Minister of Conservation, the Council may consent to grant a right of way over a reserve. Public notification of the Council's intention to grant and easement is firstly required.

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

22. Ngāi Tahu has been informed of the exchange proposal, and they have been issued with a notice under Section 51 Ngāi Tahu Claims Settlement Act.
23. All other legal considerations discussed in this Section are dealt with by this report and the recommendations contained within it.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. Yes. Refer Page 124 of the LTCCP, level of service under parks, open spaces and waterways.

**ALIGNMENT WITH STRATEGIES**

25. Not applicable.

**CONSULTATION FULFILMENT**

26. It is a requirement of the Reserves Act 1977 that before the Council can pass a resolution consenting to the exchange of lands, and the right of way easement over recreation reserve (Sheldon Park), it publicly notify its intention to pass the respective resolutions and calling for objections. A further report was submitted to the Shirley/Papanui Community Board following the outcome of the public consultation period on 15 October 2008. Their resolutions (under delegated authority) are recorded in item 3 of this report.
27. The Council is not required to publicly consult on the proposal to enter into a Lease with the Ministry of Education for Lot 2 DP 6402.

**STAFF RECOMMENDATION**

It is recommended that:

- (a) The Council note that on 18 August 2008 the Shirley Papanui Community Board's Greenspace Traffic Works Committee approved under delegated authority the actions necessary under Sections 15 and 48 of the Reserves Act 1977, to publicly notify its intentions and approve an easement.
- (b) The Council approve the Corporate Support Unit Manager being given delegated authority to negotiate and enter into a Lease with the Ministry of Education for Part Lot 2 DP 6402.

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**BOARD RECOMMENDATION**

That the staff recommendation be adopted.

**BACKGROUND**

29. In 2005 the Principal of the Belfast School approached the Council about acquiring part of the adjoining recreation reserve known as Sheldon Park, to provide an extension of land to the south east of the existing school hall for potential development.
30. Around that time the Council had been in consultation with the Belfast Community in relation to the development of an Area Plan for Belfast. The public consultation had identified a number of issues and one of those was that Belfast had no 'community heart' or focal point that promoted the ability to foster community spirit and develop a 'sense of place'. The outcome was a concept to develop Sheldon Park as the community's heart.
31. Section 2 has also been identified as providing a strategic link in the green network, specifically between the 93 hectare Apple Fields residential development and Sheldon Park. The development is currently before the Environment Court, and the Council is seeking a reserve link connecting the corner of Johns Road and Main North Road into the development, and in sight of Sheldon Park on the other side of Main North Road.
32. It was fortuitous that the Belfast School approached the Council about an extension onto Sheldon Park for development purposes. The idea of a land exchange developed from this point.
33. The proposed exchange involves 2307m<sup>2</sup> of Sheldon Park shown as Section 1 on the attached plan 500216-05 (**Attachment 1**), and 2307m<sup>2</sup> of Belfast School shown as Section 2 on the same plan.
34. The School will require legal access over Sheldon Park to Section 1. It is proposed to grant the Ministry of Education an easement for right of way over Areas A and B shown on **Attachment 1**. The staff recommendation provides for this.
35. Area C delineates the only vehicular access to the School, and the School was adamant that this area not be included in the land for exchange to the Council. There would be little benefit of the exchange to the Council if it did not have the ability to provide continuous public access between Sheldon Park and Section 2. To overcome this the School has agreed to a right of way easement in gross. In essence this means that the Council, and all members of the public, will have a free right of way over Area C, as if it was included as part of Sheldon Park. This may mean that the School will need to remove existing fencing along the boundary of Area C and Section 2.
36. The benefits of the exchange to the Council are:
  - (a) The ability to provide a critical link in the green network between the Apple Fields residential development, the corner of Johns Road and Main North Road, and Sheldon Park;
  - (b) The land would provide a viable extension to Sheldon Park by increasing the road frontage and therefore the park's presence within the Belfast community;
  - (c) Good visibility through to Main North Road, and integration with Sheldon Park;
  - (d) Establishing focus on Sheldon Park and the immediate area as the central community 'heart';

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- (e) Increases the visible frontage of Sheldon Park as aligned with Crime Prevention Through Environmental Design (CPTED) standards.
- 37. Benefits of the land exchange to the School include:
  - (a) The ability for the school to expand existing buildings onto the adjacent area. This includes the school hall which is currently utilised for the 'Oscar' Programme;
  - (b) The ability to provide an alternative pick-up/drop-off area for children attending the school. Currently, children are dropped off and picked up on the Main North Road (State Highway 74) in which there are inherent dangers;
  - (c) The land to be acquired by the Council would still be available to the school for supervised recreation.

**Lease of Lot 2 DP 6402**

- 38. There has been a long term understanding between the Belfast School and the Council that the Council will incorporate and maintain Lot 2 with Sheldon Park. The School continues to have a free right of access to use Lot 2 for recreation purposes. Lot 2 provides a critical connection between the two areas of Sheldon Park owned by the Council and is, for all intended purposes, part of the area known as Sheldon Park.
- 39. There is currently no formal arrangement between the MOE and Council for this land, and the land exchange has provided a catalyst for completing a lease to conclude all property matters associated with Sheldon Park, and Belfast School.
- 40. The MOE has indicated agreement in principal to enter into a lease with the Council for Lot 2. It is recommended that the Corporate Support Unit Manager be given delegated authority to negotiate and enter into a Lease with the MOE.

**PART B - REPORTS FOR INFORMATION**



**2. COMMUNITY SERVICES AND EVENTS COMMITTEE – MINUTES OF 12 AUGUST 2008**

The Board **received** for information the confirmed minutes of the Community Services and Events Committee meeting of 12 August 2008 and noted the following decisions had been made under delegated authority:

**2.1 CONFIRMATION OF REPORT**

The Committee confirmed the report of the Community Services and Events Committee's ordinary meeting (both open and public excluded sections) of 8 July 2008.

**2.2 REQUEST FOR FUNDING TO ESTABLISH THE YOUTH DEVELOPMENT SCHEME**

The Committee considered a report seeking funding of \$10,000 to establish a Youth Development Scheme.

The Committee **resolved**:

- (a) That a 2008/09 Youth Development Scheme be established and that \$10,000 be transferred from the Shirley/Papanui Community Boards 2008/09 Discretionary Fund to the Recreation and Sport Unit for this purpose.

(NB: Yvonne Palmer requested that her vote be recorded against the above decision.)

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- (b) That the fund criteria and eligibility for the a 2008/09 Youth Development Scheme be reviewed.
- (c) That the Committee establish a Subcommittee of the Community Services and Events Committee with delegated authority to approve urgent applications to the Youth Development Scheme.
- (d) That the membership of the Community Services and Events Committee Subcommittee be any three available members of the Community Services and Events Committee.
- (e) It was agreed that further discussions be held regarding the amount of the Youth Development Scheme fund after the Chairperson's meeting with the Chief Executive Officer to discuss discretionary funding had been held.

**2.3 ACHESON AVENUE ONE-STOP-SHOP**

The Committee considered a report which recommended that the renewal of the lease at 25 Acheson Avenue One-Stop-Shop not be renewed and that the Corporate Support Unit Manager be asked to use his delegated powers to take that action.

It was **agreed** that the Corporate Support Unit Manager be requested to use his delegated powers to not renew the lease on the property at 25 Acheson Avenue which is currently leased for the One-Stop-Shop.

**3. GREENSPACE TRAFFIC WORKS MINUTES – MINUTES OF 18 AUGUST 2008**

The Board **received** for information the confirmed minutes of the Greenspace Traffic Works Committee meeting of 18 August 2008 and noted the following decisions had been made under delegated authority:

**3.1 CONFIRMATION OF MINUTES**

The Committee confirmed the minutes of the Greenspace Traffic Works Committee meeting of 14 July 2008.

**3.2 PROPOSED LAND EXCHANGE – BELFAST SCHOOL**

The Committee considered a report seeking approval in consent in principle to an exchange of lands involving part of Belfast School, and Sheldon Park owned by the Council, to enable a public notification process to be commenced.

The report also sought a recommendation to the Council to negotiate a lease with the Ministry of Education over part of Belfast School that for all intended purposes comprises part of Sheldon Park and is maintained by the Council accordingly. As indicated in clause 1, this matter was referred to the Board for recommendation to the Council.

The Committee **resolved**:

- (a) That pursuant to Section 15 of the Reserves Act 1977, the Community Board publicly notify its intention to pass the following resolution at its meeting in October 2008:

*"Pursuant to Section 15 of the Reserve Act 1977, the Shirley/Papanui Community Board requests the Minister of Conservation to authorise an exchange of the lands in the following schedule:*

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**Schedule**

*2307m<sup>2</sup> (subject to survey) owned by the Christchurch City Council and being Part Lot 6 DP 29414 contained in Certificate of Title CB453/47 and more particularly shown as Section 1 on Plan 500216-05.*

*2307m<sup>2</sup> (subject to survey) owned by the Ministry of Education and being Part Lot 1 DP 11149 contained in Certificate of Title CB453/47 and more particularly shown as Section 2 on Scheme Plan 500216-05."*

(b) That pursuant to Section 48 of the Reserves Act 1977, the Community Board approve an easement for right of way in favour of the Ministry of Education over Part Lot 6 DP 29414 contained in Certificate of Title CB11F/1164 and more particularly shown as Area A and Area B on Plan 500216-005 subject to:

- (i) public notification as required under the provisions of the Reserves Act 1977;
- (ii) the consent of the Department of Conservation being obtained; and
- (iii) the Board passing the resolution outlined in (a) above at its meeting in October

**3.3 PROPOSED ROAD NAMING – RMA 92012124**

The Committee considered a report seeking approval to one new road name in a subdivision running off Glen Oaks Drive.

The Committee **resolved** that the road be renamed to "Rivers Edge".

**3.4 PROPOSED ROAD NAMING – RMA 92009097**

The Committee considered a report seeking approval to two new road names in the Brooklands Lagoon area.

The Committee **resolved** that the road names "The Lagoon" and "Seaward View" be accepted

**4. SMALL PROJECTS FUND ASSESSMENT COMMITTEE – 14 AUGUST 2008**

The Board **received** for information the confirmed minutes of the Small Projects Fund Assessment Committee meeting of 14 August 2008.

**5. DEPUTATIONS BY APPOINTMENT**

Nil.

**6. PRESENTATION OF PETITIONS**

**6.1 RALPH ROSS**

Messrs Ralph Ross and Reg Rogers presented a petition with 70 signatures. The prayer of the petition reads:

*"We the undersigned wish to draw the Council's attention to the concerns of local residents regarding trees and request that action be taken to have the trees topped now by a maximum of two feet (60 centimetres) which is about one quarter of the height of the trees in Praem Place, Emmett Street and Allison Street. There are two high Oak trees spreading leaves in seven-eighths of people's section."*

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Pursuant to Standing Order 2.1.3, the Board **agreed** to temporarily suspend Standing Orders for the purpose of allowing Board members to discuss and clarify information provided by the petitioners.

Pursuant to Standing Order 2.1.3, the Board **agreed** to lift the temporary suspension of Standing Orders.

The Board **agreed** to receive the petition and request staff to provide a report on the stability and maintenance of the Praem Place, Emmett Street and Allison Street trees.

**7. NOTICES OF MOTION**

Nil.

**8. CORRESPONDENCE**

The Board **received** the following correspondence:

8.1 **David Ivory** – Deputation Requests

8.2 **Paul Somerville** - Former Edgware pool site – locked cyclone gate.

The Board **agreed** that staff be requested investigate the reasons for the removal of the community owned padlock from the cyclone gate at 43A Edgware Road (former Edgware Pool site) and report the findings to the Board.

8.3 **Spencerville Residents Association** – Concern at the reported deterioration of Spencerville Road surface.

It was **agreed** staff be requested to respond to the correspondence as required.

**9. BRIEFINGS**

Nil.

**10. SHIRLEY/PAPANUI COMMUNITY BOARD – FUNDING ACCOUNTABILITY REPORT 2007/2008**

The Board **received** for information the report of the Shirley/Papanui Community Board Funding Accountability report 2007/2008.

**11. COMMUNITY BOARD ADVISER'S UPDATE**

11.1 The Board **received** updates from the Community Board Adviser on forthcoming Board related activities and projects over the coming weeks.

Further, the Board **decided**:

(a) That a presentation by the Department of Internal Affairs Office of Ethnic Affairs to outline their work and potential areas of joint interest, be held early in the New Year and that invitations to attend will be extended some resident groups.

(b) That the Board Chairperson is to remain the Board's representative on the Character Housing Maintenance Grants Panel.



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- (c) That the information supplied on the Waimakariri Bridge – Cycle Safety Improvements be supplied to Lianne Dalziel MP and the resident who had raised the issue of bridge safety.

11.2 The Board funding information was not available at the meeting and will be separately circulated.

**12. BOARD MEMBERS' INFORMATION EXCHANGE**

**12.1 MEMBERS' INFORMATION**

Specific mention was made of the following matters:

- That staff be requested to contact Environment Canterbury staff and councillors for an update on the silting and flooding of the Brooklands Lagoon.
- That staff be requested to obtain the report "Managing transport challenges when oil prices rise" and circulated it to Board members.
- That staff be requested to obtain a report from the Canadian cyclist that attended the recent New Zealand Recreation Association conference held in Christchurch and spoke on closing roads for recreation, and circulate it to Board members.
- It was **agreed** that the joint Shirley/Papanui Fendalton/Waimairi seminar regarding the Sawyers Arms Road/Gardiners Road intersection will be held on 29 September 2008.

**12.2 CHAIRPERSON'S REPORT**

Information on the Chairperson's activities over the June/July 2008 period has previously been circulated.

**13. BOARD MEMBER'S QUESTIONS**

Nil.

**PART C - DELEGATED DECISIONS TAKEN BY THE BOARD**

**14. CONFIRMATION OF MINUTES – 20 AUGUST 2008**

The Board **resolved** that the minutes of its ordinary meeting held on 20 August 2008, be confirmed.

**15. GOVERNANCE ARRANGEMENT REVIEW**

The Board considered a report requesting that consideration be given to whether to retain the Board's current governance structure and delegated authorities to its committees and also to consider whether changes should be made to the Board's timetable of meetings, committee meetings and seminars.

The Board **resolved**:

- (a) That the Community Services and Events Committee meet at 4pm on the Wednesday of week two of the month, to be followed by the Greenspace Traffic Works Committee.
- (b) That Board meetings commence at 4pm on the Wednesday of week three of the month (as at present).
- (c) That seminars to be held two-monthly at 9am on the Wednesday of week three of the month.

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- (d) That the delegations currently held by the Community Services and Events Committee and the Greenspace Traffic Works Committee remain the same.
- (e) That the reviewed governance arrangement as set out in (a) to (d) above be effective from 1 January 2009.

**(Note: Ngaire Button, Yvonne Palmer and Norm Withers recorded their vote against clauses (a) and (d) of the motion.)**

*(Note: The highlighted section denotes an amendment made at the meeting of 15 October 2008 during clause 2 "Confirmation of Minutes – Board Meeting of 17 September 2008.)*

**16. DELEGATED AUTHORITY FOR THE CONSIDERATION AND ALLOCATION OF NEIGHBOURHOOD WEEK FUNDING**

The Board **resolved**:

- (a) To delegate authority to the Community Services and Events Committee, for the remainder of this Board's term, to consider applications and allocate Neighbourhood Week Funds from the Strengthening Community Fund for that purpose.
- (b) To schedule an extraordinary meeting of the Community Services and Events Committee to receive and consider the applications so that the maximum time possible is given to then convey the decisions to the applicants.

It was confirmed that the extraordinary meeting of the Community Services and Events Committee would be held at 8am on Tuesday, 23 September 2008.

**17. NEW ZEALAND COMMUNITY BOARDS' 2009 BEST PRACTICE AWARDS**

**STAFF RECOMMENDATION**

It is recommended that:

- (a) The Board confirm its entries for the New Zealand Community Boards 2009 Best Practice Awards.
- (b) The Board confirm its preferred means of preparing its entries for the New Zealand Community Boards 2009 Best Practice Awards.

The Board **resolved**:

- (a) That its entries and categories for the New Zealand Community Boards 2009 Best Practice Awards will be:
  - 1. Host Responsibility (Safety)
  - 2. Junior Neighbourhood Support (Working with Children and Youth)
  - 3. Groyne's Dog Park (Significant Project)
  - 4. St Alban's School/Community Children's playground (Partnership)
- (b) That its preferred means of preparing its entries for the New Zealand Community Boards 2009 Best Practice Awards will be making an approach to the five High Schools in the ward and an identified consultant.
- (c) That Yvonne Palmer and the Board Chairperson be the liaison contacts for the preparation of entries for the New Zealand Community Boards 2009 Best Practice Awards.

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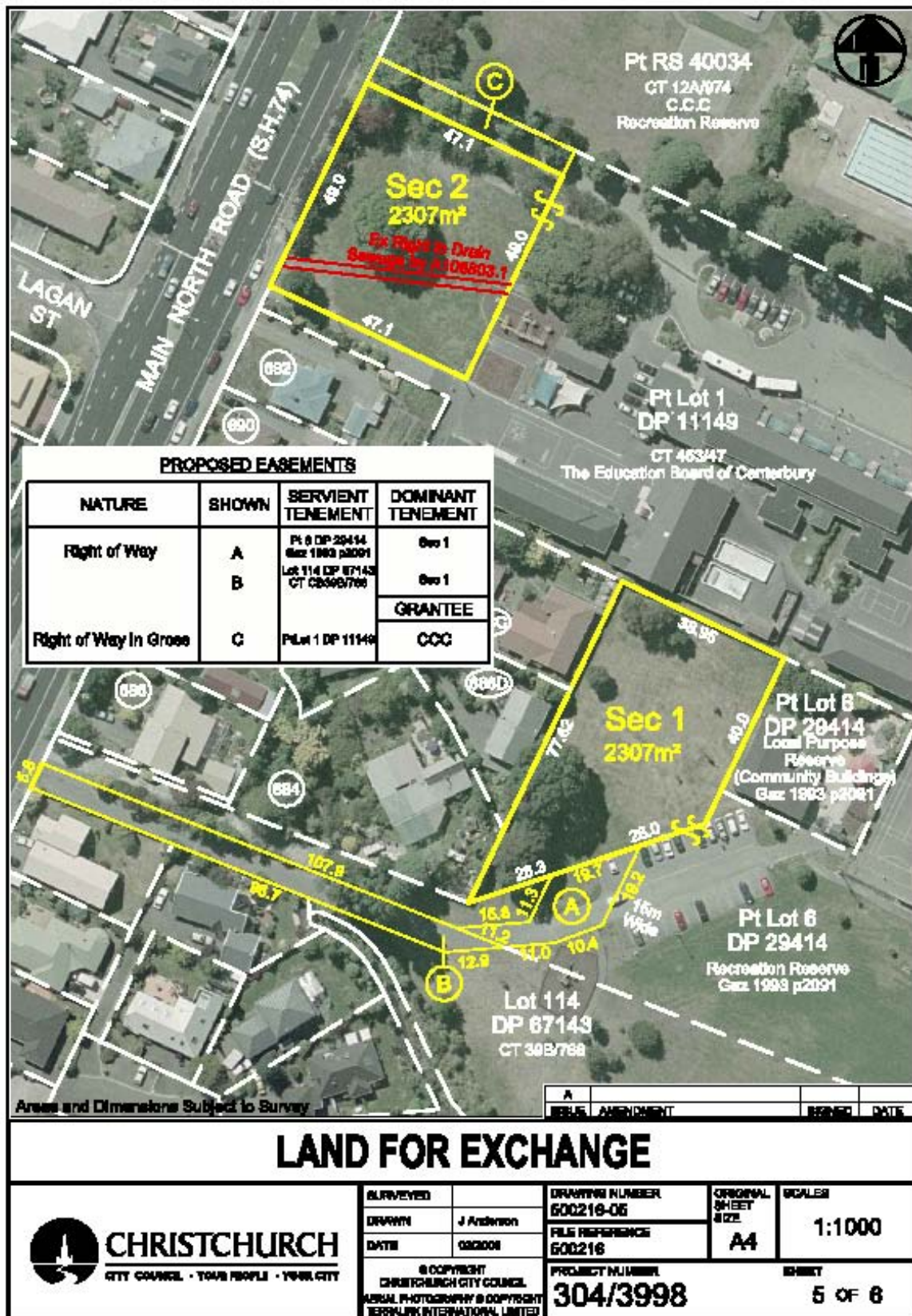
**17. Cont'd**

- (d) That up to \$4,000 be allocated from the 2008/09 Discretionary Response fund for the purpose of preparing entries for the New Zealand Community Boards 2009 Best Practice Awards.

The meeting concluded at 6.50pm.

**CONFIRMED THIS 15<sup>TH</sup> DAY OF OCTOBER 2008**

**MEGAN EVANS  
CHAIRPERSON**



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ATTACHMENT TO CLAUSE 1  
Attachment 2

