

8. 10. 2009

**AKAROA/WAIREWA COMMUNITY BOARD
12 AUGUST 2009**

**Report of a meeting of the Akaroa/Wairewa Community Board
held on Wednesday 12 August 2009 at 9.30am in the Board Room,
Little River Service Centre, Christchurch-Akaroa Highway, Little River.**

PRESENT: Stewart Miller (Chairman), Jane Chetwynd, Bryan Morgan,
Pam Richardson, Claudia Reid, and Eric Ryder.

APOLOGIES: Nil.

The Board reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. L'AUBE HILL RESERVE, AKAROA - DEDICATION OF LAND AS ROAD - STOPPING OF UNFORMED ROAD



General Manager responsible:	General Manager City Environment, DDI: 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Tom Lennon, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to ask the Council to pass a resolution under Section 114 of the Public Works Act 1981 to enable application for a declaration of land within L'Aube Hill Reserve identified as Lot 1 DP 73138 and Lot 4 DP 68748, to be road.

EXECUTIVE SUMMARY

2. In September 2008 the Akaroa/Wairewa Community Board considered a report regarding this particular access arrangement and **resolved** to extend the existing easement rights benefiting Lot 1 DP 68748 to serve the property identified as Pt RES 108 (BM 289) under the ownership of The Roman Catholic Bishop of the Diocese of Christchurch.
3. Extending the existing easement rights was an adequate and straightforward way to address the request by The Roman Catholic Bishop of the Diocese of Christchurch for access rights over a portion of Council's land.
4. Further assessment, however, revealed that the location of the current access road affecting a portion of Council land is without a doubt the most suitable location for a public road. This assessment was made taking into consideration the topographic characteristics of the surrounding land and took into account the fact that this particular portion of Council land has been used for access purposes for many years. The existing access is tar sealed and services such as electricity, telephone and water are already located within this access corridor.
5. The dedication of the identified portion of Council land as a public road will be counterbalanced by the stopping of a portion of paper road identified in the **attached** diagram. Under the proposal 497 metres² of land will be dedicated as a public road whilst 563 metres² of paper road will be stopped and consolidated with the adjoining Council property.

FINANCIAL IMPLICATIONS

6. There will be process costs for survey, consent and proclamation expenses (estimated to be \$8,000). No compensation payments are required in this particular case.

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

7. The budget for this project is covered by the Transport and Greenspace Subdivisions budget.

8. 10. 2009

Akaroa/Wairewa Community Board 12.8.2009

1 Cont'd

LEGAL CONSIDERATIONS

8. Under Section 114 of the Public Works Act 1981 the Minister of Lands may, by notice in the Gazette, declare any land, whether owned by the Crown or not, to be road. Land shall not be declared to be road without the written consent of all parties having an interest in the land. In this case the consent of the Council and the adjoining owners is required before a gazettal process can proceed. On publication of a notice in the New Zealand Gazette the land vests in the Local Authority as road.
9. The Community Board does not have delegated authority to authorise the proposal to apply for a declaration of part of a Council owned property as road. Such a decision needs to be made by the full Council. The Board has, however, recommendatory powers to the Council.
10. The road stopping process associated with the stopping of an unmade portion of Rue Pompallier, which was circulated to the Board for comments in a memo dated 23 July 2009, will be undertaken in accordance with the recently adopted Christchurch City Council Road Stopping Policy 2009.
11. Upon the completion of the dedication of the subject portion of the Council's land as a public road, the existing easements will be removed from the titles of the affected properties.

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

12. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. LTCCP, Streets and Transport Objectives – to provide a sustainable network of streets.

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

14. As above.

ALIGNMENT WITH STRATEGIES

15. As above.

Do the recommendations align with the Council's strategies?

16. As above.

CONSULTATION FULFILMENT

17. The process to acquire the land under Section 114 of the Public Works Act 1981 with the appropriate consents does not require consultation.

STAFF RECOMMENDATION

That the Council pass the following resolution:

Resolution

The Christchurch City Council hereby resolves pursuant to Section 114(1) of the Public Works Act 1981, to declare the land described in the schedule below to be road.

Schedule

The parcel of land described as Section 1 (497metres²) being part of L'Aube Hill Reserve identified as Lot 1 DP 73138 and Lot 4 DP 68748 to be road as shown outlined yellow on drawing number 500981-03, subject to survey.

1 Cont'd

BOARD CONSIDERATION

The Board agreed that this access had been used as if it were a public road for many years, and that it was logical that it be legally declared as such.

The Board asked that appropriate signage be placed at the beginning of the road to identify that it was a narrow, "No Exit" road, with only a small turning bay situated at the end.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

18. In early 1990 Banks Peninsula District Council approved a subdivision of privately owned land identified as Part Lot 1 DP 2866 and Lot 1 DP 1378. The subdivision approval included a Right of Way in favour of privately owned land over a portion of Council's L'Aube Hill Reserve identified as Lot 1 DP 73138 and Lot 4 DP 68748.
19. In 2008 the Christchurch City Council received a request from The Roman Catholic Bishop of the Diocese of Christchurch who are the registered proprietors of the property identified as Pt RES 108 (BM 289, for the Council to consider extending the easement rights to include the Church's property.
20. In September 2008 the Board considered a report regarding this particular access arrangement and adopted the staff recommendation to extend the existing easements rights benefiting Lot 1 DP 68748 to serve the property identified as Pt RES 108 (BM 289) under the ownership of The Roman Catholic Bishop of the Diocese of Christchurch.
21. The existing access currently protected by easement rights is tarsealed and services such as electricity, telephone and water are already located within this access corridor.
22. The current access road affecting a portion of Council land is without a doubt the most suitable location for a public road. This assessment was made taking into consideration the topographic characteristics of the surrounding land and took into account the fact that this particular portion of Council land has been used for access purposes for many years.
23. The southern portion of Rue Pompallier from its intersection with Rue Brittan is unformed up to the eastern bound curve from which point the existing tar-sealed access joins the road corridor. The south-eastern end of Rue Pompallier is unnecessarily wide and an opportunity was identified to stop part of this road to offset the area of land to be taken for road.
24. The unformed portion of Rue Pompallier to be stopped comprises of 563 metres² and is heavily vegetated including a number of mature trees. The area of land to be taken as road is 497 metres² which represents 66 metres² less than the area of road to be stopped and consolidated with the adjoining reserve.

THE OBJECTIVES

25. To improve and formalise a long standing situation by declaring a portion of Council owned land, already utilised for access and services, as a public road.

THE OPTIONS

26. **Option 1**

To proceed with the process for a declaration of land within L'Aube Hill Reserve, identified as Lot 1 DP 73138 and Lot 4 DP 68748, to be road.

8. 10. 2009

Akaroa/Wairewa Community Board 12.8.2009

1 Cont'd

This is the preferred option as it allows the tidying up of an access arrangement which, although formalised by the existence of easements, it is not necessarily the best available long term alternative considering the circumstances and the fact that the existing access is the preferred location for the continuation of Rue Pompallier.

27. Option 2

Maintain the status quo, ie do not proceed with the current proposal to dedicate a portion of the Council's land as a public road and continue with the existing easement arrangement in favour of the two privately owned properties as detailed earlier in this report.

This is not the preferred option as it does not address the long term and broader public access issues to privately owned land in this area which are likely to arise in the future.

THE PREFERRED OPTION

28. Option 1 is the preferred option as it allows the tidying up of an access arrangement which is not necessarily the best available long term alternative in consideration of the background and history of this issue.

2. AKAROA HARBOUR BASIN SETTLEMENT STUDY



This report was considered by the Council at its meeting on Thursday 24 September 2009.

PART B - REPORTS FOR INFORMATION

3. DEPUTATIONS BY APPOINTMENT

Nil.

4. PRESENTATION OF PETITIONS

Nil.

5. NOTICES OF MOTION

Nil.

6. CORRESPONDENCE

6.1 LITTLE RIVER-WAIREWA PROMOTIONS GROUP

The Board considered a letter from the Little River-Wairewa Promotions Group which supported the Council's long term preferred route for the Christchurch-Little River Rail Trail into Little River.

The Board **decided** to receive the correspondence from the Little River-Wairewa Promotions Group and refer it to staff to consider as part of the Little River Rail Trail consultation process.

8. 10. 2009

Akaroa/Wairewa Community Board 12.8.2009

7. RESERVE MANAGEMENT COMMITTEE MINUTES

7.1 AWA-ITI RESERVE MANAGEMENT COMMITTEE - 2 JULY 2009

The Board **received** the minutes of the Awa-iti Reserve Management Committee meeting held on 2 July 2009.

A decision was made under delegated authority (Part C), clause 14 of these minutes refers.

7.2 ROBINSONS BAY RESERVE MANAGEMENT COMMITTEE - 16 JULY 2009

The Board **received** the minutes of the Robinsons Bay Reserve Management Committee meeting held on 16 July 2009.

A decision was made under delegated authority (Part C), clause 14 of these minutes refers.

7.3 DUVAUCHELLE RESERVE MANAGEMENT COMMITTEE - 8 JUNE 2009

The Board **received** the minutes of the Duvauchelle Reserve Management Committee meeting held on 8 June 2009.

8. AKAROA HARBOUR ISSUES WORKING PARTY MINUTES - 24 MARCH 2009

Members were informed that at the next Akaroa Harbour Issues Working Party meeting to be held on 15 September commencing at 6pm, David Gregory from Environment Canterbury would be giving a presentation on the New Zealand Coastal Policy Statement and that any members interested were invited to attend.

The Board **received** the minutes of the Akaroa Harbour Issues Working Party meeting held on 23 June 2009.

9. BRIEFINGS

9.1 LIBRARIES BANKS PENINSULA CONSULTATION

Rosemary Nicholls (Community Libraries Manager) updated the Board on the recent Libraries consultation with Banks Peninsula residents. Members were informed that the consultation had been very successful and had identified initiatives that could be instigated now and in future planning. Documentation was tabled for members' information.

9.2 ROAD STOPPING -KAITUNA

Weng-Kei Chen (Asset Engineer) briefed the Board on the proposed road stopping of an unformed portion of road situated adjacent to the Kaituna River.

Members were informed that under the Council's Road Stopping policy a report will be distributed to members. Staff were asked to include at that time a more detailed map of the proposal, including the positioning of proposed irrigation ponds.

10. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser on forthcoming Board related activities and projects:

- **July Update on Local Capital Projects**

The Board **agreed** that the accuracy of information in this public document was essential, and that if there were any questions relating to items included in the update, members should, in the first instance, contact the Community Board Adviser.

8. 10. 2009

Akaroa/Wairewa Community Board 12.8.2009

10 Cont'd

- **Environment Canterbury - Biodiversity Strategy**
Members were informed that a Field Trip to Banks Peninsula would take place on 6 November 2009.
- **Stanley Park Reserve**
The Board **decided** to request staff to provide a formal update regarding the issues raised at a previous site visit to Stanley Park, pertaining to fencing, felling of trees and old man's beard.
- **Signage**
Members discussed the concerns of business operators following the seizure by Council enforcement officers of several sandwich boards in Akaroa. Members were informed that Council staff would be attending a meeting in Akaroa the following evening to discuss this issue.
- **Complaint – Garden at Birdlings Flat**
Members were informed that a letter had been sent to the Board regarding an official complaint about a garden at Birdlings Flat. The complaint had been actioned through the Council's customer services request system.

11. ELECTED MEMBERS INFORMATION EXCHANGE

Specific mention was made of the following matters:

- **Christchurch City Council Biodiversity Strategy**
Members **decided** to request that staff provide an update through a seminar on what the next steps in the process would be, now that the Biodiversity Strategy had been adopted.
- **Akaroa School Dental Clinic**
Members **decided** to ask staff to request information from the Canterbury District Health Board on the issues relating to the relocated Akaroa dental clinic being accessible for public use, as had been the practice in the past.
- **Property Ownership Issues**
It was **decided** to ask staff to confirm that the following items were in the ownership of the Christchurch City Council, as it had been reported that there had been some confusion over the ownership of them in recent weeks:
 - Tennis/Netball Pavilion - Akaroa
 - Frank Worsley Statue
 - Akaroa Fire Bell Tower
 - Charles Meryon Statue

12. QUESTIONS UNDER STANDING ORDERS

Nil.

PART C - DELEGATED DECISIONS

13. CONFIRMATION OF MINUTES

ORDINARY MEETING - 8 JULY 2009

The Board **resolved** that the minutes of the ordinary meeting held on 8 July 2009 be confirmed.

8. 10. 2009

Akaroa/Wairewa Community Board 12.8.2009

14. RESERVE MANAGEMENT COMMITTEE MINUTES - continued

14.1 AWA-ITI RESERVE MANAGEMENT COMMITTEE - MEMBERSHIP

Further to clause 7.1 (Part B) of these minutes, the Board **resolved** to approve the appointments of the following people to the Awa-iti Reserve Management Committee:

John Boyle
Ben Skelton

14.2 ROBINSONS BAY RESERVE MANAGEMENT COMMITTEE - MEMBERSHIP

Further to Clause 7.1 (Part B) of these minutes the Board **resolved** to approve the appointment of Mr Lee Robinson to the Robinsons Bay Reserve Management Committee.

15. SMALL TOWN CONFERENCE 2009 - BOARD MEMBERS ATTENDANCE

The Board considered a report seeking its approval for Board members to attend the 2009 Small Town Conference.

The Board **resolved** to approve the attendance of up to two Board Members at the Small Town Conference in Kaiapoi from 16 to 18 September 2009.

16. APPLICATION TO THE DISCRETIONARY RESPONSE FUND FOR CHALICE PRODUCTIONS

The Board considered a report for a request for funding from Chalice Productions to the Akaroa/Wairewa Community Board Discretionary Response Fund.

The Board **resolved** to decline the request of \$8,000 from its 09/10 Discretionary Response Fund from Chalice Productions as there are more appropriate avenues of funding available for the project.

17. AKAROA/WAIREWA STRENGTHENING COMMUNITIES FUNDING 2009/10 ALLOCATIONS

The Board considered a report for the Board to allocate the Akaroa/Wairewa Strengthening Communities Fund for 2009/10.

No	Group	Project	Board Decision
1.	Akaroa Resource Collective Trust.	Salary for professional staff, workshop costs, venue hire and administration.	The Board resolved to make a grant of \$8,855 to the Akaroa Resource Collective Trust towards the costs of their Community Counselling, Youth Mentoring and Mental Health project.
2.	Akaroa Civic Trust	Photography and pictures, design and layout, printing and binding costs.	The Board resolved to make a grant of \$4,700 to the Akaroa Civic Trust towards the production of a Takapuneke commemorative booklet.
3.	Akaroa/Wairewa Community Board	Traffic management, refreshments and wreaths for ANZAC Services.	The Board resolved to make a grant of \$3,210 to the Democracy Services Unit to host 'citizens' ceremonies on Anzac Day at both Little River and Akaroa.
4.	Akaroa/Wairewa Community Board	Publication of a newsletter.	The Board resolved to make a grant of \$555 to the Democracy Services Unit to produce newsletters for local residents.

8. 10. 2009

Akaroa/Wairewa Community Board 12.8.2009

5.	Akaroa/Wairewa Community Board	Local community events to celebrate Neighbourhood Week.	The Board resolved to make a grant of \$2,000 to the Community Support Unit towards Neighbourhood Week.
6.	Little River School Support Group	Pool attendance and chemical treatment costs for the Community/School Pool.	The Board resolved to make a grant of \$2,620 to the Little River School Support Group towards the pool attendants for after school and during school holidays community usage.
7.	Little River Volunteer Fire Brigade	Emergency Services Cadet Scheme.	The Board resolved to make a grant of \$5,400 to the Little River Volunteer Fire Brigade towards the running of the Emergency Services Cadet project.
8.	Little River Wairewa Promotions Group	Film Equipment	The Board resolved to decline the application from the Little River Wairewa Promotions Group.
9.	Akaroa Community Arts Council	Running of programmes and events.	The Board resolved to decline the application from the Akaroa Community Arts Council.
10.	Akaroa Heritage Festival Society Inc.	Avant Frenchfest	The Board resolved to decline the application from the Akaroa Heritage Festival Society.

The Board further **resolved** that the closing date for applications to a second funding round for unallocated funds of \$5,616 from the Strengthening Communities Fund for 2009/10 be 27 November 2009.

18. AKAROA MUSEUM ADVISORY COMMITTEE - 29 JUNE 2009

The Board **received** the minutes of the Akaroa Museum Advisory Committee meeting held on 29 June 2009, subject to the following alteration:

Item 4, bullet point six - delete 'Saturday 14 November 2009 at the Museum' and insert *Friday 25 September 2009 commencing at 4.30pm at the Museum.*

The meeting concluded at 1.15pm.

CONFIRMED THIS 9TH DAY OF SEPTEMBER 2009


**STEWART MILLER
CHAIRMAN**



Areas and Dimensions Subject to Survey

ISSUE	AMENDMENT	SIGNED	DATE
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LAND FOR ROAD & ROAD TO BE STOPPED

 <p>CHRISTCHURCH CITY COUNCIL - YOUR PEOPLE - YOUR CITY</p>	SURVEYED		DRAWING NUMBER	500981-03	ORIGINAL SHEET SIZE	SCALES
	DRAWN	J Anderson	FILE REFERENCE	WBS 304/4333		
	DATE	05/2009	PROJECT NUMBER	500981	SHEET	3 OF
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