



Christchurch City Council

FENDALTON/WAIMAIRI COMMUNITY BOARD AGENDA

TUESDAY 12 JULY 2005

AT 4.00 PM

**IN THE BOARD ROOM
CHRISTCHURCH CITY COUNCIL FENDALTON
CORNER JEFFREYS AND CLYDE ROADS**

**Community
Board:**

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1. **APOLOGIES**2. **CONFIRMATION OF MEETING REPORT – 7 JUNE 2005****CHAIRMAN’S RECOMMENDATION**

That the report of the ordinary meeting of the Board held on 7 June 2005, as circulated, be taken as read and confirmed.

3. **DEPUTATION BY APPOINTMENT**4. **CONSERVATORS ROAD EXTENSION**

General Manager responsible:	General Manager Jane Parfitt
Officer responsible:	Don Munro Manager Transport and City Street
Author:	Peter Atkinson, DDI 941-8088 Weng Kei Chen DDI 941-8655 Chris Freeman, DDI 941- 8638

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board’s recommendation to the Council to commence road stopping procedures for a portion of unformed Conservators Road and a section of unformed “paper road”, between the bend in McLeans Island Road and Clarksons Road, as shown on the **attached** plan. Significant portions of these unformed roads are to be replaced with other comparable links.

EXECUTIVE SUMMARY

2. The owners of the property between the Council’s Savanna Grassland Reserve and the secondary stop bank are wishing to develop their property. This subdivision creates the opportunity for the Council to review the roading network in this locality. Some unformed “paper roads” dating back to early times are no longer practical or required. The Council’s two principles driving forces for initiating a change are the need to provide protection for the Council’s Savanna Grassland Reserve and to provide a more suitable connection between Conservators Road and McLeans Island Road. A significant portion of the stopped roads in this area will be replaced with other equivalent roads as part of the subdivision.

FINANCIAL AND LEGAL CONSIDERATIONS

3. No budget has been set aside for this project. However, the project has the potential to be self-funding through property transfers and development compensations especially for the initial stages. Nevertheless, if funding is needed later, for whatever reason, then that part of the project can be assessed in terms of the Council priorities at an appropriate time.
4. Discussions with key stakeholders including Environment Canterbury, the Councils Greenspace Unit and Land Owners, all indicate their support and the need to rationalise the “paper roads” in this locality. The current link between Conservators Road and McLeans Road is replaced with an equivalent link along a new alignment to the west. To achieve the necessary exchange of land, the Council is required to initiate road stopping procedures for these unformed portions of legal road as indicated above. The last connection between the stop bank and the McLeans Island Road will require the approval Environment Canterbury Council.

4. Cont'd

STAFF RECOMMENDATIONS

- (a) That the Board recommend to the Council to initiate road-stopping procedures to;
 - (i) Stop that section of unformed Conservators Road
 - (ii) Stop that portion of the unformed paper road between McLeans Island Road and Clarksons Road as illustrated on the attached plan.
- (b) That the Board support the proposed continuation of Conservators Road, as proposed in the submitted plan, to replace the existing alignment of the connection to McLeans Island Road.

CHAIRMAN'S RECOMMENDATIONS

That the above recommendations be adopted.

4. Cont'd

BACKGROUND ON CONSERVATORS ROAD EXTENSION

7. Conservators Road is presently a local, no exit road which intersects with Guys Road and Savills Road, to the west of the Christchurch Airport. The formed section of Conservators Road presently terminates adjacent to the Council's Savanna Grasslands Reserve. The owner of the property to the north of the Savanna Grassland Reserve proposes to extend the formed section of Conservators Road to allow for the development of the property. This section of Conservators Road presently serves as one of the driveway accesses to this property and is being upgraded as part of the subdivision of this property. This property development has initiated a review of the "paper roads" in this locality, including the development of roading links to McLeans Island Road and the need to protect the Grasslands reserve.
9. Shown on the attached I plan is a "paper road", which runs east west between the bend in McLean Island Road, near to the Harewood Golf Club and the proposed extension of Clarkson Road. This "paper road" only affects the adjacent properties, one of which is to be subdivided and the other passes through part of the Savanna Grassland Reserve. It is an advantage to the Reserve is that the road is stopped and included in the Reserve. It is also of benefit that the road does not intersect with McLeans Island Road at this location because of the nature of the road junction. This paper road alignment is to be replaced with an alternative link to connect with McLeans Island Road.
10. Affecting possible alignments of Conservators Road and its connection to McLeans Island Road is an existing power transmission corridor. This corridor generally travels in a north – south direction, across Conservators Road and the Savanna Grassland Reserve. At one location, there a pylon which requires a minor boundary adjustment to the Reserve to provide appropriate clearance between the road and the pylon This transgression onto the Reserve will be offset with land elsewhere in this immediate locality that will add to this reserve. Similarly there is the need to adjust the boundary of the subdivision to accommodate the proposed easing of the bends in McLeans Island Road.
11. The proposed plan indicates a connection between Conservators Road and a point on the stop bank opposite the firebreak, adjacent to the western boundary of the McLeans Island Caravan Club. This link is to be made up from land in the above section of Conservators Road and the balance of the east-west Paper Road that extends to Clarksons Road. The attached plan illustrates this alignment and as can be seen the proposed route adjusts the location of the existing "paper roads" to provide a more direct alignment. An alternative to this proposal is to use a route via the existing stop bank road alignment, however, this route has been disregarded because of the tortuous alignment of the stop bank and to lessen the impact on the Heritage Reserve located in this area.
12. This project has arisen as a result of the owner of the property adjacent to Council Savanna Grassland Reserve wishing to subdivide. A consequence of this application has been the opportunity to achieve the following objectives
 - (a) Protection of the Savanna Grassland Reserve from future roading development.
 - (b) An opportunity to increase the size of the Reserve and to increase its exposure to the general public.
 - (c) The opportunity to develop an additional road for recreation traffic to use.
 - (d) An opportunity to provide ready access for traffic, to and from the west and south of the City, with a new link. This will both enhance access to existing recreational facilities and the proposed Regional Park.
 - (e) The opportunity to provide additional road capacity to this locality by providing an alternative of Johns Road (SH 1) and Chattertons Road.
 - (f) The opportunity to link recreational opportunities to the north of McLeans Island Road with those to the south.

OPTIONS

13. The 'Do Nothing' option continues the existence of the unformed paper roads through the Council's Savanna Grassland Reserve. It places the Council's investment into this last remaining undeveloped portion of the Waimakariri River plains at risk and provides the opportunity for development to occur which may not be as sympathetic to this locality.

4. Cont'd

14. There are other options to provide links between Conservators Road and McLeans Island Road. These options either involve either a third or fourth party. A number of these options involve lessee of Environment Canterbury who, while may support the need for a link, may not wish one to pass through their site. These options would take time and if required would considerably inconvenience the developer of the adjacent property. These options become difficult if associated with the proposed upgrading of the secondary stop bank.

PREFERRED OPTION

15. The preferred option is to stop the two paper roads and create a new link between the existing formed section of Conservators road and McLeans Island Road, as shown on the attached plan. The procedure represent a timely opportunity to both enhance the Savanna Grasslands and provide for the long term development of roading options for this locality. The opportunity to provide for existing recreational users, as well as those that will be attracted to the new proposed recreational areas, including events organised around the roads themselves, to the Savanna heritage site, and new Region Park is not one to be missed.

4. Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option

	Benefits (current and future)	Costs (current and future)
Social	Add to the recreation potential of the locality	Provision of the road will require funds to complete the link
Cultural	Provide greater exposure of Council asset to the community	Nil
Environmental	Reduced travel time and congestion	Nil
Economic	Add to the vibrancy of the City	Reduced vehicle operating costs but increased road maintenance costs

Extent to which community outcomes are achieved:

Primary alignment with community outcome *"our City provides a choice of housing, easy mobility and access to open spaces and a range of utilities that allow people to enjoy an acceptable quality of life"* by providing a high quality roading network and recreation areas
 Also contributes to *"Our City's infrastructure and environment are managed effectively, are responsive to changing needs and focus on long term sustainability"* and by managing all assets to optimise their value and usefulness over the long-term.

Impact on Council's capacity and responsibilities:

In keeping one of Council's primary functions

Effects on Maori:

A facility that can be enjoyed by all

Consistency with existing Council policies:

Consistent with the requirements of the City plan

Views and preferences of persons affected or likely to have an interest:

Supported by the principal party affected by the recommendation.

Other relevant matters:

Nil

4. Cont'd

Maintain The Status Quo (If Not Preferred Option)

	Benefits (current and future)	Costs (current and future)
Social	A quiet location	A loss of public surveillance
Cultural	Nil	Nil
Environmental	Nil	Increased travel Times
Economic	Greater protection of heritage areas	Increased congestion
<p>Extent to which community outcomes are achieved: A lost opportunity to enrich the community and provide extra facilities</p> <p>Impact on Council's capacity and responsibilities:</p> <p>Effects on Maori: Nil</p> <p>Consistency with existing Council policies: The creation of a long cul de sac is not in keeping with the Councils Code of Development</p> <p>Views and preferences of persons affected or likely to have an interest: Encourages uneconomic development of small land parcel</p> <p>Other relevant matters: Nil</p>		

5. **FENDALTON ROAD - PROPOSED "NO U-TURN" AT HOLMWOOD ROAD**

General Manager responsible:	General Manager Environment
Officer responsible:	Transport and City Streets Manager
Author:	Paul Burden/Malcolm Taylor, DDI 941-8604

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to ban U-turns on Fendalton Road for

5. Cont'd

4. Four options were considered to address the concern including the "status quo".
5. The views of affected motorists have not been obtained as it is considered impracticable.
6. The preferred option involves the installation of a regulatory "No U-Turn" sign and road markings to rationalise traffic movements.

FINANCIAL AND LEGAL CONSIDERATIONS

7. **Cost**
\$4,000 approximately.

Legal Considerations

Land Transport Road User 2004 and Traffic Control Devices 2004 Rules provides for the installation of "No U-Turn" signs and road markings.

STAFF RECOMMENDATION

It is recommended that the Board agree that:

U-Turns be prohibited on Fendalton Road at the Holmwood Road intersection for vehicles travelling in a south easterly direction.

CHAIRMAN'S RECOMMENDATION

For discussion.

5. Cont'd

BACKGROUND ON FENDALTON ROAD – PROPOSED “NO U-TURN” AT HOLMWOOD ROAD

8. Periodically city-bound vehicles travelling on Fendalton Road attempting to conduct a U-turn manoeuvre around the central median at the intersection of Fendalton Road and Holmwood Road can cause disruption to the city-bound traffic stream and a reduction in the level of road safety.
9. The “T” junction of Fendalton Road and Holmwood Road has been designed to accommodate full turning manoeuvres into and out of Holmwood Road. Some vehicles approaching the intersection on Fendalton Road from the north take advantage of the gap in the median and attempt a U-turn manoeuvre. There is no provision within the median to accommodate these vehicles and therefore they slow or queue in the through traffic lane. This can significantly disrupt the city-bound traffic flow, can lead to sudden braking and evasive manoeuvring for following vehicles. Motorists attempting the manoeuvre also increase the delay for vehicles turning right out of Holmwood Road and also obstruct the visibility for motorists turning right into Holmwood Road.

CRASH DATA

10. A recent search of the land Transport New Zealand crash database (CAS) reveals seven reported crashes at the intersection of Holmwood Road and Fendalton road in the past five years. Only one of these crashes involved a rear end collision associated with a “stopped” or “slow moving” traffic lane. It is uncertain if this crash was attributed to an obstructed through lane as a result of a U-turning vehicle or merely as a result of slow moving traffic (refer attached diagram).
11. Information obtained from a local resident suggests that there have been many near misses and unreported crashes as a direct consequence of city-bound u-turning traffic. Observations by Council staff endorse this view.

SURVEY DATA

12. To quantify the extent of the problem surveys were conducted during the morning and evening commuter peak periods as well as during an off peak period. In the evening peak 15 vehicles attempted the U-turn. On four occasions the manoeuvre caused significant disruption to the through traffic stream. The surveyors personally witnessed several near “nose to tail” collisions. In the off peak period nine vehicles conducted the U-turn with two instances of near collision being witnessed. During the morning peak 13 vehicles conducted the U-Turn with only two instances of disruption to the traffic stream. The following key points were noted from the surveys;
 - In the majority of instances the U-turn is conducted without affecting the through traffic stream.
 - The U-turn is most prevalent either during periods of lighter traffic flow eg. between platoons of traffic, or during periods when the city bound lane is heavily congested and traffic is either slow moving or stationary (11 of the 13 U-turns recorded in the morning peak occurred under heavily congested conditions).
 - The adverse effects of the manoeuvre are most severe when the manoeuvre is attempted under “free flowing” conditions with moderate traffic volumes. This is due to the higher operating speeds of following traffic.
 - The behaviour of some motorists conducting the manoeuvre was extraordinary, with little or no warning to following motorists some drivers stopped in the traffic lane to conduct the U-turn apparently oblivious to the mayhem their actions were creating to other motorists.
13. The surveys demonstrated that the manoeuvre is somewhat “opportunistic” in that most motorists appear to be mindful of the consequences of attempting the manoeuvre during difficult conditions and it is mostly attempted when the motorist has a reasonable expectation that it can be completed without conflict. Suffice to say, as noted, there are exceptions to this with one instance where up to four following vehicles, including a truck, narrowly avoided colliding with each other.

5. Cont'd

OPTIONS

Four main options were considered to address the problem. These are outlined as follows:

- A **Status Quo** (capital cost = nil)
 - 14. On average around 80% of motorists conducting the manoeuvre do so without creating any significant adverse effects. However the balance can create some quite serious concerns with respect to road safety. Vehicles within the through traffic stream have been observed making sudden lane changes, sudden braking and stopping. Increased delay and queuing were observed. The potential for a collision is considered significant.
- B **Accommodate the U-turn Manoeuvre through Changes to the Central Median** (capital cost = \$41,000) (refer attached map)
 - 15. This option involves creating a "U-turn" bay in the central median by realigning and reforming the median. A lamppost will need to be relocated and new kerbing and channelling will be required within the median. The option will accommodate a single U-turning vehicle. A second vehicle will present an identical problem to that which exists at present. Vehicles attempting to turn right out of Holmwood road will be required to wait until any U-turning vehicles have cleared the median area before conducting the right turn. This will add delay to already difficult manoeuvre. The forward visibility for motorists turning right into Holmwood Road is likely to be affected by a u-turning vehicle, particularly a truck or larger vehicle. The option could include a solid triangular "seagull" island to better define turning manoeuvres.
- C **Install a Regulatory 'No U-Turn' Sign and Improved Delineation of Turning Areas with Road Markings** (capital cost = \$4,000) (refer attached map)
 - 16. This option involves the installation of a "No U-Turn" sign in the central median facing the city-bound traffic flow on Fendalton Road and better delineation of where turning traffic ought to be positioned within the median gap through the use of paint markings. The capital cost is minimal and the option is likely to prove successful during busy traffic periods. During off peak periods some (likely to be less than existing) vehicles may continue to attempt the manoeuvre.
 - 17. Restricting U-turns will require motorists to select other alternatives for changing direction. The nearest opportunity for U-Turning is within a purpose built facility to the north of the Holmwood Road intersection between Wairarapa Terrace and Clifford Street. There is no gap in the median at Wairarapa Terrace therefore there are no other U-turn opportunities between the facility south (City side) of Clifford Street and the end of the median at Wood Lane. This is a distance of approximately 550m. Should U-turns be restricted at Holmwood Road, the alternatives for motorists are limited but are likely to include the following:
 - 18. Continue towards the City along Fendalton Road to the point where the median terminates at Wood Lane. An exclusive right turn lane forms at this point on the approach to the Deans Avenue/Harper Avenue intersection. A U-turn manoeuvre can be accommodated here although right turning traffic approaching the Deans Avenue/Harper Avenue intersection may be disrupted. However, traffic is generally slowing or queued on the approach to the intersection, which reduces the potential for a rear end collision.
 - 19. Turn left into Holmwood Road, conduct a U-turn within Holmwood Road then conduct a right turn out of Holmwood Road. This is a more circuitous route but likely to have the least impact on the safety and efficiency of Fendalton Road

5. Cont'd

- D **Remove Right Turns out of Holmwood Road by Extending the Central Median with Provision for Right turns into Holmwood Road Only** (capital cost = \$53,000) (refer attached map)

20. This option removes both the ability of vehicles to conduct the U-turn manoeuvre and the ability of vehicles to turn right out of Holmwood Road. The option eliminates the problems associated with U-turning traffic and simplifies the intersection considerably. Three of the seven reported crashes involved a right turning vehicle out of Holmwood Road failing to give way to city-bound vehicles on Fendalton Road. The right turn out of Holmwood Road is a difficult manoeuvre in that both city-bound lanes on Fendalton Road need to be crossed as well as ensuring there is a suitable gap in the traffic stream coming out of the city. Some right turning vehicles take refuge within the median gap, thereby conducting the turn in two parts. Option B would prevent this from occurring and further increase the delay for traffic turning right out of Holmwood Road. Option D removes the right turn out of Holmwood Road completely and would therefore improve the overall safety and efficiency of the intersection.

PREFERRED OPTION

21. After careful consideration, **Option C** is favoured as it provides the most cost effective solution to the problem.

DISCUSSION

22. The problem is not immediately evident in the reported crash data, however it is suspected that many collisions associated with the U-turn manoeuvre are rear end/nose to tail low impact collisions that are likely to be unreported. The account of at least one local resident residing on the corner reinforces this view as does the eyewitness accounts of the staff conducting the intersection surveys. The manoeuvre is more popular during periods of lower traffic flow which reflects that motorists attempting the manoeuvre have an appreciation of the risks involved to themselves and other road users and the adverse effect on traffic flow generally.
23. There are essentially two categories for the options to resolve the problem; either ban the U-turn manoeuvres or accommodate them more safely.
24. Banning the manoeuvre by the installation of regulatory "No U-turn" signage will reduce and discourage the manoeuvre but will not eliminate the problem, particularly during off peak periods. However this solution is cost effective. Accommodating the manoeuvre is both costly and will have ramifications on the overall intersection performance. There is likely to be increased delay for right turning motorists out of Holmwood Road (already a manoeuvre experiencing considerable delay) and large vehicles conducting the U-turn will obstruct the forward visibility for motorists turning right into Holmwood Road. Also providing for the manoeuvre is unlikely to involve the accommodation of more than one vehicle at a time. Should a second U-turning vehicle arrive, this vehicle will need to queue in the through traffic lane which will present the same problem again.
25. Removing the U-turn as well as the right turns out of Holmwood Road (Option D) would result in the re-routing of approximately 1,450 vehicles per day (10 times peak hour count) most likely into Garden Road, Queens Avenue and Wairarapa Terrace. These roads are classified as "local" roads in the City Plan and should not serve this function¹. Holmwood Road is classified a "Collector" road and the collection and distribution of traffic from within the local catchment is an entirely legitimate function for a road of this classification². Therefore restricting right turn exiting manoeuvres at the Fendalton Road intersection would be difficult to justify in the context of the road hierarchy and the intended function of roads in the vicinity.

¹ local Roads "These roads function almost entirely as accessways and are not intended to act as through routes for motor vehicles". City Plan Vol 2 Section 7 Transport.

² Collector Roads "Collectors distribute and collect local traffic within and between neighbourhoods and link rural communities". City Plan Vol 2 Section 7 Transport.

5. Cont'd

CONSULTATION

26. During the peak hour survey periods an average of 14 motorists/hour were recorded conducting the U-turn manoeuvre. It is anticipated that the total number conducting the manoeuvre over an entire day is likely to be equivalent to ten times the peak hour flow or 140 vehicles/day. It is difficult to ascertain exactly where these motorists originate from but it is likely they comprise some motorists living on Fendalton Road between the dedicated U-turn facility (southeast of Clifford Street) and Holmwood Road. They may also comprise some of the motorists emerging from Wairarapa Terrace wanting to head away from the City (north west) but prevented due to there being no gap in the median. Given the relatively low number of motorists affected relative to the overall traffic volume and the likely difficulties in targeting them specifically, no consultation is considered practicable. Also the manoeuvre is considered mostly "opportunistic" and it is likely that motorists are already using alternatives during times when the manoeuvre is considered too dangerous.

CONCLUSION

27. Leaving the situation unattended is likely to give rise to further vehicle conflicts and disruption to traffic flow. Accommodating the manoeuvre will be costly and will have implications on the performance of the overall intersection. Banning the manoeuvre through regulatory 'No U-turn' signage is considered the most cost effective solution to the problem. The number of motorists disadvantaged by this restriction is considered insignificant in the context of the actual and potential adverse effects of permitting the manoeuvre to continue.

ASSESSMENT OF OPTIONS**28. The Preferred Option**

	Benefits (current and future)	Costs (current and future)
Social	Improvements to the level of road safety and efficiency for road users	Cost savings from injury to persons and property and travel time
Cultural	N/A	
Environmental	N/A	
Economic	Cost savings from injury to persons and property	\$4,000
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome "a safe city"</p> <p>Impact on Council's capacity and responsibilities: Low</p> <p>Effects on Maori: Nil</p> <p>Consistency with existing Council policies: Road Safety Strategy, Metropolitan Christchurch Transport Strategy.</p> <p>Views and preferences of persons affected or likely to have an interest: The impact is limited to a small percentage of the general motoring public which is considered impracticable to target</p> <p>Other relevant matters:</p>		

6. MEMORIAL RUSSELY HAWTHORNDEN AREA PLAN

General Manager responsible:	Ian Hay
Officer responsible:	Carolyn Ingles
Authors:	Glenda Dixon DDI 941-6203 and Janine Sowerby, DDI 941-8814

PURPOSE OF REPORT

1. To update the Board, further to the memo to them of 16 July 2004, on the outcome of appeals to the Environment Court relating to Blocks A, B and C of the Memorial-Russley-Hawthornden Area Plan (map **attached**) and to advise that work on the Area Plan is resuming.

EXECUTIVE SUMMARY

2. In its decision on Block B, the Environment Court has ruled out any living zonings including low density residential development between the 50 and 55 dBA Ldn airport noise contours. Other non-noise sensitive land use options may still be possible in this area. A full range of zonings is still possible between Hawthornden Road and the 50 dBA Ldn contour, subject to considerations other than airport noise being properly addressed.
3. The Environment Court has rezoned Block C to Rural 5 and directed that the Council remove all reference to the Living 1C Zone in the Proposed City Plan. It has at the same time provided for limited additional development on three lots at the edges of the block. Any further subdivision and houses will be non-complying activities under the Proposed City Plan.
4. The appeal seeking alternative zonings for Block A has been withdrawn, and Block A will continue to be rezoned Rural 5, although the appellant still has a submission on Variation 86 (Retail Distribution) seeking Business Retail Park zoning for this land.
5. Resolution of the zoning appeals clears the way for Council staff to resume work on the Area Plan. The landowners and occupiers within and immediately adjoining the study area, and organisations with an interest in it, will be advised of the above following this meeting. The additional information on the Council's website concerning the MRH Area Plan will also be updated.

FINANCIAL AND LEGAL CONSIDERATIONS

6. This report does not have financial implications or contain recommendations on expenditure or revenue.

STAFF RECOMMENDATION

It is recommended that the information be received.

CHAIRMAN'S RECOMMENDATION

That the above recommendation be adopted.

6. Cont'd

COURT DECISION**Block B Decision C41/2005:**

7. National Investment Trust sought Living 1 zoning outside the 50 dBA Ldn airport noise contour and 2000m² Living 1A zoned sites between the 50 and 55 dBA Ldn contours. The Court decided that all of this land should remain zoned Rural 5 at this stage. It said that Proposed City Plan policies, and in particular Policy 6.3.7, discourage any increase in residential densities between the 50 and the 65 dBA Ldn contours, i.e. that 2000m² sites are not appropriate. With regard to the land outside the 50 dBA Ldn contour, the Court said, however, that generally speaking the land is appropriate for more intensive use than rural land, but at this stage the infrastructure is not in place. It indicated a prime concern with issues relating to roading, water supply and sewerage infrastructure, and said that these concerns were exacerbated by the lack of any outline development plan to show how these issues might be addressed. It concluded that a better method to achieve and implement appropriate zonings for all of the land under consideration would be to allow for the Council's investigations into alternatives to be properly undertaken and completed.
8. This means that while the Court has ruled out any living zoning including low density residential development between the 50 and 55 dBA Ldn contours, other non-noise sensitive land use options may still be possible in this area, and a full range of zonings are still possible between Hawthornden Road and the 50 dBA Ldn contour. Any rezoning from Rural 5 to some alternative will not occur however, unless and until considerations other than airport noise are properly addressed.

Block C Decisions C18/2005 and C22/2005:

9. These two decisions were issued orally during the hearing in February. Before the hearing the appeals had been narrowed to consideration only of the appropriate zoning for the land at 3 Westall Lane and appeals on a proposed subdivision on the land at 435A Avonhead Road, as all legal parties to the other appeals had either withdrawn their interest in the zoning of the remainder of the block or had agreed that it should be rezoned to Rural 5.
10. The Court considered the Avonhead Road site as if it was still zoned proposed Living 1C, and decided that a subdivision on this land providing for a total of three lots and houses could be approved. Following this it rezoned the whole of the block except 3 Westall Lane to Rural 5, with an exception provision to allow for one house to be built on the property at 60 Westgrove Avenue. Lastly it decided that three additional lots and houses could be approved on 3 Westall Lane south of a building line and that this land should also be rezoned to Rural 5. It then directed the Council to remove all reference to the Living 1C Zone from the Proposed City Plan.
11. This means that any further subdivision and houses on Block C other than the above will be non-complying activities under the Proposed City Plan, as all of the lots in Block C are less than 4 ha, which is the minimum size for subdivision in the Rural 5 Zone.

Block A:

12. Following release of the Block B decision the appellant (National Investment Trust) reassessed its position on its appeal seeking living zoning outside of the 55 dBA Ldn contour and travellers accommodation inside it. It decided to withdraw this appeal, thus leaving the Rural 5 zoning of the land in the Proposed City Plan unchallenged. However NIT still has a submission on Variation 86 (Retail Distribution) to the Proposed City Plan, seeking Business Retail Park zoning for this land. The Council hearing of submissions on Variation 86 is expected to take place towards the end of this year, after which appeals to the Environment Court are possible.
13. This means that although Block A will continue for the time being to be zoned Rural 5 in the Proposed City Plan, the submission on Variation 86 may still afford NIT a further opportunity to seek a zoning enabling bulk retail development on this land.

6. Cont'd

PROGRESS ON THE AREA PLAN

14. The way is now clear for staff to resume work on the Area Plan. It is necessary to continue work on the Area Plan because the Environment Court signalled the need for this in its Block B decision. The possibility of an Environment Court hearing next year or thereafter concerning bulk retail on Block A is also an incentive to make faster progress on the Area Plan, to provide a comprehensive and integrated assessment of alternative zonings for this and the other blocks of land. So is the fact that once the Proposed City Plan is operative later this year, private plan changes can be sought, although the Council has the statutory discretion to reject these requests for a period of two years after the Plan becomes operative. However, the Council's inability to service Blocks A, B and D for sewage disposal until approximately 2012 due to lack of capacity in the Riccarton Interceptor and Southern Relief sewer, means that no operative urban zonings could be achieved until after this later date, even if such zonings were determined appropriate.
15. The Project Control Group – Future Planning have now agreed that the Memorial-Russley Area Plan will be one of four Priority 1 Area Plans and will be resourced accordingly. Staff intend in due course to consult further with landowners and occupiers both within and adjoining the study area, and organisations with an interest in it.

7. PROPOSED POLICY FOR THE GRANTING OF LICENCES TO COMMERCIAL RECREATION PROVIDERS WISHING TO OPERATE UPON COUNCIL OWNED OR ADMINISTERED PARK AND RESERVE LAND

General Manager responsible:	General Manager City Environment
Officer responsible:	Acting Greenspace Manager
Author:	John Allen, Policy & Leasing Administrator, Greenspace Unit, DDI 941-8699 Tony Hallams, Policy & Leasing Officer, Greenspace Unit, DDI 941-8320

PURPOSE OF REPORT

1. The purpose of this report is to enable the Board to comment on the proposed **attached** policy, for the licensing of commercial recreation providers, who wish to operate regularly on Council owned or administered park and reserve land. These comments will be included in a final report which will be placed before Council to adopt the attached draft policy, as Council policy. This policy does not apply to the occasional one off events, which may be organised by a commercial recreation provider, these applications being processed by the Community and Recreation Unit. A commercial recreation provider as identified in this report is a person, company or organisation (including an educational institution), who provides a recreational opportunity for the public to partake of for which a specific payment is made to cover costs, including wages or profit. Organisations with paid instructors, who are instructing people in a recreational pursuit, as part of a formal program are included in this definition. This report is being placed before the City's Community Boards for comment, prior to being considered for adoption by Council.
2. The Council's objective behind the proposed policy is to ensure that the recreational resource is protected for future generations to enjoy, and that private individuals are still able to use the resource, while at the same time providing the maximum opportunity for commercial recreation providers to provide the recreation added value component to the park or reserve for the general public using the reserve, at no cost to the Council.

Benefits For Licensees

3. The benefits for commercial recreation providers who have a licence to operate their business on Council owned, or administered park or reserve land are as follows:
 - They have a legal right to operate their business on Council controlled, or administered land;
 - There is a formal relationship between the licence holder, and the Council, ensuring that both parties are aware of their individual responsibilities in the relationship;
 - The licence holder will be supplied with a vehicle/logo sticker indicating that the licence holder has a licence to operate on Council owned or administered park and/or reserve land.

7. Cont'd

EXECUTIVE SUMMARY

4. The Council is legally able to licence commercial recreation providers wishing to operate upon Council owned or administered park and reserve land.
5. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation are in breach of occupation law, and may expose the Council to risk.
6. Recently there has been an increase in the number of commercial recreation providers using, or wishing to use, Council owned or administered park and reserve land.
7. There is also a need for the Council to put in place a policy, the adherence to which will ensure that:
 - The resource will be protected for future generations to enjoy;
 - That clients of the commercial recreation providers will receive a quality experience;
 - That the Council is protected from any liability arising from the activities of the commercial recreation providers who operate on Council owned or administered land;
 - Other park users or potential users are not adversely affected by the activity, and their access to the recreational resource is maintained;
 - That the commercial activities are aligned to the vision, purpose, and management objectives for the park or reserve.
 - That the commercial activities are aligned to the Council's goals and objectives, City Plan, bylaws, and other pertinent Acts of Parliament.
8. The proposed policy sets out the methods by which commercial recreation providers' activities on Council owned or administered land may be limited or controlled and managed to ensure that the objectives outlined above are achieved.
9. Based upon the premise that it is not the Council's responsibility to provide the public with the recreation added value component that takes place upon parks and reserves, officers are advocating that a cost recovery fee based charging system be used, in preference to a gross return percentage based fee system. Five different options for applying a formal licensing process have been considered.
 - (a) Apply a formal licensing process with the fees set at a level to cover Council costs only (the preferred option).
 - (b) Maintain the status quo (no formal licensing process).
 - (c) Apply a formal licensing process with fees charged as a percentage of gross profit.
 - (d) Apply a formal licensing process with two levels of licence fees charged. Organisations who operate for profit are charged a percentage of gross profit, while organisations operating on a cost recovery basis only are charged at a level to cover Council costs only.
 - (e) Apply a formal licensing process with no fee or cost recovery.
10. Officers are recommending that the proposed Policy For The Granting Of Concessions To Operators Undertaking Commercial Activities On Council Owned Or Administered Park And Reserve Land as set out at the end of this report be adopted as Council Policy.
11. Officers are recommending that where the Acts of Parliament allow, Council delegates its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

FINANCIAL AND LEGAL CONSIDERATIONS

12. The Council is legally able, under Sections 54(1)(d), 56(1)(b), 58A(1), 59A and 61 of the Reserves Act 1977, and under the powers of general competency as provided for in Section of the Local Government Act 2002, to issue licences to commercial recreation providers. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation, are in breach of occupation law and may expose Council to risk. The conditions for granting a licence vary depending on the class of reserve involved.

7. Cont'd

(a) Recreation Reserves as set out in section 54 of the Reserves Act 1977

A licence can be granted for the use of a recreation reserve by a business if the licence is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve. The Minister of Conservation (the Minister) must consent to the licence unless the reserve is vested in the Council to administer and the proposal is contained within the reserve's approved management plan.

Public notice as specified in section 119 of the Reserves Act 1977, must be given prior to the granting of the licence. However, this is not necessary where the proposal is contained in the approved management plan or where a resource consent has been obtained.

(b) Scenic Reserves as set out in section 56 of the Reserves Act 1977

It is possible to grant a licence for the use of a scenic reserve by a business if the licence is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve. The Minister must consent to the licence. Public notice must be given prior to the granting of the licence, this can be avoided where the proposal is contained within the approved management plan for the reserve, or if a resource consent has been obtained.

(c) Historic Reserves as set out in section 58A of the Reserves Act 1977

It is possible to grant a licence for the use of a historic reserve by a business with the consent of the Minister. Public Notice must be given prior to granting the licence, this can be avoided where the proposal is contained in the approved management plan, or if a resource consent has been obtained.

(d) Local Purpose Reserves as set out in section 61 of the Reserves Act 1977

The Council may grant a licence for the use of a local purpose reserve by a business if this is necessary or desirable for the proper and beneficial management, control and use of the reserve for the purpose specified in its classification. No public notice, or the Ministers consent is required, prior to granting a licence under this section of the Act.

The Act makes no provision for licensing a business to use a nature or scientific reserve. The Council however owns or manages very few of these types of reserve.

Under section 59A of the Reserves Act 1977 the Minister is granted powers to grant a concession for the use of a reserve.

Section 94 of the Reserves Act 1977 provides that it is an offence to carry on within any reserve vested in an administering body any trade, business, or occupation without authorisation obtained from the Minister of Conservation or the administering body, as the case may require.

13. There are currently a number of commercial operators who use Council owned or administered land without formal agreements in place. Their activities include mountain bike rides, parapentes, paragliders, rock climbs, horse treks and other recreational pursuits. Officers are aware of only four such organisations that do have the required agreements in place. The only other legalised commercial recreation activity occurring on parks are the single one-off events, which are required to be booked through the Call Centre, or the Major Events Co-ordinator. A fee is charged for this type of event.
14. Some commercial recreation providers may require resource consent to operate their businesses in certain areas of the city, as defined in the City Plan. Officers are of the view that Council consent for business activities on Council controlled land should be obtained, prior to the applicant applying for Resource Consent, if required by the City Plan.

7. Cont'd

15. Some coastal land and some of the Port Hill Reserves (including the Summit Road Scenic Reserves) are not vested in the Council. In these cases a concession may be issued by the Department of Conservation (usually done in consultation with the Council). The processing fees are paid directly to the Department of Conservation. Where the Council has a management role under the Reserves Act (ie where the Council is appointed to control and manage such land), then subsequent licence payments will be paid to the Council.
16. In the case of the foreshore, the Council will need to take into account the requirements of The Coastal Regional Plan that is governed by Environment Canterbury. The foreshore below mean high water springs is within the coastal marine area, covered by the plan.
17. It is also necessary for all applications to be assessed against the requirements of the Reserves Act 1977, the management plan for the park or reserve if there is one, City Plan requirements, other pertinent bylaws, and Acts of Parliament where appropriate eg Summit Road Protection Act. Where no management plan exists, the application needs to be assessed for alignment to the vision, purpose, and management objectives for the park or reserve. The recreational experience should also be aligned with the Council's goals and objectives.
18. Officers require all businesses operating on Council owned or controlled land to have a minimum of \$1,000,000 public liability insurance to protect themselves against claims from a third party in relation to damage to the third party's property, caused by the businesses' activities on Council land. The Council also requires businesses operating on Council owned or controlled land to indemnify the Council against any actions and suits that may be taken against the Council because of the businesses' activities on the land.
19. A number of commercial recreation providers' activities take place in rural fire districts, which are prone to being high fire risk areas in the summer, for example Bottle Lake Forest Park and the Port Hill Reserves. It is prudent that commercial operators operating in these areas have insurance to protect themselves against claims made against them under the Forest & Rural Fires Act 1977, should their activities start a fire. It is not uncommon for the cost of controlling and extinguishing a fire in these areas to cost more than \$100,000. If the licensing policy is adopted, it will be a requirement of commercial recreation providers, operating in these areas, to have a minimum of \$250,000 rural fire insurance, which some insurance companies provide as an extension to their companies' public liability policy. This amount could be increased to \$500,000 if deemed appropriate by the Principal Rural Fire Officer.
20. The Council also has responsibilities under the Health & Safety in Employment Act as the owner of the land, and with it being a work place. To discharge its obligations, it would generally need as a minimum to ensure that any operator has a Health & Safety Management Plan. Applicants will be required to include an externally audited Health & Safety in Employment Plan, when they make application for a licence.
21. Schedule 7, Part 1, Section 32 of the Local Government Act 2002 allows the Council to delegate any of its responsibilities to an officer of the Council unless it is expressly stated otherwise in any other Act. Sections 54(1)(d), 56(1)(b), 58A(1), 59A and 61 of the Reserves Act 1977 are silent on the delegation matter, and therefore Council is able to delegate these responsibilities to an officer of Council. Council Officers are therefore recommending that responsibility for administering the policy once adopted by Council, where an application received should be processed in accordance with the policy to the Greenspace Manager.

STAFF RECOMMENDATIONS

It is recommended that the Council:

1. Approve the proposed Policy For The Granting of Licences to Commercial Recreation Providers Wishing to Operate on Council Owned or Administered Park and Reserve Land, as set out in the attached policy.
2. Where the Acts of Parliament allow, Council delegates its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

CHAIRMAN'S RECOMMENDATION

That the above recommendations be adopted.

7. Cont'd

BACKGROUND ON PROPOSED POLICY FOR THE GRANTING OF LICENCES TO COMMERCIAL RECREATION PROVIDERS WISHING TO OPERATE UPON COUNCIL OWNED OR ADMINISTERED PARK AND RESERVE LAND

22. The Council's past approach, when dealing with a commercial recreation provider's request or application, was to take into account the benefits to the general public, while trying to balance the effects of the proposed activity on the environment, and other park users. In the past a number of commercial recreation providers operated under informal arrangements discussed with Council officers. Although these discussions and arrangements took place while the business was gradually evolving, a formal arrangement should have been put in place once the business became viable and established. On the other hand, there were some instances where Council officers have not been consulted at all by a commercial recreation provider who has been operating on Council owned or controlled land. If the land is held under the Reserves Act 1977, these unknown Commercial Recreation Providers are committing an offence under section 94 of the Reserves Act 1977.
23. The Council has in the past allowed commercial recreation providers to operate for a trial period on Council owned or administered park and reserve land, for the following reasons.
 - (a) Where the impact of the proposed activities on the park and/or reserve are difficult to assess. The terms of the temporary licence granted to the commercial recreation provider will allow the Council to place conditions on the activity during the trial period as the impacts of the activity become better understood, and the necessary mitigation requirements are identified.
 - (b) Where the returns from a new business venture that requires a significant capital investment are difficult to assess.
24. The trial period allows for a detailed evaluation and assessment of the operation to be undertaken at the end of the period, enabling further conditions to be placed upon the operation to mitigate any adverse effects of the operation upon the environment, and to assess the future viability of the operation, before committing to a full licence.
25. During the last few years, the use of Council parks and reserves by commercial recreation providers has increased, partly because many ventures that were previously run as amateur non- profit making activities have evolved into commercial businesses as individuals have sought to make a livelihood out of their interest. A number of the areas used, such as Bottle Lake Forest Park (mountain bike activities), and the Port Hills (paragliding, parapenting, hang gliding, rock climbing), are under pressure from competing commercial operators. Officers are of the view that this competition at certain sites has reached a stage where ordinary public use is sometimes being jeopardised. Officers are therefore recommending that the Council adopt the draft policy as set out later in this report as Council Policy thereby ensuring:
 - (a) That the recreation experience, which is derived from the activity, is what the participants should reasonably expect.
 - (b) That there is the ability to manage activities to minimize conflict with other users and access to the area is protected for members of the general public who wish to use these areas at the same time.
 - (c) That the natural resource that the recreation is taking place upon is protected for future generations to enjoy.
 - (d) That the commercial recreation experience being promoted is aligned to the vision, purpose, and management objectives for the park, or reserve, and Council.
 - (e) To ensure that health, safety, and other legislative requirements have been properly addressed by the commercial recreation provider, before the recreation experience is delivered.

7. Cont'd

Present Situation

26. The main areas being used for commercial recreational activities are Regional Parks, more specifically Bottle Lake Forest Park, The Groynes, and the Port Hill Reserves, although there are some commercial recreation providers operating in urban parks, for example South Brighton Domain, Hagley Park, and on the Foreshore.
27. Examples of some of the issues, which have given rise to the necessity for such a licensing policy, are outlined below:
 - (a) The Council has recently received complaints about the activities of wind powered vehicles (land yachts) using the South Brighton foreshore. The complaints focus on the danger that the use of these land yachts, which speed along the beach, pose to other beach users. This activity raises issues of public safety, which need to be addressed.
 - (b) A number of bolts have been fixed in the past into the rock faces in the same area of particular climbs on the rocky outcrops on the Port Hills. If this practice is left unchecked it will result in the degradation of the rock faces. The problem has arisen from the fact that it is a cardinal rule that climbers should not use someone else's bolt, unless they are sure that it is safe, hence the possible proliferation of bolts in the same area. No bolting or removal of existing bolts should be undertaken without the permission of the Port Hills Area Head Ranger first being obtained.
 - (c) Recently, three commercial mountain bike operators applied to hold night races on the same night in Bottle Lake Forest Park. Officers viewed this with concern because, in their opinion, only one such race should be held at one time during the night, for safety reasons.
 - (d) During recent investigations, it was found the one unlicensed parapenting operator had no public liability insurance. All commercial recreation providers need to have adequate public liability insurance. In this particular case, the issue has been addressed.
 - (e) Recently a temporary sign, measuring 6x1 metres in size, was placed near the top of Evans Pass Road, advertising that the owner, a parapenting operator, was operating about one kilometre down Godley Head Road. This sign did not comply with City Plan requirements.
 - (f) Some of the areas where commercial recreation activities take place are also home to rare indigenous plants, for example on the rocky outcrops of the Port Hills. These sites need to be assessed by the Council Botanist to ensure that any significant indigenous plant groupings are protected, before any licences are issued for activities in these areas.
 - (g) Enquires have been received in the past to operate a motorised skateboard concession and an off road cross-country vehicle in Bottle Lake Plantation and on the Port Hills. As a general policy, these types of motorised activities should be limited to areas specially set aside for this purpose, for example Ruapuna Park, and Maryland's Reserve. The reason for this requirement is because of the effect of the noise on other park users, the increased maintenance requirement to maintain the parks infrastructure, and the increased fire danger associated with these types of vehicles. ECan also have endowment and vested land, some of which may be more suitable for this type of activity.
28. Council officers are strongly of the view that it is necessary for Council to take a pro-active stance when dealing with existing and intending concessionaires, to ensure that the recreation resources are protected for future generations to enjoy. Recently, officers of the Greenspace Unit wrote to all known commercial operators informing them that they will be required to enter into licences with the Council to undertake their activities on Council owned and controlled land. It was also indicated to them that they would need to have adequate public liability insurance and a health and safety plan in place for their activities.

7. Cont'd

29. The Council may need in some cases to reduce the intensity of use or control activities of a number of commercial providers using a particular park or reserve, to ensure that those licensed commercial recreation providers are able to provide a quality experience to the community, while at the same time ensuring that the right of the general public to recreate upon these areas is maintained, and that the recreational resource is protected. This can be achieved by the Council limiting commercial operations upon a particular site, by tendering out, balloting, or extending the period of existing licences for permitted commercial activities on identified parks or reserves that are subject to a high intensity of use. Areas of high use can be identified by perusal of the Community and Recreation, and Greenspace Customer Service Centre booking records, Park Ranger Service surveys, and other monitoring strategies.
 - (a) Where a tendering process is used, the successful tenderer will be chosen using the following criteria using the weighted attribute system of selection:
 - (i) The tenderer's experience in the activity being offering to the customer.
 - (ii) The quality of the service that the tenderer is prepared to provide to the customer.
 - (iii) Measures the tenderer is prepared to take to minimise the activity's effect on the environment
 - (iv) That the commercial recreation experience being promoted, is aligned to the vision, purpose, and management objectives for the park, or reserve.
 - (v) The tenderer's monetary offer made to the Council to undertake the activity upon Council owned or controlled land.
 - (b) It is envisioned that the successful tenderer would be issued with a licence for a finite period after pre-payment of a processing fee and annual licensing fee. Officers consider a licence term of between three and five years would be appropriate, this being dependent upon the site applied for and the amount of capital investment required by the applicant to set up their particular business.

Delegation

30. The philosophy behind the proposed policy, is to ensure that the recreational resource is protected for future generations to enjoy, while providing the maximum opportunity for commercial recreation providers to provide the recreation added value component to the general public using the reserve, at no cost to the Council. A licence does not confer an exclusive right to the land, as a lease does. Where the Acts of Parliament allow, officers are recommending that Council delegate its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

Consultation Procedure

31. The public, (using advertisements placed in the public notices column of the newspapers), existing known commercial recreation providers, all lessees who lease Council owned or administered park and reserve land, Canterbury Chamber of Commerce, Summit Road Society, and Summit Road Protection Authority, have been invited to comment on the draft policy for the granting of licences to commercial recreation providers, who wish to operate on Council owned or administered park and/or reserve land, during the month of October last year. Thirty six submissions were received to this process, 12 from Council staff, 6 from commercial recreation providers, 11 from sports clubs, 3 from professional organisations, and 4 from the general public. Where appropriate, the proposed policy has been altered to take into account their suggestions. The main suggestions not included in the proposed policy are elaborated upon below.
 - (a) It was suggested by two submitters that a bond be required from commercial recreation providers, to cover the cost of rectifying any adverse effects that the commercial recreation activity may have on the environment, which were not envisaged when the activity was approved, or resulting from the commercial recreation provider not complying with the conditions of their licence.

7. Cont'd

Officers did consider this issue, believing it better to include a trial licence period where the effects upon the environment of the proposed activity are not easily ascertained. During this trial period alterations to the licence will be able to be made at any time by the Council to mitigate the activities' effects upon the environment. It is also proposed in the policy to delegate to the Greenspace Manager the right to limit, or shift a commercial activity from one site to another site, if in their opinion the activity is causing damage to the environment, infrastructure of the park or reserve, or affecting the general public's rights to use an area. Where a commercial recreation provider has breached the conditions of their licence, the Council will have the right to withdraw the licence, should it decide to do so.

- (b) Four submitters, some of whom operate under a charitable trust deed, argue that they make little or no profit from their activities and therefore should not have to pay a licence fee.

This situation however, does not provide commercial equity with another entity that is trying to run a business providing the same or similar activities because this entity will be at a cost disadvantage. The reality of the situation is that the Council is legally able under the Reserves Act 1977, and under the powers of general competency of the Local Government Act 2002, to licence commercial operators where the service that is being provided is being paid for by the client. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation are in breach of occupation law and may expose Council to risk. In fact section 94 of the Reserves Act 1977 expressly provides that it is an offence to carry on within any reserve vested in an administering body any trade, business, or occupation without authorisation first being obtained from the Minister of Conservation or the administering body, as the case may require.

There is a need for the Council to satisfy itself that all commercial recreation providers, operating on Council owned or managed land, where the clients are paying a fee for the service provided, have the appropriate insurances, health and safety plans in place, and that they have the appropriate experience and qualifications to ensure that their customers receive a good value experience. There is also the need for the Council to adequately balance the use of the resource by commercial recreation providers, which includes profit, and non profit motivated organisations, and educational institutions, with the rights of the general public to use the resource. There is also an equity situation that the non-profit organisation should not have a cost advantage over a profit motivated organisation who provide a similar service to the general public. It should be noted that officers are recommending that a Council cost recovery licensed based fee system be put in place, not a profit based system.

This reworked report was re-submitted to submitters, one indicating that they were still not happy with the definition of whom is included in the commercial recreation providers definition, requesting to be heard on the matter. This hearing will be set up shortly.

OPTIONS**General**

32. Officers have examined the methods used by the Department of Conservation and the Auckland Regional Council to charge for commercial concessions on land under their control. In many cases, concessionaires are charged a percentage of their gross profits, accrued from their activity on the land, which in the case of the Department of Conservation is approximately 7 percent.
33. The costs of putting the licence in place for the benefit of the commercial recreation provider would be paid by the applicant in accordance with Council's policies relating to charging/quotations for the compilation of leases, licences, and easements as confirmed at the Council meeting of 28 June 2001. These costs would include the application processing costs (report preparation and meeting attendance), public advertising fee, hearing preparation and attendance costs if required, Minister of Conservation approval fee, Council legal and valuation fees if required.

7. Cont'd

Apply a formal licensing process with the fees set at a level to cover Council costs only (the preferred option).

34. Using this system will enable the commercial recreation provider to offer their activities to the general public at a lower price, this being of benefit to the public. The advantage to the licensee is that they will retain the maximum benefits of their endeavours. The licence fee will still need to be reviewed annually, to ensure that costs involved in administering the licence are properly covered in the fee, and that any additional costs incurred by Council for maintaining the Council owned asset for the direct benefit of the licensee are recovered. There are two exceptions to this being:
 - (a) Where there are more applicants wishing to operate upon a particular site than the site can accommodate, in which case a tender or ballot process will be used, the price offered for a licence over the site being taken into account together with all the other requirements.
 - (b) Where there are commercial recreation providers providing a similar service on private land in the vicinity of Council managed or controlled park and reserve land, there will be a need to charge a similar fee.
35. Officers are of the view that while Council has the responsibility to maintain reserves for the purpose for which they are held, that as a general guide it is not the Council's responsibility to provide the added value recreational component, which may expose the Council to a greater financial risk. This area of activity is seen as the domain of the private recreational provider, who is willing to take on the financial risks that such a venture entails. Sports Clubs also provide this service, but of course are not included in the definition of Commercial Recreation Provider. Consequently, officers are of the view that in the majority of cases, the costs associated with private enterprise providing this extra value, and accepting the financial risks involved should be minimal, covering the costs of Council, with a small percentage of this cost for profit, to ensure that no burden is placed upon the ratepayer. These costs should include, where possible, the additional expense incurred by Council to maintain the public facility, where this additional expense can be directly attributed to the licensee's activities, for example, mountain bike track maintenance.
36. The only exceptions to this rule should be when the provision of this added value by a commercial recreation provider is in direct competition with private recreation providers supplying the same recreation service on private land, where higher rentals are often paid, or where there are competing interests for a particular site. In these situations a fair rental for the use of the resource should be arrived at, using independent valuation methods, or tendering the opportunity to use the site.
37. Such a Council policy would be seen as business friendly by the business community.

Maintain the status quo (no formal licensing process).

38. With this option there is no control over the commercial recreation providers activities on Council owned, or managed park and reserve land. Congestion at some sites may mean that the general public are not able to use the resource at times, dangerous congestion situations may occur, eg on rock climbing resources etc.
39. The recreational resource may be damaged through over-use, or unique habitat damaged because of its presence in the area not being known, or understood.
40. Council maintenance costs may be increased by commercial recreation providers use of the resource, without the Council being able to recoup these additional costs from the commercial operators.
41. Council not being aware of commercial recreation providers use of sites which may be culturally sensitive to Maori.

7. Cont'd

Apply a formal licensing process with fees charged as a percentage of gross profit.

42. Officers are of the view that percentage-based payments are more difficult to police. It is acknowledged that while the Council may miss out on some revenue using a cost recovery rent system, the system will afford the licensee the maximum opportunity to establish their business, at no cost to the Council. This option will not be seen as business friendly as the recommended option.

Apply a formal licensing process with two levels of licence fees charged. Organisations who operate for profit are charged a percentage of gross profit, while organisations operating on a cost recovery basis only are charged at a level to cover Council costs only.

43. The Commercial Recreation Provider who is offering their services for profit will be at a cost disadvantage to other providers because they will need to charge customers more to cover costs.
44. This option does not provide for commercial equity between operators operating for profit, and those that operate to cover costs only.
45. Because of how different applicants' organisations are constituted, it is likely to be difficult to ascertain which category some of these organisations should fit into.
46. This option will not be seen as business friendly as the recommended option.

Apply a formal licensing process with no fee or cost recovery.

47. This option was not considered for the following reasons:
- (a) These applicants are commercial recreation providers, and therefore these costs are a legitimate cost the applicants should expect to pay when setting up their businesses that should not be subsidised by the ratepayer.
 - (b) Council has approved a policy based on a processing quotation/estimate being given to the applicant for the recovery of Council costs for processing commercial type applications to use Council owned or managed park and reserve land, (28 June 2001).

PREFERRED OPTION

48. Apply a formal licensing process where the fees are set at a level to cover Council costs only.

7. Cont'd

ASSESSMENT OF OPTIONS**The Preferred Option**

49. The fees for the Licence that is put in place for commercial recreation provider, being set at a level to cover Council costs only. The exceptions to this are when the provision of this added value by a commercial recreation provider is in direct competition with private recreation providers supplying the same recreation service on private land, when there will be a need to charge a similar fee, or where there are more applicants wishing to operate upon a particular site than the site can accommodate, in which case a tender or ballot process will be used, the price offered for a licence over the site being taken into account together with all the other requirements.

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> Control over quality of service offered to the public. Enables potential congestion problems at popular sites that may cause antagonism between commercial operators and/or public to be removed. Ensures possible congestion which may lead to dangerous situations occurring between parties using the same resource (rock outcrops) does not occur. Minimises the fee the commercial recreation provider needs to charge to cover their costs, thereby enabling the public to participate in the activity at minimal expense. Ensures that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Councils goals and objectives. 	
Cultural	Enables the Council to exercise control over use of sites which may be sensitive to Maori, eg, the Port Hills.	
Environmental	Control is able to be exercised over activities at particular sites which may be ecologically sensitive, eg, plants and rock outcrops on the Port Hills, to ensure the resource is protected.	
Economic	<ul style="list-style-type: none"> The increased maintenance costs to Council because of commercial recreation providers activities taking place on park and reserve land are able to be reimbursed from the commercial recreation providers. Allows commercial recreation providers to add value to the park and reserve by providing the recreational component of the park and reserve at minimal cost to themselves and no cost to the Council. 	Council will forgo some revenue that could be gained using a percentage of gross profits gained by commercial recreation providers based system.
Extent to which community outcomes are achieved: Because they are known, the applicants' proposals can be adjusted to ensure that community outcomes are maximised.		

Impact on Council's capacity and responsibilities:

- If there are increased maintenance costs to Council, as a result of a commercial recreation providers activities, they are able to be recouped from that provider.
- The Council is able to put in place formal protection measures, or evaluation procedures to assess the impact of the commercial recreation activities on the environment, or culturally sensitive sites.

Effects on Maori:

Formal protection measures and evaluation procedures are able to be put in place to assess the impact, and gain Maori approval to allow commercial recreation providers to operate in culturally sensitive sites.

Consistency with existing Council policies:

- There is consistency when assessing the proposed commercial recreation activity against Reserves Act 1977 requirements, management plan for the park or reserve, City Plan, bylaws, and other Acts of Parliament where appropriate.
- There is consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists.
- There is consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives.
- There is consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party.

Views and preferences of persons affected or likely to have an interest:

Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained in section 4 above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. By having the umbrella policy in place it will enable the Council to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity.

Other relevant matters:

7 Cont'd

Maintain The Status Quo

50. No Licences put in place for commercial recreation providers, and consequently no fees charged.

	Benefits (current and future)	Costs (current and future)
Social		<ul style="list-style-type: none"> • No control over quality of service offered to the public. • Congestion at popular sites that may cause antagonism between commercial operators and/or public. • Congestion may lead to dangerous situations occurring between parties using the same resource (rock outcrops). • No way of ensuring that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Council's goals and objectives. • No method for assessing, minimising, and protecting the commercial recreation provider, Council, an client against the risks inherent in the activity.
Cultural		No control over use of sites which may be sensitive to Maori, eg, the Port Hills.
Environmental		No control is able to be exercised over activities at particular sites which may be ecologically sensitive, eg, plants and rock outcrops on the Port Hills.
Economic		The increased maintenance costs to Council because of commercial recreation providers activities taking place on park and reserve land not able to be charged to commercial recreation providers.
<p>Extent to which community outcomes are achieved: Because they are not known it is haphazard.</p> <p>Impact on Council's capacity and responsibilities:</p> <ul style="list-style-type: none"> • There are increased maintenance costs to Council that are not able to be recouped from the commercial recreation providers. • There are no formal protection measures, or evaluation procedures to assess the impact of the commercial recreation activities on the environment, or culturally sensitive sites. <p>Effects on Maori: No formal protection measures or evaluation procedures to access the impact, or gain Maori approval to allow commercial recreation providers to operate in culturally sensitive sites.</p> <p>Consistency with existing Council policies:</p> <ul style="list-style-type: none"> • There is no consistency when assessing the proposed Commercial Recreation Activity against Reserves Act 1977 requirements, management plan for the park or reserve, City Plan, bylaws, and other Acts of Parliament where appropriate. • There is no consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists. • There is no consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives. 		

- There is no consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party.

Views and preferences of persons affected or likely to have an interest:

- Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained in section 4 above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. There is no umbrella policy in place by which Council is able to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity.
- There is no umbrella policy in place by which the Council is able to minimise the affects on other parks users, caused by the activities of a commercial recreation providers activities.

Other relevant matters:

7. Cont'd

Option 3

51. License put in place for commercial recreation providers, the fees being charged as a percentage of gross profit.

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> Control over quality of service offered to the public. Enables potential congestion problems at popular sites that may cause antagonism between commercial operators and or public to be removed. Ensures congestion which may lead to dangerous situations occurring between parties using the same resource (rock outcrops) does not occur. Ensures that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Councils goals and objectives. 	<ul style="list-style-type: none"> The Commercial Recreation Provider will need to charge customers a higher price than under the preferred option to cover costs. Higher cost may make it less affordable for some prospective users to participate in the activity
Cultural	Enables the Council to exercise control over use of sites which may be sensitive to Maori, eg, the Port Hills.	
Environmental	Control is able to be exercised over activities at particular sites which may be ecologically sensitive, eg, plants and rock outcrops on the Port Hills, to ensure the resource is protected.	
Economic	<ul style="list-style-type: none"> Allows the commercial recreation provider to provide the added value recreation component to Council owned and managed Parks. The Council will gain revenue to use elsewhere to assist it to run the city. 	<ul style="list-style-type: none"> Will add to the costs of the commercial recreation provider to provide the added value recreational component to Council owned and managed Parks and Reserves. This may discourage some potential commercial recreation providers.

Extent to which community outcomes are achieved:

Because they are known, the applicants' proposals can be adjusted to ensure that community outcomes are maximised.

Impact on Council's capacity and responsibilities:

- There are increased maintenance costs to Council that are able to be recouped from the commercial recreation providers.
- The Council is able to put in place formal protection measures, or evaluation procedures to assess the impact of the commercial recreation activities on the environment, or culturally sensitive sites.

Effects on Maori:

Formal protection measures and evaluation procedures are able to be put in place to assess the impact, and gain Maori approval to allow commercial recreation providers to operate in culturally sensitive sites are able to be put in place.

Consistency with existing Council policies:

- There is consistency when assessing the proposed commercial recreation activity against Reserves Act 1977 requirements, Management Plan for the park or reserve City Plan, bylaws, and other Acts of Parliament where appropriate.
- There is consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists.

- There is consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives.
- There is consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party.

Views and preferences of persons affected or likely to have an interest:

Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained in section 4 above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. By having the umbrella policy in place it will enable the Council to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity

Other relevant matters:

This policy will not be seen to be as business friendly as the recommended policy

7. Cont'd

Option 4

52. Licences being put in place for which two levels of license fees are charged. For commercial recreation providers, that provide their services for profit, they pay a percentage of gross profit. For commercial recreation providers, that provide their services at cost, they pay a licence fee to cover Council costs only

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> • Control over quality of service offered to the public. • Enables potential congestion problems at popular sites that may cause antagonism between commercial operators and or public to be removed. • Ensures congestion which may lead to dangerous situations occurring between parties using the same resource (rock outcrops) does not occur. • Ensures that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Councils goals and objectives. • Recognises social outcomes of non-profit organisations. 	<ul style="list-style-type: none"> • The commercial recreation provider who is providing their services for profit will need to charge customers a higher price than under the preferred option to cover costs. • This option does not provide commercial equity between commercial operators who operate for profit, and those that provide a similar service who operate to cover costs only. • Because of how different applicants organisations are constituted, it may be difficult to ascertain which category some of these organisations should fit into.

Consistency with existing Council policies:

- There is consistency when assessing the proposed Commercial Recreation Activity against Reserves Act 1977 requirements, Management Plan for the park or reserve City Plan, bylaws, and other Acts of Parliament where appropriate.
- There is consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists.
- There is consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives.
- There is consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party.

Views and preferences of persons affected or likely to have an interest:

Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained in section 4 above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. By having the umbrella policy in place it will enable the Council to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity wide.

Other relevant matters:

This option will in all probability be seen to be unfair by profit motivated organisations wishing to use council owned or managed park and reserve land to provide a commercial recreational opportunity to the public. This policy will not be seen to be as business friendly as the recommended policy.

8. WORKS, TRAFFIC AND ENVIRONMENT COMMITTEE – REPORT OF 20 JUNE 2005

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Secretariat Manager
Author:	Peter Dow, DDI 941-6728

The purpose of this report is to submit the following outcomes of the Committee's 20 June 2005 meeting.

**Report of a meeting of the Works, Traffic and Environment Committee
held on Monday 20 June 2005 at 8.00 am
in Meeting Room 1, CCC Fendalton**

PRESENT:

8.2 Cont'd

Mrs Wells provided details of the consultation process undertaken by the school in developing the travel plan and of the close liaison with Council staff in the plans preparation.

Members asked questions of the deputation and the Committee recorded its endorsement and support for the initiative.

It was noted that the programme was being extended to include Westburn School with others to follow thereafter.

The Chairman extended the Board's congratulations on the school's initiative.

Subsequent to the Committee meeting, all members attended the official launch of the Waimairi School Travel Plan at a school assembly held on Wednesday 22 June 2005.

3. GREENSPACE UNIT – UPDATE ON FENDALTON/WAIMAIRI PROJECTS

Rod Whearty, Parks and Waterways Area Advocate, provided a verbal report on various Fendalton/Waimairi Greenspace Unit related projects.

Information was provided and discussions took place on the following matters:

- **Nepal Reserve Extension/Concept Plan and Landscaping**
- **Wairakei Reserve/Nunweek Park – Waterway Enhancement of Upper Wairarapa Stream**

Design details will be submitted to the Board in due course.

- **Burnside, Crosbie and Ray Blank Parks – Tree Issues**

Arborist's report outcomes on these parks will be advised to the Board in the near future.

The Committee extended its thanks to Mr Whearty for the information presented.

COMMITTEE RECOMMENDATIONS:

1. That the concept plan for Nepal Reserve be received.
2. That the Board reiterate its expectation that all landscape plans be referred to the Board for assessment and input before implementation.

The meeting concluded at 9.30 am.

CHAIRMAN'S RECOMMENDATION

That the report be received and the recommendations therein be adopted.

9. MERIVALE PRECINCT SOCIETY - APPLICATION FOR SPONSORSHIP AND FUNDING

General Manager responsible:	Stephen McArthur, General Manager Community Services
Officer responsible:	Lesley Symington, Unit Manager Community and Recreation
Author:	Jill Gordon, Community Engagement Adviser, DDI 941-5407

PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider an application for sponsorship and funding of \$1,080.00 for the Merivale Precinct Society's House Awards.

9. Cont'd

EXECUTIVE SUMMARY

2. The Merivale Precinct Society have made an application for sponsorship and funding to the

10. COMMUNITY SERVICES COMMITTEE – REPORT OF 22 JUNE 2005

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Secretariat Manager
Author:	Peter Dow, DDI 941-6728

The purpose of this report is to submit the following outcomes of the Committee's 22 June 2005 meeting.

**Report of a meeting of the Community Services Committee
held on Wednesday 22 June 2005 at 8.00 am
in Meeting Room 1, CCC Fendalton.**

PRESENT: Val Carter (Chairman), Sally Buck, Faimeh Burke, Cheryl Colley, Pat Harrow, Mike Wall and Andrew Yoon.

1. APOLOGIES

Nil.

2. 2004/05 SCAP FUNDING – ACCOUNTABILITY AND OUTCOMES INFORMATION REPORT

The Community Development Adviser submitted assessment reports covering 2004/05 SCAP funding allocated to the Burnside Community Transformation Trust, GAIN Canterbury and St Stephens Community Centre.

It was **agreed** that a letter of appreciation from the Board be sent to Debbie Hollebon who had recently resigned as the Community Worker for the Burnside Community Transformation Trust.

The Committee **agreed** to receive at successive meetings further accountability reports covering the balance of community recipients of Board funding advanced during the 2004/05 year.

3. CULTURE GALORE 2005

The Committee considered a report from the Community Recreation Adviser on the Culture Galore event held at Ray Blank Park on 19 March 2005.

Members were also in receipt of an event evaluation report prepared by an independent research and development organisation, the main findings of which were included in the officer's report.

In noting the success of the event, the Committee considered that it was timely to investigate future funding being provided by the Council with Ray Blank Park being retained as the venue.

COMMITTEE RECOMMENDATION

That staff investigate future Culture Galore events being funded by the Council based at Ray Blank Park.

The meeting concluded at 8.30 am

CHAIRMAN'S RECOMMENDATION

That the above report be received and the recommendation therein be adopted.

11. GOOD NEWS STORIES

12. QUESTIONS

12. 7. 2005

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