



Christchurch City Council

HAGLEY/FERRYMEAD COMMUNITY BOARD AGENDA

13 JULY 2005

3.00 PM

IN THE BOARDROOM, LINWOOD SERVICE CENTRE
180 SMITH STREET

Community Board: Bob Todd (Chairperson), David Cox, Anna Crighton, John Freeman, Yani Johanson, Brenda Lowe-Johnson and Brendan Smith

Community Board Principal Adviser

Clare Sullivan
Telephone: 941-6601
Fax: 941-6604
Email: clare.sullivan@ccc.govt.nz

Community Secretary

Emma Davison
Telephone: 941-6615
Fax: 941-6604
Email: emma.davison@ccc.govt.nz

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1. APOLOGIES

John Freeman has sought leave of absence from 14 July until late September 2005.

CHAIRPERSON'S RECOMMENDATION

That the Board grant leave of absence to John Freeman for the period requested.

2. CONFIRMATION OF REPORT

The report of the ordinary meeting (both open and public excluded) held on Wednesday 22 June 2005 has been circulated to Board members.

CHAIRPERSON'S RECOMMENDATION

That the report of the ordinary meeting (both open and public excluded) held on Wednesday 22 June 2005 be confirmed subject to the addition of new clause .

3. DEPUTATIONS BY APPOINTMENT

3.1 ANTIPODES ARTWORK FOR MONCKS BAY

Kathleen Guy, on behalf of the Clifton Neighbourhood Association would like to address the Board regarding the proposal for antipodes artwork in Moncks Bay.

3.2 INNER CITY WEST NEIGHBOURHOOD ASSOCIATION (ICON)

Bruce Bellis, Secretary of ICON would like to address the Board regarding the proposed 10 minute parking restriction.

3.3 CATHEDRAL GRAMMAR SCHOOL

Geoff Cain, Bursar of Cathedral Grammar School would like to address the Board regarding the proposed 10 minute parking restriction.

4. CORRESPONDENCE

5. CRANMER SQUARE - PROPOSED 10 MINUTE PARKING RESTRICTION

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Barry Cook, Traffic Engineer (Community), DDI 941-8938

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval for the installation of a 10 minute parking restriction outside Cathedral Grammar Preschool on Cranmer Square immediately north of the Chester Street West intersection (see attachment).

EXECUTIVE SUMMARY

2. Cathedral Grammar School have asked the Council to assist in meeting the demand for short term parking generated by parents and care givers dropping off and picking up children attending the pre school and junior school.
3. The demand cannot be practicably contained on site. Many younger primary school children and all preschool children need to be accompanied by their parent or caregiver into the classroom. Parents and caregivers will generally require 5 to 10 minutes to conduct the tasks necessary to either leave the child/ren or pick up the child/ren. While some provision for set down parking is required by the City Plan, this is seldom sufficient to contain such activities

wholly within the site. As such the majority of activity associated with delivering and picking up children from preschools and primary schools occurs on the road.

4. It is impracticable to expect that up to 10 car parking spaces on the site be made available to accommodate a demand that exists for approximately an hour in the morning and afternoon. There are also safety concerns with encouraging the demand to be wholly accommodated on site. These concerns are associated with mixing vehicles manoeuvring with pedestrian activity. This is typically why many primary schools discourage or prohibit parents and caregivers to drive onto school grounds unless there are purpose built facilities for accommodating such activity. Cathedral Grammar operates a drive through system for the primary school with cars entering from Cranmer Square and exiting onto Kilmore Street. This works adequately for "drop off" and "pick up" provided drivers do not leave their vehicles and do not remain parked for extended periods. This is unsuitable for the requirements of the pre school and the junior school (5-7 year olds).
5. Two options were considered to rectify the problem including the "status quo".
6. The views of affected stakeholders have been obtained.
7. The installation of a P10 parking restriction for the period 8.00am to 9.30am and 2.00pm to 4.00pm (operative Monday through Friday) on the western side of Cranmer Square (West), covering six to seven spaces outside the pre school, is considered the most cost effective and practical solution to the problem.
8. The local residents' group Inner City Operations Neighbourhood (ICON) has been consulted and Bruce Bellis, Secretary has speaking rights at the Board meeting.

FINANCIAL AND LEGAL CONSIDERATIONS

8. Cost

Less than \$500 (three signs and one post required).

9. Legal Considerations

The Traffic Regulations 1976 - "35" state:

"No person, being the driver or in charge of any vehicle, shall stop, stand, or park that vehicle on a road, whether attended or unattended—

In any part of a road contrary to the terms of any notice, traffic sign, or marking or sign maintained on or adjacent to the road by a controlling authority and indication that the stopping, standing, or parking of vehicles is prohibited, limited, or restricted."

STAFF RECOMMENDATION

It is recommended that the Board agree that the parking of vehicles be restricted to a maximum of 10 minutes, from 8.00am to 9.30am and 2.00pm to 4.00pm, school days, on the west side of Cranmer Square West commencing at a point 8.5 metres in a northerly direction from the Chester Street West intersection and extending in a northerly direction for a distance of 44 metres.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND ON THE CRANMER SQUARE - PROPOSED P10 PARKING RESTRICTION

10. The pre school and the junior school have a roll of around 50 and 130 students respectively. Many of these students arrive by motor vehicle at the Cranmer Square entrance. The on street parking in this vicinity is currently unrestricted and occupied by commuters working in the greater area from as early as 6.30am and substantially full by 7.30am. Therefore there is little potential for parents or caregivers to find an on street car park. It follows that parents and caregivers will enter the site and attempt to park. There is insufficient capacity for short term parking on site which results in inappropriate parking and a chaotic, potentially dangerous situation arising.

OPTIONS

11. Two options were considered to address the problem. These are outlined as follows:

- (a) **Status Quo**

- The problem is short-lived, however there is a high risk of accident or injury should the situation remain the same.

- (b) **Install a Short Term Parking Restriction on Cranmer Square**

- Installing a 10 minute parking restriction for specified periods will provide sufficient time and capacity for parents and care givers to park while balancing the parking needs of other users outside of the peak periods of school related activity.

PREFERRED OPTION

12. After careful consideration, **Option B** is favoured as it provides a cost effective solution to the problem. Option B involves the installation of a 10 minute parking restriction covering six to seven parking spaces immediately outside the school and operative only during the periods of peak demand.
13. The option is aligned to the Parking Strategy, specifically Policy 9D "*Frontage Streets*" - "*To recognise and specifically consider the provision and management of on-street parking adjoining educational institutions*". This policy is achieved through the method "*Time Restrictions - to apply selective time restrictions to the on-street parking on the road frontages of the institutions.*" Furthermore "*short stay parking for site visitors*" has a higher priority than "*commuter parking*" in the context of "*kerbside parking Priority*" as stated in the Strategy.

CONSULTATION

14. This proposal is supported by Cathedral Grammar School. No other stakeholders are directly affected.

CONCLUSION

15. The demand for short term parking cannot be adequately or practicably met on the Cathedral Grammar site. The installation of a P10 parking restriction on Cranmer Square, covering six to seven parking spaces immediately outside the school and operative only during the periods of peak demand is considered a cost effective, strategically aligned and practicable solution.

6. OSBORNE STREET KERB AND CHANNEL RENEWAL

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Michelle Flanagan, Streets Capital Programme, DDI 941-8665

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Seek the Board's approval for the Osborne Street kerb and channel renewal to process to final design, tender and construction; and
 - (b) Seek the Board's approval for a number of resolutions for traffic restrictions (No Stopping) associated with the kerb and channel renewal in Osborne Street.

EXECUTIVE SUMMARY

2. The Charleston Neighbourhood Plan was published in September 2001 and since that time the focus has been putting it into action. Osborne Street is a local road within the Charleston area and due to the age and condition of the kerbs, channels and footpaths it is scheduled for renewal in the 2005/06 financial year.
3. A concept plan was prepared in November 2004. This concept plan (refer Attachment 1) comprised a carriageway width varying between 9m and 15m, narrowing of the intersections, angle and parallel parking at the industrial end of the street, installation of street trees on the north-western side of the street and landscaping on the south-eastern side of the street, installation of grass berms, and three new seating areas (one in the industrial area, and two in the residential area). This concept plan was distributed for public consultation in January 2005, and a public meeting held on the 2 February 2005. Nine feedback forms were received - five in general support of the concept, two in opposition and two did not state a position. On the feedback forms and at the public meeting a number of issues were raised in respect of road width, congestion, location of seating areas and street trees, intersection widths, flooding problems, and access by large vehicles.
4. The feedback from the community was considered by the project team and a number of amendments made to the concept plan to address some of the issues raised (refer Attachment 2). The plan included as Attachment 2 has been identified as the preferred option for the renewal of Osborne Street as it satisfies the aims and objectives of the project, has some community support, and is consistent with other works in the Charleston area. It is therefore recommended that the amended plan detailed in Attachment 2 proceed to final design, tender and construction.

FINANCIAL AND LEGAL CONSIDERATIONS

5. The estimated total costs for this project is \$971,000 inclusive of all consultation, design and project management.
6. Osborne Street is part of the Street Renewal Programme and is programmed for construction in the 2005/06 year. The annual budget for Street Renewal is approximately \$15 million. Design costs are provided for in the 2004/05 budget and the 2005/06 draft budget provides sufficient funding to construct this project.
7. Without the approval of the resolutions for traffic restrictions, the amended restrictions will not be enforceable upon implementation.

STAFF RECOMMENDATIONS

It is recommended that:

- (a) The Board approve the Osborne Street kerb and channel renewal, as shown in Attachment 2, to proceed to final design, tender and construction.
- (b) It is recommended that the Board approve the following new traffic restrictions:

New no stopping (Osborne Street running north to south):

Laurence Street to Railway End

- (i) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at a point 146 metres south of its intersection with Laurence Street and extending 25 metres in a south-east direction around the end of the turning head.
- (ii) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at a point 155 metres south of its intersection with Laurence Street and extending 8 metres in a south direction to the end of the turning head.
- (iii) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at Laurence Street and extending 22 metres in a southerly direction.
- (iv) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at Laurence Street and extending 28 metres in a southerly direction.

Laurence Street

- (i) That the stopping of vehicles be prohibited at any time on both sides of Laurence Street commencing at the west side of Osborne Street and extending 17 metres in a westerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on both sides of Laurence Street commencing at the east side of Osborne Street and extending 14 metres in an easterly direction.

Laurence Street to Charles Street

- (i) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at the north side of Laurence Street and extending 15 metres in a northerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at the north side of Laurence Street and extending 16 metres in a northerly direction.
- (iii) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at the south side of Charles Street and extending 19 metres in a southerly direction.
- (iv) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at the south side of Charles Street and extending 19 metres in a southerly direction.

Charles Street to Grenville Street

- (i) That the stopping of vehicles be prohibited at any time on both sides of Osborne Street commencing at the north side of Charles Street and extending 22 metres in a northerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at the south side of Grenville Street and extending 27 metres in a southerly direction.
- (iii) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at the south side of Grenville Street and extending 19 metres in a southerly direction.

Grenville Street

- (i) That the stopping of vehicles be prohibited at any time on both sides of Grenville Street commencing at the west side of Osborne Street and extending 13 metres in a westerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on both sides of Grenville Street commencing at the east side of Osborne Street and extending 15 metres in an easterly direction.

Grenville Street to Fredrick Street

- (i) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at the north side of Grenville Street and extending 19 metres in a northerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at the north side of Grenville Street and extending 30 metres in a northerly direction.
- (iii) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at the south side of Frederick Street and extending 19 metres in a southerly direction.
- (iv) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at a point 19 metres south of Frederick Street and extending 51 metres in a northerly direction.

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Fredrick Street

- (i) That the stopping of vehicles be prohibited at any time on the south side of Fredrick Street commencing at Osborne Street and extending 23 metres in a easterly direction.
- (ii) That the stopping of vehicles be prohibited at any time on the north side of Fredrick Street commencing at Osborne Street and extending 18 metres in a easterly direction.

Fredrick Street to Ferry Road

- (i) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at the north side of Frederick Street and extending 22 metres in a northerly direction.
- (ii) That the stopping of vehicles be prohibited at any time on the east side of Osborne Street commencing at a point 29 metres south of Ferry Road and extending 31 metres in a southerly direction.
- (iii) That the stopping of vehicles be prohibited at any time on the west side of Osborne Street commencing at a point 33 metres south of Ferry Road and extending 25 metres in a southerly direction.

Remove existing no stopping:

- (i) All existing no stopping restrictions are rescinded in Osborne Street.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND ON OSBORNE STREET KERB AND CHANNEL RENEWAL

8. The Charleston Neighbourhood Plan (NIP) was published in September 2001 and since that time the focus has been putting it into action. A public meeting in September 2002 agreed to a co-ordinated solution for roading improvements in the area and Charles Street and Barbour Street have recently been completed. Due to the age and condition of the kerbs, channels and footpaths in Osborne Street, it is scheduled for renewal in the 2005/06 financial year.
9. The principle aim of the project is to renew the dish and kerb channel in Osborne Street, and replace it with flat channel. The objectives of the project include:
 - To maintain and improve road user safety.
 - Maximise landscape opportunities and enhance the streetscape consistent with the NIP objectives and the completed work in neighbouring streets.
 - To create a turning area at the railway line within the existing road boundaries and improve

intersection. Angle parking was proposed along the eastern side of Osborne Street and parallel parking on the western side of Osborne Street at the railway end. As part of this option Osborne Street would be narrowed to 7m at the Laurence and Charles Street intersections and 7m at the other intersections. The intersections with Laurence, Charles and Grenville Streets would be controlled by a four-way give way, and a flush paved threshold would be installed at each of the intersections. Seating areas were proposed outside 35, 51 and 91 Osborne Street. Option (d) was distributed for public consultation at the end of January 2005 (refer Attachment 1).

PREFERRED OPTION

13. Option (d) is the preferred option. The preferred option (refer Attachment 2) has had some amendments in accordance with consultation feedback (ie amended parking layout, intersection width, footpath layout and landscaping). The preferred option consists of the following features:
- A 15m road width from the railway end to 45 Osborne Street. This road width reduces to 12.5m outside 47 Osborne Street.
 - A road width of 9m along the remainder of Osborne Street to the existing threshold at the Ferry Road end of the Osborne Street. From the threshold to the Ferry Road intersection the road width is maintained at the existing 10.3m.
 - A 1.65m wide footpath on both sides of Osborne Street.
 - All intersections along Osborne Street have been reduced in width using kerb buildouts. The intersection at Osborne and Laurence Street is reduced to 7m, the intersection of Osborne Street and Charles Street is reduced to 7m, and the intersections of Osborne Street, Grenville Street, and Frederick Streets are reduced to 6m.
 - At each of the intersections a square or rectangular cobblestone flush threshold will be installed.
 - At the Osborne Street/Laurence Street, and Osborne Street/Charles Street intersections, the intersections will be controlled by a four way give way.
 - The road width at the existing threshold at the Ferry Road end of Osborne Street will be maintained at 6m, and the existing threshold replaced.
 - Parallel parking will be provided on the north-west, and south-east side of the street. Parallel parking is also available along the residential section of Osborne Street (generally north of Laurence Street) excluding areas marked as No Stopping at the intersections.
 - Seating outside 35, 51, and 91 Osborne Street. These seats will be the same as others already installed in Charleston (eg on Charles Street). The existing seat at the Ferry Road intersection will also be retained and repainted.
 - Street trees, grass berms and landscape planting will be installed at each of the intersections. Trees and grass berm areas will also be provided along the northwestern side of the street, and landscaping along property boundaries on the southeastern side of the street.
14. The preferred option (refer Attachment 2) satisfies the project aim and objectives as follows:
- The existing kerb and dish channel will be replaced with kerb and flat channel.
 - The narrowed carriageway width (from 10.3m to 9m along most of Osborne Street) will reduce the speed of vehicles, thereby creating a safer environment for pedestrians and cyclists.
 - Landscape opportunities are provided and the streetscape enhanced in accordance with the Charleston Neighbourhood Plan.
 - A turnaround area is formed at the railway end with landscaping plantings and street trees and no stopping restrictions.
 - The 9m road width will allow parallel parking on both sides of the road. The amended proposal does not maximise car parking in the industrial end of Osborne Street, instead maintaining road width for access by heavy vehicles. There is sufficient space to mark angle parking in this area should future demand require this.
 - A visual buffer is created for the residential areas of Osborne Street through the use of grass berms, landscaping and street trees.
 - Traffic speed is reduced through the narrowed intersections along Osborne Street. These narrowed intersections also make Osborne Street undesirable for heavy traffic.
 - Three seating areas are proposed along Osborne Street, and the existing seating area near Ferry Road will be retained.
 - The proposed kerb and channel renewal for Osborne Street does not compromise any future works associated with the Ferry Road designation.
15. The preferred option (refer Attachment 2) has been selected for the following reasons:

- It satisfies the majority of the aims and objectives of the project.
- It is consistent with other works in the Charleston area and the Charleston NIP.
- It has some community support.

ASSESSMENT OF OPTIONS

The Preferred Option - Option (d).

The preferred option consists of a carriageway of varying widths, narrowing of the intersections with a paved threshold, street trees, landscaping and grass berms at the intersections, and three new seating areas.

	Benefits (current and future)	Costs (current and future)
Social	Proposed concept is consistent with the Charleston Neighbourhood Improvement Plan, which was developed in consultation with the community. Enhancement of the street to create a pleasant streetscape.	Nil
Cultural	Consistency throughout the area.	Nil
Environmental	Preferred option is consistent with other improvements in the Charleston area. Preferred option implements the new intersection treatment for streets in the Charleston area (square/rectangle paved areas at the intersections). Osborne Street is enhanced through the provision of landscaping.	Nil
Economic	Renewal of a Council infrastructure asset.	Capital expenditure.

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 transportation network.

Also contributes to *“Our City’s infrastructure and environment are managed effectively, are responsive to changing needs and focus on long-term sustainability”* by managing all assets to optimise their value and usefulness over the long-term.

Also contributes to *“Our economy is based on a range of businesses which enable wealth creation and employment opportunities for all”* by providing for the transport needs of industry.

Impact on Council’s capacity and responsibilities:

No impact

Effects on Maori:

It is considered that there are no effects on Maori.

Consistency with existing Council policies:

Consistent with the Road Safety Strategy particularly in respect to designing and managing roads with appropriate speed environments and providing safe facilities for pedestrians. Further complies with the unit’s Asset Management plan.

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

Views on the kerb and channel project were sought using a feedback form, and through a public meeting. The feedback from the community is included as Attachment 3. In summary the issues raised included:

- The angle parking and narrowing at the railway end of Osborne Street preventing large vehicles accessing the businesses in the industrial area.
- The narrow road width creating congestion problems, and access problems for large vehicles.
- The location of seating and the seating treatment. Concerns the seats will be vandalised.

- The type and location of landscaping, generally, and in specific locations.
- Issues with stormwater flooding.
- Why are the overhead lines not being placed underground.
- Pedestrian crossing safety for visually impaired pedestrians.
- Noise from trucks using air breaks down the street, creating more slow points will exacerbate this.

These views have been addressed through the following amendments to the concept plan (refer to Attachment 3 for a detailed response from the Project Team):

- Replacing the angle parking with parallel parking and reducing the width of the seating area at the industrial end of Osborne Street.
- Increasing the width of the Laurence Street/Osborne Street intersection. The remainder of Osborne Street and the other intersections will still be narrowed to reinforce the residential nature of this section of Osborne Street.
- The seats in the residential section of Osborne Street are located on larger berm areas and to avoid looking directly into property windows. The seats will be of durable construction and consistent with others in the Charleston area. The seat near the Ferry Road intersection will be retained.
- The landscaping will be in keeping with the Charleston Neighbourhood Improvement Plan and consistent with existing landscaping in the Charleston area. Ideas put forward by the community will be considered during the preparation of the landscaping plan.
- The kerb and channel renewal and addition of drainage sumps will assist in alleviating stormwater flooding.
- The overhead lines will not be placed underground as part of the kerb and channel renewal as there is insufficient funding.
- Footpaths and intersections have been checked to see that a continuous line of travel is maintained.
- Large vehicles are encouraged to enter Osborne Street through Laurence Street and the narrowing and slow points will encourage heavy traffic to do this.

Maintain The Status Quo (If Not Preferred Option)

Option (a) - Status Quo

	Benefits (current and future)	Costs (current and future)
Social	Existing parking space numbers are maintained at the industrial end of Osborne Street.	Osborne Street is not enhanced in a similar manner to other streets in the Charleston area. Osborne Street is not enhanced in accordance with the Charleston Neighbourhood Improvement Plan.
Cultural	Nil.	Nil.
Environmental	Nil.	The Osborne Street streetscape is not enhanced.
Economic	No capital expenditure.	An infrastructural asset is not renewed - ongoing maintenance is expenditure.

Extent to which community outcomes are achieved:

Maintaining the status quo is not aligned to any Community Outcomes.

Impact on Council's capacity and responsibilities:

No impact.

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 and Leasing Administrator, Greenspace Unit, DDI 941-8699 Tony Hallams, Policy and 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:
 - (a) They have a legal right to operate their business on Council controlled, or administered land.
 - (b) 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.
 - (c) 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.

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:
 - (a) The resource will be protected for future generations to enjoy.
 - (b) That clients of the commercial recreation providers will receive a quality experience.
 - (c) 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.

- (d) Other park users or potential users are not adversely affected by the activity, and their access to the recreational resource is maintained.
 - (e) That the commercial activities are aligned to the vision, purpose, and management objectives for the park or reserve.
 - (f) 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.

(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.
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

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 minimise 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.

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 New 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 1km 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.
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, six from commercial recreation providers, 11 from sports clubs, three from professional organisations, and four 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.

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%.
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.

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.

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.

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- (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.

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 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:

Nil.

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 Councils 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 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:

Nil.

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 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.

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.
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. 	Will add to the costs of the commercial recreation provider who operates for profit to provide the added value recreational component to Council owned and managed Parks and Reserves. This may discourage and thereby exclude some potential commercial recreation providers who operate for profit, because similar non-profit organisations have a cost advantage over profit motivated organisations.

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 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. ROAD NAMING AND RIGHT OF WAY NAMES

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Environmental Services Manager
Author:	Bob Pritchard, Subdivisions Officer, DDI 941-8644

PURPOSE OF REPORT

1. The purpose of this report is to obtain the Board's approval to one new road name and three new right of way names.

EXECUTIVE SUMMARY

2. The approval of proposed road and right of way names is delegated to Community Boards.
3. All proposed names have been checked against the Council's road name database to ensure they will not be confused with names currently in use.

(a) **24 Settlers Crescent - Roc Mac Limited** (refer attached)

This is a business zone subdivision, creating eight allotments to be served by a private right of way. At the Board's March 2005 meeting, the proposed name Watts-Russell Lane was declined by the Board as being unsuitable for this location. The applicant was requested to submit a further name for approval. Four further names have now been submitted, **Bridle View Lane** (A view of the Bridle Path) **Castle Rock Lane** (A prominent feature on the Port Hills) **Tussock Lane** (The tussocks on the Port Hills) and **Maritime Lane**. (Maritime Place was approved in 1992, for a future road in close proximity on Settlers Crescent, to this new right of way. That subdivision didn't proceed, so the name Maritime is available for use) Bridle View Lane shortens the full name Bridle Path Road/Track. There is an existing right of way, named Castle View Lane, which recognises the same feature. Castle View Lane is situated in the Heathcote Valley, there is a possibility of the two Lanes being confused. No existing names are similar to either Tussock or Maritime.

(b) **118 Moncks Spur Road - N & J Blakely** (refer attached)

This is a residential subdivision creating twenty-seven new allotments to be served by one new cul de sac and two named rights of way. The subdivision enjoys views of Shag Rock and Pegasus Bay. The name proposed for the new cul de sac is **Via Maris Lane** The applicant advises that Via Maris is Latin for "sea view". The longer of the two rights of way is proposed as **Rapanui Lane**. Rapanui is the Maori name for Shag Rock which is visible from the subdivision. The name is very similar to Papanui, however Papanui Road and Rapanui Lane are quite different in character and usage, and are unlikely to be confused. If the Board do have a problem with Rapanui Lane, an alternative name "Bayvista Lane" has been submitted. The smaller right of way has two legs, both of which are to have the same name. **Francis James Lane** is proposed. Francis James O'Leary is the deceased grandfather of one of the developers. There is an existing James Street in Redcliffs, a St James Avenue in Papanui and a Francis Avenue in Mairehau, however combining the two Christian names reduces the possibility of confusion with them. Council's policy on road naming includes a statement that the length of names should be in proportion to the length of road or right of way, to allow the names to be clearly shown on maps. There does appear to be sufficient room in this case.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The administration fee for road naming is included as part of the subdivision consent application fee, and the cost of name plates is charged to the developer. There is no financial cost to the Council. Local Authorities have a statutory responsibility to approve road names.

STAFF RECOMMENDATIONS

It is recommended that the Board approve the use of the names Tussock Lane or Maritime Lane for the Settlers Crescent subdivision, Via Maris Way for the Moncks Spur Road subdivision, and to consider and if suitable approve the proposed rights of way names Rapanui Lane and Francis James Lane.

CHAIRPERSON'S RECOMMENDATIONS

For discussion.

9. CONSULTATION STANDARDS AND PRACTICE

General Manager responsible:	General Manager Public Affairs
Officer responsible:	Communication and Consultation Manager
Author:	Stephen Hill, General Manager Public Affairs, DDI 941-8637

PURPOSE OF REPORT

1. The Hagley/Ferrymead Community Board, at its meeting of 23 March 2005, requested a report on a set of basic minimum standards of consultation as required under the principles of the Local Government Act.
2. The purpose of this report is to outline the standards and principles of consultation currently in place and implemented by the Council under its Consultation Policy, the Local Governance Statement and Consultation Guidelines.

EXECUTIVE SUMMARY

3. The requirement for local authorities to undertake consultation with communities is set out in legislation, primarily the Local Government Act 2002, but also other legislation such as the Resource Management Act 1991.
4. Christchurch City Council's approach to consultation is formally stated in Section 15 of the Local Governance Statement, a requirement of the Local Government Act 2002, adopted by Council on 5 May 2005 (Appendix 1), and the Consultation Policy, adopted in 2003 (Appendix 2). The key objectives of the policy include promoting a sense of ownership of Council and Community Board decisions by the people of Christchurch, informing people about issues that may affect them, ensuring people have the opportunity for meaningful input in the Council's decision making, and ensuring the Council has enough quality information, including information on the views of the community, to make decisions.
5. Consistent with a principles-based approach to consultation, establishing specific uniform standards or processes for consultation practice is problematic. Appropriate standards of method, timeliness, and participation or scope of consultation will vary widely according to the nature of the consultation exercise. The policy does, however, include a set of principles and commitments which clearly establish criteria for effective consultation practice. These principles include:
 - Access to information
 - Encouragement to present views
 - Transparency
 - Opportunity to present views
 - Feedback
 - Openness
 - Responding to diversity
 - Consulting with Maori
 - Timeliness
 - Co-ordination.
6. To support good standards of practice by officers in implementing consultation activities, the organisation has developed a set of Consultation Guidelines. The guidelines provide staff with direction on when and how to consult, and are designed to link to Council's decision-making processes. Within the framework outlined in the Guidelines, practitioners have the flexibility to design a consultation process which meets the Council's requirements for effective information-gathering, the community's needs for genuine input and consideration, and the statutory requirements of legislation.
7. Consultation at the local community level is also supported by the Community Engagement teams, which support community networks and groups, and encourage and facilitate opportunities for public involvement in decision-making and the development of Council business.

FINANCIAL AND LEGAL CONSIDERATIONS

8. The Council has obligations under the Local Government Act 2002, the Resource Management Act 1991, and other legislation, to carry out consultation as an integral part of its decision-making functions. The Local Government Act 2002 includes a requirement for the Council to set out its approach to consultation in a Local Governance Statement; the Council adopted the Local Governance Statement on 5 May 2005. Budget provision for consultation activity is included within respective project budgets.

STAFF RECOMMENDATION

That the Board receive the information, noting that the Council's commitments to good standards of practice for effective consultation as established in the Council's Consultation Policy and Consultation Guidelines.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND ON CONSULTATION STANDARDS AND PRACTICE

Legislative obligations

9. The requirement for local authorities to undertake consultation with their constituent communities and stakeholders is prescribed in various legislation, notably the Local Government Act 2002 (LGA), and the Resource Management Act 1991, as well as other statutes.
10. The LGA addresses consultation as a primary input into Council decision making, and includes principles and processes to be followed by local authorities in conducting consultation. The key sections include:
 - (a) Special Consultative Procedure (Section 83)

A formal, prescribed consultative process to be followed in specific prescribed situations.
 - (b) Policy on Significance (Section 90)

In certain circumstances the Council's Policy on Significance may determine the level and type of consultation required.
 - (c) Principles of Consultation (Section 82)
11. Other than the circumstances noted above, the LGA does not prescribe specific formulae or processes for consultation. Instead it sets out a series of principles to which local authorities should adhere when undertaking community consultation (Appendix 3). These principles have been incorporated into the Christchurch City Council's Consultation Policy and practice.

Consultation Policy

12. The Christchurch City Council's approach to consultation is formally stated in the Consultation Policy, adopted in July 2003 (Appendix 1), and in Section 15 of the Local Governance Statement, a requirement of the Local Government Act 2002, adopted by Council on 5 May 2005 (Appendix 2).
13. The Policy notes that consultation is primarily directed towards informed decision making:

Councillors and Community Board members are elected to make decisions on behalf of their communities. Consultation with the community is one of a number of elements which help the Council make informed decisions.
14. It also notes that consultation provides a forum for ongoing discussion and dialogue with citizens, along with other processes:

Consultation is one of the ways in which the Council interacts and engages with the people of Christchurch. Other processes include community development, capacity building, community partnerships and collaboration, communication, and devolution. There is often a relationship or overlap between these processes.
15. The key objectives of the policy include promoting a sense of ownership of Council and Community Board decisions by the people of Christchurch, informing people about issues that may affect them, ensuring people have the opportunity for meaningful input in the Council's decision making, and ensuring the Council has enough quality information, including information on the views of the community, to make decisions.
16. The core requirements for consultation practice are set out in the Consultation Principles within the policy; these have been adapted and expanded from the principles in the LGA. Each principle is supported by a statement of commitment, noting the Council's responsibility to act in accordance with the principle.
17. These include:

Access to Information - we will provide reasonable access to relevant information in a manner and format that is appropriate to the needs of people.

Encouragement to Present Views - we will encourage all those affected by or who have an interest in an issue or project to present their views.

Transparency - we will provide information about the purpose of the consultation and the scope of the decisions, for example why the Council is consulting, what issues are and are not up for decision making, how the decisions will be made and who will be making them. The Council will be clear on how decisions will be made and who will be making them so that the participants know and understand the impact of their involvement.

Opportunity to Present your Views - we will be flexible in allowing a variety of means of delivery. Anyone who wishes to have their views considered will be provided with a reasonable opportunity to present those views in any way that is appropriate to their needs, eg written submission, oral submissions.

Feedback - we will provide information regarding the outcome of the decision-making process and the reasons for the decisions.

Openness - we will receive presented views with an open mind and will give those views due consideration when making a decision. The Council welcomes indications of support for or opposition to proposed projects or issues.

Responding to Diversity - we will seek the views of a wide cross-section of the community using the most appropriate ways of consulting with various sector and interest groups in the community.

Consulting with Maori - we will establish and maintain processes that will provide opportunities for Maori to contribute to our decision-making processes.

Timeliness - we will build consultation into the planning process from the start. Sufficient time will be allowed for considered responses from all groups with an interest in or who are affected by the issue.

Co-ordination - we will encourage cross-unit planning, coordination and collaboration amongst Council business units over consultation processes.

Implementation

18. Consultation within Christchurch City Council is carried out in multiple variations of size, scope and subject. These may include, for example:
 - (a) Statutory consultation processes under the LGA involving the Special Consultative Procedure; eg recent consultation on the 2005-06 Annual Plan;
 - (b) Statutory consultation processes under other legislation; eg recent consultation on the retail Variation to the City Plan, under the Resource Management Act;
 - (c) City-wide consultation on various strategies, activities or programmes, as part of Council decision making; eg current consultation on the Heathcote River Vision, or recent consultation on Hagley Park/Botanic Gardens;
 - (d) Local consultation on activities, programmes or issues affecting services in local communities; eg recent consultation on Cuthberts Green/Linfield redevelopment.

(Note: Local consultation may be part of decision making at both Community Board and Council levels.)
19. In all consultation activity, consultation practice within the Council organisation is based on the principles of the Consultation Policy.
20. To support good practice by officers in implementing consultation activities, the organisation has developed a set of Consultation Guidelines. The guidelines provide staff with practical and administrative direction on when and how to consult. They are designed to link in to Council's decision-making processes. An overview of the guidelines was presented to elected members during the induction programme in November 2004.

21. The guidelines note that key success factors in effective consultation include:
- **Genuine commitment:** do it because it is worthwhile not for compliance.
 - **Understanding of our community:** use our knowledge of the community to drive consultation.
 - **Clarity of purpose:** be absolutely clear with everyone involved, internally and externally, what the issue is you are consulting about and what it is you want to achieve out of it, and what roles people are playing in the public participation process.
 - **Good communications:** simple, clear, and timely messages through our citizens' preferred channels are crucial to a good outcome.
 - **Delivering:** all of it counts for little unless we are seen to deliver when there is a valid community idea or concern. Consultation can't be a 'box-ticking' exercise.
22. The document also sets out practical steps to be taken by consultation practitioners within Council to ensure consistent standards of practice. These include:
- **Defining the issue:** be clear about the issue you want to consult on, where that issue is in the decision-making cycle, who will be making the decision and what exactly you want to consult the community about.
 - **Assessing the impact of the issue on stakeholders:** is the issue of high or low impact; does it affect individuals only, a local community, or the whole city?
 - **Determining the level of consultation required:** should the consultation be based on **informing** citizens about what we are doing; **asking** citizens to express their views on a range of options; or **involving** citizens actively in the planning and decision-making process.
 - **Developing a plan:** This will include selecting personal, group or mass tactics as appropriate to the consultation involved. The specific methods to be used can only be determined on a case-by-case basis.
23. The intention of the guidelines is not to prescribe a specific, one-size-fits-all approach to consultation. Within the framework outlined in the Guidelines, practitioners, such as Communication Advisers or Community Engagement Advisers with knowledge of local issues and networks, have the flexibility to design a consultation process which fulfils the undertakings of the Council's consultation principles, meets the requirements for effective information-gathering, the community's needs for genuine input and consideration, and the statutory requirements of legislation.

Community Engagement

24. The Community Engagement Team has recently been established to help support public consultation processes by working with individuals and community groups at the local level. The team provides opportunities for people to participate in Council decision making and projects through a range of activities including:
- Liaising with community groups to implement local improvements
 - Supporting the formation and management of residents groups and other community networks
 - Encouraging opportunities for public involvement in the development of Council business such as the Long Term Council Community Plan
25. The team also has an important role to play internally by providing advice to elected members on local issues, and advising other Council units on the implementation of local consultation programmes.
26. By liaising with elected members and other Council units, the Community Engagement Team is striving to improve the consistency and quality of consultation processes across the Council.

10. PROPOSED STOPPING OF UNFORMED LEGAL ROAD ADJOINING 272 MAIN ROAD SUMNER

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Lewis Burn, Property Consultant, DDI 941-8522 Weng Kei Chen, Asset Policy Engineer, DDI 941-8655

PURPOSE OF REPORT

1. The purpose of this report is to present to the Board for consideration and recommendation to the Council to resolve to stop under the provisions of the Public Works Act 1981, a portion of unformed legal road for amalgamation with the property adjoining at 272 Main Road, Sumner.

EXECUTIVE SUMMARY

2. Stopping of unformed legal road and disposal to the adjoining property at 272 Main Road was carried out last year to allow certainty and formalisation of land occupied by this residence. This resulted in 106m² being added to the title at market valuation assessed by independent valuation.
3. A further parcel of Main Road (a minor arterial route) has been identified by the owners as required to accommodate the construction of a balcony/deck to complement the only flat outdoor living space available to the owners. The area of unformed road involved on to which the deck will encroach is steep rock face some 14 metres elevated above the road level.
4. Stopping and disposal of the "extra" area of road (30m² SM 1207-03 attached, subject to survey) like the previous parcel stopped will have little influence to the future shape and width of the roadway which with this latest proposal will be about 8 metres away.
5. The road stopping proposed by this report will not affect any other party other than the applicant (adjacent owners) and will not disadvantage current foot access along a formed track below to neighbouring properties. Neighbouring property owners have been consulted on the proposed decking construction and the majority of them support the concept. The road stopping process by way of consent under the Public Works Act 1981 is considered appropriate to this case.
6. Agreement has been reached with the owners on price (assessed by independent valuation) and costs conditional on Council resolution to stop this parcel of road under the Public Works Act 1981 for amalgamation to their adjoining title.

FINANCIAL AND LEGAL CONSIDERATIONS

7. The stopping process under the Public Works Act 1981 provides for stopping of legal road by consent of affected parties (in this case the adjoining owner which consent has been given, and the Council as the Territorial Authority) and amalgamation with the adjoining title in one action by notice in the gazette.
8. There are no financial implications for Council.
9. The Board does not hold delegation and to proceed with the proposed road stopping a formal resolution of the Council is required.

STAFF RECOMMENDATIONS

That the Board recommend the Council to pass the following resolution:

RESOLUTION

Pursuant to Sections 116(1), 117(3)(b) and 120(3) of the Public Works Act 1981, the Christchurch City Council hereby resolves to stop that parcel of road shown on SM 1207-03 as described in the schedule below and to amalgamate that parcel with the adjoining property. The Christchurch City Council certifies that it considers it equitable to vest the road described in the schedule below, when stopped in JJ EL & CM Van Uden being the adjoining owner.

13. 7. 2005

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SCHEDULE

Being	Adjoining	Title Reference	Area
Section 1	Lot 2 DP 5032 Section 1 SO 336941	The new title to issue from amalgamation of titles 450/122 and 179989	30m ² (subject to survey)

CHAIRPERSON'S RECOMMENDATION

That the recommendation be adopted.

13. 7. 2005

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BACKGROUND ON PROPOSED STOPPING OF UNFORMED LEGAL ROAD ADJOINING 272 MAIN ROAD SUMNER

10. Following an approach from the owners at 272 Main Road, the Council on 1 July 2004 after recommendation by the Board, resolved to stop under the provisions of the Local Government Act 1974, part of the unformed road adjoining the frontage of their property. This stopping was successfully completed and the 106m² parcel (which is 14 metres in elevation above the existing road and 10 metres away from the existing footpath) has been disposed of to the adjoining owners on which part of the house foundation and retaining wall is situated.

The owners have now made a further approach to Council for an additional area of the unformed legal road on which to construct a proposed balcony which will be cantilevered over a portion of the unformed road. This additional area (30m² subject to survey) is rock cliff face which virtually extends down to the road level area with limited effective use. This additional road stopping as requested and drawn on SM 1027-03 is not accessible to the general public and like the initial stopping, disposal to the adjoining title will not affect or impact on foot accesses over the track below to the neighbouring properties.

13. 7. 2005

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11. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

12. QUESTIONS FROM MEMBERS