



Christchurch City Council

HAGLEY/FERRYMEAD COMMUNITY BOARD AGENDA

22 JUNE 2005

12.30 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

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1. APOLOGIES

Yani Johanson.

2. CONFIRMATION OF REPORT

The report of the ordinary meeting (both open and public excluded) held on Wednesday 8 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 8 June 2005 be confirmed.

3. DEPUTATIONS BY APPOINTMENT

Heather Bushaway, a resident of Sumner, would like to address the Board regarding cyclist safety in the Sumner and Mt Pleasant areas.

4. HUMPHREYS DRIVE - INITIATING ROAD STOPPING TO A PARCEL OF SURPLUS ROAD LAND

General Manager responsible:	General Manager City Environment
Officer responsible:	Transports and City Streets Manager
Author:	Weng Kei Chen, Asset Policy Engineer, DDI 941-8655

PURPOSE OF REPORT

1. The purpose of this report is to request that the Board recommend to the Council its approval to commence road stopping procedures, for a parcel of surplus road, section 1 approx 65m², as indicated on the attached plan, SM1463-03. The plan for the extension of roading work is also attached, "Humphreys Drive".

EXECUTIVE SUMMARY

2. Resource Consent has been granted to Sailview Development, with a condition for the access onto the site being to widen the carriageway to allow for dedicated turning lanes as shown on the plan.
3. This development creates an opportunity for the Council to extend its footpath network and at the same time address the issue of public access on private property. The position of the proposed footpath requires a minor alteration to the approved car parks layout.
4. The surplus road land is required for the relocation of three car parks and also makes up the shortfall of the landscaped area with the construction of a footpath.

FINANCIAL AND LEGAL CONSIDERATIONS

5. Staff have indicated to the Developer that the Council will contribute to the cost of construction of a 2 metre wide footpath and a safe pedestrian crossing from Tidal View. The additional road widening work further south is required to provide extra road width and is ahead of the work for the Humphreys Drive and Ferry Road intersection.
6. The estimated cost of the work is approximately \$25,000 and this will be met within the existing budget in the Transport and City Streets subdivision code.
7. The Surplus Road Land "Section 1" - plan SM1463-03 will need to be stopped and transferred to Sailview Development and the Council securing the public rights of access onto Sailview Development for its footpath network.

BACKGROUND

8. Resource Consent was granted to Sailview Development with a condition for access to the development requiring road widening and installation of traffic management as indicated on the plan.
9. This extensive roading work for access is required for the City Arterial route.
10. The proposed roading work provides an opportunity for the Council to extend its footpath network in the area and at the same time carry out the changes needed prior to the planned work at the Humphreys and Ferry Roads intersection.
11. The physical constraint in the existing legal road will require a footpath to intrude onto adjoining properties.
12. The proposed footpath does create conflict with the approved landscaping and car parking layout. However, a satisfactory outcome can be achieved with minor alterations.
13. Three car parks were required to be relocated and an area identified for the relocation is the road land indicated as Section 1, SM1463-04. The balance area will be landscaped to make up the shortfall of the landscaped area being occupied by the proposed footpath.
14. This parcel of road land is slightly below the current roadway and the shape factor compromises its usefulness for transport functions and hence is redundant for roading purposes.
15. This parcel of redundant road land will be favourably considered for the relocation of three car parks and landscaping requirement for the minor variations to the Resource Consent.
16. Sailview Development has agreed that they will enter into negotiation on land ownership with the Council for the public footpath.
17. For this project to proceed, a favourable recommendation from the Board to the Council is required.

OPTIONS

18. The physical constraint and with an approved Resource Consent for the development options are limited. Two options were considered:
 1. Status Quo.
 2. To enter into a joint project with the developer with the construction of the footpath and minor widening of carriageway.

PREFERRED OPTIONS

19. The preferred option is Option two. This option will address and guarantee a public footpath along the development.

STAFF RECOMMENDATION

That the Board recommends to the Council its approval to commence road stopping procedures for a parcel of Surplus Road Land Section 1, as indicated on plan SM 1463-04.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

ASSESSMENT OF OPTIONS

The Preferred Option

	Benefits (current and future)	Costs (current and future)
Social	Provide safe and comfortable footpath facilities between shopping area and Tidal View.	Estimated to cost \$25,000.
Cultural		Nil.
Environmental	Footpath network extended and marked on road cycleway installed.	Nil.
Economic	To work in partnership.	Reduced cost and future traffic delays.

Extent to which community outcomes are achieved:

Primary alignment with community outcome “*Our City provides a choice of housing, easy mobility and access to open spaces and a range of utilities that allow people to enjoy an acceptable quality of life*” by providing a high quality roading network and recreation areas.

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

Impact on Council’s capacity and responsibilities:

In keeping one of Council’s primary functions.

Effects on Maori:

A facility that can be enjoyed by all.

Consistency with existing Council policies:

Consistent with the requirements of the City Plan.

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

Supported by the principal party affected by the recommendation.

Other relevant matters:

Nil.

5. REES STREET KERB AND CHANNEL RENEWAL PROJECT

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Brian Boddy, Senior Consultation Leader, DDI 941-8013

PURPOSE OF REPORT

1. The purpose of this report is to request that the Board approve for construction the Rees Street kerb and dish channel replacement project.

EXECUTIVE SUMMARY

2. Rees Street is a local road approximately 80 metres in total length that runs between Oxford Terrace to the west and Bangor Street to the east. The north side of the street falls within Avon Loop Special Amenity Area 24 (S.A.M.). Due to the age and condition of the kerbs and dish channels, they have been scheduled for renewal in the 2005/06 financial year. The footpaths and grass berms will also be renewed as part of this work.
3. Rees Street is an older street with aerial wiring. As part of the Christchurch City Council's Urban Renewal Policy the existing overhead wiring is to be undergrounded as part of this project.
4. A concept plan (TP 171402 Issue A attached) was mailed to the Board and then distributed to the local community for consultation in January 2005. This concept plan comprised a 7.5 metre wide carriageway with parking, footpaths and grass berms on both sides of the road connecting to existing modern style kerb and flat channel at each end. Feedback to the concept plan was received from five people - all indicated support, one response advised they did not like the existing large tussocks, and one requested a seat be installed on the large grass area on the Oxford Terrace/Rees Street intersection.
5. The concept plan, as distributed in January 2004, was amended with a seat added outside 458 Oxford Terrace (TP 171402 Issue B attached). All residents in the area of the seat were visited and four strongly opposed the change. The seat was therefore deleted from the final scheme plan.
6. The plan TP 171402 Issue A has been identified as the preferred design for the renewal of the kerb and channel in Rees Street as it satisfies the aims and objectives of the project, and has the support of the community. It is therefore recommended that the amended plan proceed to final design, tender and construction.

FINANCIAL AND LEGAL CONSIDERATIONS

7. Rees Street is part of the Kerb and Channel Renewal Programme and is programmed for construction in the 2005/06 year. Design costs are provided for in the 2004/05 budget and the 2005/06 draft budget provides sufficient funding to construct this project.
8. The estimated total costs for this project is \$110,000 inclusive of all consultation, design and project management.
9. The cost of undergrounding will be financed from the Urban Renewal Operational Budget (\$69,000) for the Telecom and Orion wiring, and the Urban Renewal Capital Works budget (\$8,000) for the street lighting wiring.
10. There are no legal implications from this project.

STAFF RECOMMENDATION

It is recommended that the Board approve the Rees Street kerb and channel renewal project, as shown on the attached plan (TP 171402, Issue A), proceed to final design, tender, and construction.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND TO REES STREET KERB AND CHANNEL RENEWAL

11. Rees Street as part of the Avon Loop area while not being called a "Neighbourhood Improvement Area" was in fact one of the first areas to be improved in the city. Oxford Terrace and Bangor Street at each end of Rees Street have had the kerb and channel renewed. These kerb renewals have created thresholds at each end left a short length of dish channel between them. This project will connect the existing modern style flat channel to make it continuous.
12. Present carriageway width is approx 11.5 metres at its widest point narrowing down to 6 metres at the intersection with Oxford Terrace and 7.5 metres as it enters Bangor Street. The measured average daily traffic flow in the street is 77 vehicles per day. Rees Street has no recorded incidents or crashes according to the Land Transport New Zealand database in the last five years.
13. Forty-two publicity pamphlets were distributed to the properties in Rees Street and its neighbouring streets, seven responses were received. Following a request for a seat in this feedback five properties were visited adjacent to the proposed site. Four responses were received to the seat proposal. The following is a summary of the total feedback; answers to questions are in *italics*.

General

- I support what the Council is doing.
- I am more than happy with the new proposal.
- Has anyone talked to cable TV people like Telstraclear Saturn to see if they want to put cable down at the same time? (*Yes, staff contacted phone, power, and cable TV companies*).
- We are worried about the disruption/environmental impact during the course of the works. I ask because the area has a number of mothers and small children/babies (not to mention cats etc) that are home during the day and houses with bedrooms placed peculiarly closely to the road.

Landscaping

- Please plant round the corner into Bangor Street.
- Please plant something smaller in the proposed and existing landscaping than the existing large tussocks.
- Please move the tree on the east side of the berm in front of 9 Rees Street to the west side of the berm.
- We are really pleased about your plan to use so many native grasses and kowhai.

Parking

- Will there still be enough room for on-street parking on both sides of the road? (*Yes, with one traffic lane between them there is enough room for parking on both sides of the road. One lane is more than adequate for the average traffic volume of 77 vehicles per day*). At certain times there are up to 10 cars parked in what is a very small area.

Proposed seat responses

- Please do not put it outside my place.
- We are against it because it would only be used by undesirables.
- I would not oppose the seat but feel it would be used by drinkers and glue sniffers.

OBJECTIVES

14. The overall objectives of the project are to:
 - Replace the existing kerb and dish channel.
 - Enhance the street with suitable planting where appropriate.
 - Ensure intersections function to suit current road usage.
 - Ensure recommendations laid out in SAM 24 are incorporated within scheme.

OPTIONS

15. Options for this project include the preferred option (connecting the ends of the existing kerb and flat channel with a relatively straight alignment), the preferred option with a public seat, the replace kerb and channel in the same position as the existing option, or the do nothing option (maintain the status quo).

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16. These options are fully assessed in Section 3 of this report.
17. The do nothing and replacing the kerb and channel in the same position options were discounted because they did not comply with all the Council's strategies and objectives involving asset renewal.
18. The preferred option includes landscaping improvements.

PREFERRED OPTION

19. The preferred option is to narrow the carriageway width to 7.5 metres to reduce traffic speeds, provide room for street trees, and align with the existing kerb and channel at each end of the project.
20. The preferred option is a cost effective and practical solution that recognises the need for the efficient and effective renewal of the existing asset, with the appropriate improvement of the aesthetics by planting/street trees and the undergrounding of the overhead aerial wiring.

ASSESSMENT OF OPTIONS**The Preferred Option**

The scheme plan TP 171402 issue A is appended illustrating the proposal.

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> • Reduction in the number of power poles. • A safer traffic environment. 	Nil.
Cultural	<ul style="list-style-type: none"> • Area-wide consistency. 	Nil.
Environmental	<ul style="list-style-type: none"> • Enhancement of the street through the provision of landscaping and undergrounding of aerial wiring. 	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.

Impact on Council’s capacity and responsibilities:
 Improves this street environment in terms of safety and beautification.

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 Transport and City Streets Unit’s Asset Management Plan.

Views and preferences of persons affected or likely to have an interest:
 Views on the kerb and channel renewal of Rees Street were sought on Option (a). The requested public seat (from the feedback) was investigated but lacked community support and was therefore not included in the preferred option.

Other relevant matters:
 Nil

Renew The Kerb and Channel In The Same Position Option

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> Reduction in the number of power poles. 	Nil.
Cultural	<ul style="list-style-type: none"> Area-wide consistency. 	Nil.
Environmental	<ul style="list-style-type: none"> Enhancement of the street through the undergrounding of aerial wiring. 	The lack of landscape improvement.
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.

Impact on Council’s capacity and responsibilities:

Makes no improvement to the street environment in terms of safety and beautification.

Effects on Maori:

It is considered that there are no effects on Maori.

Consistency with existing Council policies:

Is inconsistent with the Road Safety Strategy particularly in respect to designing and managing roads with appropriate speed environments and providing safe facilities for pedestrians.

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

No views were sought on this option because it is inconsistent with the Road Safety Strategy and lacks any landscape enhancement.

Other relevant matters:

Nil.

Maintain the Status Quo Option

Retain the existing environment.

	Benefits (current and future)	Costs (current and future)
Social	Faster traffic movement.	A comparatively less safe road for all road users.
Cultural	No cultural issues.	No cultural issues.
Environmental	Nil.	Unightly environment with no street trees and power poles.
Economic	No construction costs at present.	Increasingly higher maintenance costs for an asset that will have to be renewed eventually.
<p>Extent to which community outcomes are achieved: Retaining the status quo would not achieve the community outcomes.</p> <p>Impact on Council's capacity and responsibilities: An opportunity would be lost by the Council to improve this street environment with the status quo option.</p> <p>Effects on Maori: There is no specific impact on Maori.</p> <p>Consistency with existing Council policies: Maintaining the status quo would be inconsistent with the Council's policies that advocate towards providing a safer transport environment.</p> <p>Views and preferences of persons affected or likely to have an interest: Through consultation the residents have an expectation that the Council will construct the preferred option, and to retain the status quo would be contrary to these beliefs.</p> <p>Other relevant matters: Nil.</p>		

6. FORESHORE LAND AT REDCLIFFS

General Manager responsible:	General Manager City Environment Jane Parfitt
Officer responsible:	Acting Greenspace Manager
Author:	John Allen, Policy and Leasing Administrator, DDI 941-8699 Chris Gilbert, Legal Services Manager, DDI 941-8561

PURPOSE OF REPORT

1. To seek Council's approval for action relating to land occupied but not formally "owned" by Council on the foreshore at Main Road, Redcliffs.
2. This anomaly can be rectified, and therefore Council's approval is sought to undertake the process.

EXECUTIVE SUMMARY

3. For over 100 years Council has maintained and administered as public open space a parcel of land known as Part RS 309 at Main Road, Redcliffs (see attached plan). Council has always treated the land as Council owned, however ownership is uncertain. The land is not a reserve or owned by Council in the conventional sense. The area is grassed and landscaped being used by the public as a link to and along the foreshore. The location is shown on the attached plan as Lot 2 with an area of about 640m².
4. A second portion of land Lot 1 of about 125m² with no immediate public access, shown on the attached plan, warrants consideration at the same time. Between Lots 1 and 2 there is an area of foreshore, owned by Council as Local Purpose (Esplanade) Reserve, that is not affected by the Foreshore and Seabed Act, which is shown on the plan as Lot 3. If Council secures Lots 1 and 2 a continuous strip of Council owned land will exist from Main Road to the boat ramp.
5. Council previously considered this issue in June 2004 resolving then to await the passage of the Government's Foreshore and Sea Bed Bill before determining what steps to take. This Bill is now law and affects only those parts of the land below the mean high water mark. Lots 1, 2 and 3 are above the mean high water mark and therefore not affected by the Act.
6. Given the long public use and public utility of this land Council should now determine on further action to secure ownership once and for all of this land. Local resiCounc(ts)-7.913.-6.6(e)l8h9(land

11. There is a claimant to Lots 1 and 2 who claims that he has purchased the land by transfer of deeds establishing title from the proceeding owners and will apply to bring the land under the Land Transfer Act. We have reviewed his claim and it is probably of little merit. No formal claim to bring the land under the Land Transfer Act has been lodged by him. Nevertheless he is a potential claimant. If his title is proven the public could be excluded from the land by using the trespass processes. He is also asserting that he will seek a building consent for Lot 1 although an application for a consent has not been received by Council as at the date of this report.
12. These uncertainties can and should be resolved by Council initiating a statutory process to bring the land under the Land Transfer Act. The outcome of this process, if successful, will be that Council has a guaranteed title immune from other claims and this would enable Council to use trespass processes to exclude the other claimant.
13. As occupier of the land for many years, the Council can make a claim for the legal title based upon the concept of "adverse possession". This is a well established process applicable for non Land Transfer Act land. As Council and its legal predecessors have been in continuous occupation for a period well in excess of the 12 year minimum (possibly over 100 years) Council can assert that Council's rights override any other rights and that a Land Transfer Act title should be issued for the land in Council's name.
14. The process requires an application to the Registrar General of Land by Council to have Council's rights, as legal occupier, recognised by the grant of a title to the Council. If any other person with a claim does not intervene either by taking court proceedings to defeat Council's claim or by evicting Council, the Council as the party in adverse possession obtains good title against the rightful owner.
15. A successful outcome will be the grant of a Land Transfer Act certificate of title to Council. That will defeat all other claimants and secure the lands as a public asset.
16. To clarify, the Council is not purchasing the land and at common law already occupies it. The only direct financial costs to Council will be the survey and legal costs involved in the application to the Registrar General of Land and possibly defending any action seeking to defeat this process. An estimate of these costs if defending action is required to be taken is approximately \$10,000. There would be a "cost" to Council and the citizens should the other claimant successfully assert his title as the public would be excluded from land that to all intents and purposes is 'public' at present. Money can be found within current budgets (Greenspace Property Administration Fees) to pay for the claim, and defend any action necessary.

ASSESSMENT BY GREENSPACE UNIT

17. Lot 2 currently has the sea wall, bus shelter, three raised garden areas, Estuary Walkway, two interpretation panels, two litter bins, and two garden seats located on it, this area being the start of the continuation of the Estuary Walkway to Sumner, which continues around much of the Estuary.
18. During 1995, because the area was being badly eroded by wave action, the Council undertook the following upgrading work, some of which required a resource consent from Environment Canterbury before it was undertaken:
 - (a) Bank protection work, including the regrading of the beach.
 - (b) Installation of the above mentioned garden furniture and signs.
 - (c) Planting out and the grassing of the remainder of the area.
19. TS Cornwell is a Navy cadet training establishment which has a jetty and slipway into the Estuary, abutting Lot 1 to the north. All vehicle access to the jetty and slipway is across Lots 1, 2, and 3, as shown on the attached plan, because there is no vehicle access from Main Road, the Navy building being built the width of the section, and there is no vehicle access through the building. Major alterations would therefore need to be undertaken to the building to gain vehicle access to the jetty and slipway if vehicle access was not available across Lots 1, 2, and 3.
20. Part of the reason for the upgrading work being undertaken during 1995, was because there is not room for a footpath to be built between the sea wall and Main Road, therefore if the walkway was not available for the public to use on the Estuary side of the wall the public would need to cross to the footpath on the other side of the road, until they were approximately opposite the Christchurch Yacht Club, when they could again cross to the footpath on the seaward side of the road, and continue to Sumner Beach. This would not be a desirable situation from a traffic/pedestrian management point of view.

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21. The local residents' association/groups, including the Avon/Heathcote Estuary Trust and the Christchurch Estuary Association have expressed a strong interest in protecting the area as a vital link from Main Road to the Estuary, they seeing this area as an integral part of the Estuary environs. The land is also shown in the City Plan maps contained in volume 3 of the City Plan as being within the Coastal Marine Area.
22. In summary therefore it is important that the Council makes a claim for legal title for the land, based upon "adverse possession" and obtains a proper title to the land which is an integral part of the Estuary environment.

BACKGROUND

23. The Council has occupied this land for many years, spending monies on maintaining and developing the area, as elaborated upon below:
- (a) The bus shelter, sea wall, and garden plots were built by the Sumner Borough Council, about 1934, as identified by the foundation stone laid in the bus shelter by the then Council in 1934. The Sumner Borough Council area has since been amalgamated into the present Christchurch City Council area.
 - (b) Before local body amalgamation in 1989, this area was maintained on a regular basis being on the mowing schedule to ensure that the area was kept tidy, this work being budgeted for in the Estuary Foreshore maintenance budget as a line item in the Parks and Recreation Department Budget of the time.
 - (c) Since local body amalgamation this area has been maintained on a regular basis, initially being paid for out of the Estuary Foreshore maintenance budget, and latterly being included in the schedule for the Greenspace Eastern Area Maintenance Contract.
 - (d) During 1995 the Council undertook major capital upgrading work to the area which by this time had become eroded by the action of waves in the Estuary. Some of this work required resource consent to be obtained from Environment Canterbury before the work could be commenced. The work is outlined below:
 - Bank protection work including the regrading of the beach.
 - Installation of two seats, two rubbish bins, two interpretation signs, and extension to the Estuary walkway.
 - Planting out, and the grassing of the remainder of the area.
 - (e) The public have used this land for many years treating it and assuming that it is Council owned land when in fact its status is uncertain.

OPTIONS

PREFERRED OPTION

24. To make a formal claim for the land, and defend against any challenge that may be made against our claim. Council's legal advice is that there is an excellent prospect that it would be a successful application.

Officers are of the view that the Council has a greater right than any other party to make an adverse possession claim for the land. By making such a claim Council is actively pursuing the communities wishes on the matter, which is in accordance with the ethos of Council and Government policies of maintaining public access to foreshore areas. If the claim is successful, the Council is avoiding having to address potentially dangerous traffic verses pedestrian conflicts that would arise if a third party made a successful claim for the land. This action would ensure public criticism of the Council is largely avoided should a third party make a successful challenge against the Council claim for the land.

Status Quo

25. To not make a claim for the land.

If the Council decided to challenge a third parties claim to the land, should one eventuate, officers are of the view that the Council's position would not be as strong as if they made the claim in the first place. By not making such a claim Council is not actively pursuing the communities wishes on the matter, which is not in accordance with the ethos of Council and Government policies of maintaining public access to foreshore areas. If a third parties' claim is successful, the Council will need to address potentially dangerous traffic verses pedestrian conflicts that would arise. The Council is very likely to come into a great deal of public criticism if a third party makes a successful claim for the land, and the Council has not made an earlier claim, or decides not to make a claim for the land.

ASSESSMENT OF OPTIONS

The Preferred Option

Proceed forthwith with an application to the Registrar General of Land for a claim of adverse possession to land on the foreshore at Main Road Redcliffs being part of the land described as Part RS 309, which is shown as Lots 1 and 2 on the plan attached to this report, the area of both lots being approximately 765m².

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> Ensures that the general public have continued access to the Estuary foreshore in this part of the Estuary. Ensures that the Navy Cadets from TS Cornwell have continued vehicle access to their jetty and slipway across the foreshore land. Ensures that people have continued access around the Estuary without the need to cross the Main Road, which would be less than satisfactory from a traffic/pedestrian management point of view. Ensures that the Communities aspirations that this land remains in Council public ownership is met. 	
Cultural	<ul style="list-style-type: none"> Ensures Maori have continued access to this part of the Estuary, the Estuary being very important to them historically as a food gathering area. 	
Environmental	<ul style="list-style-type: none"> Ensures that views of the Estuary at this point where the Estuary and Main Road abut one another are not built out. Ensures that the intrinsic value of the area, and openness to the Estuary are maintained. 	
Economic		<ul style="list-style-type: none"> Continued maintenance of the area will be required, this already being budgeted for in the Greenspace Eastern Area Maintenance Contract. A one-off cost of \$10,000 may have to be expended if the Council's claim for adverse possession of the land is challenged. Money is available in the Greenspace Property Administration Fees budget to pay for any legal challenge that may be made to the Council's claim.

Extent to which community outcomes are achieved:

The Community aspirations to retain the land in Council ownership is achieved. Potentially dangerous alternatives (crossing Main Road twice) to enable pedestrians to walk around the Estuary are avoided.

Impact on Council's capacity and responsibilities:

There will be no further impact upon the Council's capacity and responsibilities than there is at present, except for the one-off cost of defending a legal challenge to the Council's claim for adverse possession, if a challenge is made.

Effects on Maori:

Will ensure that Maori are able to continue to have access to this part of the Estuary.

Consistency with existing Council policies:

Consistent with the ethos of Council and Government policies of maintaining public access to foreshore areas, thereby ensuring the general public's enjoyment of foreshore areas.

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

It has been clearly indicated by the Avon/Heathcote Estuary Trust, the Christchurch Estuary Association, and other residents' groups that the retention of this area in public ownership is very important.

Other relevant matters:

Nil.

Maintain The Status Quo (If Not Preferred Option)

Maintaining the status quo, by doing nothing.

	Benefits (current and future)	Costs (current and future)
Social		<ul style="list-style-type: none"> • The general public's continued access to the Estuary foreshore in this part of the Estuary can't be assured if someone else makes a claim to the land. • The Navy Cadets from TS Cornwell may not have continued vehicle access to their jetty and slipway over the foreshore land if someone else makes a claim to the land. • The general public may not have continued access around the Estuary without the need to cross the Main Road twice, which would be less than satisfactory from a traffic/pedestrian management point of view, if a third parties claim is successful. • Does not ensure that the communities aspirations that this land remains in Council ownership are met.
Cultural		<ul style="list-style-type: none"> • Does not ensure that Maori have continued access to this part of the Estuary, the Estuary being very important to them historically as a food gathering area.
Environmental		<ul style="list-style-type: none"> • Does not ensure that views of the Estuary at this point where the Estuary and Main Road abut one another are not built out. • Does not ensure that the intrinsic value of the area, and openness to the Estuary are maintained.
Economic	<ul style="list-style-type: none"> • Potentially a saving is made in the amount of money needed to be budgeted annually for the Greenspace Eastern Area Maintenance Contract if the Council loses its rights to the land. • A one-off cost of \$10,000 will not have to be expended if the Council decides not to challenge another claimants claim to the land, should another party other than Council make a claim for the land. 	<p>Council may still decide to challenge another claimants claim to the land in which case the legal fees would still be incurred, however the Council would not be in such a strong position ((ill d iti.48 245(118.6((i</p>

Effects on Maori:

The do nothing option does not ensure that Maori are able to continue to have access to this part of the Estuary if a third party makes a claim for the land.

Consistency with existing Council policies:

Not making a claim for title to the land is inconsistent with the ethos of Council, and Government policies of maintaining public access to foreshore areas, which is to ensure the general public's enjoyment of foreshore areas.

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

By not actively making a claim for title to the land, the Council is not acting on the wishes of the community for the retention of the land in public ownership as has been clearly indicated by the Avon/Heathcote Estuary Trust, the Christchurch Estuary Association, and other community groups, that the retention of this area in public ownership is very important.

Other relevant matters:

Nil.

7. SETTLER CRESCENT STORMWATER EASEMENT VARIATION

General Manager responsible:	General Manager City Environment
Officer responsible:	Acting Greenspace Manager
Author:	Chris Freeman, Senior Parks and Waterways Planner, DDI 941-8638

PURPOSE OF REPORT

1. The purpose of this report is to seek a Board recommendation to the Council to a partial surrender of a right of way and a variation of a stormwater pipe easement to enable the owners of 8 Settlers Crescent (Timothy Investments) to create a better development on their property. A public walkway and planting redevelopment is also proposed.

EXECUTIVE SUMMARY

2. The Council has two easements for rights of way from Settlers Crescent to the Heathcote River. One for a stormwater pipe and maintenance access (3.09 metres wide) currently used by the private owners as a driveway and planted area. A pedestrian right of way for the public 3.45 metres wide, is beside the stormwater easement and is currently a grassed walkway.
3. Timothy Investments proposes to develop offices and residential accommodation on its property at 8 Settlers Crescent. While alternative layouts have been considered the best design from the Company and the Council's perspective, involves building over an existing stormwater pipe for 10 metres (using engineered foundations) and providing an alternative route for the pipeline next to the existing easement should this ever be required and compensation to the Council for the easement variation and possible future pipe relocation costs.
4. The alternative pipeline route utilises a 3.45 metre wide pedestrian route beside the 3.09 metre wide stormwater easement. While compensation to the Council is sought for the future pipe relocation and partial easement surrender, it is considered unrealistic to replace the existing pipe now, as it still has a 50 years plus life expectancy (this life expectancy could exceed the proposed buildings). Refer DP347589 plan attached. The walkway will be formed and planting revised as part of the development (see attached plan).



*Settlers Crescent Walkway
Proposed building and pipeline route to left of the picture*

FINANCIAL AND LEGAL CONSIDERATIONS

5. The applicant will meet the costs of survey and subdivision involved in the easement variation (see attached easement plan).
6. The compensation as outlined in the in public excluded section being paid to the Council for any possible pipe replacement and partial right of way easement surrender.
7. There is no delegation to the Board on this matter and a decision of the full Council is required.

8. There being no structural loading placed on any part of the pipeline. Piling and/or support spanning of the pipeline may be one way of ensuring that loading is not placed on the pipeline. An internal inspection of the pipeline being carried out by a registered structural engineer. Confirmation that the existing pipeline is in sound condition is a pre-requisite before any building over it will be approved.
9. A special clause being incorporated in the easement variation exempting the Council from any liability resulting from flooding as a consequence of blockages or structural failure of the pipeline as a consequence of building collapse, tilting or ground settlement.

OPTIONS

10. If the application is declined this would require the applicant to amend the design of the development to not build over the easement but this could create a wall 26 metres long as opposed to 10 metres. This would make, with the existing continuous concrete wall on the adjacent property, a very enclosed walkway to the Heathcote River from Settlers Crescent. The current plan while 3 metres closer still maintains a large 20 metre open vista into the site's car park and with proposed planting provides both a better development layout for the applicant and a safer and more aesthetic pedestrian route for the Council.

PREFERRED OPTION

11. The proposed design involves building over an existing stormwater pipe for a short length 8-10 metres (using engineered foundations) and also provides an alternative route for the pipeline next to the existing easement should this ever be required.

The general public have no rights of access to this existing easement area being currently formed as a private driveway and private garden area (access being only for pipeline maintenance). Maintenance access to the Esplanade Reserve is via the walkway.

While the preferred option's proposed buildings will replace a shrub border for 10 metres of the overall 67 metre long route from Settler Crescent this is thought to be better than a wider planted gap of 3.1 metres but with a concrete wall for a possible building length of 26 metres if the easement is not changed.

Overall the development retains and enhances the walkway with a revised landscape plan. The development will not be fenced but planted on the boundary with good views into the site, providing good security for walkway users. While one building will come to the boundary (over the pipeline) for 10 metres this is opposite an open yard area on the adjacent property.

STAFF RECOMMENDATION

That the Board recommend to the Council that the application by Timothy Investments to make the following easement variations to enable building over 36m² of stormwater pipe in Settlers Crescent be approved subject to:

1. A variation to Easement T7913678 (Right to Drain Water in Gross) to allow the land owner (grantor) the right to build over that parcel shown as "Q" on DP347589.
2. The partial surrender of easement A185420.4 (ROW) in respect to parcels R,Q,G&N on DP3475589.
3. The Council accept an easement for the right to drain water in gross over parcels J,H,F&M on DP347589.
4. Timothy Investments meet all survey costs in implementing the proposed easement variations.
5. Timothy Investments pay compensation to the Council as outlined in the Public Excluded section of this report.
6. There being no structural loading placed on any part of the pipeline. The engineering design for the building over the pipeline being to the satisfaction of the Council.
7. An internal inspection of the pipeline being carried out by a registered structural engineer. Confirmation that the existing pipeline is in sound condition is a pre-requisite before any building over it will be approved.

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8. A special clause being incorporated in the easement variation exempting the Council from any liability resulting from flooding as a consequence of blockages or structural failure of the pipeline as a consequence of building collapse, tilting or ground settlement.
9. Timothy Investments undertaking the walkway upgrade and landscape work to the satisfaction of the Greenspace Manager as part of their reserve contribution for the development.

CHAIRPERSON'S RECOMMENDATION

For discussion.

ASSESSMENT OF OPTIONS**The Preferred Option**

The stormwater pipeline is to be retained as is but the maintenance easement for 8-10 metre area of the proposed building will be surrendered. A new stormwater easement in gross will be created to relocate pipeline if ever required. This will enable the owners of the property to create a better development on the vacant portion of their property at 8 Settlers Crescent.

	Benefits (current and future)	Costs (current and future)
Social	Improved walkway with open views into neighbouring property. Better mixed use development.	No costs identified.
Cultural	No benefits identified.	No costs identified.
Environmental	Walkway upgrade and residential/office development coordinated.	Slight possibility of future pipe relocation.
Economic	Payment for loss of maintenance access loss and pipe relocation costs to be gained and may never be used. The development will fund walkway and planting upgrade.	Relocation if it occurs will involve a pipe relocation.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome: <i>“Our City’s natural resources, biodiversity, landscapes, and ecosystem integrity are protected and enhanced.”</i></p> <p>Also contributes to <i>“Our City’s infrastructure and environment are managed effectively, are responsive to changing needs and focus on long-term sustainability”</i>.</p> <p>Impact on Council’s capacity and responsibilities: Assists a developer to create a better development and maintains the amenities of an existing walking route.</p> <p>Effects on Maori: No local Maori were identified as being affected by this proposal.</p> <p>Consistency with existing Council policies: Consistent with the Environmental Policy and specifically: <i>“Open Spaces and Planting - The Council will manage and maintain the open spaces of the City in ways that enhance amenity, avoid adverse effects and minimise maintenance requirements”</i>.</p> <p>Views and preferences of persons affected or likely to have an interest: Minor walkway linkage with only adjoining land effected and no local resident group consulted.</p> <p>Other relevant matters: Nil.</p>		

Maintain The Status Quo

- (a) Decline the application, no building over easement, but alternative scheme will enclose existing walkway to a greater extent.

	Benefits (current and future)	Costs (current and future)
Social	No costs identified.	Less amenity value of the development and the walkway.
Cultural	No benefits identified.	No costs identified.
Environmental	Pipeline access maintained along whole length.	Less amenity value of the development and the walkway.
Economic	No benefits identified.	No benefits identified.
<p>Extent to which community outcomes are achieved: Potential loss of amenity and safety of walkway from alternative development.</p> <p>Impact on Council's capacity and responsibilities: No impact.</p> <p>Effects on Maori: No local Maori were identified as being affected by this proposal.</p> <p>Consistency with existing Council policies: Consistent with the Environmental Policy and specifically: <i>"Open Spaces and Planting - The Council will manage and maintain the open spaces of the City in ways that enhance amenity, avoid adverse effects and minimise maintenance requirements"</i>.</p> <p>Views and preferences of persons affected or likely to have an interest: Minor walkway linkage with only adjoining land effected and no local resident group consulted.</p> <p>Other relevant matters: Nil.</p>		

8. HAGLEY/FERRYMEAD COMMUNITY BOARD FUNDING ACCOUNTABILITY REPORT - 2004/05

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Community Board Principal Adviser
Author:	Emma Davison, Community Secretary, DDI 941-6615

PURPOSE OF REPORT

- The purpose of this report is to submit accountability reports (see attached matrix) received from recipients of grants allocated by the Board from its 2004/05 Project fund. The Board is also asked to consider how they would like to spend the remaining balance of unspent funds in its 2004/05 Project and Discretionary funds. There is no provision to seek "carryovers" into 2005/06 for any funds that have not been committed/expended by 30 June 2005.

EXECUTIVE SUMMARY

- The Board had funding of \$390,000 for 2004/05:
 - \$60,000 Discretionary funding
 - \$40,000 Strengthening Communities funding (SCAP)
 - \$290,000 Project funding

At its meeting of 10 February 2004, the Board resolved to fund the additional \$39,400 required for projects from its 2004/05 Discretionary fund. The Board further resolved to fund from its 2004/05 Strengthening Communities fund \$20,000 for Implementing Recommendations from Older Adults Research and \$20,000 for the Diverse Youth Café.

FINANCIAL AND LEGAL CONSIDERATIONS

- The following table shows Discretionary expenditure from the 2004/05 period.

Discretionary Funded Item	Date of Resolution	Amount Allocated	Balance \$60,000
Funding of additional Project Funding projects	10/2/04	39,400	20,600
Heritage Awards (estimated cost)	10/2/04	5,000	15,600
Community Service Awards (estimated cost)	10/2/04	5,000	10,600
Greenspace Unit - Funding towards cost of memorial for Bernard Hansen	31/5/04	1,300	9,300
<i>Transfer \$5,000 to Community Response Fund</i>	<i>7/7/04</i>	5,000	4,300
Te Ropu Tamariki - Return of funding due to cancellation of Parenting with Confidence Course		+1,000	5,300
Neighbourhood Support New Zealand - Funding community representative to attend conference	4/8/04	650	4,650
Community Services Awards - Unused funding	1/9/04	+2,832	7,482
Sumner Surf Life Saving Club Inc - Funding for construction of mural	1/9/04	5,810	1,672
Whitmore - Return of funding		+6,000	7,672
Charleston Residents' Association - to participate in resource consent process	6/10/04	5,000	2,672
Transfer of \$5,000 from the closure of the Community Response Fund	23/02/05	5,000	7,672
Sumner Surf Life Saving Club - Funding to restore roof	11/5/05	6,000	1,672

The Parks and Waterways Area Advocate, Engagement Assistant, Community Development Advisor, Community Recreation Advisor and Transport and City Streets Unit Board Liaison will be in attendance at the meeting to provide the opportunity for any questions to be answered. However, if you require further information on individual projects/programmes detailed in the matrix, please contact Clare Sullivan or myself before the Board meeting.

NEW/ADDITIONAL PROJECTS

The following requests for funding have been received from organisations and could be funded from a combination of both the 2004/05 Project and Discretionary fund or the 2005/06 Discretionary fund.

Kimihia Early Learning Trust

An application for funding has been received from the Kimihia Early Learning Trust. Set up costs have been provided with a view that consideration be given towards contributing to these costs. Estimated set up costs total \$101,810.

Kidsfirst Kindergartens Bromley

An application for funding has been received from Kidsfirst Kindergartens Bromley. The organisation is seeking funding to replace their children's drinking fountain. The cost of this replacement is \$2,007.88.

Charleston Neighbourhood Association Inc

An application for funding has been received from the Charleston Neighbourhood Association requesting an extension of further funding to help the Association cover costs involved with the Leopard Coachlines Resource Consent Hearing. The Association has a shortfall of \$2,000.

Sumner Life Boat

An application for funding has been received from the Sumner Lifeboat to help fund the supply and installation of digital combination locks for six internal doors of the lifeboat station at Scarborough. They are requesting a grant of \$3,606 to purchase and install new digital combination locks.

STAFF RECOMMENDATIONS

1. That the Board consider and decide how it would like to spend the remaining balance of **\$1,672** in the 2004/05 Discretionary fund.
2. That the Board consider and decide how it would like to spend **\$5,000** allocated to Board Community Communication from its 2004/05 Project fund.
3. That the Board consider the summary of information provided by the groups in the attached matrix and confirm accountability of its 2004/05 Project and Discretionary fund.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendations be adopted.

9. 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 feedback on their opinion will be provided 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:"

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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 6 to 7 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.

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10. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

11. QUESTIONS FROM MEMBERS

12. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.