



Christchurch City Council

HAGLEY/FERRYMEAD COMMUNITY BOARD AGENDA

9 NOVEMBER 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

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1. APOLOGIES

Brendan Smith

2. CONFIRMATION OF REPORT

The report of the ordinary meeting (both open and public excluded) held on Wednesday 26 October 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 26 October 2005 be confirmed.

3. CORRESPONDENCE

4. DEPUTATIONS BY APPOINTMENT

5. BALFOUR TERRACE - PROPOSED PARKING RESTRICTIONS

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

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to install and alter some "no stopping" parking restrictions in Balfour Terrace, west of Antigua Street.(see plan attached)

EXECUTIVE SUMMARY

2. Lion Corporation Ltd (Canterbury Brewery) engaged Becca Consultant Engineers to investigate the flow and parking of heavy transport vehicles on their site bounded by St Asaph Street, Antigua Street and Balfour Terrace.

At present "B" train heavy transport vehicles enter the site from Antigua Street and exit via Balfour Terrace. Only a limited number of heavy vehicles are able to park on-site at any one time and can hinder the flow of traffic on Antigua Street waiting to enter.

To improve traffic movements in this area Becca propose to make Balfour Terrace the entry point and Antigua Street the exit. They also proposed to improve the entranceway access and security fencing in Balfour Terrace, and the on-site parking facilities for heavy transport vehicles awaiting to load.

Due to the large turning circle of a "B" train unit as shown on the attached plan, Becca have asked the Council to consider installing some "no stopping" lines on the south side of Balfour Terrace, opposite their entranceway to improve the safety of traffic movements in this street. Six all days parking spaces would be removed to achieve this.

As well as the main entranceway changes to the Brewery it is proposed that the existing eastern entranceway will be closed. This will require some changes to the "no stopping" lines and parking on the northern side of Balfour Terrace. This will have no effect on the total number of parking spaces.

The proposed changes will improve the safety of traffic movements along Balfour Terrace, which is a cul-de-sac and serves a number of industrial companies and businesses.

CONSULTATION

3. The management of the adjacent businesses including Mico Plumbing, Lion Corporation Ltd (Canterbury Brewery) and Electronic Components support these changes. There is no known Residents Association serving this area.

FINANCIAL AND LEGAL CONSIDERATIONS

4. **Costs**
Financial costs are minimal and will be met within existing budgets.
5. **Legal Considerations**

Land Transport (Road User) Rules provide for the installation of no stopping restrictions.

STAFF RECOMMENDATIONS

It is recommended that the Board approve the following parking restriction changes:

- (a) That the stopping of vehicles be prohibited at any time on the south side of Balfour Terrace commencing at a point 34 metres from its intersection with Antigua Street and extending in a westerly direction for a distance of 25 metres.

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- (b) That the stopping of vehicles prohibited at any time on the north side of Balfour Terrace commencing at a point 43 metres from its intersection with Antigua Street and extending in a westerly direction for a distance of 7 metres be revoked.
- (c) That the stopping of vehicles be prohibited at any time on the north side of Balfour Terrace commencing at a point 56.5 metres from its intersection with Antigua Street and extending in a westerly direction for a distance of 7 metres.

CHAIRPERSON'S RECOMMENDATIONS

That the staff recommendation be adopted.

6. PROPOSED ROAD STOPPING - 62 RICHMOND HILL ROAD

General Manager responsible:	General Manager of City Environment
Officer responsible:	Manager Transport and City Streets Unit
Author:	Deborah Harris, Property Consultant, DDI 941-8940

PURPOSE OF REPORT

1. This report is submitted to the Community Board for recommendation to Council to authorise commencement of the road stopping procedure as set out in the Public Works Act 1981, for the portion of road adjoining 62 Richmond Hill Road shown as Section 1 on Scheme Plan SM1436-02.

EXECUTIVE SUMMARY

2. The Council owns an accessway next to the property at 62 Richmond Hill Road as shown on the attached property location map. An area of the accessway comprising 43 square metres encroaches onto the Richmond Hill Road property - the level of the encroachment is shown as Section 2 on the attached Scheme Plan SM1436-02.
3. The owner of 62 Richmond Hill Road owns a single garage and appurtenances that are located on Richmond Hill Road itself shown as Section 1 on the Scheme Plan. The area of Section 1 comprises 68 square metres.
4. Council Officers have discussed with the owner of 62 Richmond Hill Road the option of exchanging the area of accessway (Section 2) for the area of legal road (Section 1) to which the owner has agreed.
5. In order to facilitate the proposed land exchange, the Council is required to go through a road stopping process in respect of Section 1.
6. The Transport and City Streets Unit is of the opinion that the subject portion of road is not required by the Council for road purposes. It therefore considers the proposed land exchange mutually beneficial in that it would legalise the physical situation of the two anomalies that currently exist.
7. It is proposed to facilitate the road stopping pursuant to the Public Works Act 1981 and amalgamate that part with the property at 62 Richmond Hill Road.
8. A final report will be submitted to the Council seeking its formal consent to stop the road once all survey requirements have been met and the a Land Exchange Agreement finalised with the property owner.

FINANCIAL AND LEGAL CONSIDERATIONS**Financial**

9. It is proposed that there will be no exchange of monies on the basis that there is a significant benefit to Council to acquire ownership of the area of land on which the accessway is constructed.

stopping and to call for objections or submissions. Conversely, the Public Works Act process does not require public submission, however the Council and adjoining landowner(s) must consent in writing to the proposal.

13. If the proposed road stopping is potentially contentious then the Council should process the road stopping application pursuant to the Local Government Act. If not, the Public Works Act process can be followed.
14. It is proposed to process this application pursuant to the Public Works Act 1981 because:
 - (i) as the adjoining landowner, the owner of 62 Richmond Hill Road is the only logical purchaser of the subject area; and
 - (ii) the area of road is occupied by a garage and structures owned and occupied by 62 Richmond Hill Road; and
 - (iii) there will not be any change to the physical situation.
15. Section 116 Public Works Act 1981 – Stopping Roads

This Section says that, subject to the consent of the territorial authority and the owner(s) of the land adjoining the road in writing to the stopping, then the road can be declared formally stopped by notice in the Gazette.
16. Section 345(1)(i)(a) Local Government Act 1974 – Disposal of land not required for road-

In relation to stopped road that is no longer required by the local authority, this Section says that the Council may sell that part of the stopped road to the owner(s) of any adjoining land.

This Section goes on further to say that the price for the stopped road can be fixed by a competent valuer appointed by the Council to value that part or if the owner(s) is not prepared to pay the fixed price, the Council may sell the land by public auction or private tender.
17. Section 345(2) – Amalgamation of stopped road with adjoining land-

This Section enables the Council to require the amalgamation of stopped road with adjoining land.

STAFF RECOMMENDATIONS

That the Board recommend to the Council that it commence the road stopping procedures in respect of the parcel of road marked Section 1 on Scheme Plan SM1436-02 situated at 62 Richmond Hill Road.

CHAIRPERSON'S RECOMMENDATIONS

That the staff recommendations be adopted.

7. STRUCTURE ON STREET APPLICATION FOR 40 KINSEY TERRACE

General Manager responsible:	General Manager City Environment.
Officer responsible:	Transport and City Streets Manager
Author:	Tony Lange, Asset Engineer, DDI 941-8469

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to erect a private structure partially on legal road.

EXECUTIVE SUMMARY

2. A Structure on Street application for a new double garage sited partially on legal road has been made by the owners of 40 Kinsey Terrace. Currently the owners have a dedicated single garage located entirely on legal road but would like to build an integrated structure that provides a covered link between the proposed structure and the existing house.
3. The Transport and City Streets Unit are about to reignite the street renewal project with a new round of consultation to begin later this year. Capital funds have been allocated with construction planned for completion in the 2006/07 year.
4. Staff have assessed the sighting of the proposed structure in relation to the upcoming street renewal project and have deemed this to be minimal.
5. Some residents in the area oppose the approval of this application.

FINANCIAL AND LEGAL CONSIDERATIONS

6. Community Boards have been delegated to approve Structure on Street applications for garages and parking platforms.
7. The application is subject to compliance with Council requirements such as resource and building consents.
8. A Deed of Licence fee for occupation of road space will accrue to the Council. This is valued at \$200 per annum for a double garage.

STAFF RECOMMENDATIONS

It is recommended that the Board:

1. Approve the application subject to the conditions listed in this report.
2. Revoke the current Deed of Licence for the single garage and call for the removal of the single garage within six months from the completion of the new double garage.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND

9. The Board will be aware that Kinsey Terrace has been the subject of much debate over the last few years with the old Environmental Planning and Policy and City Streets Units embarking on a renewal project for Kinsey Terrace in 2000. To date the issues raised by the residents have not been addressed as agreement on a final plan had not been reached. The Transport and City Streets Unit are about to reignite the renewal project with a new round of consultation to begin later this year. Capital funds have been allocated with construction planned for completion in the 2006/07 year.
10. In the meantime the owners of 40 Kinsey Terrace have approached the Council with plans for an extensive addition to their current dwelling. This involves the construction of a double garage sited partial on legal road (3.0 metres over the boundary). This work is subject to 'Structure on Street' approval which can only be granted by the Board (see attached plan A).
11. Currently the owners have a dedicated single garage located entirely on legal road but would like to build an integrated structure that provides a covered link between the proposed structure and the existing house. The existing Deed of License for the single garage would be terminated and a condition made for the current single garage to be removed from the road space. However, the loss of this structure may deny neighbours an opportunity to have covered parking and not impact on vehicle turning movements of large vehicles. The problem herein is that this structure is privately owned and the Council has no rights to its ongoing management.
12. Council policy does not prohibit the owner from more than one structure on street within the frontage of the property. However, in this situation it may be prudent for the Council to order the owner to remove the existing structure, within a period to be specified, following the completion of the new structure. This is a fair and reasonable request given the constrained nature of the road at the west end of Kinsey Terrace and the apparent monopoly the owners have in this location where on street parking is at a premium and for other residents who have no off street parking.
13. The City Plan allows for two vehicle entrances for properties with a road frontage between 16 metres and 60 metres. However, in the City Plan there is a minimum distance between vehicle crossings within the same frontage and it is 7.5 metres. The reason for this is that the distance between crossings provides an opportunity for on street parking which does not exist in this case as the distance between the two structures is approximately 5 metres.
14. The building of a garage partially on the applicant's land will incur extensive remodelling of the existing dwelling and this request is consistent with the Council's policy for approving garages on legal road. Any new garage on legal road would be subject to a new Deed of License arrangement.
15. While the proposed structure is partially located on legal road, along the applicant's road frontage, the structure itself will be adjacent to the formed road and will comprise a short bridge span of 0.5 metres from the edge of road/ top of bank to the front of the structure. Analysis of vehicle path movements indicates that the position of the structure will not affect turning vehicles. Indeed it will assist turning vehicles when compared to the current situation (see attached plans B and C).
16. However, current on street parking arrangements are likely to be compromised by the addition of this structure. A defined parking area capable of accommodating four vehicles will be removed if the Structure on Street application is approved as vehicles are restricted from parking in front of a garage on legal road. This is an issue that can be addressed through the renewal project as there are other options available for on street parking. It will however be important that residents are aware that conflict does arise while trying to maximise on street parking and accommodate turning vehicles, particularly emergency vehicles and service vehicles which are larger than family sized vehicles, in this constrained area.



17. In normal circumstances a loss of parking can occur. An application to provide a new vehicle entrance will result in the loss of parking in that location whether the structure is located on legal road or within the private property.

CONSULTATION

18. The Environmental Services Unit have assessed the resource consent for the proposed garage as being a 'limited notified application'. This means that copies of the application are sent to the affected neighbours. In this case three neighbours have been considered as affected and are therefore allowed to make a submission on the application.
19. Other residents in the street have become aware of the application and have contacted the Council with concerns as follows.
20. The CCC Authorising Officer for the resource consent, received an email from the chair of the Clifton Neighbourhood Committee (CNC), dated 18 July. This noted the conflict that arises at the western end of Kinsey Terrace between turning vehicles and parked vehicles. In the email it is noted that an "increasing number of trucks, unable to turn (in the now inadequate turnaround area) are having to back up the narrow road."
21. In an attachment to the email, dated 15 July, the CNC suggests that the "proposed garage, if built, would seriously compromise the options available for resolving or at least mitigating, the traffic difficulties" in this part of Kinsey Terrace.
22. The CNC conclude the following:
 - "The proposed garage will further degrade an already difficult situation in regard to vehicle parking and manoeuvring.
 - This being so the Consent notification process should be extended to include all those parties who will be affected in that regard.
 - An extensive process of "Our Street" discussion and debate has been undertaken; much of this will have to be revisited if the proposal is approved, and this could include research and design work already carried out or planned for by the Council."

OPTIONS

Option A - Decline the application

23. The Council could decline the application due any potential conflict with the impending street renewal project. This would appease the concerns from the wider residential catchment. However, the construction of the garage at 40 Kinsey Terrace would be delayed when there is no guarantee that the renewal project outcome will affect this proposal.

Option B - Approve the application

24. The affect of the garage siting has been technically assessed as follows.
25. Computer modelling of vehicle paths for medium sized trucks, typical of current vehicles, has been carried out to assess the risk of the proposed structure prohibiting turning movements at the western end of Kinsey Terrace. The results indicate that the proposed structure will not compromise any option to improve vehicle manoeuvres (see attached plans).
26. However, the proposed structure will impact on the number of on street parking spaces currently available to visitors and residents as four spaces are located along the road frontage of 40 Kinsey Terrace, the applicants address. At least two of these will be lost with the garage development until such time as this issue can be resolved as part of the renewal project. Opportunities do exist to provide on street parking at current numbers, albeit in a different location, and improve vehicle turning. Although these issues are outside the objective of this report they need to be included in the renewal project.

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27. At the time of writing this report not all affected neighbours have consented to the proposal and accordingly it is recommended approval be given subject to:

- Deed of licence being entered into with the Council.
- Resource and building consents being obtained.
- The owner being entirely responsible for the stability, safety and future maintenance of the bank, dr1 T3(ab)aty andof0(dr)-6.1 mtion T3(ab)(o0(dr)-62(nk)-19.9 a s)27.8 so0(cs)27.8(i)3.3(ntedT3(ab)

ASSESSMENT OF OPTIONS

Maintain The Status Quo (If Not Preferred Option)

Option A - Decline the application

	Benefits (current and future)	Costs (current and future)
Social		
Cultural		
Environmental		
Economic		
<p>Extent to which community outcomes are achieved:</p> <p>Impact on Council's capacity and responsibilities: Nil.</p> <p>Effects on Maori: Nil.</p> <p>Consistency with existing Council policies: Consistent.</p> <p>Views and preferences of persons affected or likely to have an interest: Community group is against the application.</p> <p>Other relevant matters: Nil.</p>		

The Preferred Option

Option B - Approve the Application

	Benefits (current and future)	Costs (current and future)
Social		
Cultural		
Environmental	Will provide an opportunity for vehicles to manoeuvre.	Loss of parking until such time as the renewal project is completed.
Economic	Deed of License fee - \$200 per annum.	
<p>Extent to which community outcomes are achieved:</p> <p>Impact on Council's capacity and responsibilities: Nil.</p> <p>Effects on Maori: Nil.</p> <p>Consistency with existing Council policies: Consistent.</p> <p>Views and preferences of persons affected or likely to have an interest: Community group is against the application.</p> <p>Other relevant matters:</p>		

8. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

2005/06 PROJECT, DISCRETIONARY AND YOUTH DEVELOPMENT FUNDS UPDATE

The attached schedule shows the allocations in the Board's Project, Discretionary and Youth Development Funds, to 11 October 2005.

9. QUESTIONS FROM MEMBERS

10. DEPUTATIONS BY APPOINTMENT

PHILLIPSTOWN TE ARA TOA MAU RAKAU

Tania Smith and representatives from Phillipstown Te Ara Toa Mau Rakau (initiated from the Strengthening Communities Project) would like to address the Board to acknowledge their appreciation of support and funding.

Originally initiated for young people in Phillipstown, youth attend from both the Phillipstown and Linwood schools, with support from parents. The skills and development of our young people have had and continue to have positive effects in both school and family/whanau.

Te Ara Toa Mau Rakau has maintained and sustained the young people in our community. With continued support the positive effects will flow through to the community.