

**HAGLEY/FERRYMEAD COMMUNITY BOARD  
AGENDA**

**WEDNESDAY 3 JUNE 2009**

**AT 3.00PM**

**IN THE BOARDROOM,  
LINWOOD SERVICE CENTRE,  
180 SMITH STREET, LINWOOD**

**Community Board:** Bob Todd (Chairperson), Rod Cameron, Tim Carter, David Cox, John Freeman, Yani Johanson, and Brenda Lowe-Johnson.

**Community Board Adviser**  
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**PART A - MATTERS REQUIRING A COUNCIL DECISION**  
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1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES – 20 MAY 2009**

The minutes of the Board's ordinary meeting of 20 May 2009 are **attached**.

The minutes of the Board's public excluded section of the meeting of 20 May 2009, have been circulated separately to Board members.

**CHAIRPERSON'S RECOMMENDATION**

That the minutes of the Board's meeting of 20 May 2009 (both open and public excluded sections) be confirmed.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PRESENTATION OF PETITIONS**

5. **NOTICES OF MOTION**

6. **CORRESPONDENCE**

7. **BRIEFINGS**

**HAGLEY/FERRYMEAD COMMUNITY BOARD  
20 MAY 2009**

**Minutes of a meeting of the Hagley/Ferrymead Community Board  
held on Wednesday 20 May 2009 at 3pm in the Board Room,  
Linwood Service Centre, 180 Smith Street, Linwood.**

**PRESENT:** Bob Todd (Chairperson), Rod Cameron, Tim Carter, David Cox, John Freeman, Yani Johanson and Brenda Lowe-Johnson.

Brenda Lowe-Johnson arrived at 3.31pm and was absent for clauses 1, 2, 3, 4, 5, 6, 7, 8, 13, 14 and part of 15.

**APOLOGIES:** Nil.

The Board reports that:

**PART A – MATTERS REQUIRING A COUNCIL DECISION**

**1. HEREFORD STREET – PROPOSED PAY AND DISPLAY METERED MOBILITY PARKING**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Steve Hughes, Community Traffic Engineer

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend to the Council that a Pay and Display Metered Mobility Park be installed on the north side of Hereford Street.

**EXECUTIVE SUMMARY**

2. Network Operations has received a request from Lichfield Holdings Limited, the owner of the Guardian Assurance House at 79–83 Hereford Street, just east of Oxford Terrace, that a Mobility Park be installed near to that building (refer **attached**).
3. Lichfield Holdings Limited has signed a Tenancy Agreement with the Human Rights Commission to rent offices in the above building from 1 June 2009. The Human Rights Commission have an obligation to protect and promote disability rights in New Zealand and require access for their disabled clients. They therefore require mobility parking be available in or close to the premises. St Johns Ambulance also has offices in this building and has disabled clients. They support the application for a mobility parking space to be installed nearby.
4. There is private underground car parking in the building. However the only pedestrian access to it is by use of stairs or by a steeply sloping ramp. This makes it unsuitable for wheelchair bound people and unacceptable as a mobility car park. The owners therefore have approached the Council to see if such a parking space can be installed in Hereford Street near the premises.
5. The nearest on-street mobility parking space to this location is situated on Hereford Street beyond its intersection with Colombo Street. This is over 225 metres from the building. The next closest is situated in Worcester Street over 250 metres away. A round trip for a mobility impaired person would involve nearly 500 metres of travel and the crossing of a number of busy intersections. The installation of a mobility parking space at this end of Hereford Street would provide parking in this area for all visitors who display an Operation Mobility permit in their vehicle.

**ATTACHMENT TO CLAUSE 2 Cont'd**

**1 Cont'd**

6. Extending east from the intersection with Oxford Terrace on the north side of Hereford Street there are three P120 Pay and Display parking spaces. The easternmost of these spaces is directly outside Guardian Assurance House. This is the best parking space in the vicinity to make into a Mobility Parking Space, as there is a cut-down vehicle crossing immediately in front of this parking space that allows easy access for wheelchairs onto the footpath.
7. Parking concessions adopted by the Council effectively halve the parking fees paid by those people displaying an Operation Mobility permit in a Pay and Display metered parking space. To make this metered space into a mobility parking space, a sign advising it is restricted to persons displaying the appropriate permit, and a separate sign advising that they have to Pay and Display for that parking will have to be installed together with yellow wheelchair symbol markings and yellow special parking boundary markings.
8. Consultation was done verbally and in questionnaire form with businesses in the area. Sixty-six per cent of the respondents supported the proposal. See paragraphs 18 and 19 for further details.

**FINANCIAL IMPLICATIONS**

9. The estimated cost of this proposal is approximately \$350.

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

10. The installation of road markings and signs is within the LTCCP Streets and Transport Operational Budgets.

**LEGAL CONSIDERATIONS**

11. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides the Council with the authority to install parking restrictions by resolution.
12. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

13. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes-Safety and Community.

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

15. As above.

**ALIGNMENT WITH STRATEGIES**

16. The recommendations align with the Council Strategies including the Parking Strategy 2003, Pedestrian Strategy 2001, Road Safety Strategy 2004 and the Safer Christchurch Strategy 2005.

**Do the recommendations align with the Council's Strategies?**

17. As above.

1 Cont'd

**CONSULTATION FULFILMENT**

18. The owners of the Guardian Royal Exchange building at 79–83 Hereford Street support this application to install a Mobility Parking Space, as do the Human Rights Commission and the St Johns Ambulance.
19. The owner of Scorpio Books, outside of which this metered parking space is located, also supports this application.
  - (a) 7 questionnaire forms informing of the request were distributed.
  - (b) 3 or 43% were returned.
  - (c) 66% supported the request to install a Mobility Parking Space in this location.
  - (d) 33% objected to the request to install a Mobility Parking Space believing it should be installed on a nearby 5 minute Goods Vehicle Only Loading Zone.
20. The officer in Charge- Parking Enforcement agrees with this recommendation.

**STAFF RECOMMENDATION**

It is recommended that the Council approve:

- (a) That the existing P120 Pay and Display controlled parking space on the north side of Hereford Street commencing 37 metres east from its intersection with Oxford Terrace and extending in an easterly direction for 5.5 metres be revoked.
- (b) That a parking space controlled by Pay and Display which is reserved for disabled persons displaying the appropriate permit in their vehicle and restricted to a maximum period of 120 minutes be installed on the north side of Hereford Street commencing at a point 37 metres east from its intersection with Oxford Terrace and extending in a easterly direction for a distance of 5.5 metres.

**BOARD'S RECOMMENDATION**

That the staff recommendation be adopted.

**PART B - REPORTS FOR INFORMATION**

**2. DEPUTATION BY APPOINTMENT**

Nil.

**3. PRESENTATION OF PETITIONS**

Nil.

**4. NOTICES OF MOTION**

Nil.

5. **CORRESPONDENCE**

Nil.

6. **BRIEFINGS**

Nil.

7. **APPLICATION TO HAGLEY/FERRYMEAD COMMUNITY BOARD YOUTH DEVELOPMENT SCHEME – ANNA BUCHANAN AND TIARA HAENGA**

The Board considered a report to seek the approval for two applications for funding from the 2008/09 Hagley/Ferrymead Community Board Youth Development Scheme.

The Board **decided** to defer consideration of this report until the meeting of 3 June 2009.

8. **APPLICATION TO THE HAGLEY/FERRYMEAD COMMUNITY BOARD YOUTH DEVELOPMENT SCHEME – MATT RYAN FOSTER**

The Board considered a report to seek the approval for an application for funding from the 2008/09 Hagley/Ferrymead Community Board Youth Development Scheme

The Board **decided** to defer consideration of this report until the meeting of 3 June 2009.

9. **HAGLEY/FERRYMEAD COMMUNITY BOARD DISCRETIONARY FUND – PROPOSED ALLOCATION TO PHILLIPSTOWN SCHOOL FOR AIR QUALITY TESTING**

The Board received a report to consider allocating funds from its Discretionary Response Funds 2008/09 to Phillipstown School for chemical testing of air discharges.

The Board **decided** to defer consideration of this report until the Board received notification of the Environment Canterbury Air Quality Consent Decision.

10. **COMMUNITY BOARD ADVISER'S UPDATE**

The Board received updates from the Community Board Adviser on forthcoming Board-related activities and over the coming weeks. Specific mention was made to the following:

- The Board **received** the Statement of Proposal for the Council's Grants Funding, and **requested** additional information on the reduction to grants funding. Board members were invited to provide comments on the proposal to the Community Board Adviser by 3 June 2009.
- The Board **received** a memorandum from Civil Defence Emergency Management staff in response to the request for information on a Tsunami Early Warning System made at the meeting on 6 May 2009.
- The Board **received** a memorandum and information from staff relating to the deputation from Tony Simpson, Principal, Phillipstown School, as requested at the meeting on 6 May 2009.
- The Board **received** a memorandum on the 2009/10 Hagley Ferrymead (WPASC) Swimming Scholarships, and were advised that it was anticipated that the Scholarship recipients would be presented with certificates acknowledging their scholarship at the Board's meeting of 3 June 2009.

10 Cont'd

- The Board was requested to appoint a representative to the Tree Policy Working Party. The Board **decided** to appoint Tim Carter to be its representative on the Tree Policy Working Party.
- The Board **received** the schedule and an outline of the process for Board Communication with the Community in June, July and August 2009.

11. BOARD MEMBERS' QUESTIONS

Nil.

12. BOARD MEMBERS' INFORMATION EXCHANGE

- The Board discussed the closure of Whitewash Head due to road subsidence. The Board requested that they be advised of any updates on this matter.
- The Board were updated on the Keep Christchurch Beautiful Street Awards.
- The Board **requested** information on city planning issues, in particular resource consent applications on work to undertaken near Jade Stadium, and Proposed Plan Change 28. The Board were advised that a seminar on resource consent processes will be held in the coming months.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

13. CONFIRMATION OF MEETING MINUTES – 6 MAY 2009

The Board **resolved** that the minutes of the Board's ordinary meeting of 6 May 2009 be confirmed, subject to the following correction to clause 3, Deputation from Tony Simpson, Principal, Phillipstown School:

*The Board **decided** to seek a staff response to the issue of the establishment of 464 St Asaph Street in relation to the Business 3B zone, including the adverse effects of emissions and odours and/or any non-compliances with the City Plan.*

14. WILSONS ROAD NORTH – PROPOSED NO STOPPING RESTRICTION

The Board considered a report to seek the approval that the stopping of vehicles be prohibited at any time on the west side of Wilsons Road North.

The Board **resolved** to:

Revoke the following parking restrictions on Stevens Street:

- (a) That the existing parking restriction on the south side of Stevens Street commencing at the intersection with Wilsons Road North and extending for 14 metres in a westerly direction be revoked.

Revoke the following parking restrictions on Wilsons Road North:

- (b) That the existing parking restriction on the west side of Wilsons Road North commencing at the intersection with Stevens Street and extending for nine metres in a southerly direction be revoked.



**14 Cont'd**

Approve the following parking restrictions on Stevens Street:

- (c) That the stopping of vehicles be prohibited at any time on the south side of Stevens Street commencing at its intersection with Wilsons Road North and extending in a westerly direction for a distance of 14 metres.

Approve the following parking restrictions on Wilsons Road North:

- (d) That the stopping of vehicles be prohibited at any time on the west side of Wilsons Road North commencing at its intersection with Stevens Street and extending in a southerly direction for a distance of 13.5 metres.

**15. HAGLEY FERRYMEAD KEY LOCAL PROJECTS FOR 2009/10**

The Board received a report to consider funding applications that it may wish to nominate as Key Local Projects (KLP) for 2009/10.

The Board **resolved** not to nominate any further projects to be considered as Key Local Projects for the 2009/10 Strengthening Communities Fund.

**16. HERITAGE PLAQUE NOMINATIONS**

The Board considered a report presenting the nominations and working group recommendations for the 2008/09 Heritage Plaque for consideration and decision.

The Board **resolved** to award Heritage Plaques to:

- The Church of the Good Shepherd
- Wards Brewery Building, pending support from all current land owners

**17. RESOLUTION TO EXCLUDE THE PUBLIC**

The Board **resolved** that the resolution to exclude the public set out on page 38 of the agenda be adopted.

The meeting concluded at 4:46pm.

**CONFIRMED THIS 3RD DAY OF JUNE 2009**

**BOB TODD  
CHAIRPERSON**

## 8. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW

<b>General Manager responsible:</b>	General Manager, City Environment Group, DDI 941 8608
<b>Officer responsible:</b>	Asset Planning and Network Manager
<b>Author:</b>	Weng Kei Chen, Asset Policy Engineer

## PURPOSE OF REPORT

1. The purpose of this report is to seek the Hagley/Ferrymead Community Board's recommendation to the Council on options to consider in relation to the review of the existing policy of vehicle entrances and footpaths.

## EXECUTIVE SUMMARY

2. The Council resolved at its 13 March 2008 meeting:

**15. REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 4 FEBRUARY 2008**

**(1) Notice of Motion**

*It was resolved on the motion of the Mayor, seconded by Councillor Wells, that the Council undertake a review of the existing policy of vehicle entrances and footpaths.*

3. The current Council Policy "That the Council will maintain vehicle entrances on roads with an adjacent footpath" was adopted in 25 May 2001.

The reasons for the current policy are:

- (a) Vehicle crossings adjacent to footpaths are recognised as an integral part of the footpath system and thus registered as a footpath asset.
  - (b) Vehicle crossings where there is no footpath are directly attributable to the property owner rather than to the public good.
4. The Council's Traffic Bylaws 2008 Part 4 Vehicle crossing and Section 335 of Local Government 1974 Act requires owners of properties to form vehicle crossings.
  5. A previous review of the policy was carried out in 2004 and the Council at its meeting of 23 September 2004 resolved "that the current policy be confirmed". The reports of May 2001 and September 2004 are **attached (Attachment 1)**.
  6. The issues relating to the maintenance and resurfacing of vehicle entrances, not adjacent to footpaths was raised by Riccarton/Wigram and Fendalton/Waimairi Community Boards in 2007. The key issue being "Where there is a footpath on only one side of the road the current level of service is to only resurface driveways on the footpath side of the road. The driveways on the opposite side of the road do not get resurfaced".
  7. A Council seminar on the policy was held on 28 September 2007. The views of elected representatives on the current policy were mixed and staff did stress that any increased level of service would require additional funding. The Council requested staff review the policy and in particular look at a potential change of level of service that applies to the flat urban part of the city only.

8 Cont'd

OPTIONS

8. The policy review has considered three potential options:
  - (i) Status quo with the current policy reconfirmed.
  - (ii) The status quo remains for the Hills and rural areas, with a change of level of service for the urban flat areas of the city.
  - (iii) Change in the level of service throughout the City Council Area.
9. In determining the implications to a change in the level of service options the following issues have been brought to elected members' attention.
10. Status quo with the Policy reconfirmed.
  - (a) The Council will continue to receive complaints from property owners when footway resurfacing works are undertaken on a particular road or street and their driveways are not included.
  - (b) The budgets included in the draft LTCCP (Long Term Council Community Plan) support the status quo option.
11. Status quo remains for hills and rural areas, with a change in level of service for the urban flat areas of the city.
  - (a) As part of the review external consultants MWH were commissioned to report on the cost implications of changing the level of service associated with the footpath resurfacing program. In the review the footpath resurfacing programme 2008/09, excluding the rural area, (**Attachment 2**) was used to estimate the additional funding required to resurface driveways on the opposite side to where there are no footpaths. An estimated cost of \$250,000 was attributed to resurfacing of these vehicle crossings.
  - (b) In the urban flat area of the city there are a number of property accesses across waterways supported by existing structures e.g. pipes, culverts, or bridges that will require some maintenance works or their replacements prior to resurfacing. It is estimated that \$50,000 per annum will be required to upgrade these structures prior resurfacing works, this figure is an estimate only and could significantly increase once a detailed asset register has been compiled.
  - (c) An increase in the maintenance budget of \$100,000 will be required.
  - (d) Work will be required to clearly define the level of service to be adopted on a street/road basis.
  - (e) The option provides for differing levels of service within the Council's area, some property owners are likely to complain that this is unfair.
12. Change in the level of service throughout the Council area.
  - (a) A change in the level of service that includes resurfacing of all vehicle entrances on legal roads means there would be a need to increase the current resurfacing budget. The current resurfacing budget to resurface approximately 90km of footpath annually is \$4.45 million and this would need to be increased by \$400,000 per annum.
  - (b) Across the City area there are property accesses supported by retaining structures on roads. It is estimated that \$150,000 per annum will be required to upgrade these structures prior to surfacing the accesses on road. Again this is a high-level estimate only and could significantly increase once the details of the assets are known.

8 Cont'd

- (c) For any change to the existing policy there will also be a need to review the current footpath operational repairs and maintenance budget of \$1.45 million per annum. Currently it is estimated that \$500,000 of the \$1.45 million is attributed to maintaining the vehicle crossings that formed the footpath network.
  - (d) The maintenance budget needs to be increased by \$300,000 per annum.
  - (e) Level of service is common across the Councils area.
13. Currently the stand alone vehicle entrances ie. without footpaths adjacent to them are not considered to be the Council's infrastructural assets to maintain and hence, are not included in the Council's asset register. Any change of policy will require these "new" assets to be identified. Depreciation allowances for these assets will need to be included for any increase to the current level of service.
14. Any change of level service without any increase in funding will lead to a decreased level of service increasing the current footway resurfacing cycle from its existing 23 years cycle.
15. It must be noted that if a change of policy was agreed there will be significant change to the management of this section of the Council's asset. The safe use of the entrances over waterways and supports to driveways would become the Council's responsibility. The management of these additional assets will be complex in particular the responsibility of structural integrity of timber bridges across waterways, 'dry rock 'walls supporting driveways on legal roads. There would be a need to review staff resources to manage these structures appropriately.
16. The responsibility of maintaining vehicle entrances on legal roads has always been a contentious issue and it is for this reason that the Council formally adopted the current practice as policy in 2001.
17. Any change of policy will potentially generate additional requests to maintain vehicle entrances from residents residing on roads that have no footpaths.
18. In the consultant's review it included a survey of five other Councils' policies and the findings were:
- (a) Waimakariri, North Shore and Wellington Councils have similar policies as Christchurch's existing policy;
  - (b) Napier has a policy to maintain driveways on legal roads for visual appearance;
  - (c) Auckland City Council is replacing asphaltic concrete footpaths with exposed aggregate concrete and will be replacing the old driveways to achieve uniformity.
19. It must be noted that any change of the present policy will require changes to both Operation and Capital Works budgets for Footpath Resurfacing. Without appropriate budgets staff will not be able to deliver the change of level of service required.

## 8 Cont'd

**FINANCIAL IMPLICATIONS**

## 20. Summary of Additional Cost Implications

	Annual (\$000K)			
	Footpath resurfacing Capital Maintenance budget.	Maintenance of structures, culverts, etc.	Footpath operational, repairs and maintenance.	Total
Option 1 Status Quo	\$0	\$0	\$0	\$0
Option 2 Status quo for Hills and rural areas, change in level of service for urban flat area.	\$250	\$50	\$100	\$400
Option 3 Change in level of service Throughout Council area.	\$400	\$150	\$300	\$850

There is currently no allowance in the Draft 2009/19 LTCCP to change the policy on private driveway resurfacing.

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

21. The recommendations of the report could have an impact on the 2009/19 LTCCP budgets.

**LEGAL CONSIDERATIONS**

22. Sections 316, 317, and 319 of the Local Government Act 1974 confer a number of powers over roads on the Council. Specifically, section 316 (1) vests local roads in the Council, while section 317(1) provides that all roads in the district are under the control of the Council (excluding State Highways). Section 319 gives the Council power to do certain things in respect of roads (e.g. constructing and repairing roads etc). Section 319 (a) of the Local Government Act 1974 confers a power on the council "*to construct, upgrade and repair all roads with such materials and in such manner as the council thinks fit.*" The section only confers a power to construct, upgrade and repair any road, rather than an express duty to do so.
23. These sections need to be read in light of the common law. The Courts have held that proceedings cannot be brought against a local authority for failure to maintain and repair a road even though a statute gives the Council the power to repair it. This is known as the "non-feasance rule." The rule is subject to a number of technical qualifications. But it has a long history in New Zealand and other jurisdictions. In the last few years the non-feasance rule has been the subject of criticism. It has now been rejected in Australia. In England, the rule has been abolished since 1961 and a positive repair obligation has been placed on highway authorities. However, in the opinion of the Legal Services Unit, the rule is still good law in New Zealand until a court says otherwise or the rule is changed by statute.
24. The opposite of the non-feasance rule is the misfeasance rule. Once the Council decides to reconstruct or repair a road, then it is obliged to exercise reasonable care in the performance of its self-imposed task.

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

25. Yes. The current policy that the Council will maintain vehicle entrances on roads with a footpath complies with the Local Government Act 1974 and is consistent with the non-feasance and misfeasance rules. The Council has a power to maintain and repair footpaths and vehicle entrance ways but it is not under a duty to do so. If the Council exercises its power to maintain footpaths and vehicle entrance ways it must do so with reasonable care and skill.

**8 Cont'd**

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

26. This review is to consider a potential change to the level of service.

**Do the recommendations align with the Council's strategies?**

27. Not applicable.

**CONSULTATION FULFILMENT**

28. If any significant changes are to be made to the existing Policy this will effectively initiate a change in level of service and therefore appropriate consultation will be part of a future LTCCP review or Annual Plan update.

**STAFF RECOMMENDATION**

It is recommended that the Board recommend that the Council:

(a) Consider the options outlined in the report.

Either:

(b) Decide which option should be adopted, requesting changes to be made to appropriate budgets for the 2009/19 LTCCP.

or

(c) Identify the preferred long term policy and request staff to undertake detailed analysis of the preferred option so that it can be adopted for the 2012/22 LTCCP.

**CHAIRPERSON'S RECOMMENDATION**

For discussion.

## 11. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW

<b>General Manager responsible:</b>	General Manager, City Environment DDI 941-8608
<b>Officer responsible:</b>	Asset Planning & Network Manager
<b>Author:</b>	Weng Kei Chen, Asset Policy Engineer

**PURPOSE OF REPORT**

1. The purpose of this report is in response to the Council's resolution passed at the meeting of 13 March 2008 *"that the Council undertake a review of the existing policy of vehicle entrances and footpaths"*.

**EXECUTIVE SUMMARY**

2. The current Council policy "That the Council will maintain vehicle entrances on roads with a footpath" was adopted on 25 May 2001. The reasons for the policy are:
  - (a) Vehicle crossing adjacent to footpaths is recognised as an integral part of the footpath system and thus registered as a footpath asset.
  - (b) Vehicle crossing where there is no footpath is directly attributable to the property owner rather than to the public good.
3. The Council's Traffic and Parking Bylaw 2008 Part 4 Vehicle Crossing and Section 335 of the Local Government Act 1974 requires owners of properties to form vehicle crossings.
4. A review of the policy was carried out in 2004 and the Council at its meeting of 23 September 2004 resolved *"that the current policy be confirmed"*. The reports of May 2001 and September 2004 are **attached**.
5. The maintenance and resurfacing of vehicle entrances, not adjacent to footpaths, was raised by the Riccarton/Wigram Community Board as well as the Fendalton/Waimairi Community Board in 2007. A seminar on the policy was carried out on 28 September 2007. The views of elected representatives on the policy matters were mixed and staff did stress that any increased level of service would require additional funding.
6. As part of this review external consultant Montgomery Watson Harza (MWH) was commissioned to report on the cost implications of changing the level of service associated with the footpath re-surfacing programme. "Where there is a footpath on only one side of the road the current level of service is to only resurface driveways on the footpath side of the road. The driveways on the opposite side of the road do not get resurfaced."
7. In this review the footpath resurfacing programme 2008/09 excluding the rural area was used to estimate the additional funding required to resurface driveways on the opposite side where there are no footpaths. An estimated cost of \$250,000 was attributed to resurfacing of these vehicle crossings. No cost estimates were made for pipes, culverts, bridges and retaining walls replacements. The 2008/09 programme has no footpath resurfacing work programmed along the frontages of properties adjacent to waterways or in the older hill areas where long vehicle entrances are frequently encountered on legal roads.
8. There are a number of property accesses across waterways and the existing structures e.g. pipes, culverts, or bridges that will require some maintenance works or their replacements prior to resurfacing and likewise for hill properties' accesses with retaining structures within the road reserve. It is estimated that at least \$150,000 per annum will be required for upgrading these structures.
9. If there is a change to the existing policy that includes resurfacing of all vehicle entrances on legal roads there will be a need to increase the current resurfacing budget. The current resurfacing budget to resurface approximately 90km of footpath annually is \$4.45M and this would need to be increased by \$400,000 per annum.

**ATTACHMENT 1 TO CLAUSE 8 Cont'd**

10. For any change to the existing policy there will also be a need to review the current footpath operational maintenance budget of \$1.45M p.a. Currently it is estimated that \$500,000 of the \$1.45M is attributed to maintaining the vehicle crossings that formed the footpath network. If there is a change of policy to include resurfacing vehicle entrances as stated in paragraph 9 an increase of \$300,000 p.a. will be required for the maintenance budget. Currently these stand alone vehicle entrances i.e. without footpath adjacent to them are not considered to be the Council's infrastructural assets to maintain and hence are not included in the Council's asset register. Any change of policy will require these "new " assets to be identified. Depreciation cost for these assets will need to be included for any increase to the current level of service.
11. The change of service level without any increase in funding will lead to a decreased level of service increasing the current resurfacing cycle from 23 years to approximately 26 years and this option is not supported by staff.
12. The current policy has satisfied the majority of the city residents. However, from time to time staff do receive some complaints from residents, but by and large the majority of them reluctantly accept the staff's explanation of the policy.
13. It must be noted that if the change of policy was agreed there will be a significant change to the management of this section of the Council's asset. The safe use of the entrances over waterways and supports to driveways will become the Council's responsibility. The management of these new assets will be complex, in particular the responsibility of structural integrity of timber bridges across waterways, 'dry rock 'walls supporting driveways on legal roads. There will also be a need to review staff resources to manage these structures.
14. The responsibility of maintaining vehicle entrances on legal roads has always been a contentious issue and it is for this reason that the Council formally adopted its practice as policy in 2001.
15. Any change of policy will potentially generate additional requests to maintain vehicle entrances from residents residing on roads that have no footpath.
16. In the consultant's review it included a survey of five other councils' policies and the findings were:
  - (a) Waimakariri, North Shore and Wellington Councils have similar policies as Christchurch's existing policies.
  - (b) Napier has a policy to maintain driveways on legal roads for visual appearance.
  - (c) Auckland City Council is replacing asphaltic concrete footpaths with exposed aggregate concrete and will be replacing the old driveways to achieve uniformity.
17. It must be noted that any change of the present policy will require changes to both Operation and Capital Works budget for footpath resurfacing. Without appropriate budgets staff will not be able to deliver the change of level of service required.

**FINANCIAL IMPLICATIONS**

18. If the Council is to increase the current level of service to include resurfacing of all vehicle entrances on legal roads there will be a need to increase the annual capital budget for footpath resurfacing of \$4.45M by \$400,000 and the footpath maintenance of \$1.45M by \$300,000 and provide for additional depreciation costs of \$200,000.

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

19. The projected increased costs for the change of the current footpath resurfacing policy to include resurfacing of all vehicle entrances on legal roads have been included in the aspiration list in the LTCCP process.



**ATTACHMENT 1 TO CLAUSE 8 Cont'd**

**LEGAL CONSIDERATIONS**

20. The Council received the following legal opinion in 1975:

“The Council has no legal obligation to maintain the surface of the access track any more that it has an obligation to maintain any other part of the public highway.”

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

21. Yes.

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

22. This review is to consider the change of level of service.

**Do the recommendations align with the Council's strategies?**

23. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council confirm the existing Footpath Policy.











































