

AKAROA-WAIREWA COMMUNITY BOARD AGENDA

WEDNESDAY 11 MARCH 2009

AT 9:30 AM

**IN THE BOARD ROOM OF THE
AKAROA SERVICE CENTRE,
78 RUE LAVAUD, AKAROA**

Community Board: Stewart Miller (Chairman), Bryan Morgan (Deputy Chairman), Jane Chetwynd, Claudia Reid, Pam Richardson and Eric Ryder

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PART A - MATTERS REQUIRING A COUNCIL DECISION
PART B - REPORTS FOR INFORMATION
PART C - DELEGATED DECISIONS

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1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES – 11 FEBRUARY 2009**

2.1 **JOINT EXTRAORDINARY MEETING - 29 JANUARY 2009**

The minutes of the Akaroa-Wairewa and Lyttelton-Mt. Herbert Community Boards Joint Extraordinary meeting of 29 January 2009 are **attached**.

STAFF RECOMMENDATION

That the minutes of the Boards' extraordinary meeting be confirmed.

11.03.09

**AKAROA/WAIREWA COMMUNITY BOARD
LYTTELTON/MT HERBERT COMMUNITY BOARD
JOINT EXTRAORDINARY MEETING**

29 JANUARY 2009

**Minutes of the extraordinary joint meeting of the
Akaroa/Wairewa Community Board and Lyttelton/Mt Herbert Community Board
held on Thursday 29 January 2009 at 9.30am
in the Boardroom of the Little River Service Centre, Little River.**

PRESENT: Paula Smith (Chairperson), Stewart Miller, Jeremy Agar, Jane Chetwynd, Doug Couch, Ann Jolliffe, Dawn Kottier, Claudia Reid and Pam Richardson.

APOLOGIES: An apology for absence was received and accepted from Bryan Morgan. An apology for early departure was received and accepted from Claudia Reid who retired at 11:59am and was absent for Clause 4.

The Board reports that:

PART B - REPORTS FOR INFORMATION

1. DEPUTATIONS BY APPOINTMENT

1.1 Ms Lynda Wallace

Ms Wallace, the Akaroa Museum Director, addressed the meeting regarding the signage report and her concern to the proposal to re-brand State Highway 75 as the French Highway. She felt there was no French influence along the highway from Christchurch to Akaroa. In the town, although the street names resembled a French town, this was actually not the case. She said Akaroa was a typically New Zealand small town with colonial buildings. Ms Wallace said that often French visitors were disappointed because they expected the township to be a French settlement because it was promoted as such. She said the smallness, isolation and landscape features were what should be highlighted to promote Akaroa.

1.2 Ms Victoria Andrews - Akaroa Civic Trust

Ms Andrews, on behalf of the Akaroa Civic Trust, also addressed the meeting regarding the re-branding of State Highway 75 as the French Highway and felt it was misrepresenting the history of the region to both residents and visitors. Ms Andrews tabled a letter from the Akaroa Civic Trust which itemised the concerns of the Trust in relation to the signage proposal report.

1.3 Mr Steve Lowndes

Mr Lowndes reiterated the comments of Ms Wallace and Ms Andrews with regards to the proposal that State Highway 75 be re-branded as the French Highway and did not agree with this proposal.

1.4 Mr Sheldon Ramer

An email from Mr Ramer, Chairman of the Purau Residents Association was read to the Boards. It stated that the association had not been asked to comment on the signage in the Purau area and wished to be included in any consultation that affected them.

Mr Ramer said that for some time they had wanted the "Heritage Trail" signage removed from its beachside location because it made no reference to Purau and was generally considered an eyesore. This sign had appeared suddenly one day without any consultation.

1 Cont'd

Members were informed that this sign had been placed there as part of a project initiated by the Lyttelton Information Centre.

PART C - DELEGATED DECISION**2. APPOINTMENT OF MEETING CHAIRPERSON**

Paula Smith was appointed Chairperson for this meeting.

3. BANKS PENINSULA - SIGNAGE REPORT

The Boards considered a report seeking approval for the location and priorities, within available funding, for interpretation tourist signage for Banks Peninsula.

Mr Rod Lawrence and Ms Juanita Friend, Christchurch and Canterbury Tourism (CCT), addressed the meeting. Mr Lawrence outlined to the Boards what consultation had been carried out. He said visitors were not specifically surveyed. However, he had spoken to Information Centre staff who received feed back from visitors. Mr Lawrence informed members that the idea to rebrand State Highway 75 as the French Highway had been identified through CCT. Mr Lawrence said it had the potential to further promote Akaroa.

The Capital Project Team's Manager explained to the Boards the background as to how this project had originated.

Members expressed their concerns that the original intent for this funding, under the former Banks Peninsula District Council, was for visitor interpretation signage. It was also intended that total signage actually be reduced, but that it be more effective. A "Banks Peninsula" theme had been suggested for the signage.

The Boards agreed that the re-branding of State Highway 75 to "The French Highway" was inappropriate and they did not favour this proposal.

Points raised by the Boards were:

- Consultation with the local Rūnanga should take place
- More consultation required with specific groups, e.g. Summit Road Groups etc., although coordinator should not actively seek additional signage requests.
- Proliferation of signs - the original idea was to reduce signs
- "No petrol" signs - necessary to advise visitors when visiting in Lyttelton Harbour
- Consideration be given to domestic (local) visitors as signs should assist all visitors
- Intersections like the Cabstand require good signage
- Costs only estimates - resource consents may be required for some signage
- Private signs have been included in report
- "Heritage Highway" - this needs to be defined
- Clarification of what is an Interpretation panel - what information is included?
- More communication required with non commercial organisations
- Should focus more on Banks Peninsula signage
- Bi-lingual signage suggested - ie English and Maori place names
- Need to link Banks Peninsula signage with Christchurch signage
- More emphasis should be placed on smaller attractions – e.g. local museums, historic sites
- All entry points to the Peninsula should have information signage, not just Little River.

The Boards felt that signage was required to identify areas (roads) where it was not suitable to take camper vans because of the safety issues involved. It was agreed that staff be asked to look into the practicalities of such signs being erected in the appropriate locations and to update the Board's on the outcome of their request.

3 Cont'd

It was suggested that instead of signage stating "No camping", as some currently did, it may be better to have signs directing camper vans to where they could camp and that each community could identify what would be required on such signage. It was felt however that enforcement monitoring would be required. The Boards agreed that the issue on camper van signage needed to be addressed as a separate issue. Staff were asked to bring this issue back to the Board's at a future date.

The Boards **resolved** to defer a decision on this matter and request that staff re-examine the project based on the following principles:

- Emphasis on visitors needs rather than marketing
- Avoidance of a proliferation of signs
- No public money is to be used for commercial signage
- A signage system that is recognisable as "Banks Peninsula"
- Signage is classified in three categories;
 - visitor information
 - directional signage
 - interpretive (explanatory) signage
- Consideration of the needs of the different types of visitors travelling within Banks Peninsula
- Additional dialogue with bodies such as the New Zealand Transport Agency and local Rūnanga
- A link between Banks Peninsula signage and Christchurch signage.

The Boards asked that more realistic costings for the proposed signage be included in the revised report, in addition to an analysis of the current visitor signage.

The Board also requested that a joint Board workshop be held to consider signage and that Mr Rod Lawrence and a representative from CCT be invited to attend.

4. REPRESENTATION REVIEW

The Boards discussed their submission to the Representation Review. The Boards agreed that the status quo remain and agreed that the Chairperson draft a submission following the lines of the previous one submitted in November 2008, and that the draft be circulated to members for comment.

The Boards **resolved** to make a submission to the Christchurch City Council Representation Review process based on seven specific points:

- Effective Representation
- Isolated Community
- Natural Geographic Boundary
- Urban versus Rural Issues
- Banks Peninsula Rūnanga
- Resource Management
- Separate Authority Areas.

The meeting concluded at 12:20pm.

CONFIRMED THIS 17TH DAY OF MARCH 2009

**PAULA SMITH
CHAIRPERSON**

CONFIRMED THIS 11TH DAY OF MARCH 2009

**STEWART MILLER
CHAIRMAN**

11.03.09

2.2 ORDINARY MEETING - 11 FEBRUARY 2009

The minutes of the Board's ordinary meeting of 11 February 2009 are **attached**.

STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting be confirmed.

11.03.09
AKAROA/WAIREWA COMMUNITY BOARD
11 FEBRUARY 2009

**Minutes of a meeting of the Akaroa-Wairewa Community Board
held on Wednesday 11 February 2009 at 9.30am in the Board Room,
Little River Service Centre, State Highway 75, Little River**

PRESENT: Stewart Miller (Chairman), Jane Chetwynd, Bryan Morgan, Claudia Reid, and Eric Ryder

APOLOGIES: An apology for absence was received and accepted from Pam Richardson. An apology for early departure was received and accepted from Bryan Morgan who retired at 10:30am and was absent for clauses 4.3, 4.4 and 5.

PART B - REPORTS FOR INFORMATION

1. DEPUTATIONS BY APPOINTMENT

1.1 Mr Murray Thacker

Mr Thacker addressed the Board regarding his request to have the formed road in Okains Bay currently named Back Road but referred to as *Coffins Lane*, officially named Coffins Lane. He advised members that the lane had been referred to locally as Coffins Lane for many years. Mr Thacker also advised that a portion of this road was grazed, at which time a gate was placed at one end and it was fenced off at the other. He said he felt the road should not be closed as it was an access road in case of emergencies. It was also used for recreational purposes and for stock droving. Mr Thacker asked that it remain permanently open.

The Board supported the formal naming of the lane to Coffins Lane provided there was local support for that name. Members felt that the grazing of the road had its benefits and suggested that gates could be installed at either end for easy access, instead of it being fenced. The Board agreed that limited grazing should be permitted because this would help retain a roadway and reduce the fire risk from long grass.

2. CORRESPONDENCE

2.1 Mr Murray Thacker

Mr Thacker's letter requesting that the formed road in Okains Bay referred to as Coffins Lane, be formally re-named and that it remain permanently open, was dealt with under deputations.

The Board **received** the correspondence and asked that it, along with the remarks of the Board, be referred to staff for comment.

3. DUVAUCHELLE RESERVES MANAGEMENT COMMITTEE MINUTES - 8 DECEMBER 2008

The Board **received** the minutes of the Duvauchelle Reserve Management Committee meeting held on 8 December 2008.

4. COMMUNITY BOARD ADVISER'S UPDATE

The Community Board Adviser updated the Board on a number of issues:

4 Cont'd

4.1 Current Consultations

- Statement of Proposal for Funding Council's Social Housing Portfolio

The Board **decided** to make a brief submission to the proposal, based on the following comments:

- that the Government should assist with funding of social housing as had occurred in other cities in New Zealand such as Wellington and Auckland.
- that the Board did not support the funding of social housing from rates
- that the proposed increase to social housing rentals should assist with maintenance of these assets

- Proposed Alcohol Restrictions in Public Places Bylaw 2009

Members were informed that the lower part of Stanley Park had been added to the Akaroa New Years Eve restricted area, as included in the proposed bylaw. The Board was also informed that the New Year's Eve liquor ban would not require advertising as it would now be covered under this Bylaw.

The Board supported the Bylaw, as proposed and **decided** to make a submission in that respect.

- Draft Water Supply Strategy

Members were advised that this document highlighted the value of water. The Board noted that Banks Peninsula did not have an over abundance of water and that all options for the retention and conservation of water should be pursued. The Board commented on the following:

- water holding tanks should be part of the building consent process in Banks Peninsula
- water supplies should all be restricted
- rainwater storage should be encouraged or even mandatory, especially for new buildings

Members **decided** that a submission from the Board be made to the Draft Water Supply Strategy, incorporating the comments made.

4.2 Board Funding Balances

It was flagged by a Board member that a community group would probably be seeking funding for a concept plan for landscaping the Okana riverbank from Pa Road to the Little River Hotel.

4.3 Strengthening Community Fund – the Board requested that staff submit an application for the cost of ANZAC Day Services

4.4 Le Race - Road Closure

A map showing the proposed road closure for Le Race and a draft copy of the advertisement for the road closure were tabled for members comments. It was noted that there were anomalies between the words in the advertisement and the map.

The Board had concerns about how emergency services and heavy traffic would be accommodated under the plan and asked that staff arrange a meeting of interested parties – e.g. police, medical services, fire services and previous objectors to be held on Thursday 26 February 2009.

5. ELECTED MEMBERS INFORMATION EXCHANGE

Members shared information on current issues and activities, including:

- Rue Jolie Cottage - members were advised that staff were dealing with this issue
- Walnut Lane – Staff were requested to follow up on the request for maintenance of the lane.
- Church Street - Resealing - The Board asked for staff comment as to why the resealing of Church Street was causing problems. Staff were also asked to speak to the contractor regarding the time of day the gritting of the road was being carried out.
- Council Use of Local Contractors - the Board felt that this issue should be addressed under the LTCCP process and the expected level of service clearly indicated.
- Capital Programme - The Board was informed that following the finalising of the capital programme a list of the projects will be given to the Board.
- Community Services Awards - nominations to be considered at an ordinary meeting of the Board. Staff were asked to obtain a timetable for these awards from the Community Engagement Adviser.
- Okains Bay Water Supply - An analysis report on the Okains Bay water supply was tabled for members' information. Staff had indicated that further background information could be provided to the Board if required.
- Rural Fire Parties - it was questioned whether the rural fire parties on Banks Peninsula were receiving the support needed from Council, particularly because of the current extremely dry conditions.
- Garden of Tane - Staff were asked to provide the Friends of the Akaroa Museum a copy of the Management Plan for the Garden of Tane.

PART C - DELEGATED DECISIONS

6. CONFIRMATION OF MINUTES

The Board **resolved** that the minutes of the ordinary meeting held on Thursday 18 December 2008 be confirmed.

7. AKAROA DESIGN AND APPEARANCE ADVISORY COMMITTEE MINUTES - 8 DECEMBER 2008

The Board considered the minutes of the Akaroa Design and Appearance Advisory Committee. Members were informed that a report on the draft Terms of Reference would be presented to the Board at its March meeting

The Board **received** the minutes of the Akaroa Design and Appearance Advisory Committee meeting held on 8 December 2008.

8. APPLICATION TO DISCRETIONARY RESPONSE FUND

The Board considered a report for financial assistance from the Board's Discretionary Response Fund to enable Project Lyttelton to undertake a *Vegetable Growing Throughout the Year* project to be held in Little River. The funds would be used towards tutor costs for an adult education class in growing organic vegetables.

The Board asked that staff investigate the possibility of Council land being available that could be utilised as a community garden to be used in conjunction with this programme.

The Board **resolved** to allocate \$520.00 from its Discretionary Response Fund towards tutor costs in providing a *Vegetable Gardening Throughout the Year* course in Little River.

The meeting concluded at 11:50am

CONFIRMED THIS 11TH DAY OF MARCH 2009

**STEWART MILLER
CHAIRMAN**

3. DEPUTATIONS BY APPOINTMENT

3.1 POLICE REPORT

A representative from the Akaroa Police has been invited to attend the meeting.

4. PRESENTATION OF PETITIONS

5. NOTICES OF MOTION

6. CORRESPONDENCE

7. AKAROA HARBOUR ISSUES WORKING PARTY MINUTES - 10 FEBRUARY 2009



Present: Derek Cox (DoC), John Roe, Pam Richardson, Cr Eugenie Sage (ECan), Bob Ayrey, Jim Ritchie, John McIlroy, Graeme Smith, Mike Bourke (CCC), Sarah Edwards (ECan).

Chair: Pam Richardson

The meeting started at 6:40 pm.

1. **Welcome:** Pam Richardson welcomed everyone.
2. **Apologies:** Bruce Clement, Bill Woods, Tony Whiteley, Ted Robinson, Jan Cook, Emma Kallqvist.

Pam Richardson moved that the apologies be accepted; carried by all.

3. **Minutes from last meeting (November)**

Alan Grove had requested that four changes be made to the minutes on the presentation on the old school site subdivision. Sarah Edwards read these out:

(page 3) With regards to the use of rainwater for toilet flushing, although Alan doesn't think toilet flushing will be a very popular option (due to reliability issues) he is happy to explore the possibility.

(page 3) It's the material type and finish rather than the paint that will be restricted (ie *all roofs shall be constructed with non metallic materials or metal with non metallic coatings that minimise loss of zinc in roof run off*). There is a specific condition in the CCC resource consent.

(page 4) Alan believes the use of flocculants is an extra item over and above the norm but isn't sure of this.

(page 4) With regards to development of individual lots, the consent defines site construction as *all bulk earthworks associated with the construction of the subdivision (including siteworks for Lot 11)*, (the townhouse site). Other sites will need to address issues of run off in their building consents although the developers are making it a condition of their plan approvals as well as a double check measure.

Also, Jane Chetwyn's name had been spelt incorrectly and Cr Sage's apologies had not been recorded.

Pam R moved that these changes be accepted; carried by all.

4. **Business/ Tasks arising from last meeting**

(a) **Round up on Duvauchelle Show & combined meeting**

Bruce Clement, John Roe, Jim Ritchie, Pam Richardson, Sarah Edwards and Lesley Bolton-Ritchie all helped out at the Duvauchelle Show. This year the AHWP stand was

positioned near the Banks Peninsula Conservation Trust, a much better location than in previous years. There was a lot of interest in the display.

Those who helped out were thanked, especially Pam R for organising the location. It was agreed that the group should start to think about what to do for next year's show.

The combined meeting with the Lyttelton group was also successful. Pam R thanked Sarah E, Jenny Bond and Shelley Washington for their overview of the groups' activities over the last year. The PowerPoint they used is available from Environment Canterbury: if anyone would like a copy contact Sarah or Jenny on (03) 365-3828.

(b) Update on boating issues

Sarah E arranged for 2000 copies of the boating safety leaflet to be printed and sent to Bruce Clement; they were then distributed to harbour users by Derek Cox and others over the holiday period. Derek plans to hand them out over the Easter period too. Members of the group agreed that the leaflets had been useful.

Sarah E said that Bruce had told her that he has written to the harbourmaster about putting a ski lane in Broughs bay.

Tony Whiteley was unable to attend this meeting as he had a prior commitment. Pam R noted that she would really like to hear from Tony about safety issues in the harbour. She had heard someone remark that boating behaviour had been very dangerous of late and that it was surprising there hadn't been an accident.

ACTION: Sarah E will invite Tony Whiteley to come to the next meeting and give a short talk on boating behaviour in Akaroa Harbour over the summer.

(c) Update on Ngai Tahu development – Sarah Edwards

At the last meeting Ngai Tahu Property Ltd had told the group about their plans to develop the old school site. Sarah E had since checked up on the resource consent ECan had issued in order to find out what the protocols are for the on-site monitoring of stormwater during and after development. If anyone would like to view the conditions attached to this consent for themselves it is available on the ECan website. Just go to <http://www.ecan.govt.nz/Resource+Consents/Consent+Search/> and type in the consent number CRC082570. Alternatively, contact Customer Services (0800 324636) to request a hard copy.

Just to clarify: "during development" has been defined on the consent. It refers to the period during which Ngai Tahu Property Ltd will carry out all earthworks associated with building the townhouses (on lot 11) and preparing individual sections to be sold.

The developer is responsible for monitoring discharges from the site during development. Alan Grove had mentioned what he is required to do at the last meeting; more details can be found in the conditions on the resource consent. ECan will carry out random checks and respond to any complaints from the public (which should be made by calling the Pollution Hotline on 0800 76 55 88).

A certificate of compliance has been issued for the completed subdivision i.e. the completion of the townhouses plus the preparation of sections for sale to individuals. ECan therefore has no plans to monitor the site during this stage of the development. However, individual developers will have to apply (to CCC) for a building consent to develop their section and this will require appropriate erosion and sediment control measures. CCC would be responsible for monitoring the site during this stage of the development. ECan would only get involved if there was a large-scale problem.

Questions/Comments

Jim Ritchie commented that the development site is in a prominent location so it should be fairly noticeable if there's a problem.

Pam R commented that she had seen real estate advertisements for the development and asked if there had been an open day yet. Members of the group thought it had been last Sunday.

Sarah E asked Mike Bourke about Alan Grove's comment that Ngai Tahu Property Ltd would be checking on the erosion and sediment control plans for individual sites. Mike explained that Ngai Tahu would have no influence at the time when individual building consents were applied for as this is the responsibility of CCC. However, they could put conditions on the covenant - these would be available for people to look at once the individual titles are issued. Pam R commented that the group should plan to look at the covenants.

(d) DoC update – Derek Cox

Harbour use over the busy summer months

Derek has spent many hours out in the harbour over the summer. He commented that there has been a noticeable change in the water users: whereas many of them used to be fishing, this year this only makes up about 20% of people on the water. The rest are picnicking on the beaches, swimming, jet skiing, etc. There are a lot of people jet skiing but most of them are well behaved, buzzing around away from the shore. However, a few have been seen chasing dolphins.

People are often very well behaved around dolphins but this has led to a new problem. The current requirement is that no more than three boats should go near a pod of dolphins and the swim with dolphin tour operators are restricted by their permit conditions to the number and length of time they can be in contact with a pod of dolphins. However, there are times when it isn't really necessary to enforce these limits. Questions were raised as to whether the Marine Protection Act or the Navigation Safety Bylaws need to be changed to allow for this; the group decided that Tony Whiteley should be asked about this.

ACTION: Sarah E will ask Tony Whiteley to discuss this issue at the next meeting.

Still on the topic of dolphins, there are emerging problems related to tourist impacts as the dolphins are spending a lot of time around people. Derek is aware of a study being done at the moment on this topic. John McIlroy also raised the point that this matter had been considered extensively in Australia. The group may look at inviting a specialist to come and talk about dolphin behaviour in future, possibly as a public meeting open to all in the area.

Marine Reserve

There were three recent incidents involving the Marine Reserve:

- Someone had dropped a craypot in it;
- A French couple had taken mussels from it. DoC have issued them with a warning letter but are unlikely to take the matter further due to a lack of evidence;
- Ngai Tahu took offence to the wording of a recent newspaper article but DoC is currently working through this issue. The Department can't be for or against the reserve, it has to sit on the fence until the Minister of Conservation makes a decision on submissions; this won't happen until June.

(Just to clarify: public consultation on the Reserve has been completed and the last call for submissions was in 2006. DoC is still talking with local Runanga though.)

Paua will be taken for research purposes in March/April. Derek also heard today that there will be some crayfish potting and diving carried out in March/April so as to compare how they're doing inside vs. outside the reserve. This would involve catch and release and possible tagging.

The department is looking at putting 3 buoys in the marine reserve. One of these would have a map on it to mark the reserve.

Questions/Comments

The group was very appreciative of all the work Derek does in the harbour and wondered if this should be communicated to Derek's managers.

ACTION: Pam R will write a letter to Brian Jenson (area manager) and Mike Cuddihy (regional conservator) to say how much the AHIWP appreciates the time and effort Derek puts into keeping an eye on activities in the harbour and informing the group about any relevant issues.

(e) CCC update – Mike Bourke

Portaloo at Sandy Bay: this appears to be operating properly and will remain in place until after Easter. There is a tank with it that can be pumped out separately.

Wastewater issues: There was recently a report of a plume out in the harbour. This was not from the sewage plant; instead it's thought to have come from a boat. John M was aware of this incident. He told the group it had happened out by Red Point.

On 16th January there was a power failure at the Glen pumping station. The alarm system also failed, meaning that a small amount of sewage was discharged to the sea. CCC took samples and found (Enterococci) levels to be normal for the first few days but slightly elevated on the fourth and fifth days (though not at the trigger level). CCC erected signs in relevant places to warn people against swimming. These remained until the sample results were clear.

John M raised concerns about the signage that had been erected. They were in the correct places and gave a clear message; however, many people were still swimming in the water because it was such a hot day.

John M also felt that as a water sampler for that area he should have received detailed information about the situation as soon as possible. Instead he had heard about it from a neighbour and then contacted Sarah E at ECan to find out what was happening. Sarah had also been unaware of the situation and had to contact the CCC service centre in Akaroa to find out more details. Apparently ECan had been informed, but this had not been passed on to the Resource Care section.

ACTION: Sarah E will talk to Vikki Wilmore and find out who is contacted in these situations. Sarah will ask for the relevant Resource Care co-ordinator to be contacted in future so that water samplers can be informed.

Mike B had a meeting with Wainui residents between Christmas and New Year to discuss wastewater issues. There was a good turn-out with about 60 people attending. A surprising outcome of this meeting was that it was obvious that something really needs to be done in Wainui - only half of the people at the meeting indicated that they had septic tanks so a lot of sewage is obviously being discharged directly to the surrounding environment.

Questions/Comments

John M told the group that he had heard there was a sign out in Robinsons Bay saying 'Pollution, Do Not Swim'. He didn't know what this sign was referring to as no testing is done here any more. The group decided that it was likely to be an old sign.

Three-Water strategy: The working party will have another meeting in Akaroa in a couple of weeks' time. The group needs to come up with a couple of options to take to the Council.

Shellfish signage: There are new signs up at Green Point but John McIlroy commented that the one needed near the rocky outcrop isn't quite in the right place. John has been rung twice about where to put the sign but hasn't actually been out to show anyone where to put it – hopefully this will happen soon.

John also told the group that Liz Mars recently saw a group of 15-20 Asians clearing the rocks of shellfish.

Pam R commented that these matters show how important the link is between ECan, CCC and the community.

Taps on boat ramps

This issue had been raised at the combined meeting; Helen Sinclair (CCC Resource Consent Compliance Co-ordinator) had since found out the following information and passed it on to Sarah E:

The City Council removed the hoses at the beginning of summer, boat owners are bringing their own, so unfortunately this has not solved the problem. In the past the Water and Wastewater Unit has completely removed the taps. This has resulted in upset residents on the other side of the issue, and we were instructed to put the taps back on. Recently we have researched the possibility of getting a hand pump tap (which will prevent the tap being left on to run) however there does not appear to be an adequate product on the market for this.

After much discussion on the subject, ultimately the Water and Wastewater Unit would preferably limit the water at these taps, but as mentioned it is not as simple as this. I am currently speaking with the Transport and Greenspace Unit (who is responsible for providing the space and boat wash down area) to reach a conclusion. I am proposing we take the taps away in the summer months with a sign informing the boat washers the reasons for this. I am not sure how this will sit with the Greenspace Unit. The minimum that will happen is there will be some educational signs erected by the taps.

Long term solutions for water supply in the Banks Peninsula are currently being looked into. The possibility of recycling water for outside washing etc is one of these options. Watch this space, there is a whole team working on the different water supply solutions.

The group sees this as a big problem. Questions were raised as to why a coin-operated machine couldn't be installed instead, although it was acknowledged this could lead to theft/vandalism issues.

ACTION: Pam R will bring this matter up at the Community Board meeting on 11th February.

Other CCC matters

Mike B told the group that there was a lot of interest in dolphins so he was going to try to arrange a talk.

The water supply in Akaroa is again tight. The average stream flow was 20 litres/second earlier in the summer but has since dropped through 10 to below 5 litres/second. Bob Ayrey raised the point that the situation is different in Takamatua – the water supply there is not so tight, even though it often gets lumped together with Akaroa. Mike B acknowledged this; Pam R pointed out that other studies (including the settlement study) keep Akaroa and Takamatua separated.

(f) ECan update – Sarah Edwards

Summer sampling: Sarah E apologised for not giving samplers plastic bags for their comment sheets at the beginning of the sampling season. She has sent out bags to everyone now; if anyone hasn't received theirs or needs more they should contact her. Everything seems to be going pretty smoothly otherwise. Thanks to everyone for their efforts.

Living streams: This is a programme run by the Resource Care section of ECan that aims to maintain and improve the health of waterways. Up until now Resource Care staff have chosen which waterways become part of the programme but this is set to change. Anyone can now apply: application forms should be submitted by 31st March 2009. If accepted, new projects will be supported for up to five years. New streams will be considered every year. For more information people should contact either Jenny Bond (03 3639348) or Shelley Washington (03 3649878) in Resource Care.

The group discussed whether or not it should consider applying to the programme and if so which stream to pick as there are so many in the harbour catchment. Sarah E pointed out that the Wainui stream was already a Living Stream and may well remain as one. The group decided that it would be best not to rush an application this year but maybe to consider something for next year. Something may well happen as a result of the Stream Day anyway.

ACTION: Pam R will bring this matter up at the next Community Board meeting. Pam and Sarah will invite members of the Wainui Living Streams group to the stream day in Duvauchelle.

Stream Day

Sarah E thanked Pam for all her efforts in helping to organise this. A planning meeting was held in Tai Tapu 19.12.08 to discuss the overall structure of day. We decided to hold it on Friday 27th Feb at the Duvauchelle Showgrounds using Pawsons Valley stream. Representatives from CCC, DcC, Waterwatch and ECan will attend and be involved in the activities on the day.

An article and advert will be in the next edition of the Akaroa Mail to publicise the day. Pam has been inviting local landowners. All members of this group are invited to attend, just let Sarah know if you'll be able to make it as numbers are limited. Students/ teachers/ parents from the Duvauchelle school will also be coming to the day.

Draft report

This was handed out to volunteers at the combined meeting. The format has been completely changed to mirror a similar report done on the Lyttelton Harbour. We had a brief meeting today to go through the changes still needed; many thanks to Bob Ayrey, John Roe, Derek Cox, Pam Richardson and Bruce Clement for their time and efforts. The final version of the report will be completed very soon.

Website

This was brought up at the combined meeting: would the AHIWP like a presence on the ECan website? Something could be organised along the lines of the format for the Living Streams section. After some discussion, the group decided that if something easily accessible could be organised at a low cost it would be worthwhile. It could be used to keep short summaries of pamphlets and publications relevant to the group; also to keep members informed of relevant issues and to provide links to information.

ACTION: Sarah/Jenny will look into the possibility of setting up a website and report back to the group at the next meeting.

5. **General Business**

Stormwater

Jim Ritchie informed the group that Fulton Hogan has been awarded the contract for stormwater on the Tresta Holdings subdivision. He showed pictures of Seafield Road after a recent storm event: the road was completely flooded, showing that it can't cope with run-off even before any earthworks have begun. Cr Sage raised the point that ECan will be monitoring the site once works have begun.

Pam R told the group that Suky Thompson has done an interesting report on flooding as part of the Akaroa Harbour Settlements study. An electronic version can be accessed at <http://www.ccc.govt.nz/areaplans/akaroaharbourbasin/technicalreports/historicalfloodingresearchandmappingreportfull.pdf>

Pam R also noted that people should take responsibility for clearing culverts around their properties whenever possible.

John Roe raised concerns over the old stormwater culverts in Takamatua. They are not sufficient to deal with stormwater once the road has been tar sealed and should therefore be updated before any works take place.

ACTION: Mike Bourke will talk to Paul Dixon at CCC about this matter.

Fire Hydrants

Graeme Smith asked if new subdivisions are required to put in fire hydrants. There had been problems at Ngaio Point where water had to be transported from 3km away.

ACTION: Mike Bourke will find out what the requirements are and report back to the group at the next meeting.

Akaroa Harbour Settlements Study

Pam R spoke to the group about recent developments in this study. The consultative phase has been completed and everyone will receive some material about this soon: Pam urged everyone to read it carefully. There will be some drop-in days soon focusing on the options available, though whether or not these options are implemented will probably come down to how much money is available.

Draft Water Supply Strategy

Pam R spoke to the group about this report too. It mentions Banks Peninsula a lot, especially issues surrounding streams. For example, the use of Okains Bay stream as a water supply is based on a 'hand-shake' agreement. Mike B mentioned that there are hopes to improve the water quality of these streams in future.

ECan Long-Term Council Community Plan (LTCCP)

Cr Sage informed the group that the LTCCP will be out for submissions soon.

ECan 2008 Environment Report

Cr Sage informed the group that this has recently been published. Electronic versions are available on CD for free and a limited number of printed versions have been produced. It is a large report but contains a lot of valuable information. There is a chapter on the Coast, which may be of particular interest to this group. The release of this report has not been publicised particularly heavily; the group discussed whether or not it would be a good idea to hold a public meeting to inform interested locals about aspects of the report that are of relevance to this area.

ACTION: Sarah E will speak to Communications about the possibility of holding a public meeting with Ken Taylor/someone nominated by Ken. She will then e-mail as many people as possible from the AHIWP to let them know what could be arranged and a decision will be made after this.

6. **Next Meeting: Tuesday 24th March 2009**

In closing, Pam R thanked everyone for their hard work.

The meeting finished at 8:36pm

ENDS

**Notes from the Combined New Year Meeting - Lyttleton Harbour Issues Group and Akaroa Harbour Issues Working Party
Tuesday 27 January 2009, Duvauchelle Hotel, Duvauchelle – hosted by the AHIWP**

Notes taken by: Jenny Bond

Attendees:

Sir Kerry Burke (ECan) & Lady Burke,
Cr Eugenie Sage (ECan),
Ted Robinson,
Pam & Ian Richardson,
Jim & Joan Ritchie,
John & Noelene Roe,
Bruce & Bev Clement,
Keith Vogan,
John Clark,
Stewart Miller,
Lesley Bolton-Ritchie (Ecan),
Bob & Moira Ayrey,
Brian & Kathleen Reid,
Graeme Smith,
Emma Kallqvist (UC),
Ray & Valmai Adams,
Brian Porteous,
Claire Findlay,
Paul & Pat Pritchett,
Stan & Mrs Smith,
David Gregory,
Helen Chambers,
Bill Woods,
Paula Smith,
Helen Sinclair (CCC),
Shelley Washington (ECan),
Jenny Bond (ECan),
Sarah Edwards (ECan).

Apologies:

Cr Bob Kirk (ECan),
Mayor Bob Parker,
Cr Claudia Reid (CCC),
Tony Marryatt (CEO, CCC),
Jan Cook,
Geoff Carter,
Bob Meikle,
Duncan Bates,
Alizon Paterson (C&PH),
Angela Sheat (C&PH),
Mike Bourke (CCC),
Raewyn Stronach,
Kate Smith,
Richard Barnett,
John McIlroy,
John Thom,
Tony Whiteley,
Mike Day,
Colin McLeod,

Ann Joliffe,
Debbie Sheriff,
Deirdre Hart.

RSVP'd or tentative but not able to make it:

Bryan Jenkins (CEO, ECan)
Derek Cox
Paddy Stronach

The informal part of the meeting began at 6:30pm with socialising. The meeting proper began at 6:50pm with Sir Kerry Burke welcoming everyone and Jenny B outlining the programme for the evening.

Presentations on the groups' interests, activities and achievements over the past year were given by their respective facilitators, Shelley W and Jenny B and Sarah E with assistance from Lesley Bolton-Ritchie on the water quality sections. If you would like copies of these presentations please contact either Shelley or Jenny. Following the presentations there were questions, these are documented below:

Odour at Robinsons Bay

Joan Ritchie noted that Robinsons Bay often has a very bad odour much worse than Barrys and Duvauchelle Bays. It was suggested that the causes were decaying sea grass and Canada Geese and it was unlikely to be sea lettuce as none had been observed there this season. Currently nothing can be done to improve the odour because the smell appears to be coming from natural processes.

Undaria

It was noted by Helen Chambers that it is in Governors Bay. Ted Robinson AHIWP noted that Undaria appears stable in Akaroa. Paul Pritchett said it was likely that the piece of Undaria seen at Governors Bay had floated from a bay like Church Bay that has it every season, again like Akaroa it doesn't appear to be spreading or decreasing.

Marine Reserve

Graeme Smith raised a concern that if the Dan Rodgers Marine Reserve was to go ahead then it would push fishing out to beyond the heads. It was noted that a decision has still yet to be made about the marine reserve and it is hoped one will be made shortly.

Information about where to swim

Faimeh Burke asked if the information on where it was safe to swim was available on the internet and it is via ECan's website. Jenny informed group that the gradings are set annually by ECan in consultation with the local territorial authority and Community & Public Health using the Ministry for the Environment and Ministry of Health 2003 guidelines.

Website & minutes

It was noted that because the minutes of each groups' meeting are attached to those of the local community board that they are available online through the CCC website.

It was suggested that there be a web presence on ECan's website for each of the groups. Jenny noted that the Living Streams groups were all beginning to have a small presence on the website through the Resource Care pages and perhaps that could be the same for the AHIWP and LHIG.
Action: Shelley Washington & Sarah Edwards to put this topic on the agenda for next meeting of each group.

11.03.09

Save the water

Joan Ritchie said there has been number of comments from locals over the years about the quantity of water being used by boaties to wash down their boats in Akaroa & Duvauchelle in times when locals are on water strict restrictions. There were a number of suggestions made to reduce this consumption of water :

- Put a time limit on the water
- Charge for using the water
- In extreme water shortage times turn the water off

Action: *Helen Sinclair* from CCC committed to taking back to CCC the concerns and possible solutions raised by the group and getting back to the group by their next meeting on 10 Feb 2009.

The formal part of the meeting concluded at 7.40pm with Cr Eugenie Sage by highlighting the Canterbury Region Environmental Report encouraging people to get hold of a copy or read it on line and finished by thanking the ECan facilitators, CCC staff and the community for their volunteer efforts. The group were then served pie, peas and mash for dinner followed by pavlova etc and socialising continued with the last people leaving at 9.30pm. **ENDS**

STAFF RECOMMENDATION

That the Board receive the minutes of the Akaroa Harbour Issues Working Party meeting held on 10 February 2009.

8. **AKAROA DESIGN AND APPEARANCE ADVISORY COMMITTEE - 2 FEBRUARY 2009**

General Manager responsible:	Peter Mitchell, Regulation & Democracy Services
Officer responsible:	Kent Wilson, Planner, Environmental Policy and Approvals Unit
Author:	Liz Carter, Community Board Adviser

PURPOSE OF REPORT

The purpose of this report is to submit the outcomes of the Akaroa Design and Appearance Advisory Committee meeting held on Monday 2 February 2009.

The meeting was attended by Committee members Bryan Morgan (Deputy Chairman, Akaroa Wairewa Community Board), Eric Ryder, Victoria Andrews, John Davey and Peter Beaven.

Also in attendance were David Margetts and Janine Dunlop (Historic Places Trust), Kent Wilson, Simona Marra, Sharyn Brown (Planners), Brendan Smyth (Urban Design Architect) and Victoria Bliss (Heritage Conservation Projects Planner).

1. APOLOGIES

Apologies were received and accepted from Stewart Miller and Lynda Wallace and an apology for lateness (10:15am) from Peter Beaven.

2. APPOINTMENT OF CHAIRMAN

Bryan Morgan assumed the chair for this meeting.

3. REPORT OF PREVIOUS MEETING

The Committee **resolved** that the minutes of the Akaroa Design and Appearance Advisory Committee meeting held on 8 December 2008 be confirmed subject to the following alteration:

Page 4, Item 5.2 - first paragraph after bullet points - delete "approved" and insert "supported" Sentence to read "Members supported the plans as submitted taking into account the above recommendations."

4. PLANS TO CONSIDER**4.1 John Ryder - Two storied residential dwelling - 91 Beach Road**

The proposal to construct a new two storied residential dwelling at 91 Beach Road had previously been presented to the committee at its September and December meetings. The committee had made suggestions to the applicant at those meetings and asked that the plans be re-presented to this meeting for further comment.

Mr Huia Reriti, Director of Modern Architecture Partners and Mr Kerry Manson addressed the committee, outlining the proposal with a power point presentation, which compared the original design to the re-presented one. The previous suggestions from the committee had been taken into consideration.

It was pointed out to the committee that the boundary adjustment relating to the rear of this section has no legal bearing on this application.

The following items were clarified:

- the hedges would be retained
- the view of the dwelling from Bruce Terrace was less than 1½ metres above ground level and was therefore not considered an issue
- the garage doors would be below the road level and would be of considerable distance from the road so were not contrary to the District Plan
- chimney mass has been significantly reduced
- landscape design will be submitted to the next meeting of the committee

11.03.09

Members supported the revised plans as presented and the applicants were thanked for the effort they had gone to in redesigning the dwelling taking into account the committee's suggestions.

Mr Reriti and Mr Manson were thanked for their presentation, and left the meeting.

4.2 John Fairhall - Alterations to historic House - 7 Percy Street

Members discussed the following proposed alterations to the historic house situated at 7 Percy Street

- new openings in some walls between rooms
- removal of some internal walls in entirety in the north west corner of the house and new windows and pair of French doors in the same corner
- structural alterations (concealed) above kitchen and north west corner
- erection of new internal walls to form bathroom, laundry and library
- glass skylight panels to replace translucent fibreglass panels above veranda on southeast side of house

Mr Paul Kamstra, on behalf of the applicant, addressed the meeting.

Mr Margetts informed the committee that the Historic Places Trust would prefer that the chimneys be retained above and below the roof. He said the Trust had concerns at losing the fire places at floor level but felt to enable the project to work, which was to create a more liveable space, then a compromise was required. The Planner advised members that the applicants would be asked to identify where the fire places had existed, when the alterations were carried out.

Members agreed that to make the building viable for living in and to ensure the building is retained as a useful dwelling for the future, it was necessary for alterations to occur. Mr Margetts felt that although some mud brick walls would be replaced with weatherboard, the owner was attempting to retain some of the original structure. Windows would also be designed to suit the existing windows.

The Committee was informed that issues relating to site excavation and landscaping were to be dealt with at a later stage and would be brought back to the committee at that time.

The Committee supported the plans as submitted and Mr Kamstra was thanked for attending and left the meeting.

4.3 Jan Cook and David Brailsford, 19 Bruce Terrace - Two Dwellings

Ms Cook addressed the meeting and informed members that a pergola has been included on House Two as requested by the Historic Places Trust. Ms Cook also advised members that the suggestions made by the committee at its December meeting had been taken into account when re-designing the two dwellings.

Ms Cook informed members that the colour scheme for House Two would be Cement and Red Ochre. She also informed members that due to internal wall width, the garage was now slightly larger than shown on the original plan.

The committee supported the plans as submitted and thanked Ms Cook for attending the meeting.

5. COMMUNITY BOARD ADVISER'S UPDATE

5.1 Draft Terms of Reference

The Committee considered the Draft Terms of Reference for the Akaroa Design and Appearance Advisory Committee. Members were informed that the Draft Terms of Reference would be presented to the Akaroa Wairewa Community Board at its March meeting.

11.03.09

Ms Andrews advised that she wished to consult with the Board of the Akaroa Civic Trust on the draft before making comment on it.

The following points were noted:

- The Committee has delegation from the Akaroa Wairewa Community Board to make a decision on what comments it would make on any proposal.
- The criteria for elected members on the committee is covered under Standing Orders 2.9.2
- Under Clause 4 - Composition of Committee - it was suggested that the terminology of "one community representative" be revised
- Expressions of Interest be called for when filling the position of a community representative.

6. COMMITTEE MEMBERS EXCHANGE OF INFORMATION

6.2 Tweed Mill Development

The Planner updated members as to why the amended plans for the Tweed Mill development had not been resubmitted to the Committee for comment. He said the Planner at that time had viewed the changes to the elevations of the buildings as minor and consequently believed it was not necessary to take the matter back before the committee, particularly since the committee had no concerns about the overall form of the buildings.

The planner pointed out that in some circumstances where changes are not substantial, staff still had sole discretion on an application, bearing in mind that the Council has a duty to process consents in a timely fashion and generally within the timeframes stipulated by the Resource Management Act 1991.

The planner said staff would endeavour to ensure the committee saw changes to plans in the future when it was felt necessary.

6.3 Bank of New Zealand

Mr Margetts advised members that the new colour scheme for the Bank of New Zealand building was still being prepared. It was pointed out that the Akaroa Design and Appearance Advisory Committee had no control over maintenance issues relating to buildings and therefore it was not necessary for the colour scheme for the Bank of New Zealand building to be presented to this Committee.

- 6.4 **Cottage, 40 Rue Jolie** - this matter had been referred to staff to investigate - no update available.

The meeting closed at 11:49am.

STAFF RECOMMENDATION

That the Board receive the minutes of the Akaroa Design and Appearance Advisory Committee meeting held on 2 February 2009.

9. SEAFIELD ROAD, DUVAUCHELLE - PROPOSED P10 PARKING RESTRICTIONS AND NO STOPPING RESTRICTIONS

General Manager responsible:	General Manager City Environment, Jane Parfitt, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager, Alan Beuzenberg
Author:	Steve Dejong and Malcolm Taylor

PURPOSE OF REPORT

1. The purpose of this report is to seek the Akaroa/Wairewa Community Board's approval that a P10 Parking Restriction be installed on the north side of Seafield Road, above the Duvauchelle boat ramp and to formalise the existing No Stopping restrictions in the immediate area of the boat ramp.

EXECUTIVE SUMMARY

2. The Council has received a request from users of the boat ramp at Duvauchelle for a short term parking restriction to be installed above the launching/rigging area to allow them to sort their boat and gear out before descending to the launching area. Please refer to the attached plan.
3. The Duvauchelle boat ramp is a large well utilized launching facility. During the warmer months of the year, on weekends or public holidays, it is not uncommon for the line of parked vehicles associated with the boat ramp to extend from the ramp area along to the camping ground at the corner of Haywards Lane.
4. During these peak periods, the ramp and rigging area is often congested, as boat owners sort their boats and gear prior to launching. Those less organized hold up the process as they fiddle around down at the ramp/rigging area.
5. Presently, after launching, the early users of the boat ramp park their vehicles and trailers in the unrestricted parking directly at the top of the ramp along Seafield Road. The same vehicle can often stay there the whole day.
6. The proposed P10 Parking Restriction on Seafield Road will provide short term parking for boat ramp users to organize themselves and their gear before descending to the launching/rigging area, thus improving the efficiency of the facility during peak use periods. No consultation was undertaken as this parking restriction was requested by users of the facility.
7. While investigating the P10 request it was thought prudent to resolve the existing No Stopping restrictions in the immediate area of the launching site as we believe these were never formally resolved by the Board.

FINANCIAL IMPLICATIONS

8. The estimated cost of this work is approximately \$500.

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

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

LEGAL CONSIDERATIONS

10. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides Council with the authority to install parking restrictions by resolution.
11. The Community Boards have delegated authority from the Council to exercise the delegations as set out in the Register of Delegations dated December 2007. The list of delegations for the Community Boards includes the resolution of parking restrictions.
12. The installation of any parking restriction signs and/ or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

11.03.09

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 with 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.

CONSULTATION FULFILMENT

18. As the initial request was made by a group of boat ramp users, who approached the council ranger while he was visiting the site last summer, and the proposed parking restriction should benefit all ramp users, no further consultation was undertaken
19. The officer in Charge- Parking Enforcement agrees with this recommendation.

STAFF RECOMMENDATION

It is recommended that the Akaroa/Wairewa Community Board approve:

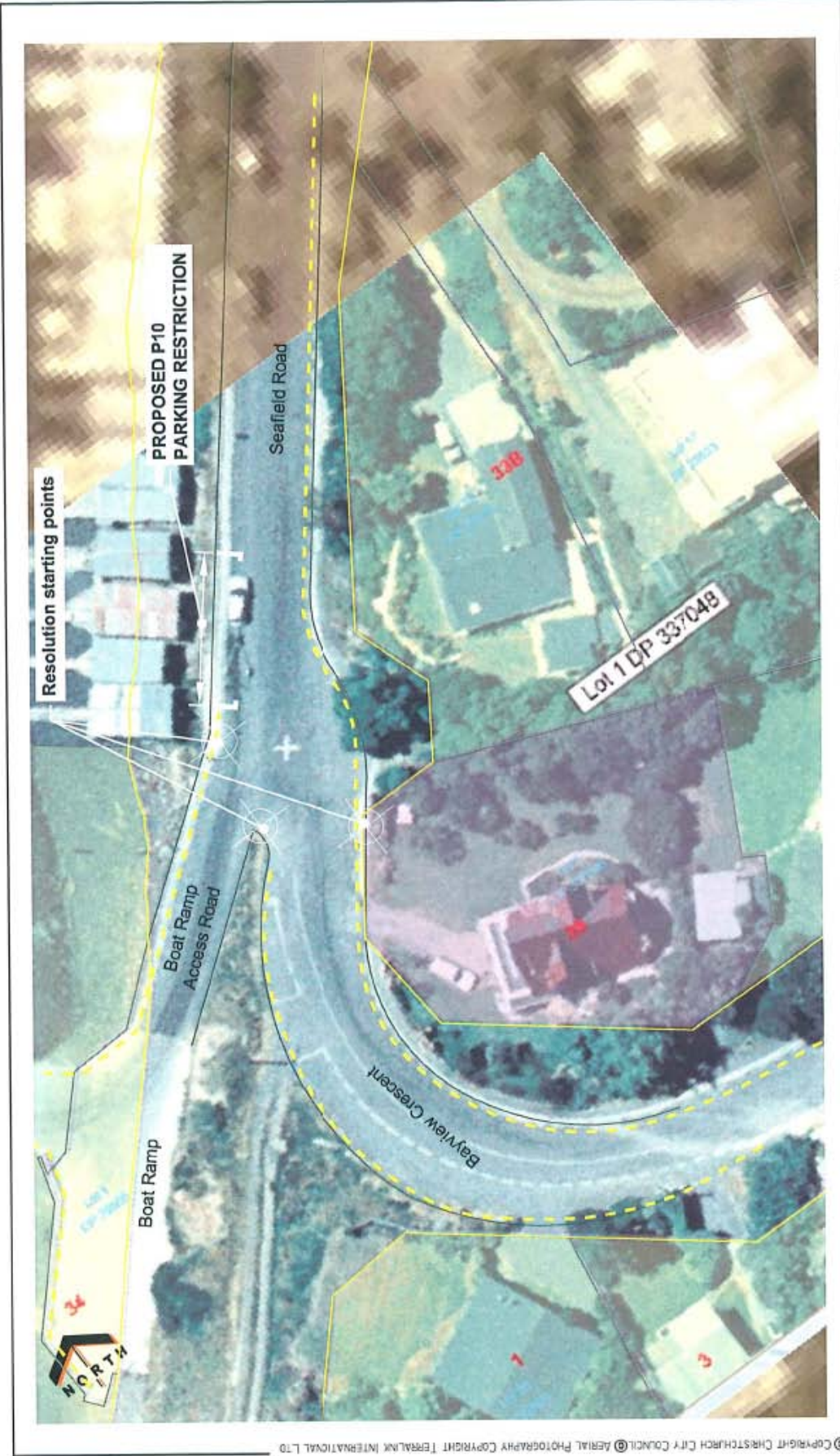
- (a) That the parking of vehicles be restricted to a maximum period of 10 minutes on the north west side of Seafield Road commencing at a point 4 metres north east of its intersection with Bayview Crescent and extending in a north easterly direction for a distance of 15 metres.

Formalise Existing No Stopping Restrictions

- (b) That the stopping of vehicles be prohibited at any time on the west side of Bayview Crescent commencing at a point 4 metres south west of its intersection with Seafield Road and extending in a predominantly southerly direction for a distance of 73 metres.
- (c) That the stopping of vehicles be prohibited at any time on the east side of Bayview Crescent commencing at its intersection with Seafield Road and extending in a predominantly southerly direction for a distance of 90 metres.
- (d) That the stopping of vehicles be prohibited at any time on the south east side of Seafield Road commencing its intersection with Bayview Crescent and extending in a north easterly direction for a distance of 73 metres.
- (e) That the stopping of vehicles be prohibited at any time on the north west side of Seafield Road commencing its intersection with Bayview Crescent and extending in a north easterly direction for a distance of 4 metres.
- (f) That the stopping of vehicles be prohibited at any time on the north west side of the Boat Ramp Access Road commencing its intersection with Bayview Crescent and extending in a south westerly direction for a distance of 40 metres onto the boat ramp.

11.03.09

- (g) That the stopping of vehicles be prohibited at any time on the north west side of the Duvauchelle boat launching facility commencing at high tide point on the north west side of the boat ramp and extending in a southerly westerly direction around the rigging/manoeuvring area for a distance of 24 metres.



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 RAH

SEAFIELD ROAD
 Proposed P10 Parking Restriction and No Stopping Restrictions
For Board Approval



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10. AKAROA DESIGN AND APPEARANCE ADVISORY COMMITTEE - TERMS OF REFERENCE

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Liz Carter, Community Board Adviser

PURPOSE OF REPORT

1. The purpose of this report is for the Board to:
 - (a) Amend the Terms of Reference (**attached**) for the Akaroa Design & Appearance Advisory Committee.
 - (b) Appoint a Chairman to the Akaroa Design & Appearance Advisory Committee.

EXECUTIVE SUMMARY

2. The Community Board amended the Terms of Reference for the Akaroa Design & Appearance Advisory Committee in June 2008, however since that time the Board has recognised that further amendments were necessary to more accurately reflect the purpose of the Committee and to clearly define its role within the framework of Christchurch City Council's policies and procedures.
3. The Board held a seminar in August 2008 to further consider the Terms of Reference for the Committee. Points noted at that seminar were then incorporated into a new document, which is **attached** as the Draft Terms of Reference.
4. The Draft Terms of Reference more clearly define the functions of the Committee, and are consistent with the processes of the Christchurch City Council and relevant legislation, including the Local Government Act and Standing Orders. A more up-to-date format has also been used for the Terms of Reference.
5. The key changes to the Draft Terms of Reference, from the previous document, are:

Composition of the Committee

- *Akaroa-Wairewa Community Board nominee* has been amended to *Community Representative* to clarify that this member is appointed (by the Board) from the community at large. This terminology also aligns with the composition of the Board's other committee, the Akaroa Museum Advisory Committee, which likewise has a *Community Representative*.
- The appointment of the two consultants to the committee will no longer be "*jointly agreed between the Akaroa Civic Trust and the Akaroa-Wairewa Community Board*". Instead the "*Community Board will seek the opinion of the Akaroa Civic Trust on the appointment of the consultants*". This change is consistent with the provisions under Standing Orders whereby a Community Board may appoint committees. The Committee is not a Joint Committee (as can be appointed under Standing Orders) and therefore is appointed solely at the direction of the Community Board.
- Similarly the provision stating "*Comment will be received from the Akaroa Civic Trust prior to the appointments (to the Committee) being made*" has been deleted, as again this is not consistent with Standing Orders or Council procedure.
- A provision has been added for the position of Community Representative to be publicly advertised, seeking expressions of interest. This was a suggestion from the Akaroa Civic Trust and staff agree that advertising for expressions of interest will help ensure transparency around the appointment to the position.
- A provision has been included for the Community Board to appoint the Chairman of the Committee.

Term of the Committee

- The Committee will now *“be discharged three months from the coming into office of the members of the community board....following each triennial general election”* rather than *“as soon as practicable following the triennial local authority elections”*. This change allows the Committee to continue to operate through the transitional period following the triennial election until the Community Board is functioning and can make new appointments for the triennial term.

Delegations

A new clause has been added to clearly stipulate the delegations that the Committee will have, including the advice it will give in performing its functions and the setting of its own meeting schedule. The Committee will not be able to appoint its own subcommittees.

Functions of the Committee

The provisions relating to the functions of the Committee have been totally rewritten to more accurately reflect the role the Community Board wishes it to perform, and the role it is legally able to perform.

6. There were also a number of points contained in the previous Terms of Reference, that were deleted. Those points were considered unnecessary because they were already covered under Council procedures or relevant legislation. The Explanatory Notes attached to the Draft Terms of Reference cover the points that were deleted, which related to:
 - appointment of people who are not members of the local authority based on their skills, attributes or knowledge
 - administrative arrangements.

FINANCIAL IMPLICATIONS

7. The only financial implications involved in the Terms of Reference relate to the mileage reimbursement and the payment of an honorarium to the consultants. Staff have previously identified that the costs involved can be met from within existing budgets.

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

8. Yes – Democracy and Governance budgets.

LEGAL CONSIDERATIONS

9. Clause 30 of Schedule 7 of the Local Government Act 2002 (LGA) provides that a local authority/community board may appoint, discharge and/or reconstitute the committees, sub-committees and any other subordinate decision-making bodies it considers appropriate. Any committee, subcommittee or other subordinate decision-making body *“is subject in all things to the control of the local authority [or read, community board], and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body”* (clause 30(3)).

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

10. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Democracy and Governance

By making decisions that respond to or plan for current and future community needs.

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

12. Yes, as above, and also, indirectly, by responding to the needs of the community through the work that the committee carries out.

ALIGNMENT WITH STRATEGIES

13. A Well-Governed City

Our values and ideas are reflected in the actions of our decision-makers. Our decision-makers manage public funds responsibly, respond to current needs and plan for the future

14. Strong Communities

Promote participation in democratic processes

Do the recommendations align with the Council's strategies?

15. Yes, as above.

CONSULTATION FULFILMENT

16. Both the Akaroa Civic Trust and the current Akaroa Design & Appearance Advisory Committee were asked to make comment on the Draft Terms of Reference. The Board of the Civic Trust submitted the following comments, which have been considered by staff prior to the final draft terms of reference being recommended to the Community Board.

- *The community representative position should be publicly notified following the triennial elections seeking expressions of interest from members of the public. Doing so ensures openness and transparency.*

Staff agree and a note has been added to the Terms to reflect this.

- *The person selected as the Akaroa-Wairewa Community Board representative is already a representative of the community through the election process. The term Community Representative should therefore be amended to avoid confusion and to clarify the role of the individual selected to serve on behalf of the community. Since this individual will be chosen for their "skill, attributes or knowledge that will assist the work of the committee", the Civic Trust suggests the title or role be renamed Community Heritage Representative. This title will more clearly reflect the role the individual will serve on the committee, based upon their proven skill and experience.*

Staff comment: No change is proposed to the Draft Terms of Reference in relation to this comment.

The Akaroa-Wairewa Community Board member on the Committee is appointed in their capacity as an elected member, not directly as a representative of the community. It is felt that to rename the community position as *Community Heritage Representative*, would be too restrictive when calling for expressions of interest. Heritage considerations are not the sole focus of the Committee and the position should therefore not be restricted in such a way.

- *No member of the Committee should be required to accept a particular position which is in conflict or contrary to the principles and standards of conservation as recognised by UNESCO and NZHPT.*

Staff comment: No change is proposed to the Draft Terms of Reference in relation to this comment.

The principles and standards of conservation as recognised by UNESCO and NZHPT have not been directly referred to in the preparation of the Terms of Reference. The functions of the Committee instead relate more directly to the Akaroa Design & Appearance Guidelines and the provisions of the City Plan. The New Zealand Historic Places Trust provides a technical adviser to each meeting of the Committee. Any member who does not agree with a resolution on the comment to be given on a proposal, is entitled to vote against that resolution and have their vote recorded in the minutes.

11.03.09

- *Members of the Akaroa Design & Appearance Advisory Committee have the right to comment on proposals without unnecessary restriction placed on their viewpoint provided their comment is given in a respectful manner.*

Staff comment: No change is proposed to the Draft Terms of Reference in relation to this comment.

- *The Akaroa Civic Trust retains the right to comment when necessary regarding all appointments to the Akaroa Design & Appearance Advisory Committee under the current New Zealand democratic governing system.*

Staff comment: No change is proposed to the Draft Terms of Reference in relation to this comment.

The Civic Trust is entitled under the current New Zealand democratic governing system to comment on appointments to the Committee, as is any other person or body. However, as previously documented, formal comment will not be sought from the Trust on appointments to the Committee, other than the Community Board seeking an opinion on the appointment of the two consultants.

17. The current Akaroa Design & Appearance Advisory Committee made no formal comment on the Draft Terms of Reference, although some individual members made similar comment to that of the Civic Trust.

STAFF RECOMMENDATION

It is recommended that the Board:

- (a) Adopt the amended Terms of Reference as **attached**.
- (b) Appoint a Chairman to the Akaroa Design & Appearance Advisory Committee from amongst its current members.

DRAFT

AKAROA DESIGN AND APPEARANCE ADVISORY COMMITTEE

TERMS OF REFERENCE

1. Name of Committee

The Committee will be known as the "Akaroa Design and Appearance Advisory Committee".

2. Status of Committee

The Committee will be a committee of the Akaroa-Wairewa Community Board.

3. Composition of Committee

One Akaroa-Wairewa Community Board member
One Community Representative ¹
One Akaroa Civic Trust nominee
Two consultants ²
The Chairman of the Akaroa-Wairewa Community Board (ex-officio member)

¹ *The position of Community Representative will be publicly advertised, seeking expressions of interest.*

² *The Community Board will seek the opinion of the Akaroa Civic Trust on the appointment of the consultants.*

The Community Board will appoint the Chairman of the Committee.

4. Term of Committee

The Committee will be discharged three months from the coming into office of the members of the community board, elected or appointed at, or following each triennial general election.

5. Administration

As a committee of the Community Board the Committee shall be bound by the various Acts and Regulations governing the operation of a Local Authority and shall also be subject to the Council's Standing Orders.

In reaching any decision the Committee may seek advice from Council staff.

The New Zealand Historic Places Trust will be asked to provide a technical adviser to each meeting of the Committee.

6. Remuneration of Committee Members

Committee members will be eligible to claim the Council's approved mileage allowance for attendance at official meetings.

Consultant Committee members will be paid an appropriate honorarium.

7. Delegations

The Committee will have the delegated authority to make decisions as to what advice it will give when performing its functions (as described in Clause 8).

The Committee will set its own schedule of ordinary meetings, which must be held monthly throughout the year, excluding January. The Committee will not meet in any particular month if there is no business to consider.

The Committee is prohibited from appointing its own subcommittees.

8. Functions of the Committee

- To provide design and appearance advice in relation to external alterations to existing buildings, on entirely new building work, and to provide comment on any proposals for the demolition of existing buildings in the following instances:
 - ♦ When resource consents are referred to the Committee by Council planning staff.
 - ♦ When requested to provide advice by a private individual either before or after a resource consent has been lodged with Council.
 - ♦ As requested by the Community Board, for example, should the Board need such advice in preparing a submission on a resource consent lodged with another territorial authority, or with Environment Canterbury (ECAN).
 - ♦ As requested by any external body, e.g. ECAN, or the New Zealand Historic Places Trust.
- To provide advice to the Council or Council staff, as required, on the preparation of any plan changes, or variations that have relevance to heritage, historic and urban design issues in Akaroa.
- The advice given must give effect to the objectives and policies of the Banks Peninsula Section of the City Plan and, in particular, should seek to achieve the following:
 - ♦ To conserve the existing pattern of streetscape and building form in the Residential Conservation and Town Centre Zones of Akaroa.
 - ♦ To ensure that the level of amenity is maintained in both the above zones.
 - ♦ To protect the heritage values of scheduled structures, buildings, places and sites which have architectural, historical or cultural significance.
- In achieving the above, the following matters should be taken into account:
 - ♦ The guidance provided within the Akaroa Design and Appearance Guidelines.
 - ♦ The appropriateness of the architectural mass, form, proportion, setback and scale of the building in relation to the existing built environment and the streetscape.
 - ♦ Whether the style of the building or alterations are respectively complimentary to the existing built environment or the built fabric of the building to be altered.
 - ♦ In the case of listed heritage structures, whether the heritage values of the building will be protected, taking into account the form, fabric, cladding, external colour and location of the works.

EXPLANATORY NOTES

The Standing Orders as adopted by the Council in July 2008, determine many of the operational procedures for the Committee, including the following (abridged):

(Note – the “local authority” in this case is the Akaroa-Wairewa Community Board)

Appointment of committees, subcommittees etc	A local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority	Order 2.7.1
Discharge or reconstitution of committees	<p>Unless expressly provided otherwise in an Act, –</p> <p>(a) a local authority may discharge or reconstitute a committee; and</p> <p>(b) a committee may discharge or reconstitute a subcommittee.</p> <p>A committee, is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee.</p>	Order 2.7.2
Committees subject to direction of local authority	<p>A committee is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body.</p> <p>Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee.</p>	Order 2.7.3
Appointment or discharge of committee members	A local authority may appoint or discharge any member of a committee.	Order 2.9.1
Elected members on committees	<p>The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.</p>	Order 2.9.2
Minimum number on committees	The minimum number of members is 3 for a committee, and is 2 for a subcommittee.	Order 2.9.4

Explanatory Notes - continued

Chairperson an ex-officio member	The mayor or chairperson of the local authority may be appointed an ex-officio member of any committee other than a community board or a quasi-judicial committee.	Order 2.9.5
Information to be available to public	All information provided to members at local authority and committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded.	Order 2.15.2
List of committee members publicly available	The members of each committee are to be named on the relevant agenda.	Order 2.15.12
Quorum for committee meetings	The quorum at a meeting of a committee – (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.”	Order 2.4.4
Casting Vote	The Akaroa-Wairewa Community Board has determined that it's Chairman (and the Chairman of any of its committees) will NOT have a casting vote	

11. ROAD STOPPING POLICY

General Manager responsible:	General Manager City Environment DDI 941-8608
Officer responsible:	Manager Property Consultancy
Author:	Angus Smith, Manager Property Consultancy

PURPOSE OF REPORT

1. The purpose of this report is for the Community Board to provide comment on a recommendation which is going to the Council for the adoption of a formal policy in relation to the stopping of legal road.

EXECUTIVE SUMMARY

2. The Council at its meeting on the 14 August 2008 passed the following resolution in response to a report concerning a proposed stopping of legal road adjacent to the property at 10 Waiwetū Street –

“It was resolved that the Council leave this matter to lie on the table at Council until the Council has resolved its policy position on these matters, as highlighted by the report on the disposal of surplus road land outside 173 Clyde Road, which was deferred by the Council at its meeting on 12 June 2008.”

3. A report recommending the adoption of policy and delegations for road stopping was subsequently considered by Council on the 25 September 2008 which resulted in the following resolution –

*“It was **resolved** on the motion of Councillor Wall, seconded by Councillor Buck, that this report be forwarded to Community Boards for their comment and a subsequent amended report to be brought back to the Council.”*

4. This report, amended from the original to incorporate comments/issues arising from the Council debate, seeks to attend to this resolution.
5. Every year the Council stops a number of roads, or parts of road(s), either to meet Council policies or strategies, or in direct response to a road stopping application by a third party. Most of these are straight-forward applications involving small non-complying land parcels held by the council along the road frontage of properties no longer required for roading purposes. The decisions taken on these straight-forward applications are generally governed by infrastructure needs at an asset planning and management level. Accordingly, allowing these minor decisions to be undertaken at a management level, rather than at a governance level, would enable such applications to be processed more quickly, more efficiently and with less cost and would remove unnecessary administrative issues from the Council’s meeting agenda. However, some road stopping applications are more strategic in nature and involve significant parcels of land that should be considered by elected members.
6. At the moment individual road stopping decisions are made in isolation without reference to a policy document or statement of Council objectives. Accordingly staff have prepared a draft ‘Road Stopping Policy’ for consideration by the Council.
7. In summary, this report proposes:

(a) That the Council:

- Approves and adopts the attached Road Stopping Policy
- approves the delegations set out in the staff recommendations to this report that delegate the decision making for minor road stopping decisions to Council staff and the delegation for all other road stopping decisions to Community Boards.

(b) That Community Boards may:

- o approve or decline any road-stopping applications received in relation to any legal road situated in their Wards where such decision making is consistent with the Council's Road Stopping Policy and is **not** subject to a staff delegation.

(c) That the Corporate Support Manager under delegated authority may:

- o approve or decline road-stopping applications only where:
 - The area of road to be stopped is not a complying lot under the City Plan on its own; and
 - It will be necessary for the stopped road to be amalgamated with the title to the adjoining property; and
 - The adjoining owner is the logical purchaser of the stopped road; and
 - The proposed road-stopping complies with the Council's Road Stopping Policy.
- o where his delegated authority applies, determine which statutory road-stopping process is to be used and implement the necessary statutory and other procedures required to effect the road stopping in accordance with the Road Stopping Policy.

8. The Council has the legal ability to stop roads either under the Local Government Act 1974 (LGA) or the Public Works Act 1981 (PWA). The major difference between the two procedures is that under the LGA process there is a requirement for public notification and the ability of members of the public to object, whereas, with the consent of all adjoining land owners, there is no such general consultation requirement and objection process under the PWA.
9. Currently the Christchurch City Council does not have a Road Stopping Policy. The development of such a policy will ensure that the Council's decision-making and application processes are clear and consistent. Consistency is required in terms of determining under which Act a road will be stopped, as well as the assessment and evaluation criteria to be utilised.
10. The recommended Policy has been developed by the Property Consultancy Team in consultation with the Asset and Network Planning Unit, the Legal Services Unit and the Survey Team.

FINANCIAL IMPLICATIONS

11. The Policy is based on the principle of full cost recovery from third party applicants and recommendations will be made through the Annual Plan and LTCCP processes to support this. It is proposed that purchasers of land will reimburse the Council for the costs (including Council staff time) and disbursements incurred by the Council to complete the transaction.

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

12. Yes.

LEGAL CONSIDERATIONS

13. Under the Local Government Act 2002 the Council is permitted to adopt a policy to provide guidelines as to the criteria and process to be adopted by the Council when considering and implementing any decision to stop any legal road.
14. The Council has the ability to stop road, or parts of a road, either by using the process under the PWA or the process under the LGA. The procedures that are required to be followed by the Council when using the LGA process are set out in the Tenth Schedule to the LGA, and include the public notification of the proposed road stopping and for the hearing of any objections received. Conversely, the PWA process does not require public notification, however the Council and any adjoining landowner(s) must consent to the proposal.
15. The relevant sections of each Act are summarised below.

Local Government Act 1974*Section 319 (h) – General powers of councils in respect of roads -*

This Section gives local authorities the general power to stop any road or part thereof in accordance with the Act.

Section 342 (1) (a) – Stopping of roads -

Confers on the Council the ability to declare a road to be formally stopped.

Section 345 – Disposal of land not required for road -

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

This Section goes on further to provide that the price or rent for the stopped road is to be fixed by a competent valuer appointed by the Council. If the owner(s) is not prepared to pay the fixed price or rent, the Council may sell the land by public auction or private tender.

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 if deemed appropriate.

Section 345 (3) – Stopped road to vest as Esplanade Reserve

Where any road along the mark of a mean high water springs of the sea, or along the bank of any river within an average width of 3 metres or more, or the margin of any lake with an area of 8 hectares or more is stopped, this Section requires an area of road to vest in the Council as an esplanade reserve for the purposes specified in Section 229 of the Resource Management Act 1991.

Tenth Schedule – Conditions as to Stopping of Roads

Outlines the procedure to be undertaken in order to stop a road. The following table summarises the various steps:

1.	The Council prepares: (a) a survey plan of the road proposed to be stopped; and (b) an explanation as to why the road is to be stopped and the purpose or purposes to which the stopped road will be put. And lodges the plan at LINZ for approval.
2.	Once LINZ has approved the plan, the plan is made available to the public with a view to receiving objections to the proposal(s). The Council must: (a) at least twice, at intervals of not less than 7 days, give public notice of the proposal(s); (b) serve the same notice on the occupiers of all land adjoining the road; The Plan is open for public objection for a minimum period of 40 days from the date of the first publication of the public notice.
3.	A notice of the proposed stopping is fixed in a conspicuous place at each end of the road proposed to be stopped for the duration of the public notification period.
4.	If no objections are received, the Council may by public notice declare that the road is stopped.
5.	If objections are received, the Council shall, unless it decides to allow the objections, send the objections together with the plans and a full description of the proposed alterations to the Environment Court.
6.	The Environment Court will make a final and conclusive decision.
7.	If the Environment Court reverses the decision of the Council, no proceedings shall be entered by the Court for stopping the road for 2 years thereafter.
8.	If the Environment Court confirms the decision of the Council, the Council may declare by public notice that the road is stopped.
9.	The notice and survey plan will be lodged with LINZ for record.

Public Works Act 1981*Section 116 – Stopping Roads -*

This Section provides 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.

Section 117 – Dealing with stopped roads -

This Section enables the Council to deal with the stopped road in the same manner as if the road had been stopped pursuant to the Local Government Act 1974.

Section 118 – Application of other Acts to stopped roads -

Where any road or any portion of a road along the mark of a mean high water springs of the sea, or along the bank of any river, or the margin of any lake (as the case may be) is stopped under Section 116 of this Act, then Section 345(3) of the Local Government Act 1974 (relating to esplanade reserves) shall apply to the stopped road.

Section 120 – Registration-

This Section provides for the road stopping to be noted by the District Land Registrar and if deemed appropriate by the Council for it to be amalgamated with the adjoining land.

The road stopping procedure pursuant to this Act is summarised in the table below:

1.	The owners of any land adjoining the road to be stopped must consent in writing to the stopping.
2.	The Council must consent to the road stopping proposal.
3.	The Council prepares a survey plan of the road proposed to be stopped and lodges the plan at LINZ for approval.
4.	The land is declared stopped by proclamation and publication of that proclamation in the New Zealand Gazette. A copy of the entry in the Gazette is then registered at LINZ.

Determining which statutory process to follow

16. Neither the LGA nor the PWA gives specific guidance as to which statutory procedure should be used. Currently, Council staff make this assessment on a case by case basis having due regard to the effect of the road-stopping on the public and parties other than the applicant and the likelihood of the proposal succeeding. Council staff have operated on the basis that best practice has dictated that if in doubt, the LGA procedure should apply. Guidelines about which Act to follow are set out in the proposed Road Stopping Policy document below.

DELEGATIONS

17. Pursuant to paragraph 32 of the 7th Schedule of the Local Government Act 2002 the Council has the legal ability to delegate its road-stopping powers under both the LGA and the PWA.
18. Currently, the only road-stopping power that the Council has delegated is a delegation to Community Boards to stop "access ways". Section 315(1) of the Local Government Act 1974 defines "accessway" as:

"any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development [or, on or after the 1st day of April 1988, the Minister of Lands] for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve".

It is proposed not to alter this delegation.

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The Council has delegated the power to hear objections to road stopping procedures pursuant to the Tenth Schedule of the Local Government Act 1974 to Council Hearings Panels. It is not proposed to alter this.

19. The Council has not delegated any other part of its road-stopping powers. The practical effect of this is that all road-stopping applications, whether from Council staff, implementing Council agreed policies and strategies, or from third parties, require a formal Council resolution.
20. When the Council initially considered this report on 25 September 2008, Councillors raised concerns in the debate about unformed legal (paper) roads (particularly in relation to Banks Peninsula) and issues around scale and size of road-stoppings. With respect to Banks Peninsula, the retention of appropriate legal but unformed roads will be considered and evaluated as part of the development of the open space strategy being prepared by Strategy and Planning. The intention being to provide and retain appropriate access to reserves, bays and foreshores and to provide linkages and connections throughout the Peninsula. Before any action was taken to stop a road these matters would first have to be considered before any decision to proceed was recommended.
21. The Council may delegate authority to proceed with a road stopping application to either Council staff or to community boards. In addressing these two issues, whilst endeavouring to maintain the necessary balance to enable the delivery of an efficient and effective service, the following is proposed:
 - a) Staff are delegated the authority to process and make decisions, in accordance with the attached policy, on applications relating to non complying lots / strips of land adjacent to properties which are required to be amalgamated into the adjoining neighbouring title.
 - b) That decisions on applications for complying lots in their own right and the stopping of unformed legal (paper) roads or other significant parcels be delegated to the relevant community board.
22. There are compelling reasons why the Council may consider delegating to Council staff the power to deal with minor road-stopping applications, as follows:
 - On the adoption of a formal Road Stopping Policy, the Council will have established, in its governance role, the rules or guidelines to be implemented when road stopping decisions are considered. It would therefore be logical that the 'management' decision of implementing the Policy be delegated to Staff
 - In financial terms road-stopping issues are often relatively insignificant.
 - There are generally no associated significant strategic issues.
 - Consistency in decision-making across the city.
 - Both the LGA and the PWA provide for consultation according to the statutory process used.

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

23. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Not Applicable.

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

25. Not Applicable.

ALIGNMENT WITH STRATEGIES

26. Not Applicable.

Do the recommendations align with the Council's strategies?

27. Not Applicable.

CONSULTATION FULFILMENT

28. There is no mandatory obligation on the Council to consult before it makes a decision on the proposed Road Stopping Policy.
29. The proposal is not significant in terms of the Council's Significance Policy.
30. The Policy is intended to establish a transparent and consistent platform on which future decisions can be based. This is for the benefit of both Council staff and people who intend entering into negotiations for the purchase of land previously vested in the Council as legal road. It is expected that they will prefer this approach to the ad hoc manner in which road-stopping has been undertaken to date. It is also fair that prospective purchasers meet the Council's reasonable costs (including Council staff time) of carrying out the process required to enable transactions to be concluded.
31. This report is being presented at each Community Board for a formal recommendation to the Council. Recommendations made by individual boards will be compiled by staff into a final report which staff will present to the Council.

STAFF RECOMMENDATION

It is recommended that the Community Board offer comment on the following recommendation, which will be put to the Council for the consideration of a Road Stopping Policy:

- (a) That the Council adopts the 'Christchurch City Council Road Stopping Policy' in the form attached to this report.
- (b) That the Council's power to accept or decline an application from either a Council Business Unit or from any other person to stop legal road be delegated to the Corporate Support Unit Manager PROVIDED THAT such application shall meet the following criteria:
- The area of road to be stopped will not constitute a complying lot under the City Plan on its own account; and
 - It will be necessary for the stopped road to be amalgamated with the certificate of title to the adjoining property; and
 - The owner of the adjoining property is the logical purchaser of the stopped road; and
 - That the proposed road-stopping complies with the Council's Road Stopping Policy.
- (c) That where the Corporate Support Manager's delegated authority under paragraph (b) of this resolution shall apply:
- (i) that the Council's powers under sections 116, 117 and 120 of the Public Works Act 1981 and Sections 319(h), 342(1)(a) and 345 of the Local Government Act 1974 (excluding the power to hear objections and recommend to the Council whether the Council should allow or otherwise any objections received to road stopping procedures pursuant to the Tenth Schedule of the Local Government Act 1974 and the Council's powers under paragraph 5 of the Tenth Schedule) in relation to road stopping and the disposal of land that was previously stopped road be delegated to the Corporate Support Unit Manager.
 - (ii) that the power to determine (in compliance with the Council's Road Stopping Policy) which statutory procedure should be employed to undertake a particular road stopping (either under the Local Government Act 1974 or under the Public Works Act 1981) be delegated to the Corporate Support Unit Manager.

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- (d) That the Council's power to accept or decline an application from either by a Council Business Unit or from any other person to stop legal road which does not fall within the delegation given to the Corporate Support Unit Manager under paragraph (b) of this resolution shall be delegated to the Community Board for the Ward within which the legal road proposed to be stopped is situated.
- (e) That where the Community Board's delegated authority under paragraph (d) of this resolution shall apply:
- (i) that the Council's powers under sections 116, 117 and 120 of the Public Works Act 1981 and Sections 319(h), 342(1)(a) and 345 of the Local Government Act 1974 (excluding the power to hear objections and recommend to the Council whether the Council should allow or otherwise any objections received to road stopping procedures pursuant to the Tenth Schedule of the Local Government Act 1974 and the Council's powers under paragraph 5 of the Tenth Schedule) in relation to road stopping and the disposal of land that was previously stopped road be delegated to the Community Board for the Ward within which the proposed legal road is situated and to be exercised in accordance with the Council's Road Stopping Policy..
 - (ii) that the power to determine (in compliance with the Council's Road Stopping Policy) which statutory procedure should be employed to undertake a particular road stopping (either under the Local Government Act 1974 or under the Public Works Act 1981) be delegated to the Community Board for the Ward within which the proposed legal road is situated and to be exercised in accordance with the Council's Road Stopping Policy.

BACKGROUND (THE ISSUES)

32. This report seeks to:

- present the legislative and statutory provisions governing the stopping of roads;
- provide a basis of assessment to determine whether an application to stop a road should proceed or not;
- outline the statutory process to be followed under the respective legislation;
- consider delegations;
- formulate a policy for adoption by the Council.

PROPOSED CHRISTCHURCH CITY COUNCIL ROAD STOPPING POLICY 2009**NAME OF POLICY**

1. This policy shall be known as the Christchurch City Council Road Stopping Policy 2009

APPLICATION OF POLICY

2. This policy shall apply to all road stoppings undertaken or proposed to be undertaken by the Council following the date of adoption by the Council of this Policy.

INTERPRETATION

3. For the purposes of this Policy the following meanings shall apply:
- (a) "Council" means the Christchurch City Council and shall include any delegate acting under delegated authority of the Christchurch City Council.
- (b) "road" means that part of a legal road the subject of a road stopping application to the Council.

EVALUATION CRITERIA

4. In considering an application for road stopping the Council must firstly consider whether the stopping should be initiated or not. The rules to govern this decision are outlined in the chart below.

City Plan	Is the road shown to be stopped in the operative City Plan or does the stopping have any adverse impact on adjoining properties under the City Plan i.e. set backs/site coverage or the neighbourhood in general.
Current Level of Use	Is the road the sole or most convenient means of access to any existing lots or amenity features e.g. a river or coast.
	Is the road used by members of the public.
Future Use	Will the road be needed to service future residential, commercial, industrial or agricultural developments.
	Will the road be needed in the future to connect existing roads.
	Will the road be needed to provide a future or alternative inter-district link.
Alternative Uses	Does the road have potential to be utilised by the Council for any other public work either now or potentially in the future.
	Does the road have current or potential value for amenity or conservation functions e.g. walkway, utilities corridor, esplanade strip, protected trees etc.
Road adjoining any water body	If so, there is a need to consider Section 345 LGA, which requires that after road stopping, such land becomes vested in Council as an esplanade reserve.
Encumbrances	Is the road encumbered by any services and infrastructure and can they be protected by easements
Traffic Safety	Does access and egress of motor vehicles on the section of the road constitute a danger or hazard to the road users.
Infrastructure	Does the road currently contain infrastructure, or will it in the future, that is better protected and managed through ownership.

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5. An application for road stopping will not proceed if the Council shall it its discretion determine that:
- (a) the road has been identified as providing a future road corridor; or
 - (b) the road has the potential to provide a future or alternative inter-district link; or
 - (c) the road is required, or may be required at any time in the future, for any roading or associated purpose.
 - (d) the road is required, or may be required at any time in the future, for any public work by the Council or any other agency.
 - (e) the stopping of the road will result in any land becoming landlocked; or
 - (f) the road provides access from a public road or reserve to a watercourse or coastal marine area, unless there are sound management or ecological reasons for doing otherwise; or
 - (g) the road provides primary access to an esplanade reserve, reserve or park, unless there are sound management or ecological reasons for doing otherwise; or
 - (h) the stopping of the road will adversely affect the viability of any commercial activity or operation; or
 - (i) objections are received from any electricity or telecommunications service provider and those objections are not able to be resolved by agreement between the Council and that provider; or
 - (j) any infrastructure or utilities situated on the road would be better protected and managed through continued Council ownership; or
 - (k) the road stopping could injuriously affect or have a negative or adverse impact on any other property; or
 - (l) the road stopping could have an impact on a public work to be undertaken by any other agency including the Crown
 - (m) any other relevant circumstances apply.

MARKET VALUATIONS TO BE USED

6. All dealings with stopped road will be at the current market value as determined by an independent registered valuer commissioned by the Council and in accordance with the relevant legislation.

AGREEMENT FOR SALE AND PURCHASE TO BE ENTERED INTO

7. Where a road stopping has been initiated by a third party and the application is accepted by the Council then it will only be processed subject to the following requirements first being accepted by the applicant:
- (a) That the proposed terms of sale of the road once stopped be recorded in a formal Agreement for Sale and Purchase prepared by the Council's solicitors and signed by both the applicant as purchaser and the Council as vendor prior to the Council taking any further steps. Such agreement to be conditional to the approval of the Minister of Lands to the stopping, if applicable, and compliance with the all relevant statutes.
 - (b) That the Agreement require the purchaser to meet all the costs incurred by Council in relation to the proposed road stopping, including but not limited to the following costs: staff time, hearing costs, consent costs, LINZ costs relative to any proclamation required to be made and published in the NZ Gazette, LINZ registration fees, professional fees (valuers, accredited agents), court costs, advertising, legal and survey costs.

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- (c) That the purchaser will pay a deposit on execution of the Agreement sufficient to cover the Council's estimate of all the Council's costs. The Agreement will provide that in the event of the road stopping being discontinued for any reason the deposit will be refundable to the applicant less the actual costs incurred by the Council in processing the application to that point, as determined by the Council.
- (d) That when a road stopping is initiated by an adjoining landowner to the road proposed to be stopped, and the process determined to be used shall be the Local Government Act 1974 process, the Agreement will provide as appropriate that:
 - (i) if any objection is received and is allowed by the Council, the Agreement will be automatically deemed to be cancelled and the deposit paid (if any) refunded to the applicant less any costs incurred by the Council to that date; and
 - (ii) if any objection is received and is not allowed by Council, and the objector wishes the matter to be referred to the Environment Court, the applicant may at that point elect to cancel the Agreement Provided that all costs incurred in relation to the application by the council to that date shall be deducted from the deposit; or
 - (iii) if the applicant does not elect to cancel the agreement in the circumstances described in paragraph (ii) and the objection is referred to the Environment Court for determination, the applicant shall pay on demand to the Council all costs incurred by the Council in referring the matter to the Environment Court and in relation to the hearing by that Court.
- (e) That if the Agreement for Sale and Purchase is cancelled for any reason the applicant will meet all costs incurred by the Council.

WHICH STATUTORY PROCESS TO USE

- 8. The following criteria have been established to ensure that the appropriate statutory procedure is consistently adopted by the Council, and to avoid, as much as practicable, such decisions being successfully contested by any party.
- 9. The Local Government Act 1974 road-stopping procedure shall be adopted if one or more of the following circumstances shall apply:
 - (a) Where any public right of access to any public space could be removed or materially limited or extinguished as a result of the road being stopped; or
 - (b) The road stopping could injuriously affect or have a negative or adverse impact on any other property; or
 - (c) The road stopping is, in the judgment of the Council, likely to be controversial; or
 - (d) If there is any doubt or uncertainty as to which procedure should be used to stop the road.
- 10. The Public Works Act 1981 road stopping procedure may be adopted if **all** of the following circumstances shall apply:
 - (a) Where there is only one property adjoining the road proposed to be stopped; and
 - (b) Where the written consent to the proposed road stopping of all landowners affected by proposed road-stopping is obtained; and
 - (c) Where the use of the Public Works Act 1981 procedure is approved (where necessary) by the relevant Government department or Minister ; and
 - (d) Where no other persons, including the public generally, are considered by the Council in its judgment to be adversely affected by the proposed road stopping; and

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- (e) Where the road is to be amalgamated with the adjoining property; and
- (f) Where other reasonable access exists or will be provided to replace the access previously provided by the stopped road (i.e. by the construction of a new road).

PROVIDED THAT If any one of the above circumstances shall not apply, then the Local Government Act 1974 procedure shall be used.

PROPOSED ROAD STOPPING COSTS AND FEES (Subject to adoption by the Council in its Annual Plan)

11. Where a road stopping is initiated by the Council, the costs and expenses associated with such road stopping (including Council staff time) are to be funded from the Business Unit initiating the road stopping.
12. Where any other person applies to stop a road, then that person shall be responsible for meeting all costs and expenses associated with the road stopping process as determined by the Council (including Council staff time) PROVIDED THAT where it is determined by the Council, in its discretion, that there is an element of public benefit to the proposed road stopping, the Council may agree that the costs associated with the road stopping should be shared between the applicant and the Council in such proportions as the Council shall in its discretion determine.
13. The Council shall not commence any road stopping procedure unless it obtains a written agreement in advance from the applicant to pay such costs and expenses.
14. The costs and expenses associated with the road stopping process will include:
 - (a) **Application Fee**

An application fee of \$500 (GST inclusive) shall accompany a road stopping application to the Council (unless the application is made by a Council Business Unit). The purpose of this fee is cover the administration and staff costs incurred by the Council as a result of evaluating the application in accordance with this Policy. This fee is already included in the Council's Annual Plan.
 - (b) **Processing Fee**

If the applicant wishes to proceed with the road stopping application after evaluation by Council staff of the application and the preparation and presentation of the first report to the relevant Community Board or the Corporate Support Manager (as applicable), then a further non-refundable fee of \$1,000 (GST inclusive) will become due and payable to the Council to cover the staff time in processing the application from that point.
 - (c) **Other Costs**

Other costs and expenses that an applicant will be liable to meet should a road stopping application proceed, include (but are not limited to):

 - Survey Costs*

Includes identification and investigations of the site and professional fees associated with the compilation of a survey office plan.
 - Cost of Consents*

Any costs associated with obtaining consent to the proposal including, but not necessarily limited to, the Minister of Lands.
 - Public Advertising*

Includes the cost of public notification required under the Local Government Act 1974.
 - Accredited Agent Fees*

Includes professional and other fees incurred as a result of any gazettal actions required.

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Land Information New Zealand (LINZ) Fees

Includes lodgement fees associated with survey office plan approval, registration of gazette notice, easement instrument or any other dealing, and raising of new certificate(s) of title.

Legal Fees

The applicant will be responsible to meet their own legal costs, as well as those incurred by the Council including, but not limited to, the preparation of an Agreement for Sale and Purchase and the settlement of the transaction.

Valuation Costs

The costs to obtain an independent registered valuation of the proposed stopped road, including any additional costs that may be incurred by any ensuing discussions with the valuer as a result of the applicant querying the valuation.

Cost of Court and Hearing Proceedings

Pursuant to the Tenth Schedule LGA, if any objections is received to a road stopping application, and the application is referred to the Environment Court for a decision, then the applicant shall meet all of the Council's legal and other costs associated with the conduct of the legal proceedings in that Court.

Market Value of the Road

In addition to the administrative and staff costs associated with a road stopping costs the applicant shall pay to the Council the current market value of the stopped road as determined by a registered valuer appointed by the Council, or if the land is to be leased a rent as determined by a registered valuer appointed by the Council .

12. BRIEFINGS

12.1 AKAROA BEACHFRONT AREA

Ian Jackson (Area Contract Manager) will brief the Board on a plan to renovate the Akaroa Beachfront area, adjacent to the main beach.

13. COMMUNITY BOARD ADVISERS UPDATE

13.1 REPRESENTATION REVIEW SUBMISSION

Attached is a copy of the final version of the submission made by the Joint Banks Peninsula Community Boards on the Representation Review. A copy of the final submission was circulated to Board members via email for approval before being submitted.

It is recommended that the Board adopt the Representation Review submission.

SUBMISSION TO: Christchurch City Council

ON: **Representation Review for 2010 Local Authority Election**

FROM: **Akaroa-Wairewa Community Board and
Lyttelton-Mt Herbert Community Board**

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INTRODUCTION

The Banks Peninsula Community Boards (the Boards) met on 29 January 2009 to discuss the Christchurch City Council's Initial Proposal (November 2008) for the Representation Review for the 2010 Local Authority Election.

Banks Peninsula is one of eight wards in Christchurch City and is currently represented by a single Councillor and two Community Boards.

Having considered all the issues the Boards wish to **support** the Council's proposal to retain the status quo in terms of the representation structure for the City.

BANKS PENINSULA WARD

Both Boards support the Local Government Commission's April 2005 decision, to retain Banks Peninsula as a separate ward because:

"After careful consideration of the issues, the Commission came to the view that in the context of an enlarged Christchurch City the Banks Peninsula area could be considered to be an isolated community requiring specific representation in terms of section 19v(3) of the Local Electoral Act 2001 for the following reasons:

- *roading access to Christchurch City from the Outer Peninsula can be restricted in winter or storm conditions and roading access from Lyttelton to Christchurch may at times be totally dependent on the Lyttelton Tunnel being open;*
- *parts of the Peninsula are geographically isolated, with limited roading access; and*
- *significant travel times can be incurred from parts of the Peninsula in accessing council services and in enabling effective representation."*

The Commission therefore determined *"that the Banks Peninsula area would be an isolated community requiring specific representation in order to provide effective representation for the area"*.

The Boards wish to put forward the following reasons in support of Banks Peninsula being retained as a single member ward, with two community boards:

1. Effective Representation

Effective representation for the clearly defined communities of interest on Banks Peninsula can only be achieved if the Peninsula remains a separate ward.

2. Isolated Community

The Boards do not consider that there has been any change (significant or otherwise) to alter the status of Banks Peninsula as an isolated community.

The Port Hills form a natural barrier between urban Christchurch and the Banks Peninsula ward. The ward's largest town, the port of Lyttelton, can only be reached by tunnel or by winding roads over steep passes. Banks Peninsula communities can easily become isolated in winter or during storm events. In the past winters there have been several occasions when a large number of roads were closed.

Considerable travel times are still involved for many Banks Peninsula residents to access Council services, and for elected representatives to meet with their constituents.

3. Natural Geographic Boundary

Banks Peninsula is a dominant geographic feature within the Christchurch City Council boundary. Its topography presents a natural geographic boundary with many of the characteristics of an island. The area contains 70% of the land area of the City. Its volcanic origins and steep terrain define a landscape which is in complete contrast to the rest of the City. These characteristics give rise to (or contribute to) issues not faced by other City wards.

The ecology of Banks Peninsula is quite distinct from the ecological systems of the Canterbury Plains. The area is recognised as the Banks Ecological Region which has boundaries that correspond with the existing political boundary of the ward.

4. Urban and Rural Issues

In contrast to the rest of the city, Banks Peninsula is comprised of rural land and small settlements, mostly at the edges of the two harbours. Issues in the Banks Peninsula ward are often quite different from those faced in urban wards. There is a need to recognise that there are explicit issues that face rural communities that do not arise in urban areas. For example the distances that sport teams have to travel to compete in "local" competitions, the need to support rural health providers who could not retain a service to rural areas without support from the local authority.

5. Banks Peninsula Rūnanga

There are four Rūnanga on Banks Peninsula. There are no Rūnanga within any of the other six wards in the City.

6. Resource Management

Banks Peninsula still operates under a separate District Plan which contains marked differences to the City Plan, notably landscape, coastal and rural character issues.

7. Separate Authority Areas

Banks Peninsula is within different areas for other authority boundaries, e.g. a different District Health Board area.

CONCLUSION

The Boards thank Council for the opportunity to make a submission on the Representation Review.

A representative(s) from the Boards wishes to speak in support of this submission.

Liz Carter
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Akaroa-Wairewa and Lyttelton-Mt Herbert Community Boards

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13.2 BOARD FUNDING BALANCES

Attached is a report showing the current balance of the Boards Discretionary Response Fund and the Reserves Discretionary Fund.

The Consultation Leader, Greenspace (Lorraine Correia), is preparing a report for the next Community Board meeting with applications to the Reserves Discretionary Fund.

Processed by AMA to Accounts	Project/Service/Description/Group	Allocation 2008/2009
	Akaroa/Wairewa Discretionary Response Fund	
	Budget	15,000
	<i>Allocations made</i>	
	Youth Development Scheme - Opening Balance allocation	2,000
	<i>Allocations made</i>	
23-Sep	<i>Nathan Pryor - Australian Open Taekwondo Championships in Sydney.</i>	350
	Youth Development Fund Balance - Available for allocation	1,650
23-Sep	Akaroa Boating Club (<i>Upgrade existing launching deck and ramp</i>)	5,000
8-Dec	Akaroa District Promotions (<i>Ellerslie International Flower Show</i>)	2,966
	Project Lyttelton (<i>Tutor costs for vegetable growing course in Little River</i>)	520
	TOTAL: Akaroa/Wairewa Discretionary Response Fund Unallocated	4,514
	(Note: with Youth Development funds returned to main fund, balance unallocated equals \$6,164)	
	Akaroa/Wairewa Reserves Discretionary Fund	
	Budget	20,000
	TOTAL: Akaroa/Wairewa Reserves Discretionary Fund Unallocated	20,000

14. ELECTED MEMBERS INFORMATION EXCHANGE

15. QUESTIONS UNDER STANDING ORDERS