



Christchurch City Council

RICCARTON/WIGRAM COMMUNITY BOARD

AGENDA

TUESDAY 10 MARCH 2009

AT 5.00PM

AT SOCKBURN SERVICE CENTRE

**IN THE BOARDROOM,
149 MAIN SOUTH ROAD, CHRISTCHURCH**

Community Board: Peter Laloli (Chairperson), Helen Broughton, Jimmy Chen, Beth Dunn, Judy Kirk, Mike Mora and Bob Shearing.

Community Board Adviser

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PART B - REPORTS FOR INFORMATION

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1. **APOLOGIES**

2. **CONFIRMATION OF MINUTES – 24 FEBRUARY 2009**

The minutes of the Board's ordinary meeting of Tuesday 24 February 2009 are **attached**.

STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting of 24 February 2009 be confirmed as a true and correct record.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PETITIONS**

5. **NOTICE OF MOTION**

6. **CORRESPONDENCE**

7. **BRIEFINGS**

10. 3. 2009

- 4 -

**RICCARTON/WIGRAM COMMUNITY BOARD
24 FEBRUARY 2009**

**Minutes of the meeting of the Riccarton/Wigram Community Board,
held on Tuesday 24 February 2009 at 4.36pm in the Boardroom
at the Sockburn Service Centre 149 Main South Road, Christchurch.**

PRESENT: Peter Laloli (Chairperson), Helen Broughton, Jimmy Chen, and Mike Mora.

APOLOGIES: Apologies for absence were received and accepted from Beth Dunn, Judy Kirk and Bob Shearing.

The Board reports that:

PART B - REPORTS FOR INFORMATION

1. DEPUTATIONS BY APPOINTMENT

Nil.

2. PETITIONS

Nil.

3. NOTICE OF MOTION

Nil.

4. CORRESPONDENCE

The Board **received** the following correspondence:

- Letter from Halswell and District Lions Club regarding Halswell Quarry Park Management. The Chair indicated that a deputation from this group will attend the next Board meeting on 10 March 2009.
- Documentation regarding temporary road closure of State Highway 75 for ANZAC Day Parade by the Halswell Residents Association. The Board supports the road closure application.
- Documentation regarding unforeseen expenses for the Showcase Halswell event to be held on 7 March 2009.

The Board were advised that they should seek staff advice on the Halswell Residents' Association request.

The Board **decided** to fund the cost of the traffic management plan and sign hire for the Showcase Halswell event to be held on 7 March 2009, organised by the Halswell Residents Association, from the Discretionary Fund to the amount of \$832.40. It is further recommended that the Halswell Residents Association apply to Small Projects Funding for future events.

5. BRIEFINGS

Nil.

6. ELECTED MEMBERS' INFORMATION EXCHANGE

Members raised the following matters:

- Success of the Garden Gala held in the grounds of Riccarton Bush.
- Westmorland Residents Association meeting recently attended and upcoming picnic/barbecue.
- Deans Avenue Precinct Society upcoming Annual General Meeting with two Board members speaking.
- Concern of liquor licence terms, particularly hours, for the Bush Bar and associated university student behaviour in the area.
- Boy racer issues in the ward.

7. MEMBERS' QUESTIONS UNDER STANDING ORDERS

Nil.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

8. CONFIRMATION OF MEETING MINUTES – 3 FEBRUARY 2009

The Board **resolved** that the minutes of the ordinary meeting of the Board held on 3 February 2009 be confirmed as an accurate and true record.

The meeting concluded at 4.54pm.

CONFIRMED THIS 10TH DAY OF MARCH 2009

**PETER LALOLI
CHAIRPERSON**

8. 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 Road Stopping Policy (**Attachment 1**).
 - 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.

8 Cont'd.

- (b) That Community Boards may:
- 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:
- 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.
 - 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 Public Works Act.
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.

8 Cont'd.

14. The Council has the ability to stop road, or parts of a road, either by using the process under the Public Works Act or the process under the Local Government Act. The procedures that are required to be followed by the Council when using the Local Government Act process are set out in the Tenth Schedule to the Local Government Act, and include the public notification of the proposed road stopping and for the hearing of any objections received. Conversely, the Public Works Act 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 three 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.	<p>The Council prepares:</p> <ul style="list-style-type: none"> (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. <p>And lodges the plan at LINZ for approval.</p>
2.	<p>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:</p> <ul style="list-style-type: none"> (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; <p>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.</p>

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.

8 Cont'd.

Determining which statutory process to follow

16. Neither the Local Government Act nor the Public Works Act 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 Local Government Act procedure should apply. Guidelines about which Act to follow are set out in the proposed Road Stopping Policy document (**Attachment 1**).

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 Local Government Act and the Public Works Act.
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 "access way" 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.

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.

8 Cont'd.

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 Local Government Act and the Public Works Act 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.

8 Cont'd.

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 2009:

- (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.
- (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.

8 Cont'd.

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.

5. An application for road stopping will not proceed if the Council shall in 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.
- (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
 - (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.

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.

9. HALSWELL QUARRY PARK MANAGEMENT PLAN REVIEW – PUBLIC CONSULTATION



General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Asset and Network Planning Manager
Author:	Susan Lilley, Parks & Waterways Planner

PURPOSE OF REPORT

1. The purpose of this report seek the Board's recommendation to the Council that the Draft Halswell Quarry Park Management Plan be released for public consultation. (Draft Plan documentation to be **circulated separately**).

EXECUTIVE SUMMARY

2. Halswell Quarry Park is a 55 hectare regional park located between Cashmere Road and Kennedy's Bush Road in Halswell. The park was established in 1990 from the site of an early 20th century industrial quarry and ex-rural farm land, for recreational purposes. It contains recreational walks, historical sites and botanical gardens.
3. A Management Plan was adopted in 1991 under the Local Government Act 1974 (now amended), and reviewed in 1998.
4. At its meeting on 19 December 2008 the Council unanimously resolved:
 - (a) That a report to review the 1998 Halswell Quarry Park Management Plan be brought to the Council at its March 2009 meeting.
 - (b) To disestablish the Subcommittee appointed on 28 August 2008.
 - (c) To appoint a Halswell Quarry Park Special Committee to:
 - (i) hear any submissions on the revised Management Plan in May 2009
 - (ii) make a decision on the submissions and approve a new Management Plan.
 - (d) To appoint to the Special Committee the following Council members who are not members of a Sister City Committee nor members of the Riccarton/Wigram Community Board: The Mayor, Councillors Button, Reid, Sheriff, Wells, Williams and Withers.

FINANCIAL IMPLICATIONS

5. See below

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

6. The Draft Management Plan will include an indicative development programme and budget for works within the reserve. It is anticipated that, following approval of the final management plan, the indicative development programme will be considered for future budget allocation through the LTCCP process. The plan is structured to ensure that, while recommending actions, it does not commit the Council to any particular spending programme.

LEGAL CONSIDERATIONS

7. See below.

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

8. Although the Draft Management Plan will be prepared under the Local Government Act 2002, the review will also satisfy the continuous review requirement of the Reserves Act 1974. Section 41(4) of the Reserves Act requires that the Council keep its reserve management plans under continuous review, so that it is adapted to changing circumstances or in accordance with increasing knowledge. Generally, a minimum of ten years has been recommended as an appropriate review period.

9 Cont'd.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. See below.

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

10. To provide a network of parks, open spaces, waterways and wetlands that meet community and environmental needs (Vol 1 p124).

ALIGNMENT WITH STRATEGIES

11. See below.

Do the recommendations align with the Council's strategies?

12. Yes - Recreation and Sport Policy 1996, Physical Recreation and Sport Strategy 2002, Christchurch Active Living Strategy 2004, Draft Parks & Open Spaces Activity Management Plan 2005, Safer Christchurch Strategy 2005, Parks and Waterways Access Policy 2002, Waterways and Wetlands Natural Asset Management Strategy 1999. In addition, the City Plan - Section 14 sets objectives and policies for the provision of open space and recreational facilities

CONSULTATION FULFILMENT

13. Consultation on the released Draft Management Plan will be carried out as set down in the Reserves Act 1974.
14. The Halswell Quarry Park Special Committee will hear any submissions on the revised Management Plan in May 2009, make a decision on the submissions and approve a new Management Plan.

STAFF RECOMMENDATION

15. That the Board recommends to the Council that the Draft Halswell Quarry Park Management Plan be released for public consultation.

10. PROPOSED ROAD AND RIGHT OF WAY NAMING – MASHAM PARK SUBDIVISION

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Unit Manager Environment Policy & Approvals
Author:	Bob Pritchard, Subdivisions Officer

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

2. The approval of proposed new road and right of way names is delegated to Community Boards.
3. The Subdivision Officer has checked the proposed names against the Council's road name database to ensure it will not be confused with names currently in use.
4. **RMA 92005616 Enterprise Homes Limited "Masham Park" 471 Yaldhurst Road**

This application is stage one of the Masham Park subdivision. Stage one will create thirty-three new residential allotments to be served by two new roads, an extension to an existing road, and two new rights of way, one of which is to be named. The development company also carried out the adjoining subdivisions, and chose Scottish names centred around Kintyre in the southwest of Scotland as the road name theme. The company wishes to continue this latest subdivision with a Scottish theme. The major road is a continuation of the existing Neathwest Avenue. The second road heading north east off Neathwest Avenue will be a cul de sac terminating short of Yaldhurst Road (No access is permitted onto Yaldhurst Road) "Strathcarron Place" is proposed. Strathcarron is a West Scotland town at the head of Loch Carron at the foot of the Glencarron Valley, just north of the Isle of Mull, just north of the Kintyre Peninsula. The third road in the subdivision heads south off Neathwest Avenue. It is proposed to name this as "Kilbrannan Close". Kilbrannan Sound is a substantial sound separating the Peninsula of Kintyre from the Island of Arran. A right of way serving ten allotments runs west off Kilbrannan Close. "Skipness Lane" is proposed. Skipness is the name of a town and a castle on the north east coast of the Kintyre Peninsula. An alternative name "Carradale" has been provided if any of the above are not deemed suitable by the Board. Carradale is a town on the east coast of the Kintyre Peninsula.

FINANCIAL IMPLICATIONS

5. There is no financial cost to the Council. The administration fee for road naming is included as part of the subdivision consent application fee, and the cost of name plate manufacture is charged direct to the developer.

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

6. Not applicable.

LEGAL CONSIDERATIONS

7. Council has a statutory obligation to approve road names.

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

8. Yes. There are no legal implications.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Not applicable.

10 Cont'd.

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

10. Not applicable.

ALIGNMENT WITH STRATEGIES

11. Not applicable.

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. Where proposed road names have a possibility of being confused with names in use already, consultation is held with Land Information New Zealand and NZ Post.

STAFF RECOMMENDATION

It is recommended that the Board approve the proposed two road names "Strathcarron Place" and "Kilbrannan Close" and one right of way name "Skipness Lane" within the Marsham Park subdivision.

BACKGROUND (THE ISSUES)

13. There are no issues.

THE OBJECTIVES

14. Approval by the Community Board of the road names proposed in this report.

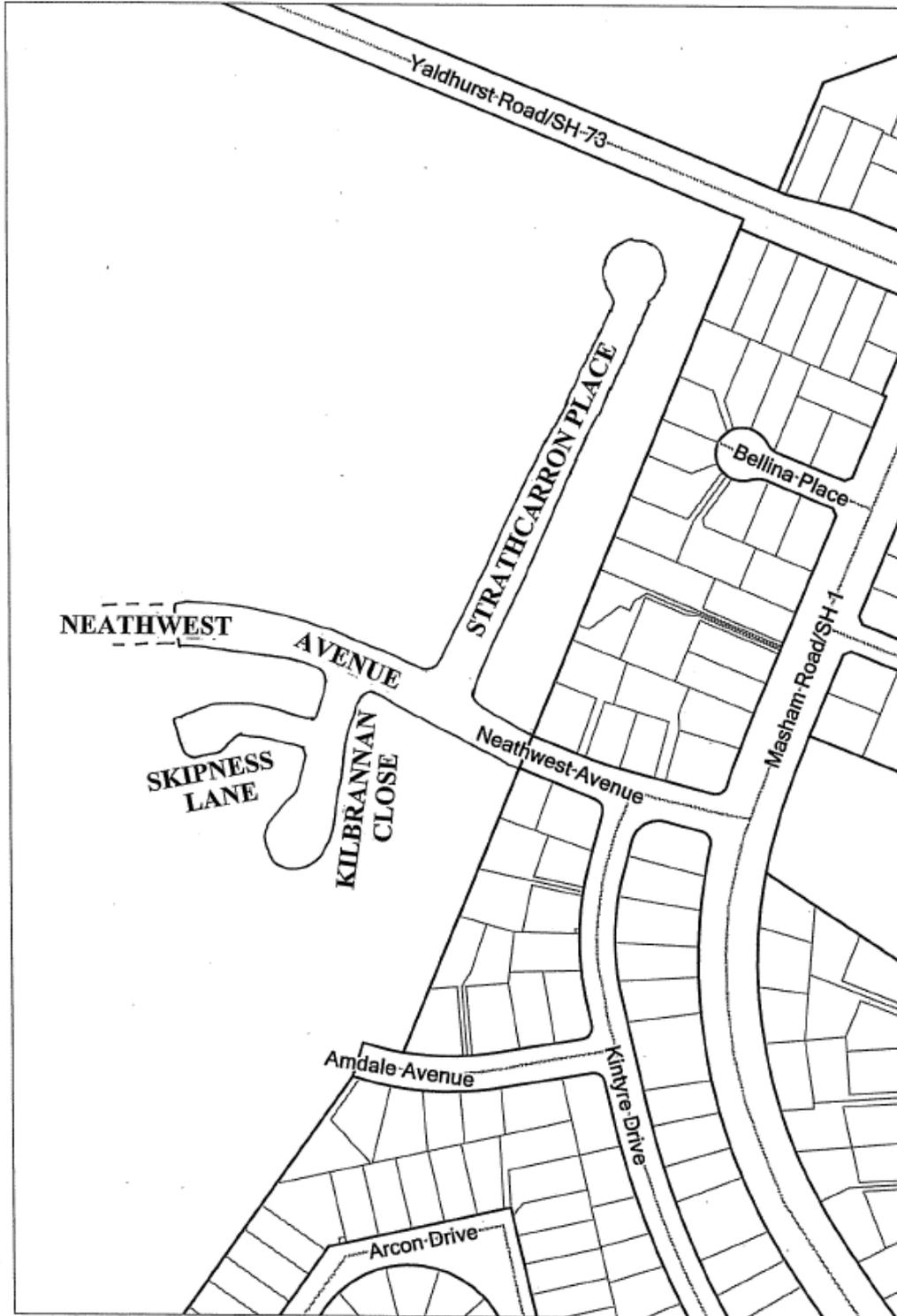
THE OPTIONS

15. Decline the proposed names and require alternative names to be supplied.

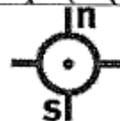
THE PREFERRED OPTION

16. Approve the names as submitted by the applicant.

Masham Park Stage 1



Scale: 1:3000
200 metres



11. **RICCARTON/WIGRAM TRANSPORT AND ROADING COMMITTEE – REPORT OF TRANSPORT AND ROADING COMMITTEE – 13 FEBRUARY 2009**

General Manager responsible:	General Manager, Regulation and Democracy Services
Officer responsible:	Liz Beaven, Community Board Adviser
Author:	Liz Beaven, Community Board Adviser

PURPOSE

The purpose of this report is to submit the outcomes of the Roothing and Transport Committee meeting held on Friday 13 February 2009.

The meeting was attended by Mike Mora (Chairperson), Jimmy Chen, Peter Laloli, and Bob Shearing.

Apologies for absence were received and accepted for Beth Dunn and Judy Kirk.

1. DEPUTATIONS BY APPOINTMENT

Nil.

2. CORRESPONDENCE

The following correspondence was referred to the Committee by the Community Board's 3 February 2009 meeting:

- A letter from Riccarton Park Residents Association regarding matters concerning roading in Buchanans Road, the Sockburn Roundabout, and Waterloo Road.

The Committee requested a letter be sent to NZ Police with the speed data supplied from the Residents Association asking for increased enforcement of the speed limit in Buchanans Road and report to the Riccarton/Wigram Transport and Roothing Committee.

- A letter from Steadman Road Area Residents Group regarding a safety issue Steadman Road.

The Committee requested that staff investigate and report back to the Committee on the matters raised in the Steadman Road Area Residents' Group letter.

3. BRIEFINGS

Nil.

4. KILMARNOCK STREET – PROPOSED REMOVAL OF MOBILITY PARK

The Committee considered a report to remove a mobility park on the south side of Kilmarnock Street.

The Committee's recommendation on this matter is recorded under clause 8 of this report.

5. HAYTON ROAD – PROPOSED P10 PARKING RESTRICTIONS

The Committee considered a report to formalise the installation of a P10 Parking Restriction on the indented parking area on the north side of Hayton Road.

The Committee's recommendation on this matter is recorded under clause 8 of this report.

11 Cont'd.

6. 110 YALDHURST ROAD – BUS SHELTER

The Committee considered a report to install a new bus shelter at the existing bus stop outside 110 Yaldhurst Road.

The Committee's recommendation on this matter is recorded under clause 8 of this report.

7. UPDATE ON CURRENT TRANSPORT ISSUES

The Committee and staff discussed the Committee's list of Current Transport Issues.

8. COMMITTEE RECOMMENDATIONS

8.1 Kilmarnock Street – Proposed Removal Of Mobility Park

That the Board approve that the parking of vehicles reserved for disabled persons displaying the appropriate permit in their vehicle, currently located on the south side of Kilmarnock Street commencing at a point 148 metres in an easterly direction from its intersection with Harakeke Street and extending in an easterly direction for a distance of 14 metres be revoked.

8.2 Hayton Road – Proposed P10 Parking Restrictions

That the Board approve that the parking of vehicles be restricted to a maximum period of ten minutes on the north side of Hayton Road commencing at a point 44 metres east from the extension of the eastern kerb of Washbournes Road and extending in an easterly direction for a distance of 41 metres.

8.3 110 Yaldhurst Road – Bus Shelter

That the Board approve the installation of a bus shelter at the bus stop outside 110 Yaldhurst Road, Riccarton with the proviso that it is supported by the Riccarton Bubble Project team.

9. ELECTED MEMBERS' INFORMATION EXCHANGE

Matters raised included:

Future proposed plans for Brynley Street, particularly with regard to any current resource consents. The Committee requested staff look into these matters and forward any information to Committee members.

The Committee Chairman will meet with residents of the Cumbria Lane / Ravensdown Rise area to discuss their concerns with traffic and possibility of Give Way sign installation.

The meeting concluded at 9.25am.

12. RICCARTON/WIGRAM COMMUNITY SERVICES COMMITTEE – REPORT OF COMMUNITY SERVICES COMMITTEE – 24 FEBRUARY 2009

General Manager responsible:	General Manager, Regulation and Democracy Services
Officer responsible:	Liz Beaven, Community Board Adviser
Author:	Jenny Hughey, Community Board Adviser

PURPOSE

The purpose of this report is to submit the outcomes of the Community Services Committee meeting held on Tuesday 24 February 2009.

The meeting was attended by Jimmy Chen (Chairperson), Helen Broughton, Peter Laloli and Mike Mora.

Apologies for absence were received and accepted from Beth Dunn, Judy Kirk and Bob Shearing.

1. DEPUTATIONS BY APPOINTMENT

Alan Aitken of Affinity Trustees and Sue Hines, acting supervisor from Springs Road Pre-School outlined to the Committee the Trustees future intentions in relation to the Springs Road Pre-School.

The Chair thanked the deputations and requested that the Board be kept informed on any developments or change in circumstances of Trustees and the Pre-School.

2. PETITIONS

Nil.

3. BRIEFINGS

Nil.

4. APPLICATION TO THE RICCARTON/WIGRAM COMMUNITY BOARD’S 2008/09 YOUTH DEVELOPMENT SCHEME – NEW ZEALAND FRIENDSHIP HOCKEY TEAM

The Committee considered a report seeking funding from the Community Board's 2008/09 Youth Development Scheme for two members of the New Zealand Friendship Ice Hockey team to participate in a tournament in Japan.

The Committee's decision on this matter is recorded under clause 7 of this report.

5. APPLICATION TO THE RICCARTON/WIGRAM COMMUNITY BOARD’S 2008/09 YOUTH DEVELOPMENT SCHEME – SUNDY NG

The Committee considered a report seeking funding from the Community Board's 2008/09 Youth Development Scheme for Sundy Ng to attend the Australasian U19 CP Maddern Badminton Tournament.

The Committee's decision on this matter is recorded under clause 7 of this report.

12 Cont'd.

6. APPLICATION TO THE RICCARTON/WIGRAM COMMUNITY BOARD'S 2008/09 YOUTH DEVELOPMENT SCHEME – JOSHUA GARMONSWAY

The Committee considered a report seeking funding from the Community Board's 2008/09 Youth Development Scheme for Joshua Garmonsway to attend an elite training camp in Germany.

The Committee's decision on this matter is recorded under clause 7 of this report.

7. COMMITTEE DECISIONS

7.1 Application to the Riccarton/Wigram Community Board's 2008/09 Youth Development Scheme – New Zealand Friendship Hockey Team

That the Committee approve the funding application of New Zealand Friendship Ice Hockey team and allocate \$500 for two team members (totalling \$1,000) from the 2008/09 Youth Development Scheme as a contribution towards costs of attending the Friendship Ice Hockey Tournament in Hachinohe, Japan in April 2009.

7.2 Application to the Riccarton/Wigram Community Board's 2008/09 Youth Development Scheme – Sundry Ng

That the Committee approve the funding application and allocate \$500 to Sundry Ng as a contribution towards costs for her trip to attend the Australian U19 CPU Maddern Badminton Tournament in June/July 2009 from the 2008/09 Youth Development Fund.

7.3 Application to the Riccarton/Wigram Community Board's 2008/09 Youth Development Scheme – Joshua Garmonsway

That the Committee approve the funding application and allocate \$500 to Joshua Garmonsway as a contribution towards costs for his trip to an elite trampoline camp in Germany from the 2008/09 Youth Development Fund.

8. ELECTED MEMBERS' INFORMATION EXCHANGE

Nil.

The meeting concluded at 5.36pm.

13. **COMMUNITY BOARD ADVISER'S UPDATE**
14. **ELECTED MEMBERS' INFORMATION EXCHANGE**
15. **MEMBERS' QUESTIONS UNDER STANDING ORDERS**
16. **PUBLIC EXCLUDED RESOLUTION**
(SEE ATTACHMENT)

