

**RICCARTON/WIGRAM COMMUNITY BOARD
TRANSPORT AND GREENSPACE COMMITTEE
AGENDA
MONDAY 22 MARCH 2010**

AT 9.30AM

**AT SOCKBURN SERVICE CENTRE
IN THE BOARDROOM,
149 MAIN SOUTH ROAD, CHRISTCHURCH**

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

Community Board Adviser

Liz Beaven

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

INDEX

CLAUSE

- PART B 1. APOLOGIES**
- PART B 2. DEPUTATIONS BY APPOINTMENT**
 - 2.1 Mr G Scandrett, Resident of Jamell Place**
- PART B 3. NOTICE OF MOTION**
- PART B 4. CORRESPONDENCE**
- PART B 5. BRIEFINGS**
 - 5.1 Inspector Al Stewart - New Zealand Police**
 - 5.2 Tony Spowart – New Zealand Transport Agency**
 - 5.3 Paul Forbes - Parkstone Avenue Anti-Social Driving**
- PART C 6. REMOVAL OF TREE HUT - TEMPLETON DOMAIN**
- PART C 7. PROPOSED NO STOPPING RESTRICTION - PRINCESS STREET**
- PART C 8. PROPOSED PARKING RESTRICTION – SCHOOL ROAD, HALSWELL**
- PART B 9. ELECTED MEMBERS' INFORMATION EXCHANGE**

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1. APOLOGIES

2. DEPUTATIONS BY APPOINTMENT

- 2.1 Mr G Scandrett, resident of Jamell Place, will outline to the Committee his request to remove a Silver Birch street tree outside his property.

3. NOTICES OF MOTION

- 3.1 The following Notice of Motion is submitted by Helen Broughton pursuant to Standing Order 3.10.1:

That the remaining Silver Birch in the berm adjoining Mr and Mrs Scandrett's residence in Jamell Place be removed and replaced. The cost of removal and replacement to be at the expense of the Scandretts.

4. CORRESPONDENCE

5. BRIEFINGS

- 5.1 Inspector Al Stewart, Roding Area Commander, New Zealand Police, will update the Committee on traffic matters within the Ward.
- 5.2 Tony Spowart, Regional Traffic and Safety Manager, New Zealand Transport Agency (NZTA), will update the Committee on the NZTA projects within the Riccarton/Wigram Ward.
- 5.3 Paul Forbes, Assistant Traffic Engineer, will discuss the recent staff advice regarding Parkstone Avenue Anti-Social Driving, which was given to Committee Members in answer to a deputation to the Board in 2009.

6. REMOVAL OF TREE HUT - TEMPLETON DOMAIN

General Manager responsible:	General Manager, City Environment Group DDI 941-8608
Officer responsible:	Unit Manager, Transport & Greenspace
Author:	Shane Moohan, City Arborist

PURPOSE OF REPORT

1. The purpose of this report is to seek the Committee's recommendation to the Board to remove a resident constructed tree hut from a tree within Templeton Domain.

EXECUTIVE SUMMARY

2. The tree hut was built in Templeton Domain without the Council's approval and is breach of Clause 6.1(d) of the Parks and Reserves Bylaw.
3. Council staff became aware of its existence after a child fell off a rope and tyre swing and sustained an injury.
4. Advice given to the Council staff was that the local Residents' Association would protest the removal of the tree hut.
5. It is unlikely that the tree hut complies with the relevant New Zealand Standard for Playground Equipment (NZS5828). It is also possible that it may be in breach of the Building Act 2004 and Resource Management Act 1991.
6. The Community Board has the delegated authority to approve the installation of play equipment under the Reserve Management Plan for Templeton Domain dated 1980.
7. Legal advice is that Council has a health and safety liability and that the tree hut should either be removed or upgraded to comply with the relevant standard for playground equipment.
8. Clause 11 of the General Bylaw states that the Council can remove anything that has been constructed in breach of a Bylaw.
9. As outlined in paragraphs 7 and 8 above, staff recommend that the tree hut be removed.

FINANCIAL IMPLICATIONS

10. The cost to remove the tree hut is estimated at \$300.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

11. Removing the tree hut is consistent with the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

12. It is unlikely that the hut and swing currently comply with the applicable New Zealand Standard for Playground Equipment (NZS5828). It is possible that the hut and swing also breach the provisions of the Building Act 2004 and the Resource Management Act 1991.
13. The tree hut is in breach of Clause 6.1 (d) of the Parks and Reserves Bylaw which states that "no person may, without the prior permission of an Authorised Officer...bolt, drill, or place any fixture, plaque or sign in a reserve".
14. Clause 11 of the General Bylaw states that the Council can remove anything that has been constructed in breach of a Bylaw.
15. The Council has knowledge that the hut and swing are dangerous and have caused a child to be injured. Therefore, the Council is at risk of prosecution if any further injuries occur.

6. Cont'd.

16. The Council could also be liable for civil claims for any property damaged if the hut or swing break again and/or for exemplary damages (although exemplary damages would only be granted in extreme circumstances).
17. If the tree hut remains on the Domain then this could potentially result in civil and/or criminal liability for the Council if someone else is injured on the swing or in the hut.
18. The costs of any physical injury suffered by a person would be met by Accident Compensation Corporation. However, the Council could be liable for the costs of any damage to personal property caused if the hut or swing fail (say for example a part of the hut became loose and fell off, causing damage to a pram underneath).
19. The Council could also be liable for exemplary damages (for example, for emotional harm suffered as a result of an injury), but exemplary damages are only granted in extreme cases.
20. The Council could potentially be prosecuted under the Health and Safety in Employment Act 1992 (section 15 of the Health and Safety in Employment Act states that every employer must take all practicable steps to ensure that no action or inaction of any employee while at work harms any other person) or the Crimes Act 1961 if it is considered that the Council has failed to take steps to make the tree hut and swing safe. However, for criminal liability to arise it would need to be established that there was a serious failing on the part of the Council. It is uncertain whether any failings in this case would be considered sufficiently serious to result in prosecution in the event of another injury.
21. If the Community Board decides to allow the tree hut to stay then it must accept the risks set out above regarding civil and criminal liability. The Community Board as an entity, or the individual members, could be liable for any civil liability arising, although the Community Board members would be indemnified by the Council as long as they acted in good faith when making their decision. However, it could be possible to prosecute the Board members individually, depending on the section of legislation used to prosecute.

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

22. Yes, as per above. The tree hut has been cordoned off to discourage use.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. LTCCP 2009-19:

Parks, open spaces and waterways – Pg. 123

Maintain playground equipment:
 - keep playground equipment safe, clean and serviceable
 - make safe or immobilise unsafe equipment within two hours of notice
24. Upgrading the tree hut to meet the required standards or constructing a tree hut that meets the required standards would require a submission to the next LTCCP.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

25. Yes, as per above.

ALIGNMENT WITH STRATEGIES

26. Removal of the tree hut aligns with the Safer Christchurch Strategy, Goal 1; Reduce the Incident of Injury in Our Community.
27. Removal of the tree hut aligns with the safer environment outcome for the Children's Policy.

6. Cont'd.

Do the recommendations align with the Council's strategies?

28. Yes, as per above.

CONSULTATION FULFILMENT

29. There has been no public consultation undertaken.

30. Staff were advised that the local residents association would protest the removal of the tree hut and that the local police constable supported it being there.

STAFF RECOMMENDATION

31. It is recommended that the Committee recommend to the Board to remove the resident built tree hut from Templeton Domain.

7. PROPOSED NO STOPPING RESTRICTION - PRINCESS STREET

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace
Author:	Paul Forbes, Assistant Traffic Engineer

PURPOSE OF REPORT

1. The purpose of this report is to seek the Committee's recommendation to the Board to approve the extension of existing no-stopping at the intersection of Princess Street and Knight Place.

EXECUTIVE SUMMARY

2. Staff have received a request from a business owner on Knight Place, that the existing No Stopping restriction at the intersection of Princess Street and Knight Street be extended to improve safety at the intersection. (refer **Attachment 1**).
3. Princess Street is a local road. Results from an off peak speed survey conducted by staff on Princess Street show that the average speed of vehicles is 49.6 km/h and that 15% of drivers are travelling at speeds of 55 km/h or greater.
4. The existing no stopping parking restrictions at the intersection extend either side of the intersection for a distance of nine metres on the western side and 9.5 metres on the eastern side of Princess Street (refer **Attachment 1**).
5. To meet design standards a 50 metre minimum safe intersection stopping distance for an intersection on a road that has a 50 km/h speed limit must be achieved. With these current no stopping restrictions, sight distances could be as low as 27 metres which is almost half the recommended safe sight distance. This proposal will ensure that safe sight distances are always available to motorists entering Princess Street from Knight Place.
6. There have been no recorded crashes at this intersection in the past five years however, there have been numerous near misses reported to staff from the business on Knight Place.
7. Owing to the fact that this is considered by staff to be a safety issue no public consultation was sought for this proposal.

FINANCIAL IMPLICATIONS

8. The estimated cost of this proposal is approximately \$50.

Do the Recommendations of this Report Align with 2009-19 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 2009. The list of delegations for the Community Boards includes the resolution of parking restrictions and Traffic Control Devices.
12. The installation of any parking restriction signs and/ or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

13. As above.

7. Cont'd.

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 2009-19 LTCCP?

15. As above.

ALIGNMENT WITH STRATEGIES

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

Do the recommendations align with the Council's Strategies?

17. As above.

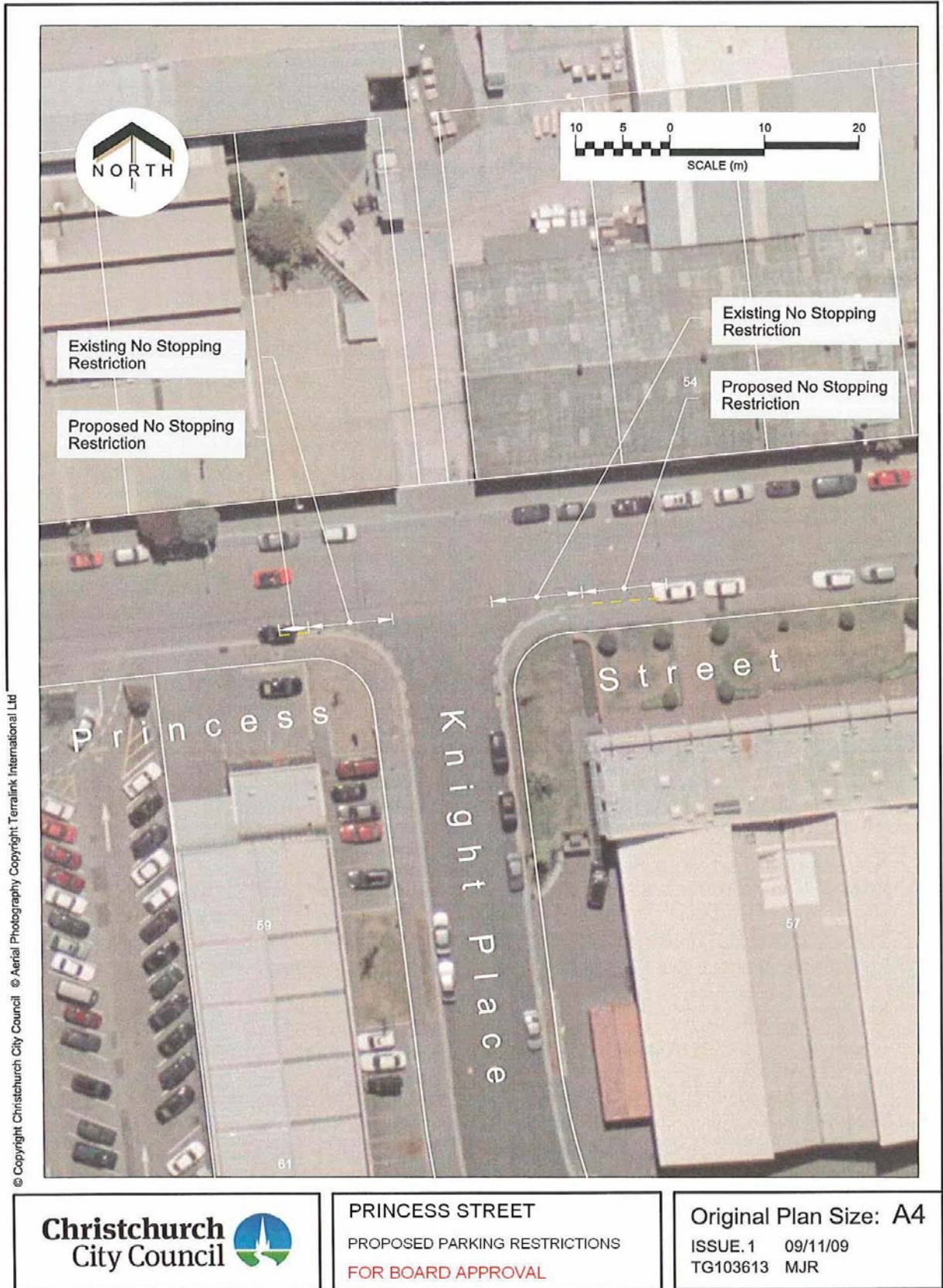
CONSULTATION FULFILMENT

18. Refer to clause 7.
19. The Officer in Charge – Parking Enforcement agrees with this recommendation.

STAFF RECOMMENDATION

It is recommended that the Riccarton/Wigram Transport and Greenspace Committee recommend that the Riccarton/Wigram Community Board approve:

- (a) That any existing parking restrictions at any time on the southern side of Princess Street within the distance at 12 metres East or West of Knights Place be revoked.
- (b) That the stopping of vehicles be prohibited at any time on the south side of Princess Street commencing at its intersection with Knights Place and extending in a westerly direction for a distance of 12 metres.
- (c) That the stopping of vehicles be prohibited at any time on the south side of Princess Street commencing at its intersection with Knights Place and extending in an easterly direction for a distance of 12 metres.



8. PROPOSED PARKING RESTRICTION - SCHOOL ROAD, HALSWELL

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace Manager
Author:	Paul Forbes Assistant Traffic Engineer

PURPOSE OF REPORT

1. The purpose of this report is to seek the Committee's recommendation to the Board to approve a P3 Drop off/Pick up parking restriction be installed on the northern side of School Road, Halswell, operating from 8.30am to 9.30am and from 2.30pm to 3.30pm, school days only and to install a no stopping parking restriction.

EXECUTIVE SUMMARY

2. Staff have received a request from Riccarton/Wigram Community Board to investigate the parking and pedestrian safety issues outside of Halswell Primary School and to recommend improvements.
3. Staff recently commissioned a comprehensive study of the effects of different time limits on caregivers' behaviour with the intention of improving the effectiveness of pick up/drop off zones outside schools. The recommendation that came from the study was that P3 Drop off/ Pick up Zones would be the most effective in maintaining traffic flow in the area. This proposal is in line with the study's recommendations. Time limits greater than this could result in caregivers being tempted to leave their vehicles and inadvertently exceed the time limit.
4. School Road, Halswell is a local road adjacent to Halswell Primary School. The terminus for Halswell 7 bus is located on School Road (refer **Attachment 1**). Currently the only parking restrictions on the northern side of School Road are the bus stop, the bus stop terminus and a nine metre section of No Stopping (Broken Yellow Lines) at the Larsons Road end as shown in the attached plan. Residents are experiencing difficulties during the peak times for school pick up and drop off with the existing situation having parents/caregivers blocking vehicle entrances while waiting for children to come out of school.
5. Halswell School have expressed their concerns for the safety of children when crossing School Road. They consider that the buses parked at the bus stop makes it difficult for pedestrians to see approaching vehicles from the western end of School Road. The installation of the P3 School Drop off/Pick up zones and no stopping restrictions between the bus stops and the proposed P3 parking area will increase pedestrian safety by improving sight distances for motorists and pedestrians. The relocation of the bus stops was suggested by the school but staff do not consider that the cost and subsequent inconvenience to bus users by the relocating of the bus stops and shelter is warranted.
6. Halswell School has entrances on four roads: Halswell Road, Larsens Road, School Road and Kennedys Bush Road. Larsens, School and Kennedys Bush Roads are all local roads. Halswell Road is classified as a Minor Arterial Road with unrestricted parking on the school side of the road but has a very steep camber and is subsequently not very suitable or popular for parents/caregivers to pick up and drop off children. Staff do not encourage this area as a pick up/drop off area. Larsens Road only has space for two vehicles on the school side of the road. Kennedys Bush Road is at the eastern end of the school grounds and away from the class rooms and therefore is not often used by parents dropping off and picking up their children. School Road is the preferred pick up/drop off area for parents/caregivers of pupils at Halswell Primary School.
7. It is therefore important to ensure that there is a good turn over of vehicles at this location. Caregivers wishing to stay longer can use the other many available (but less popular) areas.

8. Cont'd.

FINANCIAL IMPLICATIONS

8. The estimated cost of this proposal is \$350.

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 2009. The list of delegations for the Community Boards includes the resolution of parking restrictions and Traffic Control Devices.
12. The installation of any parking restriction signs and/ or markings must comply with the Land Transport Rule: Traffic Control Devices 2004. (See **Attachment 2** – Example of Parking Sign).

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 2009-19 LTCCP?

15. As above.

ALIGNMENT WITH STRATEGIES

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

Do the recommendations align with the Council's Strategies?

17. As above.

CONSULTATION FULFILMENT

18. All residents of School Road were consulted on the proposal. Of the 16 consultation letters distributed, nine replies were received. Seven replies supported and two did not support the proposal. The replies that did not support the proposal stated that they would support the proposal if the bus stops were relocated to further down School Road to the Kennedy's Bush Road end of School Road.
19. The Halswell Residents' Association were consulted on the proposal. No response was received.
20. The Officer in Charge- Parking Enforcement agrees with this recommendation.

8. Cont'd.

STAFF RECOMMENDATION

It is recommended that the Riccarton/Wigram Transport and Greenspace Committee recommend that the Riccarton/Wigram Community Board:

- (a) Revoke:
 - (i) All existing parking restrictions on School Road, Halswell.
- (b) Approve:
 - (i) That the stopping of vehicles be prohibited at all times on the northern side of School Road, Halswell commencing at its intersection with Larsons Road and extending in an easterly direction for a distance of nine metres.
 - (ii) That the stopping of vehicles be prohibited at all times on the northern side of School Road, Halswell commencing at a point 88 metre east of its intersection with Larsons Road and extending in an easterly direction for a distance of 28 metres.
 - (iii) That a Bus Stop be installed on the northern side of School Road, Halswell commencing at a point 52 metres in an easterly direction from its intersection with Larsons Road and extending in an easterly direction for a distance of 36 metres.
 - (iv) That the parking of vehicles be restricted to a maximum period of three minutes on the northern side of School Road, Halswell commencing at a point 116 East of its intersection with Larsens Road and extending in an easterly direction for a distance of 50 metres. This restriction is to apply between 8.30am to 9.30am and 2.30pm to 3.30pm on school days.



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- 14 -

9. ELECTED MEMBERS' INFORMATION EXCHANGE