

28. 9. 2010



# LYTTELTON/MT HERBERT COMMUNITY BOARD AGENDA

**TUESDAY 28 SEPTEMBER 2010**

**AT 9.30AM**

**IN THE BOARD ROOM OF THE  
LYTTELTON SERVICE CENTRE,  
33 LONDON STREET, LYTTELTON**

**Community Board:** Paula Smith (Chairperson), Jeremy Agar (Deputy Chairman), Doug Couch, Ann Jolliffe, Dawn Kottier and Claudia Reid.

**Community Board Adviser**  
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1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES**

The Minutes of the Board's ordinary meeting of 17 August 2010 are **attached**.

**STAFF RECOMMENDATION**

That the Minutes of the Board's ordinary meeting held on 17 August 2010 be confirmed.

### 3. DEPUTATIONS BY APPOINTMENT

#### 3.1 DR JOHN LYFTOGT – CASS BAY DEVELOPMENT PLAN

Dr John Lyftogt, a resident of Cass Bay, wishes to comment on the Cass Bay Development Plan in particular issues of safety in relation to the proposed retaining and upgrading of the slipway/boat ramp.

#### 3.2 MARK QUAIL – COMMODORE, NAVAL POINT CLUB

Mark Quail wishes to address the Board about the Clubs' philosophy for the area at Naval Point.

#### 3.3 CYNTHIA VAN DE LOO – LIVING MORE SUSTAINABLY

Cynthia van de Loo wishes to outline a proposal to the Board which involves a number of initiatives including making Lyttelton a spray free zone, planting edible trees/bushes and living more sustainably.

Vanya Maw, (or Charles Merfield) and Adrian Te Patu also wish to address the Board as part of the deputation.

#### 3.4 ELIZABETH GRAHAM

Miss Graham wishes to address the Board about:

- Easement over Reserve 4450, Charteris Bay
- London Street Sculpture

### 4. CORRESPONDENCE

#### 4.1 LYTTTELTON ENVIRONMENT GROUP

**Attached** is a letter from Alison Ross, Lyttelton Environment Group expressing the Group's concerns around the proposed funding and construction of the London Street sculpture.

#### STAFF RECOMMENDATION

It is recommended that the Board receive the correspondence.

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5. **PRESENTATIONS OF PETITIONS**

Nil.

6. **NOTICES OF MOTION**

Nil.

7. **MINUTES OF ALLANDALE RESERVE MANAGEMENT COMMITTEE MEETING HELD 23 JULY 2010**

A copy of the minutes from the 23 July 2010 meeting of the Allandale Reserve Management Committee is **attached** for members' information.

**STAFF RECOMMENDATION**

That the minutes of the Allandale Reserve Management Committee meeting held on 23 July 2010 be received.

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**8. MINUTES OF LYTTELTON RESERVES MANAGEMENT COMMITTEE MEETING HELD  
23 AUGUST 2010**

A copy of the minutes from the 23 August 2010 meeting of the Lyttelton Reserves Management Committee is **attached** for members' information.

**STAFF RECOMMENDATION**

That the minutes of the Lyttelton Reserves Management Committee meeting held on 23 August 2010 be received.

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9. **LYTTELTON/MT HERBERT COMMUNITY BOARD SMALL GRANTS FUND ASSESSMENT COMMITTEE REPORT**

A copy of the minutes from the 12 August 2010 meeting of the Lyttelton/Mt Herbert Community Board Small Grants Fund Assessment Committee is **attached** for members' information.

**STAFF RECOMMENDATION**

That the minutes of the Lyttelton/Mt Herbert Community Board Small Grants Fund Assessment Committee meeting held on 12 August 2010 be received.

10. CASS BAY PLAYGROUND – PROPOSED EASEMENT FOR RELOCATED 11 KVA SUBSTATION

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager Asset and Network Planning
<b>Author:</b>	John Allen, Policy and Leasing Administrator

**PURPOSE OF REPORT**

1. The purpose of this report is for the Board to consider an application from Orion Company Limited (Orion) for an easement to enable them to relocate their present 11 KVA transformer in the Cass Bay Playground.

**EXECUTIVE SUMMARY**

2. A report was placed before the Community Board at its 8 December 2009 meeting in which it was recommended that an easement be granted to Orion to enable them to site the new upgraded 11 KVA transformer behind the toilet block adjacent to the children’s playground in Cass Bay. The Board had concerns about placing the transformer in this position close to the playground, resolving: *“That the report lie on the table until the Board receives revised plans clarifying the location of the new site in relation to the playground and in particular, the elevation and roof levels in relation to the playground, plus details of the landscape plan.”*
3. Since this time Council staff have worked, initially with Orion staff, and subsequently with local adjacent residents and the Cass Bay Residents Association, to find a more acceptable site on the reserve for the upgraded transformer, which better complies with crime prevention through environmental design principles, and does not compromise the long term planning for the reserve as did the initially proposed site in the middle of the park.
4. Four sites were initially identified as shown on **Attachment 1** and discussed with the adjacent residents and the Residents Association, with option 2 (the kiosk being located in the front of the reserve with its back against the fence) finding favour with these residents.
5. This siting moves the transformer away from the centre of the park to the edge, minimises its visual impact on the reserve as viewed from the road, allows servicing of the transformer to occur without disrupting recreational activities occurring around the playground, is in alignment with the “Crime Prevention Through Environmental Design” principles as contained within the Safer Christchurch Strategy and allows for the redevelopment of the reserve to occur at some time in the future without the need to work around a transformer located in the middle of the park.
6. It will be necessary for the gravel path leading into the park to be realigned around the transformer (as shown on **Attachment 1**) after connecting up the cables to the transformer in its new location. There is also a need to remove the existing transformer building which is attached to the toilet block, and ‘make good’ the wall of the toilet block after the addition has been removed. This work will be undertaken by Orion at their expense.
7. There will be a need to put further easements in place over the reserve over the area in front of the substation in which the re-routed cables to the substation will be placed. These cables will be underground and therefore will not affect the recreational use of the reserve. These easements will be put in place, “as built” after the re-routed cables are laid.
8. Subsequent to the consultation with residents, staff advertised the preferred site in the Public Notices column of The Press newspaper on Saturday 15 May 2010, as detailed in **Attachment 2**, as per the requirements of the Reserves Act 1977. A memorandum dated 4 May 2010 was circulated to Board Members informing them of the process being followed to resolve the siting issue as rapidly as possible to enable Council approval to be given to granting the easement. No submissions to the public advertisement were received.
9. Staff are recommending that the proposed easement in favour of Orion be granted.



10 Cont'd

**FINANCIAL IMPLICATIONS**

10. There are no financial implications to the Council as Orion has agreed to pay all costs associated with putting the easement in place and relocating the transformer.

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

11. This project will have no impact on existing Council budgets.

**LEGAL CONSIDERATIONS**

12. The legal description of Cass Bay Playground is Lot 77 Deposit Plan 24151 being a recreation reserve of 5084 square metres vested in the Council under the Reserves Act 1977, contained in Certificate of Title CB5C/302.
13. Under section 48 of the Reserves Act 1977 (the Act) the Council is able to grant easements over reserve land vested in the Council.
14. The Council under section 48(2) of the Act is required to give public notice of its intention to grant the easement in a newspaper which circulates in the area, giving the public one calendar month to make a submission or object to the Council's proposal.
15. Section 48(3) of the Act states that it is not necessary to comply with section 48(2) if it is considered that (a) the reserve is not likely to be materially altered or permanently damaged, or (b) the rights of the public are not likely to be permanently affected. This application fails these tests because the substation is built above the ground and therefore the reserve will be materially altered, although in this case officers contend only in a minor way which will have less impact upon the park than the present location.
16. The proposal has been publicly advertised, which is amplified upon below and no submissions were received.
17. As described below (clause 22) when choosing the agreed site Council officers were mindful of ensuring that the new site complied with "Crime Prevention Through Environmental Design" principles.
18. The Council has delegated its authority to grant easements under section 48 of the Act to the Community Boards and therefore the decision that the Board makes is the decision of Council.
19. Council policy dictates that an applicant for an easement pay the Council a one off compensatory payment, as decided by independent valuation for the privilege of having an easement encumbrance placed on the Council's title (27 September 2001). Officers are recommending that because the easement being requested is to relocate an existing 11 KVA transformer within the reserve to a better location, from a reserve design perspective, that this policy not be applied in this case.

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

20. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

21. Not applicable.

10 Cont'd

**ALIGNMENT WITH STRATEGIES**

22. The shifting of the transformer cabinet from its present location attached to the toilet block in the centre of the playground "space" to the edge of the reserve is in alignment with the "Crime Prevention Through Environmental Design" principles as contained in the Safer Christchurch Strategy, by allowing the removal of the building housing the present transformer, which in turn will allow for better views into the playground area from the road.

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

23. Yes, see above.

**CONSULTATION FULFILMENT**

24. Council and Orion staff worked together to identify a number of better possible sites for the location of the new transformer which did not compromise the central recreational areas of the reserve.
25. Staff visited the residents at 48 Bay View Road, the property adjacent to the park and the one that the new transformer will be backed up against, 39 Harbour View Terrace the property across the road opposite the park, and 31 Harbour View Terrace the property diagonally back from the reserve on the corner of Bay View Road and Harbour Crescent. These residents chose the second option, shown as Option 2 on **Attachment 1**.
26. Subsequent to this a public notice was placed in the "The Press" newspaper, **Attachment 2**, as required by Section 48(2) of the Act on Saturday 15 May 2010, closing on Wednesday 16 June 2010 inviting submissions on the proposal to grant a four square metre easement to Orion Company Limited on which to build a 11 KVA substation, from which no submissions were received.

**STAFF RECOMMENDATION**

It is recommended that the Board under delegated authority from the Council grant Orion Company Limited an easement pursuant to section 48(1)(d) of the Reserves Act 1977 over approximately four square metres on which to place a transformer, and an area "as built" in which cables to the transformer will be laid, of the Cass Bay Playground which is Lot 77 Deposit Plan 24151 a recreation reserve of 5084 square metres vested in the Council under the Reserves Act 1977 contained in Certificate of Title CB5C/302, subject to the following conditions:

- (a) The consent of the Minister of Conservation being obtained;
- (b) The easement terms being negotiated by the Corporate Support Manager or his nominee in association with the Policy and Leasing Administrator;
- (c) The easement construction area being maintained by the applicant and their contractors in a safe and tidy condition at all times;
- (d) All costs associated with the survey and registration of the easement on the Councils title, being paid for by the applicant;
- (e) The applicant is to provide the Council, within three months of completion of the work, a surveyed easement plan on which the new easements are shown;
- (f) The applicant is to provide the Council, within three months of completion of the work a copy of the title on which the easement is shown;

**10 Cont'd**

- (g) That the Council resolves not to request a one off compensatory payment for the privilege of having the easement encumbrance placed on the Council's title in accordance with Council policy (27 September 2001), because the easement being requested is to relocate an existing 11 KVA transformer within the reserve to a better location from the reserve design perspective;
- (h) The Council is to charge the Orion Co Ltd for the officers' time, public advertising, Department of Conservation approval fees and other processing expenses to process the application for the easement in accordance with Council Policy (12 July 2001);
- (i) That Orion Company Limited at their expense relocate the gravel path leading into the park around the newly located transformer, re-grass the area after connecting up the cables to the transformer in its new location; and 'make good' the wall of the toilet block after the addition has been removed;
- (j) The applicant is to pay a \$2,000 bond to the Council via the Greenspace Contract Manager, Lyttelton Service Centre, and sign a temporary access licence before any construction commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee upon completion of the development to a standard acceptable to the Greenspace Manager.

11. CASS BAY DEVELOPMENT PLAN

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Ann Campbell; Consultation Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval for the Cass Bay Development Plan following public consultation (refer **Attachment 1**), in order to inform and be considered for future LTCCP funding.

**EXECUTIVE SUMMARY**

2. Cass Bay is a small bay located in the Lyttelton Harbour Basin, Banks Peninsula between Rapaki Bay and Corsair Bay. There is a walking track which links Corsair Bay to the east and to Pony Point Reserve to the west. There is also a small playground on the foreshore which has a picnic table and a couple of bench seats. Recently Council installed a new flying fox in the reserve after it was identified the original one was located in an unsafe area of the reserve.
3. In September 2002 Peter Rough Landscape Architects Ltd prepared a proposal for the improvement and enhancement of the Cass Bay Reserves for the Cass Bay Residents Association. A small number of elements in the original plan have been implemented by volunteers on the Cass Bay Reserves Committee, however due to lack of manpower and available funds, the plan has not proceeded further.
4. This current development plan is the long term proposal for the improvement and enhancement of Cass Bay reserves areas, building on the Peter Rough proposal of 2002 and addressing ongoing issues raised over the years.
5. The public consultation indicated support for the proposed concept and the proposal has been amended in response to feedback received from the community. The amended plan is included as **attachment 1** and recommended for approval by the Community Board.
6. If approved, an application for funding will be made to the draft 2012-2022 LTCCP (Long Term Council Community Plan) for funding to be allocated for all new development. This will enable proposed works to be staged over the years to come.

**FINANCIAL IMPLICATIONS**

7. The Council does not currently have funding to undertake the work proposed in this draft plan. An application will be made to the draft 2012-2022 LTCCP (Long Term Council Community Plan) in 2012 for funding to be allocated for new development and ongoing maintenance.

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

8. Not applicable.

**LEGAL CONSIDERATIONS**

9. The Lyttelton/Mt Herbert Community Board have delegated authority to approve the **attached** concept plan.
10. All necessary resource consents and building consents will be obtained before any construction is undertaken.
11. All works will be carried out by a Council approved contractor with the appropriate health and safety and work site management controls in place.

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

12. Yes – as per above.

11 Cont'd

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. **LTCCP 2009-19**

**Parks, Open Spaces and Waterways – Page 116**

- (a) Safety – by ensuring our parks, open spaces and waterways are healthy and safe places;
- (b) Community – by providing welcoming areas for communities to gather and interact;
- (c) Governance – by involving people in decision-making about parks, open spaces, and waterways;
- (d) Health – by providing areas for people to engage in healthy activities;
- (e) Recreation – by offering a range of recreational opportunities in parks, open spaces, and waterways;
- (f) City Development – by providing an inviting, pleasant and well cared for environment.

14. **Parks and Open Spaces Activity Management Plan**

Council's objective with urban parks is to provide and manage Community Parks, Garden & Heritage Parks, Sports Parks and Riverbanks and Conservation areas throughout the city that provide amenity values, areas for recreation and organised sport, garden environments and green corridors, that contribute to the city's natural form, character, heritage and Garden City image.

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

- 15. Yes – as per above.

**ALIGNMENT WITH STRATEGIES**

- 16. Parks and Waterways Access Policy  
Safer Christchurch Strategy  
Recreation and Sport Strategy  
Biodiversity Strategy  
Open Space Strategy  
Banks Peninsula Reserves Strategy

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

- 17. Yes – as per above.

**CONSULTATION FULFILMENT**

**Consultation Process**

- 18. Prior to the development of a concept for the park, the project team had discussions with the Reserve Committee of the Cass Bay Residents Association. Also used, as indicated earlier in this report, was the proposal from Peter Rough Landscape Architects in 2002. The feedback and information provided in these discussions was taken into consideration with the development of the concept plan for Cass Bay.
- 19. Once the concept plan was drafted, the project team held a seminar with the Community Board to advise them that the plan was to go out to full consultation. This seminar discussed the proposed concept, consultation stakeholders, and provided the opportunity for Board members to comment on the consultation programme. Board members were also advised there was no funding available and that this would be sought through the next round of the LTCCP.

11 Cont'd

- 20. The consultation on the concept plan was open from 24 May 2010 to 11 June 2010. A public information leaflet (refer **Attachment 2**) was delivered to the residents of Cass Bay and a number of other interest groups and key stakeholders. This leaflet included a summary of the concept, an initial concept plan and a feedback form. The project team sought feedback from the community to see whether the proposal was supported and asked for any comments. The proposal was posted on the CCC *Have Your Say* website.
- 21. Each submitter that provided their contact details received an interim reply letter. This acknowledged that the submission had been received, and that it would be considered once the consultation period had closed. Submitters were also advised that they would receive further correspondence prior to a decision being made.
- 22. Once the project team finalised the concept, submitters that provided their contact details were advised of the outcome of consultation, the project teams preferred concept plan and the expected timeline for the project. They were also advised of the decision making process and how they could observe or be involved in this.
- 23. Submitters that provided their contact details will also be advised of the Community Board's decision about this proposal, after the Board meeting.

**Consultation Outcome**

- 24. The consultation on the concept plan received 60 responses (24% response rate) and the feedback received was largely positive as indicated by the following:

<b>Number of Respondents</b>	<b>Feedback Option Selected</b>
19 respondents (32% of submissions)	<i>"YES – I fully support the proposal"</i>
32 respondents (54% of submissions)	<i>"MIXED VIEWS – I have some concerns that I would like to be considered"</i>
2 respondents (3% of submissions)	<i>"NO – I completely oppose the proposal"</i>
7 respondents (11% of submissions)	<i>Preference not indicated</i>

- 25. Submitters also provided comments about this proposal. There were numerous comments of support for the proposal and also a number of issues raised for the project teams consideration. The qualitative community feedback and project team responses will be circulated to elected members, prior to the meeting. This information will also be made available to all submitters on request.
- 26. The key issues raised in the public consultation, and project team responses were as follows:

**Retain a slipway/boat ramp with a preference for the gravel slipway to be retained and upgraded**

The gravel slipway will be retained and upgraded. Signage will be installed prohibiting parking on the grass area as well a post and cable fence could be installed alongside the slipway. The concrete slipway will be removed and the area landscaped.

**Opposition to the installation of lockable barrier arm**

No barrier arm will be installed along the roadway down to the Sea Cadets building.

**Concern over proposed new track and plantings in the open grassed area**

Pedestrian track through the grassed area on beach front is no longer proposed, this will be retained as a large green open space area. Pedestrians will be able to walk along the beach. Post and cable could be installed alongside slipway to guide people down to the foreshore and also to stop vehicles driving onto the grass area.

**Concern over the low plantings proposed along beach at the bottom of grass area**

No planting will be undertaken, grassed area to remain open and just grass.

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**Future of the pine trees**

A lot of feedback was received about the future of the pine trees on the foreshore. A number of submissions advised of the history surrounding the trees and the overall intention of their eventual removal. It is also acknowledged that this area has been underplanted with ngaios, which are currently quite well established, in preparation for the pine tree removal.

21 submissions were received regarding the pine trees with 6 in favour of retaining the pine trees and 15 in favour of removing them.

The trees and surrounding site were assessed by a Council Arborist and he comments as follows: *I can make the following comments about the three pine trees located outside the property at number 15 Harbour View Terrace, which are on the Cass Bay foreshore as part of the Council road reserve area.*

*All three pine trees have had the top half of the stem removed at some point in the past. As a result of this the trees have continued to grow upwards, with a variety of reactive regrowth. This regrowth is often not well attached to the main stem of the tree and can result in the failure of such branches due their poor branch attachments. Over the long term these trees will have this very issue and it is also a concern that decay will become present at the point where the stem was removed. These problems have all occurred because of the removal of the main stem in the past. This practice is often referred to as "topping" and is a poor arboriculture practice, because it creates hazardous trees such as these. Taking into account the long term future of these trees there are two options. The first option is to retain the trees and monitor them on an annual basis with reactive pruning work being carried out to remove any dead, dying or dangerous branches in the canopies of these trees. The second option is to remove the three trees to ground level and replace with such species as nikau (*Rhopalostylis sapida*), kowhai (*Sophora microphylla*), titoki (*Alectryon excelsus*), ribbonwood (*Plagianthus regius*), ngaio (*Myoporum laetum*), pittosporums (*Pittosporum tenuifolium*, *P. eugenoides*) and broadleaf (*Griselinia littoralis*). The Council Botanist would be the best contact for future tree species in this area.*

*Taking into account the tree issues raised with option one, I would recommend that the trees are removed and replaced with the various species mentioned above.*

It is proposed to remove the pine trees to allow existing ngaios to become established. The adjacent willow will also be removed due to its poor condition.

**Comments and concerns were raised around the extent and density of the existing native plantings and the Fir trees.**

Removal of the majority of the native plants on the upper slopes excluding all flax plantings and established trees. Cedar trees to be retained at existing height in the short term to provide temporary shelter and shade with a view to removal in the future once other planting becomes established.

**Comments regarding signage for dogs**

New dog bylaw signage will be installed prior to Christmas.

27. The project team considered the consultation feedback and have responded in the following way:

(a) Plan amendments

- (i) Removal of concrete slipway and retention of gravel slipway and upgrade area
- (ii) Removal of proposed lockable barrier arm
- (iii) No track or plantings to be undertaken in the open grass area, keep as is
- (iv) Removal of pine trees to allow existing ngaios to become established.
- (v) Removal of proposed shade sail

**11 Cont'd**

- (b) Referrals (for investigation or action by other Council staff)
  - (i) Safety of concrete steps (these will be monitored by the Contract Manager)
  - (ii) Handrail on Pony Point track (Contract Manager to investigate)
  - (iii) Further access around to Rapaki Bay (will be investigated as part of Head to Head Walkway)

28. The final concept plan, which includes the above amendments is included as attachment 1.

**STAFF RECOMMENDATION**

It is recommended that the Lyttelton/Mt Herbert Community Board:

- (a) Approve the Cass Bay Development (Plan - LP 329902)
- (b) Request that funding for the proposed works be submitted for consideration in the preparation of the draft 2012-2022 LTCCP.



## 12. EASEMENT OVER RESERVE 4450, CHARTERIS BAY

<b>General Manager responsible:</b>	General Manager, City Environment Group DDI 941-8608
<b>Officer responsible:</b>	Asset and Network Planning Manager
<b>Author:</b>	Kathy Jarden, Leasing Consultant John Allen, Policy and Leasing Administrator

**PURPOSE OF REPORT**

1. The purpose of this report is to enable the Reserves Hearings Panel to recommend to the Lyttelton/Mt Herbert Community Board that it reconfirm the decision that the Board made on 16 December 2008 to grant right-of-way easements over Reserve 4450, Charteris Bay for the benefit of the adjoining land owners of Lot 40 DP 12000 and Lot 1 DP 12335.

**EXECUTIVE SUMMARY**

2. The Lyttelton/Mt Herbert Community Board approved the granting of right-of way easements over Reserve 4450 at its meeting on 16 December 2008. The report (and its accompanying attachments) plus the minutes from that meeting (including the decision) are attached as **Attachment 1**.
3. It was considered at the time by staff that as the reserve would not be materially altered or permanently damaged and the rights of the public in respect of the reserve would not likely be permanently affected, that public consultation was not required to be undertaken and the Council could exercise the delegation from the Department of Conservation to grant the easement, subject to the approval of the Minister of Conservation.
4. At the meeting held on 16 December 2008, a public deputation was made by Miss Elizabeth Graham. Council officers responded to Miss Graham's concerns which cumulated in a decision being made by officers that given her concerns it would be in the best interest of the Council to publicly advertise in the local newspaper the Council's intention to grant the easements in accordance with the requirements of section 48(2) of the Reserves Act 1977, (the Act), thus assuring the Department of Conservation that the Council had properly considered Miss Graham's concerns.
5. Public notices were placed in the Akaroa Mail and Bay Harbour News in June 2009, inviting members of the general public to make submissions for or against the proposal. Miss Graham notified officers of her intention to make a submission. Officers held a meeting with her prior to the closing date for submissions to outline the process for making submissions and to further discuss if there was any way forward that would satisfy her concerns thereby eliminating the need for a hearing. Miss Graham could not be satisfied and she made a formal submission (**Attachment 2**) indicating her desire to be heard in front of a Reserves Act Hearings Panel.
6. The Reserves Act Hearing Panel convened on 2 July 2010 to hear the matter (minutes attached as **Attachment 3**). The Panel was comprised of Councillor Barry Corbett, Chairperson; Akaroa/Wairewa Community Board Chairman Stewart Millar and Spreydon/Heathcote Community Board Member Tim Scandrett
7. The Reserves Act Hearings Panel is recommending to the Lyttelton/Mt Herbert Community Board that the Board reaffirm its earlier resolution to grant the easements subject to a number of conditions.

**FINANCIAL IMPLICATIONS**

8. The applicants are responsible for all the costs associated with the granting of the easements. The Reserves Hearings Panel is recommending however that the applicants not be responsible for the costs associated with the hearing, including staff report preparation time, it being believed that the granting of the easements and registering them on the title of the reserve should have occurred before the reserve was gazetted as such. The cost of the Hearing including staff preparation time etc is able to be covered within existing Council budgets.

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9. The report to the Community Board at its 16 December 2008 meeting explained that *“Council has a policy that provides for the charging of compensation when granting a right-of-way or other easements over park or reserve land that is owned by the Council at the time a request for an easement is made. In this case, however, no compensation will be sought as there is a longstanding agreement, dating prior to the vesting of the land as reserve, that the owners of the property can have access over this reserve.”*

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

10. Yes.

**LEGAL CONSIDERATIONS**

11. Reserve 4450 which is 1521 square metres in area is a reserve vested in the Council for plantation purposes under the Public Reserves, Domains and National Parks Act 1928, which was one of the earlier acts that was a forerunner to the Reserves Act 1977. This reserve is commonly known as Diamond Harbour Plantation Reserve.
12. Section 48 (1) (a) of the Act enables the Council to grant rights of way and other easements across reserves. Section 48(2) of the Act requires the Council to publicly advertise its intention to grant the easement, for one calendar month, to enable interested parties to make a formal objection or submission to the proposal. Section 48(3) of the Act allows these advertising provisions to be dispensed with if the proposed easement is not likely to “materially alter or permanently damage the reserve, and the rights of the public are not likely to be permanently affected”.
13. Staff deemed that this application met the requirements of Section 48(3) of the Act and therefore public advertising was not carried out before this application was reported to the Community Board meeting held on 16 December 2008 for a decision on the grounds that permission had been granted by the former Mt Herbert County Council in September 1941 (the original letter being sighted by Council staff) for construction of the driveways. This was before the reserve was vested as reserve in the Mt Herbert County Council on 26 January 1944 under the Public Reserves, Domains and National Parks Act 1928. Therefore for all intents and purposes, technically during the period the land has been a reserve the driveways have been in place across the reserve or formal permission granted for them to be in place.
14. Given the circumstances of Miss Graham’s public deputation to the meeting on 16 December 2008 of the Lyttelton/Mt Herbert Community Board, officers made the decision to undertake the advertising required under section 48(3) of the Act to ensure that the matter was beyond legal challenge, thus ensuring that the Department of Conservation would be satisfied with the process undertaken to grant the easements as the Minister of Conservation’s consent to the granting of the easements is required.
15. The Council’s Legal Services Unit will be involved in the final documentation of the easement. A copy of the submitter’s submission the Council officer’s report to the Reserves Hearings Panel, and Report to the Community Board and the resulting decision of the Board will be sent to the Minister of Conservation to obtain consent to the easement being granted as is required by the Act.
16. The Council’s standard easement instrument will be completed and survey plans of the easement will be registered on the title at Land Information New Zealand once the Minister of Conservation’s consent is obtained to the granting of the easement.

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

17. Yes – See above

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

18. Not applicable

12 Cont'd

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

19. Not applicable

**ALIGNMENT WITH STRATEGIES**

20. Not Applicable

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

21. Not Applicable

**CONSULTATION FULFILMENT**

22. The Council's intention to grant the easement was advertised in the public notices column of The Akaroa Mail and The Press on 19 and 22 June 2009, respectively, in which it was indicated that interested members of the public had until Monday 27 July 2009 to make formal submissions to the Council's proposal to grant the easement over the reserve.
23. The legal minimum public advertising requirement under section 119 of the Act is to advertise once in a newspaper circulating in the area in which the reserve is located.
24. One formal submission was received which opposed the proposal. The full text of the submission is shown in **Attachment 2**. The submitter attended the Reserves Hearings Panel hearing on 2 July 2010 in support of her submission.
25. The Hearings Panel deliberated on the issues raised by the submitter with the assistance of the staff report sent to the hearing panel members and the submitter before the hearing.
26. The minutes of the Reserves Hearings Panel's deliberations are attached to this report as **Attachment 3**.

**PRECIS OF SUBMITTERS CONCERNS AND OFFICERS COMMENT**

27. The submitter was concerned that this is a public reserve, and yet there is no indication of this on the roadside. Officers commented that the reserve is held for forestry not recreation purposes, and therefore unlike for a recreation reserve, there is no automatic right for the general public to recreate upon the reserve this being at the Council's pleasure.
28. The submitter was concerned about the width of the easement being granted. Officers commented that the easement width is governed by the Banks Peninsula District Plan, which needed to be pragmatically applied to ensure all of the necessary changes to the landform are contained within the easement.
29. The submitter questioned who gave permission for some of the later work undertaken to maintain the driveway within the easement. Officers commented, after further investigation, that verbal permission was obtained from the Council authorities at the time to undertake the work.
30. The submitter sought clarification on one point concerning the easement, and raised a number of other issues concerning the reserve that are not directly associated with whether or not to grant the easement.

**RESERVES HEARINGS PANEL RECOMMENDATION**

31. The Reserves Hearings Panel (Reserve 4450 Charteris Bay) recommend that the Lyttelton/Mt Herbert Community Board acting under the delegated authority of the Council endorse its original decision made at its meeting held on 16 December 2008 to approve the granting of the easements for right-of-ways pursuant to section 48 of the Act over Reserve 4450 as shown in Digital Title Plan 500928-03 subject to the following conditions:

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**12 Cont'd**

- (a) The applicants each being responsible for all costs associated with the easement (processing, survey, legal and registration) including all Council related costs (with the exception of the costs associated with the hearing).
- (b) The consent of the Department of Conservation being sought.
- (c) That staff view the original copy of the Mt. Herbert County Council to Mr Falla dated 7 September 1943 authorising permanent access to the site.

**BACKGROUND**

- 31. Staff have been shown the original letter to Mr Falla dated 7 September 1943 from the Mt Herbert County Council and believe without question it to be an original document.

13. **CONSIDERATION OF APPLICATIONS FOR NEIGHBOURHOOD WEEK FUNDING**

<b>General Manager responsible:</b>	General Manager Community Services, DDI 941-8607
<b>Officer responsible:</b>	Community Support Manager
<b>Author:</b>	Andrea Wild, Community Engagement Adviser – Banks Peninsula

**PURPOSE OF REPORT**

1. The purpose of this report is to consider applications for Neighbourhood Week funding and to set in place a process should any late applications need to be considered.

**EXECUTIVE SUMMARY**

2. Local community groups, including residents' associations and neighbourhood support groups have been sent information inviting them to apply for the Neighbourhood Week Funding that has been set aside by the Board.
3. Neighbourhood Week is a dedicated week in which individuals and groups are encouraged to get together and get to know one another locally. Neighbourhood Week 2010 is to be held from 30 October – 7 November 2010. Applications for funding close on 3 September 2010.
4. A matrix outlining the applications and staff recommendations is **attached**.
5. Sometimes there is a need to consider late applications for this funding, usually in instances where the applicant has submitted to the wrong Community Board. As the Community Board does not meet again before the end of this term, it is proposed that a subcommittee be established, (with delegated authority), to consider any late applications.

**FINANCIAL IMPLICATIONS**

6. The Board has allocated \$2,000 from the Strengthening Communities Fund to assist individuals and groups to run events. It is not the intention of this funding to totally fund events. Those applying for funding are expected to partially resource events themselves either financially or through supply of materials.

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

7. Page 170 off the LTCCP under Community support – Strengthening communities and page 176 of the LTCCP under Community support – Community grants.

**LEGAL CONSIDERATIONS**

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

8. Under the Council's Standing Order 2.10 (Powers of Delegation), a subcommittee may be appointed and given the power to act.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. Page 170 off the LTCCP under Community support – Strengthening communities and page 176 of the LTCCP under Community support – Community grants.

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

10. As above.

**13 Cont'd**

**ALIGNMENT WITH STRATEGIES**

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

11. Funding for Neighbourhood Week activities aligns with the Council's Strong Communities strategic outcomes.

**CONSULTATION FULFILMENT**

12. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Lyttelton/Mt Herbert Community Board:

- (a) Consider the applications as set out in the circulated matrix and allocate Neighbourhood Week funds accordingly.
- (b) Assign delegated authority to a subcommittee comprising the Board Chairman and Deputy Chairman to consider any additional applications and allocate funding, should any funds remain.

**14. APPLICATION TO LYTTTELTON/MT HERBERT COMMUNITY BOARD DISCRETIONARY FUND – LYTTTELTON HARBOUR BUSINESS ASSOCIATION**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Ann Campbell, Consultation Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to present a request for funding from the Lyttelton Harbour Business Association, from the 2010/11 Lyttelton/Mt Herbert Community Board Discretionary Fund.

**EXECUTIVE SUMMARY**

2. Lyttelton Harbour Business Association became an Incorporated Society in December 2001 with their key objective being “to create a dynamic commercial environment benefiting the community of Lyttelton Harbour”. A London Street Sculpture Project Committee has been established, under the umbrella of the Lyttelton Harbour Business Association, to progress this project, with the committee being made up of representatives from the Lyttelton Harbour Arts Council, Project Lyttelton, Lyttelton Harbour Business Association, and also the volunteer services of Thea Mickell, Professional Fundraiser.
3. The project objective is to develop a piece of public artwork that will be sited on London Street, Lyttelton. This initiative was born by the Lyttelton Harbour Arts Council in June 2007 after they felt that Lyttelton, despite being known for its abundance of resident artists, was missing a public sculptural artwork. A sub group was established to research options and it was determined that an artwork reflecting the history of the area and also relevant to the present community surrounding the area was appropriate. The rationale for the project is to celebrate the ‘community’ of this area and to enhance the street.
4. A local artist, Mark Whyte, was commissioned for the project and the concept of a “Ghost Wall” was developed for a site on London Street. The proposal is a site specific sculpture and is a reinstatement of a section of an 1860’s building “Railway Hotel”, demolished in the 1970’s to make way for a new Post Office on the site. The Post Office business has since relocated and the building currently houses the Lyttelton Library. Mark Whyte has a wealth of experience in public artwork throughout the city and relishes the opportunity to produce a piece of work for the town that he has been a part of for many years.
5. At the Community Board meeting of 17 August 2010, a report was presented seeking support for the artwork to be accepted by Council as a “deed of gift”. This was supported by the Community Board and at the time of printing this agenda, a decision was still to be made by Council.
6. The total cost of the project is \$69,286, with \$30,000 being the estimated cost of consultant fees. Funding of \$5,000 towards the cost of artist’s fees is being requested from the discretionary fund.

**FINANCIAL IMPLICATIONS**

7. The current balance of the Lyttelton/Mt Herbert Community Board discretionary fund is \$12,799.
8. The group has a funding application with Canterbury Community Trust with a decision still pending.
9. There are no costs to Council initially; however there will be ongoing maintenance costs of approximately \$500.00 per year for cleaning of the artwork, which will be incorporated into the Fountain, Clocks and Statues operational budget.

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

10. Yes – Strengthening Community Grants, page 184.

14 Cont'd

**LEGAL CONSIDERATIONS**

11. There were no legal issues identified.

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

12. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. **LTCCP 2009-19: Community Support – Page 171**

*Community* – by working with community organisations to help them support their communities. By providing funding and staff advice to community organisations.

14. **LTCCP 2009-19: Cultural and Learning Services – Page 161**

*Recreation* – by providing and supporting a range of arts, festivals and events  
*Knowledge* – by providing artworks, exhibitions and other resources

15. **Community Support – Strengthening Communities Activity Management Plan**

Identify essential projects that support, develop and promote the capacity and sustainability of community recreation, sports, arts, heritage and environment groups with relevant government agencies, community and voluntary organisations.

16. **Parks, Open Spaces and Waterways – Garden and Heritage Parks Activity Management Plan**

Preserve and conserve heritage items and outdoor art work. Provision of these assets enhances Christchurch's Garden City image and protects the heritage items vested with the Council in public spaces, and provides open space for art works acquired through gifting and development contributions.

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

17. Yes – as above.

**ALIGNMENT WITH STRATEGIES**

18. Strengthening Communities Strategy

Arts Policy & Strategy (Artworks in Public Places Gift Policy)  
Art in Public Places Policy (CCC and ex BPDC)

19. Board Objective – *enhancing the cultural, heritage and identity of Banks Peninsula Communities through it's built, natural and working environments.*

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

20. Yes – as above.

**CONSULTATION FULFILMENT**

21. No consultation is required.

**STAFF RECOMMENDATION**

It is recommended that the Lyttelton/Mt Herbert Community consider the funding application of \$5,000 from Lyttelton Harbour Business Association, as presented.



15. 47 DUBLIN STREET, LYTTTELTON – ADDITIONAL INFORMATION REPORT  
ACQUISITION FOR RECREATION RESERVE

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Unit Manager. Asset and Network Planning
<b>Author:</b>	Richard Holland, Team Leader, Asset and Network Planning Greenspace

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) Provide the Board with additional information relating to the proposed purchase of 47 Dublin Street, Lyttelton, that was not included in the previous report of 13 July 2010, and;
  - (b) Seek a reconfirmation of the recommendations from the Board to the Council made at the Board meeting on 13 July 2010, namely that the Council purchase 47 Dublin Street, Lyttelton subject to certain conditions, and that the Council resolve to classify the land as a recreation reserve, and;
  - (c) For the Board to note that development of the land as a neighbourhood park would include the removal of the buildings, and will be funded from the Neighbourhood Reserves Capital Purchase Fund.

**EXECUTIVE SUMMARY**

2. On 13 July 2010 the Board adopted the staff recommendation to recommend to Council that the property at 47 Dublin Street be purchased for use as a neighbourhood park and the land be classified as Recreation Reserve.
3. Council was advised verbally that its tender for the property had been successful. A sale and purchase agreement has been entered into conditional on Council approval to the purchase and the terms and conditions. New information on the suitability of acquiring the property has come to light hence the matter is again before the Board.
4. Strategy and Planning have provided advice on the heritage significance of the property and the dwelling. Initial research indicates that this is an early 1860's to 1870's colonial weatherboard cottage and part of a precinct of colonial dwellings that characterise the early housing stock of Lyttelton.
5. Lyttelton is a registered Historic Area under the Historic Places Act 1993 and although there is no short or long-term obligations on property owners that arise from registration it is an advocacy means of identifying important heritage in a locality.
6. The building is not listed in the Banks Peninsula District Plan however the site is considered to be an archaeological site under the Historic Places Act. The Historic Places Trust would need to advise on the authority required for demolition of the building and creation of the park. The Historic Places Trust may also advocate for retention of the cottage.
7. The heritage significance of the dwelling has only been assessed from the exterior due to the very poor condition of the building and safety of the site. A draft Heritage Assessment has been prepared (see **Attachment**). A full inspection of the property and further background research is likely to result in the assessment being revised. It is evident that the cottage does have some heritage significance to the City, and despite its poor condition a significant amount of heritage fabric remains, although it is not known what fabric remains internally. The social significance as the home of Captain Samuel Keeble will be recognised by the community.
8. Other issues raised by Strategy and Planning regarding the suitability of the site for a neighbourhood park are in relation to consideration of urban design principles and connectivity to the community along with safety and site stability. City Environment staff have considered these issues and do not believe that the additional information materially alters the recommendation to acquire the site for a park, however there are community implications of the Council purchasing land then removing a colonial cottage.

15 Cont'd

9. The decision to continue with the purchase of the property to create a neighbourhood park after considering the additional information will need to be made by the Board. The community perception regarding the purchase of the site and demolition of the heritage building by Council will need to be considered. The good work that the Council has undertaken on the restoration of Grubb Cottage could potentially be undermined by Council removing another colonial cottage to make way for a new reserve. If Council is to acquire the land for a neighbourhood park the near derelict cottage must be removed, establishment of a park and retention of the cottage are not compatible. If the Council does decide to proceed with purchase and creation of the park there is potential for the heritage of the site to be recorded and commemorated by the community through interpretation or artwork as part of the neighbourhood park.

**FINANCIAL IMPLICATIONS**

10. Costs estimated to be in the order of \$25,000 will be incurred in demolition of the derelict house, tidying and grassing the site, these costs to be capitalised against the capital purchase programme.
11. Estimated maintenance costs are \$1800 per year as contained within the Transport and Greenspace Operations programme.

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

12. The purchase is to be funded from the Neighbourhood Parks Land Purchase, in the Greenspace Capital Programme for 2010/2011

**LEGAL CONSIDERATIONS**

13. The Board does not have the delegated authority of Council to approve this purchase which is a Council decision. The Board does however have recommendatory powers.
14. The Council has until 30 September 2010 to confirm or otherwise with the vendor the purchase on terms and conditions that is fully acceptable to the Council and in making such decision shall not be under any obligation whatsoever to provide the vendor with reasons for the decision that is made.

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

15. Yes as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

16. Yes. Parks, open spaces and waterways, Neighbourhood Parks (2009-19 LTCCP-Page 122). Provide a network of safe, accessible and attractive neighbourhood parks. This is important to provide a network of neighbourhood parks and provide necessary connections and access points
  - (a) To encourage community interaction.
  - (b) Provide places for recreation and children's play.
  - (c) Maintain and manage neighbourhood parks.

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

17. Yes. Page 138 2009-19 LTCCP. The Council's plans for key assets relating to parks, open spaces and waterways include: Land for new neighbourhood parks will be purchased, planted and provided with playground and other equipment

15 Cont'd

**ALIGNMENT WITH STRATEGIES**

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

18. Yes.

- (a) Physical Recreation and Sport Strategy- Objective 1.2: There are a range of locations at which people can take part in unstructured, casual recreation activities within easy reach of Christchurch.
- (b) Active Living Strategy: This aims to support Christchurch people so that they can enjoy regular physical activity as part of their every day lives and improve their health and wellbeing.
- (c) The draft Open Space Strategy as discussed in this report.

**CONSULTATION FULFILMENT**

19. There is no requirement for statutory consultation to be carried out. General consultation has been carried out through the draft Open Space Strategy and engagement with families in the area.

**STAFF RECOMMENDATION**

It is recommended that the Lyttelton/Mt Herbert Community Board consider the additional information relating to the proposed purchase of 47 Dublin Street, Lyttelton, and;

- (a) Reconfirm the following recommendations to the Council made at the Lyttelton/Mt.Herbert Community Board meeting on 13 July 2010:
  - (i) That the Lyttelton/Mt Herbert Community Board recommend to Council, the purchase of 47 Dublin Street, Lyttelton (on the terms and conditions recommended in the public excluded section of the 13 July 2010 report) as a recreation reserve under the Reserves Act 1977, to be developed and used as a neighbourhood park.
  - (ii) Further that, subject to the first recommendation, and the Council resolving to purchase the property, the Board recommend to Council that it pass the following resolution:

That pursuant to Section 16 (2A) of the Reserves Act 1977 the Christchurch City Council classifies the land in the schedule as recreation reserve within the meaning of Section 17 of the said Act.

- (b) That the Board note that development of the land as a neighbourhood park would include the removal of the buildings, and the purchase of the land will be funded from the Neighbourhood Reserves Capital Purchase Fund.

**BACKGROUND (THE ADDITIONAL ISSUES)**

20. On purchase of this property a priority will be to demolish the cottage and make the site tidy in anticipation of its development as a park and playground.

15 Cont'd

21. The property is wholly contained within Computer Freehold Register CB11A/1326 legally described as Part Lot 3 DP 8473 comprising 959 m<sup>2</sup>. The site is presently covered in scrub, long grass and vines; and has no boundary fencing. A retaining wall is constructed along the site's southern boundary protecting the neighbouring property. The property when occupied would have been accessed by foot from the staircase within the road carriageway on the Dublin Street boundary. Vehicle access if created would only be possible from Jackson's Road or Keebles lane. Suitability for inclusion in the Council's property portfolio) and the terms and conditions of this agreement are fully acceptable to the Christchurch City Council. The Christchurch City Council may take into account any matters it considers appropriate ( in its sole and absolute discretion) in making such decision and shall not be under any obligation whatsoever to provide the vendor with reasons for its decision under this clause." The site is zoned "Residential" under the Banks Peninsula District Plan.
22. Staff have investigated whether the site may be contaminated with household waste. No evidence has come to hand of site contamination apart from what appears to be the storage of newspapers in plastic bags beside the house. Property Consultancy has further researched the records available with one of our data analysts, talked to the contamination officer at Environment Canterbury, and perused the property file held at Lyttelton Service Centre. No evidence has come to light indicating the property is contaminated. It is unlikely there would be any recorded contamination over the time the property has been used for residential purposes. It is unknown if any ground contamination has arisen from the domestic rubbish left on the property since it was vacated 8 to 10 years ago. It is interesting to note that before the current owner William Thomas estate, this property was Christ College leasehold.
23. Consideration has been given as to whether a Crime Prevention through Environmental Design (CPTED) audit was necessary for the site. A full audit has not been undertaken at this time but with three street frontages on the sides of the property and views into the site from surrounding higher streets plus natural surveillance from dwellings overlooking the proposed park, staff are confident the park will be safe as viewed from the street. There are currently wild plants such as Ivy growing along the Keebles Lane frontage and other scrub and long grass that will need to be removed. Once the buildings are removed from the site no views into the park will be blocked. It is proposed that visually permeable fences will be installed on the street frontages and the steps on Dublin Street will provide pedestrian movement around the proposed park. Any paths or future play facilities will have clear sight lines from within and outside the site. A well maintained park will be a key factor once the site is developed. There are therefore no issues that cause staff concern regarding CPTED.
24. Urban design principles were considered in terms of good connections to enhance choice, support social cohesion, make places lively and safe, and facilitate contact among people with the addition of the park. This proposed neighbourhood park links the streetscape plantings on Dublin Street to the south and Jacksons Road to the north. These existing areas of greenspace increase the park size to around 1600m<sup>2</sup>. In terms of character, quality urban design reflects and enhances the distinctive character and culture of the Lyttelton urban environment, and recognises that character is dynamic and evolving. This will be an objective of the landscape plan developed for the park. The development of a neighbourhood park in this area of Lyttelton improves the quality, quantity and distribution of local open space over the long term.
25. Site stability has also been considered. It will be difficult to establish the soil stability risk without having a full Geotechnical survey carried out. The web map data shows approximately half the site in the slight to moderate erosion zone. Locally a full Geotechnical survey was carried out in 2008 for a garage/carport on the property above at 1 Keebles Lane which concluded that the ground characteristics have a very high bearing capacity and exceed the required allowable bearing values for light timber buildings. The Senior Planner at Lyttelton Service Centre has reported that the web map data is quite generic and the development constraints would probably only have any bearing if a subdivision/building consent was being applied for. Records would not go back any further than the 1950's. He mentioned that there was a brick barrel drain in the western corner that takes up about a 1/10 of the property. This barrel drain is likely to be an area of archaeological interest.

**15 Cont'd**

26. The request for the reserve came from the community. Alternatives are limited in this area of Lyttelton and the opportunity to purchase this land and develop a neighbourhood park has therefore been progressed in light of the objectives in the Open Space Strategy. Although the south facing sloped land is not totally ideal as a park site it is an opportunity to acquire land without much in the way of capital or building improvement costs. The community views on this purchase may however be divided between the desire to provide community open space and concerns regarding retention of local heritage.

16. **LYTTELTON AREA – RESOLUTION OF PARKING RESTRICTIONS AND TRAFFIC CONTROL DEVICES**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Mark Millar, Network Operations

**PURPOSE OF REPORT**

1. The purpose of this report is:
  - (a) For the Community Board to revoke the following resolution made at its meeting held on 18 May 2010:
 

*The Board resolved to approve the Schedule of Resolutions for the Lyttelton Area Restrictions and Traffic Control Devices, as follows: (Schedule of Restrictions thereafter attached)*
  - (b) To seek the Board’s approval of the amended schedule (as **separately circulated**) of resolutions for the parking restrictions and traffic control devices as currently marked and/or signed in the Lyttelton area.

**EXECUTIVE SUMMARY**

2. On 6 March 2006, the Banks Peninsula District was amalgamated with Christchurch City. The records of the resolutions for the existing parking restrictions and traffic control devices as currently marked and / or signed in the Lyttelton area have not been located.
3. To be legally enforced, parking restrictions and traffic control devices must be resolved by Council or a delegated authority. As noted in Clause 10, the Community Boards have delegated authority from the Council for the resolution of parking restrictions and traffic control devices on City Council roads. The New Zealand Transport Agency (NZTA) has delegated parking restrictions on State Highways to the Council.
4. At a meeting on 18 May 2010 a Schedule of Resolutions: Lyttelton Area - Parking Restrictions and Traffic Control Devices was presented to and adopted by the Board. Subsequently it has been found that there were a number of spelling errors in the schedule and the resolution could not be substantiated. For the restrictions to be capable of withstanding a legal challenge, the spelling of the road name must be as per the legal name of that road.

The following spelling corrections have now been made to the original schedule:

Bridle Path **Road** corrected to Bridle Path  
 Voelas **Street** corrected to Voelas **Road**  
 Cyrus William Quay corrected to Cyrus Williams Quay  
 Cornwell **Street** corrected to Cornwall **Road**  
 Dublin **Road** corrected to Dublin **Street**  
 Gilmore Terrace corrected to Gilmour Terrace  
**Saint** Davids Street corrected to **St** Davids Street  
 Shackleton **Parade** corrected to Shackleton **Terrace**  
 Walker Road corrected to Walkers Road

5. The No Stopping resolution for Cyrus Williams Quay had been resolved from the intersection with Charlotte Jane Quay as it is formed on site, but this area is Port Authority land and so the resolution has been corrected to:
  - (a) That the stopping of vehicles be prohibited at any time on the north east side of Cyrus Williams Quay commencing at a point 94 metres north west of its intersection with the prolongation of the northern kerbline of George Seymour Quay and extending in a south easterly direction for a distance of 230 metres.

**16 Cont'd**

6. Approval of the updated Schedule of Resolutions, will allow Council to hold a record of the resolutions of parking restrictions and traffic control devices in the Lyttelton area and enable police and parking officers to issue enforceable infringement notices.
7. No consultation has been undertaken with local residents or businesses as these are all existing parking restrictions and traffic control devices.

**FINANCIAL IMPLICATIONS**

8. There is no cost for this proposal.

**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. The Community Boards have delegated authority from the Council to exercise the delegations as set out in the Register of Delegations. The list of delegations for the Community Boards includes the resolution of parking restrictions and Traffic Control Devices for roads controlled by the Council.
11. The installation of any signs and/ or markings associated with traffic control devices must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

12. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. 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?**

14. As above.

**ALIGNMENT WITH STRATEGIES**

15. The recommendations align with the Council Strategies including the Road Safety Strategy 2004 and the Safer Christchurch Strategy 2005.

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

16. As above.

**CONSULTATION FULFILMENT**

17. No consultation has been undertaken with local residents or businesses as these are all existing parking restrictions and traffic control devices.

16 Cont'd

**STAFF RECOMMENDATION**

It is recommended that the Lyttelton/Mt Herbert Community Board:

- (a) Revoke the following resolution made at its meeting held on 18 May 2010:

*The Board resolved to approve the Schedule of Resolutions for the Lyttelton Area Restrictions and Traffic Control Devices, as follows: (Schedule of Restrictions thereafter attached)*

- (b) Approve the Schedule of Resolutions for the Lyttelton Area Parking Restrictions and Traffic Control Devices.



**17. BRIEFINGS**

Nil.

**18. COMMUNITY BOARD ADVISERS UPDATE**

**18.1 BOARD FUNDING BALANCES**

A copy of the Board's funding balances as at 31 August 2010 is **attached** for members' information.

**18.2 AUGUST UPDATE ON LOCAL CAPITAL PROJECTS**

The August update on Local Capital Projects is **attached** for members' information.

28. 9. 2010

19. ELECTED MEMBERS' INFORMATION EXCHANGE

20. QUESTIONS UNDER STANDING ORDERS