

**FENDALTON/WAIMAIRI COMMUNITY BOARD  
AGENDA**

**TUESDAY 14 FEBRUARY 2012**

**AT 4PM**

**REDWOOD LOUNGE, ST ALBANS BAPTIST CHURCH  
64 MCFADDENS ROAD, ST ALBANS**

**Community Board:** Val Carter (Chairperson), Cheryl Colley (Deputy Chairperson), Sally Buck, Faimeh Burke, David Cartwright, Jamie Gough and David Halstead.

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

**2. CONFIRMATION OF MEETING MINUTES – 5 AND 13 DECEMBER 2012**

The minutes of the Board's ordinary meetings of Monday 5 December 2011 (**Attachment 1**) and Tuesday 13 December 2011 (**Attachment 2**) are attached.

**STAFF RECOMMENDATION**

That the minutes of the Board's ordinary meetings of 5 and 13 December 2011 be confirmed.

**3. DEPUTATIONS BY APPOINTMENT**

**3.1 LAURENCE ENNOR – ROYDVALE SCHOOL VARIABLE SPEED LIMITED**

Mr L Ennor will be in attendance to speak regarding of the Roydvale School variable speed limit proposals.

**4. PRESENTATION OF PETITIONS**

**5. NOTICES OF MOTION**

**6. CORRESPONDENCE**

**6.1 CYCLE LANE - NOTHLANDS TO MONA VALE**

**Attached** is correspondence from Mr A Talbot stating his concerns relating to dogs off leash on the above cycle way.

**7. BRIEFINGS**



## 8. BURNSIDE PARK - FLETCHERS HUB EXTENSION

<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>	Eric Banks, Parks and Waterway Planner John Allen, Policy and Leasing Administrator

### PURPOSE OF REPORT

1. To enable the Fendalton/Waimairi Community Board to retrospectively consider an application made under the Canterbury Earthquake (Reserves Legislation) Order 2011 ("the Order") for an extension of the Fletchers Earthquake Repair Hub at Burnside Park, and after considering the application to make a recommendation to Council.

### EXECUTIVE SUMMARY

2. The Council, through the powers vested to the Chief Executive Officer, granted Fletchers a warrant of occupation pursuant to the Canterbury Earthquake (Reserves Legislation) Order 2011 to occupy the building in Burnside Park, beside the playground fronting onto Avonhead Road, which is leased to the Riccarton Waimairi Lions. This is for the purpose of an administration office from which to administer the undertaking of repairs to earthquake damaged private dwellings in the adjacent residential area. This repair work is being undertaken after full assessments have been completed by the EQC.
3. The warrant was signed on 8 June of this year (2011) for an initial three year period, with Fletchers having the right to apply for a further one year extension finally ending on 19 June 2015.
4. At present there are 16 staff working out of this building. At the time the initial application was made, discussions were held with Council staff about the need in the future to increase the size of the office to accommodate more staff. This is to administer the increase in the number of repairs, resulting from a greater number of assessments of earthquake damage to properties being completed by the EQC.
5. The Council has received an application to extend the site from the original application and site two portacoms adjacent to the present building, as shown in the plans included in the application (**Attachment 1**). One portacom to house the extra 12 staff required measures 12x3 metres and is located on the north side of the existing building.
6. The siting of this portacom required a picnic table to be moved to a more appropriate location closer to the playground, to make room for the portacom to be moved onto the site. Fletchers intend to place a weatherproof sail between the existing office building and the new portacom office to protect staff from the weather when walking between the two buildings.
7. A second portacom measuring 6x3 metres is placed to the west of the present building between it and an adjacent fence within the park to house toilets, there being a need to increase the number of toilets at the Hub to accommodate the increased staff numbers.
8. The temporary portacom office and toilets have been attached to the sewage, high pressure water supply, and electrical services that service the present building on the site, being removed at the end of Fletcher's occupation of the site.
9. Unbeknown to staff a third temporary portacom measuring 6x3 metres has been placed on the site, which is used for meetings, as is shown on **Attachment 1**. Staff are comfortable with it being placed in the position shown and consequently are recommending that its placement on the reserve be approved.
10. The plans of the proposed temporary extension to the hub will be attached to the current "Warrant of Occupation" (refer to **Attachment 2**), the warrant itself being altered to accommodate the temporary additional portacoms being placed on the site.

## 8. Cont'd

11. Staff had drafted a memo informing the Board that permission had been granted to Fletchers for the hub extension. A letter granting conditional permission to proceed was sent to Fletchers on 19 November 2011 (refer to letter at **Attachment 3**). The original CEO approval did not allow for additional buildings and because all such approvals are now 'business as usual' Council elected member permission is sought for the extension to the buildings on the site, hence this report. At the time of writing this report construction was in progress and expected to be completed by Christmas. Therefore the Council approval sought is retrospective.
12. The majority of Burnside Park is classified as Recreation Reserve under the Reserves Act 1977. The Lion's Club building and the playground area on Avonhead Road are upon part of the reserve classified as Local Purpose (Community Buildings) Reserve, which has a legal description of Sec 1 SO 316071.
13. Staff believe the hub extension will have little impact on the park itself, next to none in the long term. Any damage to the grassed or sealed areas of the park will be made good by Fletchers following the cessation of Fletchers' Warrant of Occupation agreement, including the picnic table which can be restored to its original position. The Park Management Plan proposes the retention of the Lions Club building but the removal of the adjacent Council owned rented house. This area of the park is to be extensively reworked in the future.

### FINANCIAL IMPLICATIONS

14. The Waimairi Lions Club, (now the Riccarton Waimairi Lions Club), have a lease agreement with the Council for use of the building, in consideration for which they pay a rental to Council. The Lions Club spent considerable monies, (over \$70,000) at the beginning of their lease period (lease period began 15 January 2003) bringing the former plant nursery building up to a community use standard. At the end of their lease period, if the lease is not renewed, the building and its improvements revert back to Council ownership at no cost to the Council. For the duration of Fletchers' occupation of the building, this lease is on hold. The building leased to the Lions Club was regularly made available to community groups to use. The building and grounds are owned by the Council as part of the park and therefore the agreement for the use of the site by Fletchers is with Council. Staff are recommending however that the rental payments by Fletchers, (\$150 per week), to Council are redirected to the Lions Club, less the amount Lions would pay normally as rent, thus enabling them to continue to financially support community initiatives as they have done in the past (refer to list of grants as shown in **Attachment 4**). The rent is being received by the club currently and by agreement is being held in a separate account pending the resolution of this matter.
15. The Council will be charging a bare ground rental to Fletchers' EQC for their occupation of the park land on which their additional temporary buildings are placed, this being delegated to the Corporate Support Manager and staff to manage.

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

16. There will be a slight increase to the revenue received by Council if the Officers' recommendations are approved, (see 14 above).

### LEGAL CONSIDERATIONS

17. In response to the circumstances arising from the 22 February 2011 earthquake, the Government enacted the Canterbury Earthquake (Reserves Legislation) Order (No2) 2011, (the Order), pursuant to the Canterbury Earthquake Response and Recovery Act 2010 to enable reserves to be used for certain purposes which would not normally be permissible under the Reserves Act 1977, or other similar legislation, and thereby to avoid unnecessary delays in responding to circumstances arising from the earthquake.

**8. Cont'd**

18. The Order enables some temporary solutions to issues caused by the earthquakes to be accommodated on park and reserve land. The Order expires on 18 April 2016, this being the expiry date of the empowering legislation under which the Order has been made. The Order does not allow the use of parks and reserves for earthquake related purposes after its expiry date, unless the use would normally comply with uses allowed under the relevant legislation that the park and reserve is held under, and a permanent occupation right in accordance with that legislation has been granted, before the expiry of the Order.
19. The Council has the power under the Order to acquire the use of the building for earthquake repair purposes subject to complying with section 7 (Rights and Obligations of Third Parties Subject to Council Powers) of the Order. Clause 5(b)(ix) of the Order provides that the Council, or any person authorised in writing by the Council, or the Council's Chief Executive, may use a reserve or erect a structure on a reserve for works site offices.
20. The Order also provides that when the Council authorises any such use of a reserve, that it does not need to comply with any relevant management plan or the usual Reserves Act processes. However, under the warrant, Council has required Fletchers to take all reasonable steps to protect the integrity of the reserve and to ensure that the reserve is reinstated at the end of the use as closely as practicable to its prior condition as required by section 6(2) (a) and (b) of the Order. Refer to warrant attached in **Attachment 2**.
21. In addition to Council authorisation under the Order, Fletchers will also need to obtain all necessary resource and building consents required (if any) under the Building Act 2004 and the Resource Management Act 1991 or any Orders applicable to these acts made under the Canterbury Earthquake Response and Recovery Act 2010 for the proposed use. Approval under the Reserves Legislation Order does not constitute consent under those Acts.
22. The reason approval for the site offices is being sought under the Order is because occupations of park and reserve land for the purpose of temporary site offices for administration of repairs on other land is not allowed under the Reserves Act 1977, unless a temporary easement process under section 48 of that Act is worked through which includes public advertising, possible hearing and the Minister of Conservations approval under that Act, a process which takes a considerable period of time, which is not acceptable from the earthquake damage repair perspective.

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

23. Yes, above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. Yes – earthquake recovery.

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

25. As above.

**ALIGNMENT WITH STRATEGIES**

26. Not applicable.

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

27. Not applicable.

**CONSULTATION FULFILMENT**

28. Clause 6 of the Order expressly provides that the Council may act under the Order without complying with the Reserves Act 1977 (including any provision relating to public notification or the hearing of objections).

**8. Cont'd**

29. Clause 7 of the Order requires the Council to give notification to parties who have an easement, lease, licence, covenant or other legal right over the area of reserve to be temporarily occupied under the Order.
30. In addition, the Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out in the Local Government Act 2002. These include the requirement that the Council considers community views and preferences.
31. The exemptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury Earthquakes.
32. The increase in activities occurring at the Hub should not inconvenience other legitimate park users, the normal business hours of operation for the Hub being outside the peak operating hours of sports clubs on the park. Letters have been sent to lessees on the park who officers deem could be affected by the increased activity occurring at the Hub as required by Clause 7(3) of the Order, namely the Gordon Scout Troup, Burnside Park Cricket Club, Burnside Park Associated Football Club (now known as FCTwenty11), Fendalton Tennis Club (now known as the Burnside Tennis Club), and the Riccarton Waimairi Lions Club.

**STAFF RECOMMENDATION**

It is recommended that pursuant to clause 5(b)(ix) of the Canterbury Earthquake (Reserves Legislation) Order 2011, the Fendalton/Waimairi Community Board recommend to the Council that:

- (a) it retrospectively authorises the use by Fletcher Construction Company Limited of that part of the local purpose (community buildings) reserve known as Burnside Park as is approximately shown on the application attached to this report (being **Attachment 1**) for the purpose of the installation of three portacom units;
- (b) it agrees that the period for which the authority referred to in paragraph (a) of this recommendation shall apply is that period commencing on the date of this authority until the 19 June 2014 or if any future application for an extension is approved, 19 June 2015 as is set out in the current warrant;
- (c) it approves the rent being received from Fletcher Construction Company Limited for their occupation of the building leased by the Riccarton Waimairi Lion's Club being paid to the Club to enable it to be used for community purposes, less the rent normally paid to the Council by the Club for their lease of the building; and
- (d) it approves for the charging of a bare ground rental to Fletcher's EQC for their occupation of the park land on which their additional temporary buildings are placed, this being delegated to the Corporate Support Manager and staff to manage.



## 9. ROYDVALE SCHOOL - VARIABLE SPEED LIMIT

<b>General Manager responsible:</b>	General Manager, City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
<b>Author:</b>	Michael Thomson, Senior Traffic Engineer

### PURPOSE OF REPORT

1. The purpose of this report is to request that the Board endorse the installation of a new variable speed limit (40 kilometres per hour school zone) on Roydvale Avenue and Juniper Place, at Roydvale School (**refer attachment 1**) and that the Board recommend to the Council that it approve the new variable speed limit and include it in the Christchurch City Council Register of Speed Limits.

### EXECUTIVE SUMMARY

2. The Council has a commitment to improve road safety. Reducing excessive vehicle speeds where appropriate, outside schools during peak arrival and departure periods improves the safety for children. The Council has a programme of installing 40 kilometres per hour variable speed limits (known as “school zones”) outside schools according to a prioritisation process. This process, (including the methodology behind it) was recently endorsed again by Council as the most appropriate method of improving road safety outside certain schools. Roydvale School currently has the next highest priority, following zones already commissioned. To date, 35 schools have benefited from this treatment. The “school zone” can operate on school days, for a period no more than forty-five minutes in the morning before the start of school and for a period no more than thirty minutes in the afternoon, beginning no earlier than five minutes before the end of school. The “school zone” can also operate for a period of ten minutes at any other time when children cross the road, or enter or leave vehicles at the roadside.
3. The Council can resolve to set new variable speed limits, in accordance with the Christchurch City Council Speed Limits Bylaw and the Land Transport Rule: Setting of Speed Limits 2003. Accordingly, infrastructure for these variable speed limits cannot be commissioned until they have been formally resolved by the Council.

### FINANCIAL IMPLICATIONS

4. The estimated cost of this zone is \$40,000 and will be funded from an existing approved budget.

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

5. The recommendations of this report align with 2009-19 Long Term Council Community Plan (LTCCP) budgets.

### LEGAL CONSIDERATIONS

6. The proposed variable speed limit complies with the conditions specified and published by the Director of the New Zealand Transport Agency in the New Zealand Gazette (21/4/2011, No. 55, p. 1284) approving a variable speed limit of 40 kilometre per hour in school zones and setting out conditions for those speed limits. A copy of that notice is attached (**refer attachment 2**). Council resolution is required to implement the speed limit restrictions and traffic management changes.
7. The Land Transport Rule : Setting of Speed Limits 2003.
8. The Land Transport Rule: Traffic Control Devices 2004.
9. Christchurch City Council Speed Limits Bylaw 2010.

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

10. As above.



**9. Cont'd**

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. This report's recommendations support the project objectives as outlined in the 2009-19 LTCCP.
12. This project aligns with the Transport and Greenspace Unit's "Our Community Plan 2009-2019".

**ALIGNMENT WITH STRATEGIES**

13. This project is consistent with key Council strategies including the Road Safety Strategy and the Pedestrian Strategy.

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

14. As above.

**CONSULTATION FULFILMENT**

15. Before the Council can set a variable speed limit pursuant to Clause 5(1) of the Christchurch City Speed Limits Bylaw 2010, the public consultation requirements set out in Section 7.1 of the Land Transport Rule Setting of Speed Limits 2003 Rule 54001 must be complied with. Section 7.1(2) provides that the persons who must be consulted before the Council sets a speed limit are:
  - (a) Road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed;
  - (b) A territorial authority that is affected by the existing or proposed speed limit;
  - (c) Any local community that the road controlling authority considers to be affected by the proposed speed limit;
  - (d) The Commissioner of Police;
  - (e) The Chief Executive Officer of the New Zealand Automobile Association Incorporated;
  - (f) The Chief Executive Officer of the Road Transport Forum New Zealand;
  - (g) Other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and
  - (h) The Director of Land Transport New Zealand now the New Zealand Transport Agency (NZTA).
16. Section 7.1(3) of the Rule provides:
  - (i) A road controlling authority must consult by writing to the persons in 7.1(2) advising them of the proposed speed limit and giving them a reasonable time, which must be specified in the letter, to make submissions on the proposal. In terms of Section 7.1(2)(a) and 7.1(2)(b) there are no road controlling authorities or territorial authorities that are required to be consulted in respect of any of the proposed variable speed limits.
17. Representatives of the Commissioner of Police, the Director of New Zealand Transport Authority, the Chief Executive Officer of the New Zealand Automobile Association Incorporated, the Taxi Federation and the Chief Executive Officer of the Road Transport Forum of New Zealand have received written advice of the proposed new variable speed limit in accordance with Section 7.1(2) (d), (e), (f) and (h). No other organisation or road user group is considered to be affected by the proposed speed limits. No neighbouring road controlling authority is affected.

**9. Cont'd**

18. A spokesperson for the New Zealand Transport Agency supported the proposed variable speed limit outside Roydvale School. He noted that they meet all the requirements of the warrant as set out in Traffic Note 37 Section 4. The schools exceed the requirement of 50 children crossing the road or entering a vehicle, and have traffic speeds above the requirements and/or are on a main traffic route.
19. A consultation plan was circulated to 80 residents in Roydvale Avenue and Juniper Place on 22 November 2011. In most cases the consultation leader spoke to property owners near proposed school speed signs. The school also provided details to the school community via its newsletter.
20. Information about the proposed school speed zone was delivered to the Russley, Avonhead and Memorial Residents' Association.
21. Responses were received from 14 stakeholders. Eight supported the planned variable speed limit and one opposed it. The remaining five did not indicate their views on the proposed school speed zone. However, they and some of the other respondents raised concerns about workers from the nearby Technology Park parking all day in Juniper Place, and the danger they believe this posed to school children.
22. The project team has advised these respondents that parking outside the frontage of Roydvale School and the whole of Juniper Place is outside the scope of this school speed zone project. However, parking will be addressed as part of the Roydvale School Travel Plan project, due to commence soon. The travel plan will identify definite actions, who will be responsible for implementing these, and timelines. Affected residents will be consulted on any changes to parking proposed by the Council.
23. The respondent who opposed the proposed school speed zone felt that it would restrict traffic flow and cause hold-ups. The project team responded that school speed zones have been introduced on roads with much higher volumes of traffic than Roydvale Avenue and have been very successful. He was advised that there is no evidence of increased congestion, or accidents resulting from the introduction of school speed zones round the country.
24. Roydvale School administrators support the installation of a variable speed limit outside their school and are prepared to operate it.
25. Respondents were sent a copy of the plan for Council approval, and a letter outlining the project team's responses to their suggestions and concerns. They were also advised of the Community Board meeting date and time, and how to contact the Board Adviser if they wished to seek speaking rights.

**STAFF RECOMMENDATION**

That the Fendalton/Waimairi Community Board recommend that the Council approve:

- (a) The installation of a 40 kilometre per hour variable speed limit on Roydvale Avenue and Juniper Place (school zone), as meets the requirements of Section 7.1 of the Land Transport Setting of Speed Limits Rule 2003, and the New Zealand Gazette notice (21/04/2011, Number 55, page 1284), including the times of operation.
- (b) Subject to Council approving recommendation (a), that pursuant to Clause 5(1) of the Christchurch City Speed Limits Bylaw 2010, a variable speed limit of 40 kilometres per hour apply on:
  - (i) Roydvale Avenue, commencing at a point 20 metres north easterly of the O'Connor Place intersection and extending in a north easterly direction for a distance of 466 metres.
  - (ii) Juniper Place, commencing at the Roydvale Avenue intersection and extending in a north westerly direction for a distance of 300 metres.

**9. Cont'd**

- (c) Subject to Council approving recommendation (a), that the abovementioned variable speed limit shall come into force on completion of infrastructure installation, and public notification.

**BACKGROUND**

- 26. Roydvale School is currently second equal on the Council's prioritisation list for installation of new school speed zones. This process ranks each road fronting a school by scoring the following 10 factors: road classification (i.e. local, major arterial etc), traffic volume, traffic speed, road environment (distractions, visibility etc), community interest, kerbside activity, number of children crossing the roadway, cyclist volume, percentage of trucks, and whether a school patrol exists. There are 293 frontage roads at the 162 schools in the Christchurch City area.
- 27. Two options were considered by the project team. The first and preferred option is to install a 40 kilometre per hour variable speed limit using electronic and static signage that operates outside Roydvale School before and after school during the school term. The other option is to maintain the status quo. The school is keen to see a speed zone installed in Roydvale School and Juniper Place to improve safety for pupils.

**10. BISHOPDALE COURT - ROAD STOPPING**

<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>	Weng-Kei Chen, Asset Policy Engineer

**PURPOSE OF REPORT**

1. To consider the application from Christchurch City Network Limited trading as Enable Network to stop a portion of road, Section 1, approximately 166 metres squared in Bishopdale Court as shown in the **attachments**.

**EXECUTIVE SUMMARY**

2. Enable Network has requested the Council's assistance in locating a suitable site for its communication Hub in the Bishopdale area. This Hub is vital for the city fibre network which the company has been contracted with Crown Fibre Network to deliver. The timeline to build the Hub is June 2012.
3. Several options were investigated and they were either unsuitable due to the presence of other underground infrastructures, interruption to business during installation or the Reserve status of land. The application to use Reserve Land for utility purposes will require the process to proceed in accordance with the Reserve Act and this lengthy process will not meet Enable Network timeframes.
4. The proposed site is adjacent to Orion's Electrical substation and is on an existing car park. The proposal will decrease the number of car parks available by 12 and will require the relocation of the footpath entry from the adjacent reserve, rearrangement of car parking spaces and construction of a new footpath along the reserve as shown on the attachments (**Attachments 1-4**).
5. Currently there are 611 marked car parks in Bishopdale Court and these are all on legal road. This is a unique situation in the city where all parking is provided on legal road for the Bishopdale Court businesses and Council facilities. The car parking requirements for all the existing activities in Bishopdale Court is estimated to be in the order of 510 car parks and the reduction of 12 car parks will not contravene the City Plan requirement.
6. The car parking on legal road does not contribute to the road network function and only serves as a destination to users of the city road network. There is also an opportunity to create an additional 4 car parks with the rearrangement of the parking spaces within the legal road as indicated on the plan.
7. The application is consistent with the Council's policy for Road Stopping and will not disadvantage the public's ability to pass and repass along the road network.

**FINANCIAL IMPLICATIONS**

8. If the road stopping proceeds as recommended, Enable Networks will be required to purchase the land from the Council at market value as determined by a registered valuer and including all the road asset changes as indicated on the plan.

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

9. Not applicable.

**LEGAL CONSIDERATIONS**

10. Both the Local Government Act 2002 and the Public Works Act 1981 allow for the stopping of legal roads. In addition to these statutory provisions, the process of stopping roads by the Council is governed by the Christchurch City Council Road Stopping Policy 2009 ("the Policy") and the related delegations adopted by the Council on 9 April 2009 ("Delegations").

10. Cont'd

11. Under the Delegations the Corporate Support Manager has the power to accept or decline a road stopping application where:
  - (a) The area of the road to be stopped will not constitute a complying lot under the City Plan in its own account nor will its amalgamation with the adjoining lot create a new potential for the adjoining lot to be subdivided; and
  - (b) It will be necessary for the stopped road to be amalgamated with the certificate of title to an adjoining property; and
  - (c) The owner of an adjoining property is the logical purchaser of the stopped road; and
  - (d) That the proposed road stopping complies with the Council's Road Stopping Policy; and
  - (e) The area of road to be stopped is not adjoining a reserve or waterway.
12. In all other circumstances the power to accept or decline a road stopping application, and which statutory procedure to use, sits with the Community Board of the ward in which the road in question is situated. Those powers must be exercised in accordance with the Policy.
13. There are two statutory processes available for road stopping and the Policy articulates the circumstances when each is to be used.
14. The Local Government Act 1974 road-stopping procedure must 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.
15. 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 adjoining landowners 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.

**10. Cont'd**

16. The Public Works Act road stopping procedure is essentially an administrative process intended to be used in non-controversial circumstances involving trivial parcels of land where the consent of the neighbouring owners is available. For all other road stoppings, the Policy requires that the Local Government Act process is used.

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

17. The loss of existing car parking is relatively small and is more than compensated with the rearrangements of car park spaces which will result with 4 additional car parks, and therefore staff consider it is appropriate that the Public Works Act 1981 be used.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

18. The small parcel of road is not required for the roading network.

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

19. Not applicable.

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

20. Yes, supporting the installation of hi-tech infrastructure in the city.

**CONSULTATION FULFILMENT**

21. Staff have received feedback on this proposal from a Bishopdale Business Group and:
- (a) the group cannot support any loss of car parks;
  - (b) concerns were raised on the uncertainty of the redevelopment of the City and the continued increasing demands on the centre;
  - (c) concerns were also raised on the cost of Community Service and venues for community groups after the earthquake; and
  - (d) the increasing activities at the YMCA centre with parking congestion experienced and vehicles parking on grass plots.

**STAFF RECOMMENDATION**

That the Board:

- (a) Approves the road stopping of the portion of Bishopdale Court identified on attached plan as Sec 1.
- (b) Recommends to the Minister of Land that part of Bishopdale Court as shown on the attached plan containing approximately 166 metres squared (subject to survey) be declared to be stopped by consent pursuant to Section 116 (2) (b) (i) and (ii) by the Public Works Act 1981.
- (c) That pursuant to Section 345 (1) (a) (i) of the Local Government Act 1974 the land be added to the Enable Network as determined by a registered valuer appointed by the Council.

**11. UNFORMED HAREWOOD ROAD - ROAD STOPPING**

<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>	Weng-Kei Chen, Asset Policy Engineer

**PURPOSE OF REPORT**

1. To consider the application from Christchurch International Airport Limited (CIAL) to stop the portion of unformed Harewood Road approximately 2928 metre squared as shown on the **attached** plans (**Attachments 1 and 2**).

**EXECUTIVE SUMMARY**

2. The location of the 'Unformed Harewood Road' is north west of the intersection of Orchard Road and is approximately 150 metres in length serving parcels of land owned by CIAL. It is also an access onto the secured area of the airport operation.
3. A similar request to stop this portion of Harewood Road was approved by the Council in 1996, however the road stopping procedure was not initiated and it is therefore appropriate for the Council to consider the application as a new application.
4. The unformed road has been used for vehicle parking and access to the hard fill area for future airport development.
5. This short section of Unformed Road is surplus to the City Road network requirement as it only serves as a destination to airport businesses. The stopping of this road will complement the future airport development in the vicinity.
6. This road stopping application complies with the Council's Road Policy and it is also appropriate that it be stopped pursuant to Public Works Act 1981.

**FINANCIAL IMPLICATIONS**

7. If the road stopping proceeds as recommended pursuant to Public Works Act 1981, CIAL will meet all the Council's costs associated with undertaking that process in accordance with Council's Road Stopping Policy. CIAL has also agreed to purchase the land which is valued by Council's appointed valuer at a value of \$290,000 plus GST.

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

8. Not applicable.

**LEGAL CONSIDERATIONS**

9. Both the Local Government Act 2002 and the Public Works Act 1981 allow for the stopping of legal roads. In addition to these statutory provisions, the process of stopping roads by the Council is governed by the Christchurch City Council Road Stopping Policy 2009 ("the Policy") and the related delegations adopted by the Council on 9 April 2009 ("Delegations").
10. Under the Delegations the Corporate Support Manager has the power to accept or decline a road stopping application where:
  - (a) The area of the road to be stopped will not constitute a complying lot under the City Plan in its own account nor will its amalgamation with the adjoining lot create a new potential for the adjoining lot to be subdivided; and
  - (b) It will be necessary for the stopped road to be amalgamated with the certificate of title to an adjoining property; and
  - (c) The owner of an adjoining property is the logical purchaser of the stopped road; and

**11. Cont'd**

- (d) That the proposed road stopping complies with the Council's Road Stopping Policy; and
  - (e) The area of road to be stopped is not adjoining a reserve or waterway.
11. In all other circumstances the power to accept or decline a road stopping application, and which statutory procedure to use, sits with the Community Board of the ward in which the road in question is situated. Those powers must be exercised in accordance with the Policy.
12. There are two statutory processes available for road stopping and the Policy articulates the circumstances when each is to be used.
13. The Local Government Act 1974 road-stopping procedure must 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.
14. 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 adjoining landowners 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.
15. The Public Works Act road stopping procedure is essentially an administrative process intended to be used in non-controversial circumstances involving trivial parcels of land where the consent of the neighbouring owners is available. For all other road stoppings, the Policy requires that the Local Government Act process is used.

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

16. The staff consider that it is more appropriate that the Public Works Act 1981 be used.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

17. The road is not required for the roading network.



11. Cont'd

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

18. The road asset is redundant to Council's needs.

**ALIGNMENT WITH STRATEGIES**

19. Yes, as part of the rationalisation of road assets the road is used as access to airport activity.

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

20. Yes.

**CONSULTATION FULFILMENT**

21. This is not required with a single land ownership on both sides of the road.

**STAFF RECOMMENDATION**

It is recommended that the Board:

- (a) Approves the road stopping of the portion of Harewood Road identified on attached plan S.O 19807.
- (b) Recommends to the Minister of Land that part of Harewood Road identified on the attached plan (S.O 19807) be declared and stopped by consent pursuant to section 116 (2) (b) (i) and (ii) of the Public Works Act 1981.
- (c) That pursuant to Section 345 (1) (a) (i) of the Local Government Act 1974 the land be sold to CIAL at a price of \$290,000 plus GST, plus all costs associated with the road stopping.

**12. APPLICATIONS TO THE BOARD'S 2011/12 DISCRETIONARY RESPONSE FUND**

<b>General Manager responsible:</b>	General Manager, Community Services Group, DDI 941-8607
<b>Officer responsible:</b>	Community Support Unit Manager
<b>Author:</b>	Maryanne Lomax, Strengthening Communities Adviser

**PURPOSE OF REPORT**

1. The purpose of this report is for the Fendalton/Waimairi Community Board to consider applications for funding from its 2011/12 Discretionary Response Fund from the following organisations:
  - (a) Burnside Elim Church Trust for \$3,379 (**Attachment 1**)
  - (b) St Stephen's Community Centre for \$6,500 (**Attachment 2**)

**EXECUTIVE SUMMARY**

2. In 2011/12, the total budget available for allocation in the Fendalton/Waimairi Discretionary Response Fund is approximately \$75,000. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
3. The purpose of the Fund is to assist community groups where the project and funding request fall outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
4. At the Council meeting of 22 April 2010, Council resolved to change the criteria and delegations around the local Discretionary Response Fund.
5. The change in criteria limited the items that the local Discretionary Response Fund does not cover to only:
  - (a) Legal challenges or Environment Court challenges against the Council, Council Controlled Organisations or Community Boards decisions;
  - (b) Projects or initiatives that change the scope of a Council project; and
  - (c) Projects or initiatives that will lead to ongoing operational costs to the Council.

Council also made a note that: *"Community Boards can recommend to the Council for consideration grants under (b) and (c)."*

6. Based on these criteria, the applications from the Burnside Elim Church Trust towards the costs of establishing a Mainly Music Pre-school Group and the St Stephen's Community Centre towards the wages of a Community Worker for Older Adults are eligible for funding.
7. Detailed information on the application and staff comments are included in the attached Decision Matrices. (**Attachments 1 and 2**)

**FINANCIAL IMPLICATIONS**

8. There is approximately \$75,000 remaining in the Board's 2011/12 Discretionary Response Fund.

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

9. Yes, see page 184 of the LTCCP regarding community grants schemes including Board funding

**LEGAL CONSIDERATIONS**

10. There are no legal considerations.

**12. Cont'd**

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. Aligns with LTCCP and Activity Management Plans, page 172 and 176.

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

12. Yes, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding.

**ALIGNMENT WITH STRATEGIES**

13. Refer to the attached Decision Matrices.

**CONSULTATION FULFILMENT**

14. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Fendalton/Waimairi Community Board:

- (a) Approve a grant of \$3,379 from its 2011/12 Discretionary Response Fund to the Burnside Elim Church Trust towards the costs of establishing a Mainly Music Pre-school Group.
- (b) Approve a grant of \$6,000 from its 2011/12 Discretionary Response Fund to the St Stephen's Community Centre towards the wages for a Community Worker for Older Adults.

**13. APPLICATION TO THE BOARD'S YOUTH DEVELOPMENT SCHEME – JESSICA SCHOFIELD**

<b>General Manager responsible:</b>	General Manager, Community Services, DDI 941-8986
<b>Officer responsible:</b>	Unit Manager, Community Support
<b>Author:</b>	Maryanne Lomax, Strengthening Communities Adviser

**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval for an application for funding from the Board's 2011/12 Youth Development Scheme. There is currently \$5,800 remaining in this fund.

**EXECUTIVE SUMMARY**

2. The applicant is Jessica Schofield, a 16 year old Burnside High School student living in Burnside.
3. Jessica is an independent student in the Future Problem Solving Programme and has been selected to represent New Zealand as an individual competitor at the prestigious International Future Problem Solving Conference. This is to be held at the University of Indiana, Bloomington, Indiana, USA in June 2012.
4. This conference, which incorporates the International Finals of the programme will be attended by over two thousand of the brightest young people from America, the Asia/Pacific region, South Africa and other parts of the world. It is a unique experience for these young New Zealanders to interact with and compete against such an outstanding group of young people and to experience American college life.
5. The Future Problem Solving Programme was established by Dr E Paul Torrance, one of the world's leading researchers into creativity. Through this programme students develop positive views of the future, learn to work in teams and grapple with many of the world's most significant issues. Research in Australia has shown that over 80% of Future Problem Solving students go on to higher level tertiary education in disciplines such as medicine, law and scientific research.
6. The topic for the 2012 International Finals is 'Pharmaceuticals'.
7. Jessica is very active in school activities, particularly music and sport. She takes part in the Duke of Edinburgh Hillary Award for which her skill is piano, her sport is hockey, and her service is assisting students at Cobham Intermediate with their Future Problem Solving Programme.
8. This application fits with the Board's Youth Development Criteria of 'Personal Development and Growth'.
9. Jessica has recently been successful in obtaining a part-time job on Saturdays to save towards the trip. She is also planning to undertake other fundraising such as sausage sizzles and a raffle. She also plans to do some busking as she plays the clarinet.

**FINANCIAL IMPLICATIONS**

10. The following table provides a breakdown of the costs involved for the conference:

<b>EXPENSES</b>	<b>Cost (\$)</b>
Airfares	2,669
Registration Fee and Campus Accommodation	605
Airport Transfers (Indianapolis Airport to Indiana University)	130
Travel insurance	140
<b>Total</b>	<b>\$3,544</b>

**13 Cont'd**

11. This is the first time that the applicant has applied to Board for financial support.

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

12. This application is seeking funding from the Community Board's 2011/12 Youth Development Scheme which was established as part of the Board's 2011/12 Discretionary Funding.

**LEGAL CONSIDERATIONS**

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

13. There are no legal implications in regards to this application.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Aligns with page 170 LTCCP, regarding Community Board Project funding.

**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. Application aligns with the Council's Youth Strategy and local Community Board objectives.

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

17. As above.

**CONSULTATION FULFILMENT**

18. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Fendalton/Waimairi Community Board makes a grant of \$400 to Jessica Schofield towards the cost of attending the International Future Problem Solving Conference in Indiana, USA.

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

**14.1 CURRENT ISSUES**

**14.2 2011/12 BOARD FUNDING UPDATE**

**Attached**

**15. ELECTED MEMBERS' INFORMATION EXCHANGE**