

**REPORT BY THE CHAIRPERSON OF THE
BURWOOD/PEGASUS COMMUNITY BOARD**

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. PROPOSED TRAFFIC SIGNALS AT WAINONI ROAD: NEW ENTRANCE TO PAK'N'SAVE

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval for the installation of traffic signals at a new supermarket development (Pak'n'Save) on the property at 172-176 Wainoni Road, Aranui.

EXECUTIVE SUMMARY

2. This application for traffic signals follows a resource consent hearing for a supermarket on a 2.85 hectare site in Wainoni Road adjacent to Aranui High School, the Shortland Street Reserve and the industrial activities in Breezes Road. This resource consent application was approved by a Commissioner appointed to consider this matter. The site is to be serviced by a single entrance approximately midway between Breezes Road and Shortland Street where it is proposed to install traffic signals. Now separate approval of the Council, as the road controlling authority, is required to permit the installation of traffic signals at this location. The erection of traffic signals at this single private entrance on Wainoni Road raises policy, traffic management and funding issues.
3. A resource consent for this development was approved by Mr David W Collins, the Hearings Commissioner for this application on 28 April 2005. The condition of consent requiring the Council approval is set out in the following paragraph:

“18. Prior to the construction of the building commencing, the consent holder shall provide evidence to the Environmental Services Unit of the Council that approvals from the Council as a roading authority and the operator of the Mobil service station across Wainoni Road are in place to permit construction of the full “intersection” described in Mr Penny’s evidence at the hearing. The supermarket may operate only with such an “intersection” in place”.
4. On consideration of the current situation, the only satisfactory way to provide access to this development as consented is to provide traffic signals. Therefore it is considered appropriate that the Council give approval for the installation of traffic signals at this location. Nevertheless, there are a number of matters of detailed design which would produce a more acceptable intersection than that consented that still need to be resolved prior to construction. A process has been agreed with Foodstuffs Ltd to deal with and implement the desired improvements prior to opening of the new supermarket development.
5. Foodstuffs have requested that approval for the signals be provided prior to Christmas to enable contractual and construction programmes to be achieved. Owing to internal and external factors, this report was not available for Board consideration at an earlier date.

FINANCIAL AND LEGAL CONSIDERATIONS

6. The Council is presently in the process of reconstructing this section of Wainoni Road. These reconstruction works are a major project and no explicit consideration has been given in these works to provide access to the supermarket site or for the installation of traffic signals. One aspect of the new development-driven construction works (to introduce the new entrance) is that the consent holder shall be responsible for all costs associated with the design, supervision and construction of any necessary road works driven by the consent, associated with the installation of traffic signals. Following a warranty period the Council is expected to meet all maintenance, running costs and any required future upgrading works.

1 Cont'd

7. The Council, as the road controlling authority, is required to give separate approval from the resource consent for the installation of the traffic signals, the proposed road layout and any parking controls on the public road. The necessary resolutions are listed in the recommendations below. One of the consequences, if there is a conflict in the decisions between these two Council approval processes, is the potential to result in protracted legal deliberations.
8. It is advised that the Council consider the full implications of the decision, as this approval should be seen as a unique situation which does not signal a precedent or new standard for access control on the city's arterial road network. Further work on the Council's approach to access control is anticipated in the near future, including dealing with matters such as the installation of traffic signals for a single purpose activity on arterial roads in close proximity to an existing signalised intersection. If the Council accepts this proposal, as there are special circumstances involved, suggested conditions of approval are also incorporated in the recommendations below.
9. The staff recommendations presented to the Board included decisions that the Board could make under delegated authority and decisions that the Council has authority to make. The Board was advised that if it chose to support the overall recommendations then its decision under delegated authority should be subject to Council approving the remaining recommendations, as the Board decisions are dependent on the Council decision.

BOARD RECOMMENDATIONS

The Board recommends that the Council approve the proposal to install traffic signals for the proposed Pak'n'Save development in Wainoni Road in line with the following recommendations:

- (a) That traffic signals and associated works as presented in the Foodstuffs Ltd resource consent including any street lighting improvements be approved and installed at the new intersection of Wainoni Road at the entrance to the properties at 172-176 & 175 Wainoni Road, at the cost of Foodstuffs including all design and supervision costs.
- (b) That the traffic signals be coordinated with those already installed at Breezes Road and be programmed to not affect the operation of the Breezes Road signal efficiency nor adversely impact the "Arterial function" of Wainoni Road. This may delay traffic exiting the Pak'n'Save site through the traffic signals.
- (c) That prior to the construction of the new traffic signalised access, the Council support Foodstuffs Ltd in seeking a change of conditions of consent (per section 127 Resource Management Act) to improve the new traffic signalised intersection design and operation (with particular reference to modifications to the pedestrian crossings and a left turn exit slip lane). The proposed modifications are shown in Appendix B as attached to the report.
- (d) That the Council investigate the safety and traffic management issues related to the right turn access into the south western entrance of the service station across Wainoni Road.

BOARD RESOLUTIONS MADE UNDER DELEGATED AUTHORITY

The Board approved the following related traffic restrictions pursuant to its delegated powers:

- (a) That a 'no stopping at all times' parking restriction be imposed on the northern side of Wainoni Road commencing at a point 56 metres measured in a westerly direction from a point opposite the western kerb line of Breezes Road and extending in a westerly direction for a distance of 110 metres.
- (b) That a 'no stopping at all times' parking restriction be imposed on the southern side of Wainoni Road commencing at a point 68 metres measured in a westerly direction from a point opposite the western kerblines of Breezes Road and extending in a westerly direction for a distance of 70 metres.
- (c) That a bus stop be approved on the southern side of Wainoni Road commencing at a point 132 metres measured in a westerly direction from a point opposite the western kerblines of Breezes Road and extending in a westerly direction for a distance of 15 metres.

1 Cont'd

- (d) That the existing bus stops on the south side of Wainoni Street West of Shortland Street and west of Breezes Road be deleted.
- (e) That these controls come into operation prior to the opening of the new complex.

BACKGROUND ON PROPOSED TRAFFIC SIGNALS AT WAINONI ROAD NEW ENTRANCE TO PAK'N'SAVE

- 10. The proposed supermarket development for this site will be a significant generator of traffic both in scale and intensity. To give an indication of the size of the development, this complex will employ over 300 people, will be 30% larger than the existing Countdown complex at Church Corner and the proposed car park (of some 437 spaces) will provide 42% more parking spaces than required by the City Plan. Traffic evidence was presented to the hearing for the resource consent application by Traffic Design Group (TDG) for the applicant and for the Council by Gabites Porter (GP). The evidence for the applicant was based on the use of conservative traffic generation figures while those proposed by GP were higher. However, GP considered that the additional traffic on Wainoni Road caused by the development will result in redistributed traffic travelling elsewhere through the nearby network and therefore the effects from the application along this section of Wainoni Road could be considered to be similar to the current situation. The evidence presented at the hearing indicated that the proposed access arrangements for the proposed development will require traffic signals and that these signals will be required to coordinate with those presently installed at Breezes Road for this site to operate successfully.

OPTIONS

- 11. The applicant was initially advised by Council staff (pre-application) to develop the site with an additional access point, preferably through to Breezes Road. A single access alternative that was proposed through these initial discussions was done so with a caveat of the need to demonstrate that traffic signals at the single access point on Wainoni Road could work. The applicant has demonstrated that the proposed development could operate with existing traffic flows. The resource consent process however does not allow consideration for future growth and implications.
- 12. The application, when submitted, considered two options; signalised and non-signalised access to Wainoni Road. The traffic model used to assess the non signalised (Give Way) option indicated that there would be excessive on-site queues. The signalised option will, as a time-sharing device, reduce the delay on the side road (the supermarket exit) at the expense of increasing the traffic delays on Wainoni Road but at the same time increase the safety for pedestrians. The Commissioner accepted that a level of service B (reasonably unimpeded traffic flow) would be maintained along Wainoni Road and that the access/egress to the service station opposite would not be any worse in terms of safety and convenience. This required the entrance to the service station site to be included in the proposed traffic signals operation.
- 13. Other options were discussed at the resource consent hearing. These included links to Shortland Street, which were not feasible as they would require crossing a Council Reserve.
- 14. The applicant initially proposed a standard "T" junction with a single pedestrian crossing while the Hearing Commissioner supported the "X" junction with inclusion of the service station vehicle crossing and an extra pedestrian crossing. Whilst these intersection forms are practical, Council staff prefer a "X" junction with the inclusion of a 'Free Left' turn at the exit and a single facility for pedestrians across Wainoni Road. These improvements would reduce the impact on the arterial function of Wainoni Road whilst improving safety. The reasons for the single pedestrian crossing are to avoid the conflict between vehicles turning right from the site and pedestrians crossing Wainoni Road. It provides greater protection of the arterial route capacity, overcomes problems with the lack of storage for pedestrians by the eastern corner of the service station and extra capacity for the proposed supermarket which will be limited because of the arterial road demands and the close spacing between the intersections. The Free Left Turn facility would reduce conflicts between the exiting left turning traffic and pedestrians on the crossing, would increase the effective green-time available to other traffic (reducing queues) and relatively improve the arterial efficiency and function of Breezes Road.

1 Cont'd

15. However, the proposed consented arrangement indicated that right-turning vehicles could still access the south-western entrance through queues of vehicles stopped at the proposed traffic signals. Concerns related to the effects of these movements have been raised and should be further considered through a separate process by the Council (under the Local Government Act) as they relate to the management of a public road. An investigation covering the safety and traffic management issues is proposed to assess these concerns and, if considered valid, assess options to provide mitigation.
16. The options for the Council are to either approve the installation of traffic signals or reject their installation. This later option may lead to protracted legal argument as at the hearing the Council was considered to have at least accepted, if not supported, the signals as a means to mitigate the traffic access effects of the proposal. A report supporting the need for traffic signals was prepared for the applicant and the proposed plan for the traffic layout is attached as Appendix A.
17. There are two issues not considered at the hearing, viz; the provision of alternative or emergency access to the site and the need to relocate the bus stop on the south side of Wainoni Road, east side of the new entrance. It is understood that alternative emergency access can be provided through the car park adjacent to the entrance. A relocated bus stop will enable two existing bus stops to be replaced by one. This new bus stop will replace those just to the west of Shortland Street and to the east of the new entrance. It will be paired with a nearby one on the northern side of Wainoni Road and will be closer to the destination or origin of most bus users at this location, where there are to be facilities for patrons to cross the road using the traffic signals.

PREFERRED OPTION

18. This section of Wainoni Road is presently in the process of being reconstructed. No explicit provision has been made in this reconstruction for the development of the site or the installation of traffic signals. The principal benefit of traffic signals at this location is to transfer on-site traffic delays to the arterial road and there is a minor benefit to pedestrians at this location. All costs of the on street road works at this location shown in the consent will be solely the applicant's. The applicant is committed to meet the costs. Associated with the development of the site will be a corresponding upgrade of the Shortland Street Reserve. The applicant has also agreed to meet these expenses.
19. The preferred option is to accept the installation of traffic signals at the access point to the proposed Wainoni Pak'n'Save development. The signals should be managed to minimise the impacts on the arterial function of Wainoni Road.

2. CHRIST'S COLLEGE CANTERBURY - KERRS REACH

General Manager responsible:	General Manager City Environment
Officer responsible:	Greenspace Manager
Author:	Lewis Burn, Property Consultant, DDI 941-8522

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval of the terms of a renewal and variation to the conditions of Christ's College ground lease at Kerrs Reach.

EXECUTIVE SUMMARY

2. Christ's College have occupied the existing site at Kerrs Reach for their rowing facilities for many years, the original lease dating back to April 1961.
3. The current lease document provides for a perpetually renewable term of 21 years, the first term having expired on 31 March 2003. The College has given notice of its intention to exercise the right of renewal and negotiations have been concluded to renew the lease with a variation to the lease term and certain provisions of the lease. The conditions to be varied will align the terms and conditions of lease to the Council's generic deed for sports bodies. The proposed renewal/variation also provides for one single term of 35 years less one day removing a perpetual right of renewal under the current document so that the lease will finally expire 30 March 2038.

2 Cont'd

4. The land is held by the Council in fee-simple for river works with the lease issued under Section 45 (1) of the Public Works Act 1981. The Council is authorised (without reference to any other authority) to grant a lease of this land on such terms and conditions as the Council thinks fit.

FINANCIAL AND LEGAL CONSIDERATIONS

5. There are no financial considerations of any significance. A rental stream in line with the Council's sports body charging policy will continue to be received by the Council. The delegations do not authorise Community Boards to vary leases where the variation (as in this case) involves an amendment to the term. The decision needs to be made by the full Council, the Board has however, recommendatory powers to the Council. The lease term proposed is the maximum term permitted without triggering a resource (subdivision) consent.

BOARD RECOMMENDATION

It is recommended that the Council approve the renewal/variation of the lease to Christ's College at Kerrs Reach as outlined in paragraph 7 of this report.

BACKGROUND ON CHRIST'S COLLEGE CANTERBURY - KERRS REACH

6. Through its solicitor the college gave notice on 21 February 2003 of its wish to exercise the right of renewal contained in the lease. At that time the subdivision provisions of the Resource Management Act 1991 ("RMA") limited (without subdivision consent) the renewal to a term of 21 years less one day. Negotiations commenced to renew the lease for a further term as provided by the RMA notwithstanding the lease contained a perpetual right of renewal. These negotiations culminated in an agreement to renew the lease for one single term of 35 years less one day as allowed by an amendment to the RMA on 1 August 2003. By agreeing to this term the college will waive its right to a perpetually renewable lease.
7. Agreement has also been reached on varying certain conditions of the lease that will see the deed brought into line with the conditions of the Council's generic ground sports leases. The variation will see various amendments but the principal changes relate to:
 - (a) One single term of 35 years less one day to finally expire on 30 March 2038.
 - (b) Rental reviews to be conducted at three yearly interval instead of annually.
 - (c) Lessee's responsibility for ground care expanded and maintenance extended to all utility services, gates and paved areas.
 - (d) Expansion of assignment clause to permit hire of facilities subject to standard conditions.
 - (e) Consent for alterations additions to existing building/improvements at sole discretion of the Council.
 - (f) Termination for default expanded to add clarity.
 - (g) Situation in relation to ownership/removal of Improvements on termination broadened so that it is clear that the Council is under no obligation to compensate but should the College elect with Council consent, not to remove improvements, the Council to use reasonable endeavours to ensure that an incoming tenant (without obligation to release the premises) pays the College the value of the improvements as assessed by an independent registered valuer.
 - (h) A clause to describe more clearly the existing formal right held by the College to access the facility over the formed accessway from Avonside Drive in common with other users of Kerrs Reach.
 - (i) Provision for public access over the leased area to river frontage with the College having right to restrict this access at times when training events or regattas are being held in the interests of safety.
 - (j) Updating statute amendments and provisions relating to GST and Liquor Licensing.

2 Cont'd

8. The rowing facility comprises a substantially built brick and concrete structure with a floor area of approximately 326m² and a paved landing, the total site comprising about 981m². The building is sound and has had several internal makeovers in recent years.
9. Christ's College has over 80 boys involved in regular activity with 57 boys currently rowing competitively. Parents are also taking part in training sessions 2-3 times a week. In the view of the Rowing Association this is the best utilised of the Kerrs Reach rowing facilities.

OPTIONS

10. The options in this case only relate to whether or not to vary the lease as the College has a right to a renewal of its lease. As mutual agreement has been reached on the variation which will not compromise but enhance the Council's rights and remedies under the lease the status quo is not considered a viable option.

3. PARKLANDS COMMUNITY CHURCH

General Manager responsible:	General Manager Community Services
Officer responsible:	Community and Recreation Manager
Author:	David Rowland, Property Consultant, DDI 941-8053

PURPOSE OF REPORT

1. The purpose of this report is to advise that the building located on Council Reserve land at 77 Queenspark Drive, currently owned and occupied by the Parklands Co-operating Church, is to revert to Council ownership effective from 1 February 2006.

EXECUTIVE SUMMARY

2. The North Canterbury Joint Regional Committee for Co-Operating Ventures have advised that they wish to surrender their lease over Reserve land at 77 Queenspark Drive, Parklands. The Joint Regional Committee own the improvements erected on the site. However the lease makes specific provision that "On termination or surrender or otherwise the land and the lessee's building and any other building thereon shall revert to the Council without compensation payable to the lessee or otherwise".
3. From 1 February 2006 the Council will assume ownership of the building and it then will be available for either Council operational use or alternatively local community groups.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The building is located on the Parklands Reserve immediately adjacent to the Parklands Community Centre in Queenspark Drive and has an underlying zoning of O2.
5. By accepting the ownership of the Church building the Council will be required to budget operating costs such as rates, insurance and future interior and exterior building maintenance. Funding to the end of June 2005 will be covered from the Community and Recreation budget and provision for standard operating costs such as rates, insurance and security will be provided for in the 2006/07 budgets.
6. The lease is specific in that no compensation is payable for the building improvements. However, the Council will assume ownership of "chattels" currently in the building. These are being agreed with the Joint Regional Committee and have a value not greater than \$5,000. The Council unit accepting final "ownership" (the Community and Recreation Unit) will be able to fund this expenditure.

3 Cont'd

BOARD RECOMMENDATIONS

It is recommended:

1. That the Council pursuant to clause 2 (b) of the Deed of Lease between the Council and Church Property Trustees, accept effective from 1 February 2006 the surrender of the lease and reversion of the building located on the site at 77 Queenspark Drive, Parklands without compensation being payable except for the assessed chattels.
2. That when registrations of interest are requested, that priority be given to groups that will provide benefit to the Parklands community.

BACKGROUND ON PARKLANDS COMMUNITY CHURCH

7. Late in 2003 representatives of the Parklands Co-operating Church advised that the church was no longer able to attract a congregation and would close. They at that stage anticipated this would happen by early 2004. The attached plan shows that the building forms an integral part of the total Community Centre complex and given this and the age and form of construction the building's demolition or disposal by removal is not an option. There is no other purchaser apart from the Council for the building given the restraints of being located on the Reserve.
8. The lease was originally entered into under the Reserves Act 1977 by the former Waimairi District Council for a term of 33 years from 1 April 1988 at 10 cents per annum. The un-expired term subject to the surrender is 15 years.
9. Council staff have for some time been in discussion with the church representatives and have now formally been advised that all partners in the co-operating venture have now agreed that the Parklands Co-operating Church facility should now be transferred to the Council.
10. A deed of surrender has been submitted to the Church Property Trustees as the lease holder on behalf of the various church groups and the documentation reflects that no compensation will be payable.
11. This property will be processed internally by the Property Consultancy Team in terms of the property decision-making flow chart. This process will determine the highest and best use for the building should there be more than one interested party.
12. As part of the property decision-making process the Community and Recreation Unit will work with the Property Consultancy Team to call for expressions of interest from community organisations who consider the facility an appropriate site from which to deliver community or social services and outcomes. The Unit has developed a process/criteria to gather information regarding all aspects of the community group, from governance structures and financial status, to ability to contribute to the LTCCP Community Outcomes and Council Strategic Directions. As a result of this process the Unit will then forward a recommendation proposing a preferred tenant/agency or alternate community usage. It should be noted that staff have ascertained that there is considerable interest locally in this facility now that ownership and control is to revert to the Council.
13. Community and Recreation, Engagement Team staff consider that the adjacent Parklands Community Centre offers local user groups adequate casual and term access and that the ex-Co-operating Church building would best suit and house an agency/organisation as a permanent base from which to deliver local services. The ultimate end-use for the premises as mentioned above will be determined following the property decision-making flow chart and the facility may well end up being managed as part of the Community and Recreation Unit's Community Facilities portfolio.