

20. 10. 2005

**FENDALTON/WAIMAIRI COMMUNITY BOARD
6 SEPTEMBER 2005**

**A meeting of the Fendalton/Waimairi Community Board
was held on Tuesday 6 September 2005 at 4pm
in the Board Room, CCC Fendalton**

PRESENT: Mike Wall (Chairman), Sally Buck, Faimeh Burke, Val Carter,
Cheryl Colley, Pat Harrow and Andrew Yoon.

APOLOGIES: An apology for lateness was received and accepted from Sally Buck.

Sally Buck arrived at 4.08 pm and was absent for clauses 2, 3, 8, 9
and 10.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. 39 SPRINGFIELD ROAD – PROPOSED ROAD STOPPING

General Manager responsible:	General Manager, City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Deborah Harris, Property Consultant, DDI 941-8940

PURPOSE OF REPORT

1. This report was submitted to the Community Board for information and to add its views as appropriate, for consideration by the Council with the balance of the report.
2. To obtain the Council's authority to commence the road stopping procedure as set out in the Public Works Act 1981, for the portion of road shown as Section 1 on Scheme Plan SM1522-01.

EXECUTIVE SUMMARY

3. The area of road proposed to be stopped comprises 93 square metres and adjoins 39 Springfield Road. A property location map (**Attachment 1**) is appended to this report.
4. The area of road is incorporated, by way of a fence, into the property at 39 Springfield Road, and the eastern side of the existing house is located on the property boundary. Scheme Plan SM1522-01 (**Attachment 2**) delineates the area of road that is the subject of this report.
5. The property at 39 Springfield Road was sold in mid 2004 and one of the conditions of sale was that the vendor would pursue the purchase from the Council of the area of road.
6. The Transport and City Streets Unit is of the opinion that the subject portion of road is not required by the Council for road purposes and therefore it supports the road stopping application.
7. It is proposed to facilitate the road stopping pursuant to the Public Works Act 1981. However the Council's consent to commence this process should be conditional on the applicant agreeing to:
 - (a) pay the market value for the land as determined by an independent valuer; and
 - (b) pay the costs associated with the road stopping process including survey fees, LINZ and gazettal disbursements and the Council's reasonable legal fees; and
 - (c) the stopped road being amalgamated with the property title for 39 Springfield Road.

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8. A final report will be submitted to the Council seeking its formal consent to stop the road once all survey requirements have been met and the Agreement for Sale and Purchase has been finalised.

FINANCIAL AND LEGAL CONSIDERATIONS

Financial

9. Simes Limited assessed a current market value for the area of road of \$65,000 including GST. This information was being conveyed to the applicants at the time of preparing this report.
10. The applicants were advised at the outset that they would be responsible for payment of the road stopping costs. These costs include survey fees, LINZ and gazettal disbursements and the Council's reasonable legal fees, expected to range between \$5,000-\$7,000.

Legal

11. The Community Board does not have authority to resolve to commence a road stopping, nor to declare road stopped - such decisions need to be made by the full Council.
12. The Council has the ability to stop roads pursuant to the Public Works Act 1981 and the Local Government Act 1974. The latter Act requires the Council to publicly notify the proposed road stopping and to call for objections or submissions. Conversely, the Public Works Act process does not require public submission. However the Council and adjoining landowner(s) must consent in writing to the proposal.
13. If the proposed road stopping is potentially contentious then the Council should process the road stopping application pursuant to the Local Government Act. If not, the Public Works Act process can be followed.
14. It is proposed to process this application pursuant to the Public Works Act 1981 because:
 - (i) the owner of 39 Springfield Road is the only logical purchaser of the subject area; and
 - (ii) the area of road has been incorporated within the property and occupied by the landowners both prior and subsequent to the road upgrade in 1992.
 - (iii) there will not be any change to the physical situation as for all intended purposes the area is part of the property at 39 Springfield Road.
15. Section 116 Public Works Act 1981 – Stopping Roads

This Section says that, subject to the consent of the territorial authority and the owner(s) of the land adjoining the road in writing to the stopping, then the road can be declared formally stopped by notice in the Gazette.
16. Section 345(1)(i)(a) Local Government Act 1974 – Disposal of land not required for road-

In relation to stopped road that is no longer required by the local authority, this section says that the Council may sell that part of the stopped road to the owner(s) of any adjoining land.

This section goes on further to say that the price for the stopped road can be fixed by a competent valuer appointed by the Council to value that part or if the owner(s) is not prepared to pay the fixed price, the Council may sell the land by public auction or private tender.
17. Section 345(2) – Amalgamation of stopped road with adjoining land-

This section enables the Council to require the amalgamation of stopped road with adjoining land.

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BOARD RECOMMENDATION

That the Council commence the road stopping procedures in respect of the parcel of road marked Section 1 on Scheme Plan SM 1522-01 situated at 39 Springfield Road subject to the applicant agreeing to:

- (i) pay the market value for the land as determined by Simes Limited; and
- (ii) pay the costs associated with the road stopping process including survey fees, LINZ and gazettal disbursements and the Council's reasonable legal fees; and
- (iii) the stopped road being amalgamated with the property title for 39 Springfield Road.

PART B – REPORTS FOR INFORMATION

2. DEPUTATIONS BY APPOINTMENT

Nil.

3. WORKS, TRAFFIC AND ENVIRONMENT COMMITTEE – REPORT OF 15 AUGUST 2005

The Board considered the report and accompanying recommendations of the Committee's meeting and **decided**:

3.1 STATE HIGHWAY 73/POUND ROAD – INTERSECTION IMPROVEMENTS

That the information be received.

Other decisions made by the Board are recorded in clause 9 (Part C) of this report.

4. COMMUNITY SERVICES COMMITTEE – REPORT OF 10 AUGUST 2005

The Board considered the report and accompanying recommendations of the Committee's meeting and **decided**:

4.1 2004/05 COMMUNITY WORKERS SUPPORT FUND – NORTH WEST MENTORING TRUST ACCOUNTABILITY AND OUTCOMES REPORT

That the report be received.

4.2 2004/05 COMMUNITY WORKERS SUPPORT FUND – BISHOPDALE COMMUNITY TRUST ACCOUNTABILITY AND OUTCOMES REPORT

That the report be received.

4.3 2004/05 SCAP FUNDING - ACCOUNTABILITY AND OUTCOMES REPORT

That the report be received.

4.4 COMMUNITY RECREATION 2004/05 – END OF YEAR REPORT

That the report be received.

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4.5 FENDALTON/WAIMAIRI PUBLIC ART PROJECTS - UPDATE

1. That Val Carter, Andrew Yoon and Faimeh Burke be appointed as Board representatives on the Public Art Projects Working Party.
2. That Mrs Barbara Stewart be appointed to the Working Party, as a community representative.
3. That the Working Party decide on any further community representation, if required.
4. That the artwork commissioning responsibilities be assigned to the Working Party.
5. That the Working Party oversee both the Waimairi Public Art Project and the Fendalton Interactive Art Project.
6. That the Working Party make progress reports back to the Board on these projects.

4.6 VIDEO PRESENTATION

Information received.

5. FINANCE AND PLANNING COMMITTEE – REPORT OF 17 AUGUST 2005

The Board considered the report of the Committee's meeting and noted:

5.1 FENDALTON/WAIMAIRI COMMUNITY BOARD – VISION, OUTCOMES AND OBJECTIVES

The preparation of new outcomes and objectives is to be initiated by way of a facilitated Board workshop.

5.2 FINANCIAL REPORTING TEMPLATE

That the information be received.

6. GOOD NEWS STORIES

The Board was advised that Kevin Grimwood, Bryndwr Youth Worker had been selected as the New Zealand represented to the Commonwealth Youth Forum being held in Tonga.

The Board **agreed** that a letter of congratulations be sent to Mr Grimwood.

7. QUESTIONS

Nil.

PART C – REPORTS ON DELEGATED DECISIONS TAKEN BY THE BOARD

8. CONFIRMATION OF MEETING REPORT – 2 AUGUST 2005

The Board **resolved** that the report of its ordinary meeting held on 2 August 2005, be confirmed.

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9. WORKS, TRAFFIC AND ENVIRONMENT COMMITTEE – REPORT OF 15 AUGUST 2005 (Cont'd)

Further to clause 3 (Part B) of this report the Board **resolved**:

9.1 LOCAL PROJECT UPDATES

That the action taken to circulate the consultation plans for the McDougall Avenue, Mansfield Avenue, and Beverley Street projects prior to the September meeting of the Board, be confirmed.

9.2 FENDALTON ROAD – ‘NO U-TURN’ AT HOLMWOOD ROAD

That, owing to feedback from local residents, the Board's Works, Traffic and Environment Committee be granted power to act to review the Board's decision of 12 July 2005 on the 'No U-Turn' restriction at the Fendalton/Holmwood intersection.

10. SHEFFIELD CRESCENT – NEW BUS STOP LOCATION

Consideration was given to a report from the Transport and City Streets Unit seeking the Board's approval to install a bus shelter at 35 Sheffield Crescent.

A submission was also tabled from Redwood Garden Holdings Limited objecting inter alia, to the proposed bus shelter.

The Board **resolved** to:

1. Receive the submission from Redwood Garden Holdings Ltd.
2. Approve the installation of a bus shelter at the bus stop along the frontage of 35 Sheffield Crescent.
3. Authorise staff to issue the appropriate notices in terms of s339 of the Local Government Act (1974).

(Note: Pat Harrow declared an interest in this item and retired from the board room for the discussion and voting thereon.)

11. PRESBYTERIAN SUPPORT – FUNDING APPLICATION

Further to a report from the Community Development Adviser, the Board **resolved** to approve an application for funding from Presbyterian Support towards its 'Parenting with Confidence' programme and to allocate \$1,215 from the 2005/06 SCAP fund.

The meeting concluded at 4.20 pm

CONFIRMED THIS 4TH DAY OF OCTOBER 2005

**MIKE WALL
CHAIRMAN**