SPREYDON/HEATHCOTE COMMUNITY BOARD 18 MAY 2010

Report of a meeting of the Spreydon/Heathcote Community Board held on Tuesday 18 May 2010 at 5.03pm in the Boardroom, Beckenham Service Centre, 66 Colombo Street, Christchurch

PRESENT: Phil Clearwater, (Chairperson), Oscar Alpers, Barry Corbett, Chris Mene,

Karolin Potter and Tim Scandrett.

APOLOGIES: An apology for absence was received and accepted for Sue Wells.

An apology for early departure was received and accepted for Barry Corbett who departed at 7.34pm and was absent for clauses 3, 7, 9, 10, 11, 13, 15 and 16.

The meeting was adjourned at 7.34pm and recommenced at 7.40pm.

The Board reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. CHILDCARE CENTRE LEASES

This item was considered by Council at its meeting of 27 May 2010.

2. DISPOSAL OF PROPERTY – 87 ENSORS ROAD, OPAWA

General Manager responsible:	General Manager of City Environment, DDI 941-8608	
Officer responsible:	Water Environmental Engineer	
Author:	Bill Binns, Property Consultant, DDI 941-8504	

PURPOSE OF REPORT

1. The purpose of this report is to advise the Community Board of the options for the property at 87 Ensors Road, and to seek the Board's recommendation to the Council to declare the property surplus for disposal to the adjoining landowner. (**Attachment 1**).

EXECUTIVE SUMMARY

- 2. Authority is sought to sell a majority of the Council property at 87 Ensors Road ("the Property") to the adjoining landowner and Orion New Zealand. This proposal involves the Council retaining a portion of the property for road, a segregation strip and putting in place easements protecting the existing infrastructure (refer **Attachment 2**).
- 3. At its meeting on 15 May 2007 the Spreydon/Heathcote Community Board requested staff to investigate use options for the Property including possible roading improvements and reserve/waterway enhancements.

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4. Given the limitations of the Property, the Council could either retain the land with no determined use or purpose, or sell to the adjoining owner. From a practical perspective and based on independent valuation advice received, a sale of the land to the adjoining landowner would ensure that the site use is maximised along with the Council's financial return. The adjoining landowner has expressed a desire to acquire the balance of the property not required for road, or the segregation strip, to facilitate a possible future expansion of existing business operations.

FINANCIAL IMPLICATIONS

- 5. The cost of the demolition of the main pump station building and small pump shed was \$23,810 plus GST funded from the City Water and Waste Operational Budget.
- 6. Independent valuation advice has been received on Option 2.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

Yes.

LEGAL CONSIDERATIONS

- 8. The Community Board does not have delegated authority to declare land surplus for disposal, such decisions can only be made by the Council. The Community Board does however have recommendatory powers.
- Section 40 (4) Public Works Act 1981 Disposal to former owner of land not required for public work.
 - "Where any land is held for a public work and is no longer required for that work and the local authority believes on reasonable grounds that, because of the size, shape, or situation that it could not expect to sell the land to the original owner, the land may be sold to the owner of adjacent land at a price negotiated between the parties."
- 10. This is such an instance as the land in question effectively becomes land locked through the segregation strip which prevents access and egress out on to Ensors Road. In addition the easements and sale of a portion to Orion significantly change the nature of the original site.

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

11. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. In alignment page 59 of the current LTCCP (and page 39 of the draft Annual Plan 2008/2009), level of service for maintaining the highest Ministry of Health water supply grade possible without treatment, under water supply.

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

13. Yes, as above.

ALIGNMENT WITH STRATEGIES

14. In alignment with the Water Supply Asset Management Plan.

Do the recommendations align with the Council's strategies?

15. Yes, as above.

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CONSULTATION FULFILMENT

16. No additional consultation is required outside of the reporting process to the Community Board, and Council.

STAFF RECOMMENDATION

It is recommended that the Spreydon/Heathcote Community Board recommend to the Council that it adopt the following resolutions:

- (a) That Lot 3 and 4 DP 11717, located at 87 Ensors Road as indicated on the plan attached at **Attachment 2** be declared surplus to Council's requirements.
- (b) It is accepted that due to the nature of the sites and circumstances there are no obligations under section 40 of the Public Works Act or Council's policy to sell property by public tender.
- (c) That the Corporate Support Unit Manager be delegated authority to sell Lot 3 and 4 DP 11717 to the adjoining landowner, Devon Street Holdings Limited and Orion New Zealand respectively. The sale price to be not less than 90 per cent of an independent registered valuation commissioned by the Council and on such terms and conditions as generally outlined in this report and/or considered market related.
- (d) That an area of the land comprising 47 metres square, subject to survey, more particularly shown as Lot 1 on Drawing Number 500317-07, be retained by the Council for the purpose of legal road pursuant to Section 114 of the Public Works Act 1981.
- (e) That an area of land comprising seven metres square, subject to survey, more particularly shown as Lot 2 on Drawing Number 500317-07, be retained by the Council for the purpose of a segregation strip to prevent legal access to the property off of Ensors Road.
- (f) That an easement creating a right to drain water in gross, more particularly shown as Areas A on Drawing Number 500317-07, is registered in favour of the Council.
- (g) That an easement creating a right of way in favour of the Council, more particularly shown as Areas B, and C for access to the existing waterway, is registered in favour of the Council.
- (h) That easements creating a right of way in favour of Environment Canterbury are registered, more particularly shown as Areas B, C, D on Drawing Number 500317-07, for the protection of the wells and access to them. All costs associated with the creation of this easements to be met by Environment Canterbury.

BOARD RECOMMENDATION

That the staff recommendation be **adopted**.

BACKGROUND (ISSUES)

- 17. The subject property is located at the northwest corner of the intersection of Brougham Street, and Ensors Road. Immediately to the north is the main south rail line. To the south and west is a large industrial property owned by Devon Street Holdings Limited ("the adjoining landowner, Lot 1 DP 48505"). A property location map is shown in **Attachment 1**.
- 18. The property is zoned Business 3 (Inner City Industrial) and comprises an area of 852 square metres.
- 19. The site is bisected by quite a deep watercourse, and is also occupied by three water supply wells and an electrical kiosk owned by Orion New Zealand Limited. (**Attachment 2**).

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- 20. The property was once occupied by the Ensors Pump Station that was decommissioned in 2004. The pump station building has recently been demolished and the area levelled. The Property is no longer required to be held by the Council for the purposes of a pump station, and this has prompted a review of the Property in compliance with the Council's decision making process.
- 21. At its meeting on 15 May 2007 the Community Board was advised that options for the future use of the site were being identified and investigated. The Board requested staff to investigate the following two options:
 - (a) possible roading improvements with the nearby Ensors Road intersection and rail corridor; and
 - (b) reserve/waterway enhancements.
- 22. The property was circulated to all Council Business Units according to the Council's decision making process, and arising from that the Transport and Greenspace Unit requested approximately 47 metres square of the site be taken for road to provide a more consistent road boundary alignment and to undertake some planting. Furthermore the Unit requested that a segregation strip be put in place to prevent future legal access to the Property from Ensors Road. In reference to **Attachment 2** the land for road is shown as Lot 1 and the segregation strip is shown as Lot 2.
- 23. The Network Planning Team for Greenspace considered the Property for stormwater treatment, and concluded that the site was not a suitable place for stormwater treatment or a retention area as there does not appear to be any stormwater discharge into the waterway other than a small amount from the edge of the rail tracks. The adjacent land has piping heading out to other outfalls.
- 24. Given the Property's location and access limitations, the Greenspace Team did not identify any strategic reasons to retain the Property for reserve or waterway enhancement.
- 25. The Council owns three wells located within Area D on **Attachment 2**. Two of the wells are monitored by Environment Canterbury, and ECan has emphasised the importance of maintaining both wells as part of the network which monitors the health of the Christchurch aquifer system and water supply.
- 26. The first well is a shallow water quality monitoring well (33.5 metres deep). Samples have been collected annually from this well since 1981, and some results date back to 1958.
- 27. The second well is a deep monitoring well (154.2 metres deep), screened across what is known as "the third aquifer." This well has recorder equipment installed, enabling ECan to have water level data captured at 15-minute intervals. This well is considered to be highly valuable because of its long-term monitoring record dating back to the 1970's. This means that ECan has benchmark data about the aquifer water levels before the City began to take water from this depth for the City's water supply. ECan can monitor the changes in water levels due to the extraction and, to a lesser extent, monitor for any threat of saltwater intrusion into the aquifer system.
- 28. This kind of data repeated, regular measurements over a long period of time from the same well is critical to ECan for understanding seasonal cycles in aquifer conditions, and for evaluating long-term trends. ECan's well monitoring data from across the city is used by Council for management of their existing wells and planning and installing new wells. For this reason it is recommended that ownership of the wells is transferred to ECan, with the wells, and access to them, being protected by way of easements in favour of ECan in the event that the property is declared surplus and disposed of by the Council.
- 29. The third well has been decommissioned as ECan does not want to take it over.

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- 30. Orion New Zealand Limited owns the electrical kiosk situated on the North East corner of the property that was installed in 1984. Orion has agreed to meet the purchase price and all survey and legal fees associated with the transfer of the easement to Orion.
- 31. The adjoining land is a large industrial property owned by Devon Street Holdings Limited ("the owner"). The owner has indicated a desire to acquire as much of the Property as is possible to facilitate the possible future expansion of the existing warehouse and carparking. Whilst the location of the existing wells and the waterway may limit how any future development may occur, the owner does have opportunity to gain further utility from the land e.g. fund the piping of the waterway and negotiate a reduced easement area with the Council.

THE OBJECTIVES

32. The objective of the decision proposed is to maximise the Council's return through a sale whilst recognising the Property's limitations and protecting existing pertinent infrastructure.

THE OPTIONS

33. Two options have been considered as outlined in the Table below, and they should be read in reference to the plan in **Attachment 2**. In all options 47 metres square of the land will be retained by the Council for road, and seven metres square as a segregation strip to prevent legal access to the Property from Ensors Road.

Option	Description	
Option 1	Council retain the land.	
Option 2	Sell the entire site to the adjoining landowner who will grant easements	

Option	Advantages	Disadvantages
Option 1	 Council can grant E-Can an easement over the land to access the wells. As per the attached plan (Attachment 2) Council can sell Lot 4 to Orion. A partial segregation strip along Ensors Road will give access to the site. As the buildings that were originally on the site have been removed the site could be enhanced into a Reserve /Waterway 	this site would potentially increase the risk of accidents.

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Option 2	 Before implementing this option Council would sell a small portion containing the electricity kiosk to Orion. (Attachment 2). Overcome the potential of causing accidents at this intersection by extending the segregation strip around the boundary facing Ensors Road. The costs associated with the enhancement and the associated costs won't have to be met by Council. With a sale the existing rights and access to the site will be preserved by agreement with the adjoining owner. 	The Council misses out on an opportunity to develop a Reserve/ waterway enhancement. The Council misses out on an opportunity to develop a Reserve/ waterway enhancement.

THE PREFERRED OPTION

34. The preferred option is Option 2 on the basis that the Council does not have a strategic use or purpose for the site, and that there is a financial benefit to sell the Property to the adjoining owner while maintaining existing use rights and access to the Property.

3. STRENGTHENING COMMUNITIES FUNDING - SPREYDON/HEATHCOTE KEY LOCAL PROJECTS 2010

This report will be considered by the Metropolitan Funding Committee in July.

PART B - REPORTS FOR BOARD INFORMATION

4. **DEPUTATIONS**

4.1 Clare Palmer and Paul McMahon, representing Waltham Youth Trust presented an update to the Board following recent Trustees changes. And the Trust's desire to work to consolidate the existing community partnerships while expanding the work of the Trust in new directions. Clare Palmer spoke of the Shiloh programme, work of the community liaison workers and plans for the next 12 months.

Following discussion with the Board, the Chairperson thanked the deputation for their informative presentation.

4.2 Elizabeth Ryburn spoke to the Board, regarding her concerns about the impact of shading on her property created by a conifer tree located within Risingholme Park and made a request for its removal.

The Board **decided** to request a report from staff regarding the tree in Risingholme Park adjacent to Elizabeth Ryburn's property, including the following:

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- (a) Heritage planners opinion regarding the tree in relation to the heritage listing of the setting.
- (b) Clarification and exploration of resource consent processes in relation to potential tree removal.
- (c) Advice as to whether the Community Board can apply for a resource consent on this matter.
- (d) Possibilities of pruning and ongoing maintenance and whether cutting down the tree would be the only alternative.

The Chairperson thanked Mrs Ryburn for her deputation.

4.3 Jennie Potter, representing Hoon Hay Community Crèche Incorporated Society spoke to the Board regarding Childcare Centre leases. Ms Potter told the Board form her perspective about the current lease arrangements, and the draft of the proposed new lease in relation to maintenance responsibilities and on going costs of running the Community Crèche, including the impact of GST, and the instability of the lease term and ongoing sources of funding, whilst fulfilling the need within a low socio-economic community. (Clause 1 (Part A) of these minutes records a decision in relation to this matter).

The Chairperson thanked Ms Potter for her deputation.

4.4 Ronda Duncraft, representing Sydenham Community Preschool spoke to the Board outlining how moving the bus stop further along than recommended in Huxley Street would provide better access for the Preschool in her opinion. (Clause 14 (Part C) of these minutes records a decision in relation to this matter).

The Chairperson thanked Ms Duncraft for her deputation.

4.5 John Moyle, speaking as an owner of residences in Huxley Street spoke to the Board regarding the proposed street renewal in Huxley Street, particularly with loss of on street parking between 75 to 94 Huxley Street in relation to the high number of the concentration of multi-units. Mr Moyle was also concerned with the narrowing of the road in relation to bus use and other road users. (Clause 14 (Part C) of these minutes records a decision in relation to this matter).

The Chairperson thanked Mr Moyle for his deputation.

5. PETITIONS

Nil.

6. NOTICE OF MOTION

Nil.

7. CORRESPONDENCE

The Board received correspondence from:

7.1 Centaurus Road residents requesting the removal of three Claret Ash street trees on Centaurus Road.

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The Board **received** the correspondence.

7.2 Susan Turnbull, responding to the report discussed at 30 April 2010 Spreydon/Heathcote Board meeting concerning 140 Colombo Street and potential access from Tennyson Street.

The Board **received** the correspondence.

8. BRIEFINGS

8.1 The briefing from Carolyn Robertson, Unit Manager of Libraries, to the Board on the work of the unit was postponed until a later meeting.

9. COMMUNITY BOARD ADVISER'S UPDATE

The Board received an update from the Community Board Adviser on forthcoming Board related activities.

10. ELECTED MEMBERS INFORMATION EXCHANGE

Mention was made of the following matters:

- Recent visit to Hohepa in Barrington Street and the facilities.
- Rowley Avenue School students visit to Samoa.

11. MEMBERS QUESTIONS UNDER STANDING ORDERS

Nil.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

12. CONFIRMATION OF MEETING REPORTS

The Board **resolved** that the minutes of the ordinary meeting of the Board held on 30 April 2010 be confirmed.

13. KING STREET RENEWAL

The Board considered a report seeking approval for street renewal to proceed in King Street as per plans TP318701 and TP318702.

The Board resolved to:

- (a) Approve the King Street Renewal Project (refer plans TP318701 and TP318702).
- (b) Approve the following parking restrictions to take effect following completion of construction.

Revoke Existing Parking Restrictions

- (i) That all existing parking restrictions on the south-west side of King Street between Colombo Street and Croydon Street be revoked.
- (ii) That all existing parking restrictions on the north-east side of King Street between Colombo Street and Croydon Street be revoked.

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Revoke Existing Give-Way

(iii) That the existing give-way on King Street on the approach to the intersection with Colombo Street be revoked.

Revoke Existing Stop

- (iv) That the existing stop on Montrose Street (north) on the approach to the intersection with King Street be revoked.
- (v) That the existing stop on Montrose Street (south) on the approach to the intersection with King Street be revoked.

New No Stopping - Colombo Street to Croydon Street

- (vi) That the stopping of vehicles be prohibited at any time on the north side of King Street commencing at its intersection with Colombo Street and extending 25 metres in an easterly direction.
- (vii) That the stopping of vehicles be prohibited at any time on the north side of King Street commencing at a point 93.5 metres east of its intersection with Colombo Street and extending 12 metres in an easterly direction.
- (viii) That the stopping of vehicles be prohibited at any time on the north-east side of King Street commencing at a point 109 metres north-west of its intersection with Montrose Street and extending 19 metres in a north-westerly direction.
- (ix) That the stopping of vehicles be prohibited at any time on the north-east side of King Street commencing at its intersection with Montrose Street and extending 21 metres in a North westerly direction.
- (x) That the stopping of vehicles be prohibited at any time on the north-west side of Montrose Street commencing at its intersection with King Street and extending 14 metres in a north-easterly direction.
- (xi) That the stopping of vehicles be prohibited at any time on the north-east side of Montrose Street commencing at its intersection with King Street and extending 16 metres in a north-easterly direction.
- (xii) That the stopping of vehicles be prohibited at any time on the North East side of King Street commencing at its intersection with Montrose Street and extending 14 metres in a south-easterly direction.
- (xiii) That the stopping of vehicles be prohibited at any time on the north-east side of King Street commencing at a point 45 metres South East of its intersection with Montrose Street and extending 16 metres in a south-easterly direction.
- (xiv) That the stopping of vehicles be prohibited at any time on the north-east side of King Street commencing at a point 152 metres North West of its intersection with Croydon Street and extending 15 metres in a north-westerly direction.
- (xv) That the stopping of vehicles be prohibited at any time on the north-east side of King Street commencing at its intersection with Croydon Street and extending 15 metres in a north-westerly direction.
- (xvi) That the stopping of vehicles be prohibited at any time on the south-west side of King Street commencing at its intersection with Croydon Street and extending 18.5 metres in a north-westerly direction.

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- (xvii) That the stopping of vehicles be prohibited at any time on the south-west side of King Street commencing at a point 145 metres North West of its intersection with Croydon Street and extending 12.5 metres in a north-westerly direction.
- (xviii) That the stopping of vehicles be prohibited at any time on the south-west side of King Street commencing at a point 46 metres south-east of its intersection with Montrose Street and extending 18 metres in a south-easterly direction.
- (xix) That the stopping of vehicles be prohibited at any time on the south-west side of King Street commencing at its intersection with Montrose Street and extending 21 metres in a south-easterly direction.
- (xx) That the stopping of vehicles be prohibited at any time on the south-east side of Montrose Street commencing at its intersection with King Street and extending 16 metres in a south-westerly direction.
- (xxi) That the stopping of vehicles be prohibited at any time on the north-west side of Montrose Street commencing at its intersection with King Street and extending 13.5 metres in a south-westerly direction.
- (xxii) That the stopping of vehicles be prohibited at any time on the south-west side of King Street commencing at its intersection with Montrose Street and extending 18.5 metres in a north-westerly direction.
- (xxiii) That the stopping of vehicles be prohibited at any time on the south-west side of King Street commencing at a point 111 metres north-west of its intersection with Montrose Street and extending 15.5 metres in a north-westerly direction.
- (xxiv) That the stopping of vehicles be prohibited at any time on the south side of King Street commencing at a point 96 metres east of its intersection with Colombo Street and extending 13.5 metres in an easterly direction.
- (xxv) That the stopping of vehicles be prohibited at any time on the south side of King Street commencing at its intersection with Colombo Street and extending 12 metres in an easterly direction.
- (xxvi) That the stopping of vehicles be prohibited at any time on the north-west side of Croydon Street commencing at its intersection with King Street and extending 14 metres in a north easterly direction.
- (xxvii) That the stopping of vehicles be prohibited at any time on the north-west side of Croydon Street commencing at its intersection with King Street and extending 12 metres in a south-westerly direction.

New Give-way

(xxviii)That a give way be placed against the King Street approach at its intersection with Colombo Street.

New Stop

- (xxix)That a stop be placed against the Montrose Street (north) approach at its intersection with King Street.
- (xxx) That a stop be placed against the Montrose Street (south) approach at its intersection with King Street.

14. HUXLEY STREET RENEWAL

The Board considered a report seeking approval for street renewal of Huxley Street as per plans TP318601 and TP318602.

BOARD RECOMMENDATION

The Board **recommended** that the report lay on the table until the 4 June Community Board meeting, and staff to report back on the options/possibilities of the following:

- (a) No NO STOPPING be placed outside the Roger Street shops, as stated in point (iv) under revoking existing parking restrictions of the staff recommendation. (Note: This refers to clause 15(b) of the report).
- (b) That the bus stop on the North East side of the road be moved nearer to 121 Huxley Street.
- (c) That indented parking be considered on the road near the Sydenham Community Pre School on Huxley Street.
- (d) The problems of bus parking on a narrow street.
- (e) That the special needs of disabled children be considered in the staff recommendations.
- (f) The parking outside 89 Huxley Street and the width of the road, particularly with bus use.

15. SPREYDON/HEATHCOTE 2009/10 YOUTH ACHIEVEMENT FUNDING APPLICATION – SAMUEL WYNSTON-RICHARDS

The Board considered a report seeking funding assistance from the Spreydon/ Heathcote 2009/10 Youth Achievement Scheme fund for Samuel Wynston-Richards to represent St Andrews College on an English Premier League football training tour.

STAFF RECOMMENDATION

It is recommended that the Board allocate Samuel Wynston-Richards \$350 from the 2009/10 Youth Achievement Scheme fund towards costs to travel with St Andrews College on an English Premier League football training tour.

BOARD RECOMMENDATION

The Board **resolved** to allocate Samuel Wynston-Richards \$300 from the 2009/10 Youth Achievement Scheme fund towards costs to travel with St Andrews College on an English Premier League football training tour.

16. APPROVAL OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD SUBMISSION TO ENVIRONMENT CANTERBURY

The Board considered the Spreydon/Heathcote's Board submission to Environment Canterbury Draft Annual Plan 2010.

The Board **resolved** to ratify the Spreydon/Heathcote's Board submission to Environment Canterbury Annual Plan 2010.

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The meeting concluded at 8.10pm.

CONFIRMED THIS 4TH DAY OF JUNE 2010

PHIL CLEARWATER CHAIRPERSON

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Clause 2- Attachment 1

Property Location Map - 87 Ensors Road, Opawa

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Clause 2 - Attachment 2

