

13. 05. 2010

LYTTELTON/MT HERBERT COMMUNITY BOARD
16 MARCH 2010

Minutes of a meeting of the Lyttelton/Mt Herbert Community Board
held on Tuesday 16 March 2010 at 9.32am in the Meeting Room
of the Lyttelton Service Centre, 33 London Street, Lyttelton.

PRESENT: Paula Smith (Chairperson), Jeremy Agar, Douglas Couch, Ann Jolliffe,
and Dawn Kottier.

APOLOGY: An apology was received and accepted from Claudia Reid.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. **DIAMOND HARBOUR COASTAL CLIFF NETWORK OF RESERVES CLASSIFICATION**

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Unit Manager Asset and Network
Authors:	Grant MacLeod, Recreation Planning Advisor Asset and Network John Allen, Policy and Leasing Administrator Asset and Network

PURPOSE OF REPORT

1. To enable the Community Board to recommend to the Council:
 - (a) That they formally resolve to classify the parcels of land which are vested in the Council pursuant to the Reserves Act 1977, as set out in Table 1 **attached**, for the purpose that they are vested.
 - (b) That they declare a number of parcels of land that are vested in the Council for no particular purpose, but are zoned in the operative part of the Banks Peninsula District Plan to be for recreation, as set out in Table 1 **attached**; be held as recreation reserve pursuant to the Reserves Act 1977.

EXECUTIVE SUMMARY

2. The land parcels of the Diamond Harbour Coastal Cliff Reserves Network occupy the majority of the water front stretching from Hays Bay through to Purau Bay. These land parcels are either held by the Council for no particular purpose, but are zoned for recreation in the operative part of the Banks Peninsula District Plan, or are vested for a particular purpose under the Reserves Act 1977. The land parcels are yet to be formally classified as required by the Act. All parcels are however, zoned for Recreation under the District Plan.
3. No public advertising of the Council's intention to classify the reserves held under the Reserves Act 1977 is required because some parcels of the land are vested in the Council for the purpose which it is intended to classify them for, (section 16 (2A)(a) of the Reserves Act 1977), or while some parcels are vested in the Council for no particular purpose, the land in question is zoned in the operative part of the Banks Peninsula District Plan for recreation, (section 14 (2) of the Reserves Act 1977).

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4. Council officers wish to proceed to advertise the draft management plan for Stoddard Point and the Diamond Harbour Coastal Cliff Network of Reserves, under section 41 of the Reserves Act 1977. For such a management plan to be a legal document under the Reserves Act 1977 all parcels of land included in such a plan must be classified for a purpose (sections 17 to 21) as required by the Reserves Act 1977 before a draft plan is advertised for public submissions.
5. Officers are recommending that the Council resolve to formally classify the parcels of land that are existing reserves, or declare parcels of land not presently held as reserve, but zoned as such in the operative part of the Banks Peninsula District Plan, recreation reserve as set out in Table 1 below.

FINANCIAL CONSIDERATIONS

6. There are no significant costs associated with the recommendations of this report. All costs that will be incurred are covered within existing budgets as shown on Pages 140 to 141 of the 2009/19 LTCCP.

LEGAL CONSIDERATIONS

7. Section 16 (2A) of the Reserves Act 1977 requires the Council to classify any reserve which was vested in it for the purpose that it was vested, unless it is going to be used for a different purpose, the relevant section of the Reserves Act 1977 being set out below.

"16 Classification of reserves

(2A) Notwithstanding subsection (1) of this section, where any reserve was—

(a) Vested in a local authority which did not derive its title to the land from the Crown; or
----- and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose, as defined in sections 17 to 23 of this Act."

8. The parcels of land set out in Table 1 (A to K inclusive) below of this report are able to be classified pursuant to section 16 (2A) of the Reserves Act 1977, because they were vested for the purpose stated on the title.
9. Section 14 (1) of the Reserves Act 1977 allows the Council to resolve to declare land vested in it to be a reserve within the meaning of the Act to be held for any purposes specified in sections 14 to 23 of the Act.
10. Section 14 (2) of the Reserves Act 1977 requires the Council to publicly advertise it's intention to resolve to declare land vested in it to be a reserve for one calendar month, unless the parcels of land comply with the following requirement.

"14. Local Authority may declare land vested in it to be a reserve"

(2) -----[Provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991]."

11. Once a resolution is gazetted under section 14 (4) of the Reserves Act 1977, the reserve shall, without further notice or gazetting, be held and administered for the purpose specified in the resolution, and shall be deemed classified accordingly.
12. The parcels of land set out in Table 1 (L - N inclusive) below of this report are able to be classified pursuant to section 14 (2) of the Reserves Act 1977, because although these parcels of land are not presently held as reserve, they are zoned as such, (recreation), in the operative part of the Banks Peninsula District Plan.

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13. Section 17(1) of the Reserves Act defines recreation reserves as lands held *“for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside”*.
14. Section 18 (1) of the Reserves Act 1977 defines historic reserves as lands held *“for the purpose of protecting and preserving in perpetuity such places, objects, and natural features and such things thereon or therein contained as are of historic, archaeological, cultural, educational and other special interest”*.
15. Section 23 (1) of the Reserves Act 1977 defines local purposes reserves as lands held *“for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve”*.
16. The Council has not delegated to Community Boards the power to classify existing reserve land under section 16 of the Reserves Act 1977, and accordingly Community Boards can only recommend to the Council that this occurs.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. Activity management plan 6.1 Sports parks on Pages 120 to 124 of the 2009/19 LTCCP. Council will offer varied leisure and recreation opportunities; including spaces for organised sport are well-located and well-distributed across the city.
 - (a) Provide green spaces for the city.
 - (b) Support the health and well being of the community.
 - (c) Strengthen Christchurch's identity as the Garden City through amenity areas and large trees.
 - (d) Provide opportunities for improving and enhancing both exotic and local native biodiversity and enhancing waterways.
 - (e) Ensure the efficient use of natural resources in their design and maintenance.
 - (f) Provide leased space for clubs to develop sports facilities.

ALIGNMENT WITH STRATEGIES

18. The Draft Open Space Strategy allows for the provision of Sports Parks to provide for sport or passive outdoor recreation opportunities.
19. The staff recommendations are consistent with the Greater Urban Development Strategy strategic direction to enrich lifestyles by developing an open space network and providing additional recreational opportunities in parks and natural areas, and to enhance environments by recognising the value of, and protecting the coastline, estuaries, wetlands and waterways. (p 15 Greater Christchurch Urban Development Strategy)

CONSULTATION FULFILMENT

Public Notification Requirements

20. No public advertising of the Council's intention to classify the existing parcels of land held pursuant to the Reserves Act 1977 for their particular purpose is required because these actions comply with the exceptions to the public advertising requirement (Section 16 (2A) of the Reserves Act 1977).
21. No public advertising of the Council's intention to declare the parcels of land not presently held as reserve, is required because of these actions comply with the exceptions to the public advertising requirement (the bracketed Section 14 (2) of the Reserves Act 1977).

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STAFF RECOMMENDATION

It is recommended:

- (a) That the Council resolves
 - (i) Pursuant to section 16 (2A) of the Reserves Act 1977 that the land described in Schedule A as set out in Table 1 **attached** be classified under section 18 of the Reserves Act 1977 as a Historic Reserve.
 - (ii) Pursuant to section 16(2A) of the Reserves Act 1977 that the land described in Schedule B and C as set out in Table 1 **attached** be classified under section 23 of the Reserves Act 1977 as a Local Purpose (community building) Reserve.
 - (iii) Pursuant to section 16(2A) of the Reserves Act 1977 that the land described in Schedule D as set out in Table 1 **attached** be classified under section 23 of the Reserves Act 1977 as a Local Purpose (cemetery) Reserve.
 - (iv) Pursuant to section 16 (2A) the Reserves Act 1977 that the land described in Schedule H through to and including K as set out in Table 1 **attached** be classified under section 17 of the Reserves Act 1977 as Recreation Reserve.
- (b) In exercise of the powers conferred on it by section 14 of the reserves Act 1977, the Christchurch City Council resolves that those parcels of land held by the City in fee simple and described in the Schedule, be declared to be recreation reserve pursuant to Section 17 of the Reserves Act 1977.

Canterbury Land District – Christchurch City

Schedule

Area

ha

Description

3.5008 Part Lot 2 DP 14050 (all Computer Freehold Register CB557/79) ,

7.1832 Lot 3-4 DP 14050 (all Computer Freehold Register CB520/296), subject to easements created by Documents 758253 and 912001.8

Table 1.

Schedule	Description	Title and Legal Description	Currently held as	Area Hectares	To be classified as
A	Stoddart Cottage	Lot 4, DP 304811. 19080	Vested for historic purpose	0.1443	Historic reserve
B	Stoddart Point Reserve (Community Hall lease area)	Lot 5, DP 304811. 19081	Vested for local purpose (community building)	0.4638	Local purpose (community building) reserve
C	Stoddart Point Reserve (scout den and playgroup lease area)	Lot 3, DP 304811. 19079	Vested for local purpose (community building)	0.2816	Local purpose (community building) reserve

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D	Stoddart Point Cemetery	Lot 11, DP 304811. 19087	Vested for local purpose (cemetery)	1.1805	Local purpose (cemetery) reserve
E	James Drive Recreation Reserve (area adjoining Church Bay Foreshore)	Lot 18, DP 49881	Vested as recreation reserve	0.5509	Recreation reserve
F	Otamuhua Lane Reserve (section adjoining the Coastal Cliff Reserve)	Lot 127, DP 76156, CT-43D/642	Vested as recreation reserve	1.0089	Recreation reserve
G	Otamuhua Lane Reserve (Church Bay section)	Lot 128, DP 72141, CT-42A/132	Vested as recreation reserve	0.3792	Recreation reserve
H	Stoddart Point Reserve (croquet club lease area)	Lot 1, DP 304811, CT-19077	Vested as recreation reserve	0.2409	Recreation reserve
I	Stoddart Point Reserve (bowling club lease area)	Lot 2, DP 304811 CT- 19078	Vested as recreation reserve	0.2984	Recreation reserve
J	Black point reserve above Church Bay, created as a result of subdivision	Lot 51, DP 418001, CT-469251	Vested as recreation reserve	1.3200	Recreation reserve
K	Black point reserve adjoining Hays Bay beach, created as a result of subdivision	Lot 52, DP 418001, CT-.469252	Vested as recreation reserve	0.1185	Recreation reserve
L	Coastal Cliff Reserve (section north of Launson Park)	Pt Lot 2, DP 14050, CT-CB575/79	Held as fee simple with no current purpose	3.5008	Recreation reserve
M	Coastal Cliff Reserve (section with Sam's Gully situated upon)	Lot 3, DP 14050, CT-CB520/296	Held as fee simple with no current purpose	3.2375	Recreation reserve
N	Coastal Cliff Reserve (section above Diamond Harbour Beach and has Morgan's Gully situated upon)	Lot 4, DP 14050, CT-CB520/296	Held as fee simple with no current purpose	3.9457	Recreation reserve

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND

22. The Coastal Cliff Network of Reserves is used primarily as a recreational track with formalised recreation occurring in Stoddart Point Reserve. The reserve network has a mix of native and exotic vegetation much of it being along the cliff environment. The area supports a variety of bird and invertebrate species.

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23. In order to meet the requirements of the 2006 Christchurch City Council, Banks Peninsula District Council Amalgamation and the objectives of the District Plan, it is necessary for the Council to classify the parcels of land mentioned within this report to enable the development of a management plan legally enforceable under the Reserves Act 1977 for the Coastal Cliff Reserve Network and Stoddart Point Reserve. The land parcels in question all fall under the RV (recreation) zoning in the Banks Peninsula section of the Christchurch City District Plan.
24. Consultation was undertaken with Elected Members and Citizens about the correct classification of the various Stoddart Point Parcels prior to Banks Peninsula District Council amalgamating with Christchurch City Council. The purpose of this report therefore is to complete putting the various agreed classifications in place.

Gazette Notice

25. Council officers will notify the Department of Conservation of the Council resolutions, requesting that the declarations and classifications be gazetted, where required. Council officers will then have these gazette notices registered against the respective certificates of titles for the land parcels.

(Refer also Clause 2 of these minutes)

PART B - REPORTS FOR INFORMATION

2. DIAMOND HARBOUR COASTAL CLIFF NETWORK OF RESERVES CLASSIFICATION

The Board **decided** to request that staff prepare a report on the implications of classifying the land associated with Godley House, as an Historic Reserve.

3. DEPUTATIONS BY APPOINTMENT

3.1 ROGER LASCELLES

Mr Lascelles addressed the Board regarding future development of facilities and extension of the Summit Road. Mr Lascelles introduced himself as a member of the former South Island Promotion Association which, amongst other things, instigated the completion of the Haast Pass Road.

Mr Lascelles presented a proposal that construction of the Summit Road should be completed by proceeding by forming the 21 kilometres (approximately) from Gebbies Pass to the Hilltop. As the cost of such a road would amount to around \$42 million he is suggesting that a five kilometre road from Gebbies Pass to the Packhorse Hut be constructed initially, with a possible additional nine kilometre section from the Packhorse Hut around Mount Bradley and Mount Herbert to join up with Western Valley Road. Mr Lascelles considers there would be a high level of public support for such a proposal with benefits coming from increased tourism.

Mr Lascelles also expressed concern for the present state of the Lyttelton Harbour road and walls.

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3.2 KATE AND STUART BOULD - GOVERNORS BAY COMMUNITY ASSOCIATION

Mrs Kate Bould addressed the Board on behalf of the Governors Bay Community Association, regarding item 16. She asked that the board adopt the Staff Recommendation.

Mrs Bould advised that closure of the Old Waterfront Road would provide a source of aggravation in the Governors Bay community, would offer no respite from the problems caused by campervan parking at the jetty and could involve the Council spending a huge amount of money as adjacent property owners who have access from the Old Waterfront Road are likely to take all legal steps to prevent the stopping of the road.

As part of the community consultation process, a survey had been conducted with 75 per cent of the 115 respondents indicating support for stopping of the Old Waterfront Road. However, Mrs Bould felt that respondents had been misinformed during the consultation process, believing that the campervan parking problem would be eliminated, an esplanade would be constructed and better maintenance would be provided. She said it appeared this was not going to be the case.

The Governors Bay Community Association is of the opinion that money spent on the proposal for stopping of the Old Waterfront Road would be better spent on improved maintenance and signage of the existing road.

Mr Stuart Bould also addressed the Board regarding confusion with the name Old Waterfront Road which is locally known as Foreshore Road, and is also shown on some official documents as Jetty Road. He noted that confusion around the name of the road could cause confusion in the community as to what road was being discussed.

(Refer Clause 16 of these minutes)

4. CORRESPONDENCE

Nil.

5. PRESENTATION OF PETITIONS

Nil.

6. NOTICES OF MOTION

Nil.

7. MINUTES OF LYTTELTON HARBOUR ISSUES GROUP MEETING HELD 17 NOVEMBER 2009

The Board **received** the minutes of the Lyttelton Harbour Issues Group meeting held 17 November 2009.

8. BRIEFINGS

Nil.

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9. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser on forthcoming Board related activities and projects. Specific mention was made of the following matters:

- **February Update on Local Capital Projects**
The Board **decided** to request a briefing on Item 2 of this update which referred to a project, Lyttelton/Mt Herbert - Lyttelton Town stage 3 – Detailed Design.
- **Morgans Gully Correspondence**
The Board **received** the response from Council staff regarding a suggestion that Morgans Gully be made a reserve, and asked that staff forward a copy of the reply to the Diamond Harbour Community Association.
- **Lyttelton Recreation Ground Reserve Management Committee and Allandale Reserve Management Committee**
The Board **decided** that the Chairperson would approach these two Committees regarding their current operations and procedures, and the lack of communication with the Board.
- **Lyttelton/Mt Herbert Community Board Seminars**
The Board **decided** to set a monthly seminar schedule as follows:

Tuesday 27 April	9.30am
Tuesday 25 May	9.30am
Tuesday 29 June	10.00am
Tuesday 27 July	10.00am
Tuesday 31 August	10.00am
Tuesday 28 September	9.30am

10. BOARD MEMBERS' INFORMATION EXCHANGE

Specific mention was made of the following matters:

- **Diamond Harbour Early Childhood Centre**
The Board was advised that the Diamond Harbour Early Childhood Centre are about to wind up their organisation as they have not received any response from the Council to matters they raised during 2009. Board members noted with concern that no response from staff had been received to a Question under Standing Orders from the Board meeting of 13 October 2009.

The Board **decided** to ask for an urgent reply from staff to the question posed:

"Following deputations to the Community Board and Council by representatives of the Diamond Harbour Community Early Childhood Centre, can staff advise the Board of how the consideration of sites other than the Centre's preferred option is progressing and also indicate what the timelines and statutory processes are likely to be for the various options?"

- **Cornwall Road Quarry**
Members were informed of a proposal to enhance this historic site with a possible information panel, picnic table and installation of a mid-level track that would link Chalmers Track with the Bridle Path. There are several groups interested in this proposal. The land involved belongs to the Department of Conservation which has also expressed interest in the proposal.

The Board **decided** to request that a seminar be arranged with all interested groups to assist with, and co-ordinate, the progression of this proposal.

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- **Recent Tsunami**

Members were informed of events arising from the recent tsunami on Sunday 28 February 2010, and in particular, the actions of some members of the public putting themselves and their families at risk. Members noted that there is now more public awareness of the actions and effects of a tsunami.

Mr Ian Kington from Civil Defence updated the Board on the local and Banks Peninsula response to the tsunami alert and advised that a Readynet network had been established for schools, community groups and other local organisations to join to encourage them to make plans for handling such emergency situations. Members noted that a Council brochure on tsunamis should include a specific section on Banks Peninsula which is more vulnerable to this event.

- **Promotion of Community Board Meetings**

The Board **decided** to request promotion of its monthly Board meetings by way of either a sandwich board on the footpath outside the Lyttelton Service Centre or a large window display on the Service Centre window. Items from the agenda could be printed in large display to encourage public attendance at Board meetings.

11. **QUESTIONS UNDER STANDING ORDERS**

Nil.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

12. **CONFIRMATION OF MEETING MINUTES**

The Board **resolved** that the minutes of its ordinary meeting held on 16 February 2010 be confirmed.

13. **SMALL GRANTS FUND ASSESSMENT COMMITTEE COMMUNITY REPRESENTATIVES**

The Board considered a report seeking a decision regarding the appointment of Community Representatives to the Board's Small Grants Fund Assessment Committee for the 2010/11 funding round.

The Board **resolved** that the Board's Small Grants Fund Assessment Committee for the 2010/11 funding round remain as status quo subject to the agreement of the community representatives involved.

14. **LYTTELTON/MT HERBERT COMMUNITY BOARD STRENGTHENING COMMUNITIES FUNDING 2010/11 – BOARD BIDS**

The Board considered a report seeking consideration of the projects that will be put forward on behalf of the Board to the Strengthening Communities Fund for 2010/11. The Board's decision-making meeting is scheduled for 13 July 2010.

The Board **resolved** to approve the following list of projects to be submitted as applications to the 2010/11 Strengthening Communities Fund:

Neighbourhood Week	\$ 1,200
ANZAC Day Services	\$ 2,810
Newsletter (OnBoard)	\$1,065

15. 2008/09 STRENGTHENING COMMUNITIES FUND, SMALL GRANTS FUND, AND DISCRETIONARY RESPONSE FUND – END OF PROJECT ACCOUNTABILITY REPORTS

The Board considered an end of year accountability report for projects that received funding from the 2008/09 Strengthening Communities Fund, Small Grants Fund and Discretionary Response Fund.

The Board **resolved** to receive the end of year accountability report.

16. OLD WATERFRONT ROAD – ROAD STOPPING

The Board considered a report summarising the feedback that has been received from the initial consultation undertaken with the wider Governors Bay Community and to recommend a way forward in relation to the Old Waterfront Road – Road Stopping project.

This matter had been the subject of a deputation earlier in the meeting, at which the Board had been informed the Governors Bay Community Association favoured retaining the status quo with the road. Board members noted that this was in direct contrast to the results of consultation with the community, in which 75 per cent of respondents had favoured the stopping of the road.

Members who supported a move to stop the road felt that a road stopping process would add clarity to this issue. They also noted that the road had not functioned as such for ~~several~~ many (*) years and that stopping it would make no practical difference to its current use. Members also supported the stopping so that the section of road could be formally added in to the Head to Head Walkway.

(Note: Amended as per meeting 13 April 2010)

Members who opposed the road stopping believed that the current arrangement with barriers on the road, had worked satisfactorily for several years and that there was no need to initiate a road stopping as Staff Recommendations items (b) and (c) would adequately cover the concerns being raised by the residents (*).

(Note: Amended as per meeting 13 April 2010)

The Board **resolved** on division Number One, by 3 votes to 2, that the Council should proceed with the road stopping of Old Waterfront Road, Governors Bay, the voting being as follows:

For (3): Paula Smith, Jeremy Agar, Dawn Te-Riaki Kottier
Against (2): Douglas Couch, Ann Jolliffe

STAFF RECOMMENDATION

It is recommended that:

- (a) The Lyttelton/Mt Herbert Community Board does not proceed any further with Road Stopping work for the Old Waterfront Road – Governors Bay to Allandale and that respondents to the initial consultation be notified of this decision;
- (b) The Council includes provision in their maintenance programme to maintain and preserve the walking track and the historical wall to a better standard as funding allows;
- (c) Council staff investigate possible improvements to the existing barrier system and signage and ensure that these conform with legal requirements and inform the Community Board of any outcomes.

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17. COMMUNITY BOARD ADVISER'S UPDATE - continued

17.1 Draft Public Open Space Strategy Submission

The Board **resolved** to adopt the submission made to the Draft Public Open Spaces Strategy.

The meeting concluded at 12.50pm.

CONFIRMED THIS 13TH DAY OF APRIL 2010.

**PAULA SMITH
CHAIRPERSON**

