

16. 3. 2006

**SPREYDON/HEATHCOTE COMMUNITY BOARD  
7 FEBRUARY 2006**

**A meeting of the Spreydon/Heathcote Community Board  
was held on Tuesday 7 February 2006 at 5.00 pm**

**PRESENT:** Phil Clearwater (Chairperson), Oscar Alpers, Barry Corbett,  
Paul de Spa, Chris Mene, Sue Wells and Megan Woods.

**APOLOGIES:** Apologies for lateness were received and accepted from Oscar Alpers  
and Megan Woods who arrived at 5.08pm and 5.10pm respectively and  
were absent for clauses 3, 4, 9 and 10.

The Board reports that:

**PART A – MATTERS REQUIRING A COUNCIL DECISION**

**1. OPAWA EXPRESSWAY STAGE 2 – DISPOSAL OF LAND**

<b>General Manager responsible:</b>	General Manager City Environment
<b>Officer responsible:</b>	Transport and City Streets Manager
<b>Authors:</b>	Bill Morgan, Property Consultant DDI 941-8581 and Jeff Woodham, Property and Leasing Adviser, DDI 941-8771

**PURPOSE OF REPORT**

1. The purpose of this report is to request the Council to:
  - (a) Declare surplus, the balance of those properties not required for the Opawa Expressway.
  - (b) Grant the Corporate Support Manager delegated power to approve the disposal of the surplus properties in Opawa Road and to purchase 209 Opawa Road from Ngai Tahu Properties Limited, should it be offered to the Council.

**EXECUTIVE SUMMARY**

2. The Opawa Road upgrade is currently under way. Land to facilitate this upgrade was purchased by the Council and Transit New Zealand over a number of years prior to the upgrade. The balance of the properties at 203 through to 279 Opawa Road are now surplus to requirements, with three of these properties currently being owned by Transit New Zealand. One of the Transit owned sections may be sold to Ngai Tahu Properties Limited, which may then offer it to the Council.
3. The land has been identified for disposal in the Transport and City Streets Unit's capital programmes in 2005/06 and 2006/07, to offset the Opawa Expressway construction costs. The disposal of the land is therefore in compliance with this objective, but to facilitate disposal it is necessary for the Council to resolve that the properties are surplus to Council requirements.

**FINANCIAL AND LEGAL CONSIDERATIONS**

4. The Community Board does not have delegated authority to authorise the leasing or purchase of land – such a decision needs to be made by the full Council. The Board has however, recommendatory powers to the Council.
5. The Legal Services Unit has confirmed the Council is bound by the offer back provisions of Section 40 of the Public Works Act 1981 and is therefore required to go through the offer back process for those properties (detailed as per Schedule I in staff recommendation (a)) as part of the process to dispose of the land.

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**BACKGROUND ON OPAWA EXPRESSWAY STAGE 2 – DISPOSAL OF LAND**

6. At its meeting on 15 December 2005, the Council considered and approved the disposal of 257 and 261 Opawa Road to an adjoining owner, given the land was effectively landlocked. The Council was advised that Opawa Road from Garlands Road towards the Port of Lyttelton is part of the State Highway network in Christchurch. Transit New Zealand (Transit) is usually responsible for improvements of this network. However, some years ago the residents of Opawa Road raised concerns at the increasing volume of traffic on the road, and the adverse effects of increased traffic noise, vibration, local air pollution and accessibility to their properties. Realignment of the road was considered necessary to overcome all of these effects.
7. The Council subsequently reached an agreement with Transit and Transfund whereby the latter funds that part of the work it considers economically justified, and the Council pays the costs above and beyond that cost.
8. The Council subsequently approved funding to purchase the remaining ten properties for the road during the 2001/02 financial year which has been completed.
9. Construction of the road commenced in 2004/05 and is programmed to be completed in the current financial year.

**SURPLUS LAND**

10. The properties acquired for the expressway were purchased over many years by both the former Heathcote County Council, the Christchurch City Council and a number by Transit New Zealand.
11. Being a State Highway, Transit has insisted that access to the road from adjacent properties be prohibited (with two exceptions) and as a consequence, access to the surplus land is to be provided by rights-of-way running off the side streets. Services (i.e. power, sewer, water etc.) are also required to be reticulated from the adjoining streets.
12. All of the land on the eastern side of Opawa Road between number 201 and 279 (Garlands Road to Curries Road – as depicted on the **attached** plan number TP162405) is surplus to requirements, with part being zoned Living and part Business. The zoned boundary lies between 261 and 265 Opawa Road with the properties to the north being zoned Business and to the south Living. Approximately two thirds of the properties are within the Business zone.
13. As indicated, the majority of the land is owned by the Council and the balance (205, 209, 239 and 267 Opawa Road) owned by Transit. Before considering a disposal strategy both the Council and Transit have to comply with the offer back requirements of the Public Works Act; but before it can do so, the Council is required to declare it is land surplus to requirements. The offer back on 239 Opawa Road was accepted by the previous owner.
14. Transit is required, should the previous owners not wish to take up the offer backs, to offer the land to Ngai Tahu Properties Limited before it may dispose of the land on the open market. It is understood that Ngai Tahu Properties Limited has declined the offer on 267 Opawa Road. Transit has agreed to transfer the land to the Council, at no cost, as part of their contribution towards the roading costs. Similarly, 205 Opawa Road is being transferred to the Council at no cost, because of the need to create a right-of-way over this section to facilitate the disposal of the adjacent sections. The size of the remaining land is too small to be developed but is a useful adjunct to the Council's adjoining land.
15. No decision has been made by Ngai Tahu Properties Limited over 209 Opawa Road which bisects the Council's holding. If taken up by Ngai Tahu Properties Limited and subsequently offered by them to the Council, it would be seen as a strategic purchase and a delegation is sought for the Corporate Services Manager to acquire the land providing the purchase price is within 10% of valuation. The purchase of the land would dramatically increase the Council's return on the adjoining properties.

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16. Until the outcome of the Council's offer back process is known, the extent of, and the number of properties that may be placed on the open market, cannot be determined. It is anticipated, however, that this will be clearer by April/May 2006 on completion of the offer back process. Given that as part of its budgetary provision the Council had approved in principle the disposal of the land to offset the overall cost of the project, a delegation to the Corporate Support Manger is being sought to approve the subsequent sale of the surplus properties provided they are within 10% of valuation. This will enable the Council to respond quickly to market forces.
17. At the present time strong enquiry has been received from persons interested in purchasing both the Living and Business zoned land. The Council's current policy is to dispose of its surplus property by the tender process. However, it is believed that in this instance a degree of flexibility is required to respond to the "market" in the most appropriate manner and to keep the Council's options open in the disposal of the land. In some instances it may be more appropriate to sell individual lots by private treaty at a fixed price, and in others, if the demand is high (which it is anticipated will be the case for the commercial land) then it may be more appropriate to sell the properties by auction. In such circumstances a delegation is sought for the Corporate Support Manager to determine the most appropriate method of sale, having due regard to the respective properties and the demand at the time.
18. The properties situated at 2 Kennedy Place and 255 Opawa Road are being retained by the Council as Local Purpose (Drainage) Reserves. A stormwater basin, appropriately landscaped, is to be created to capture the first flush of water before entering Curries Drain. The Transport and City Streets Unit will be reimbursed for the value of the land by the Greenspace Unit.

## OPTIONS

19. In approving funding for the road, the Council approved the sale of the surplus land as a line item in the Transport and City Streets Capital Programme (Property Sales Output) with \$847,000 being budgeted in 2005/06 and \$600,000 in 2006/07. The sales therefore are in compliance with the objectives of disposing of the surplus land to offset the roading costs.

## STAFF RECOMMENDATIONS

It is recommended that the Board recommend to the Council that:

- (a) The properties described in the following schedule be declared surplus:

## Schedule I

Address	Legal Description	Size m2	Zoning	Offer back
203 Opawa Rd	Pt LOT 1 DP 302185 Pt LOT 1 DP 42482	1363	B4	No
207 Opawa Rd	LOT 1 DP 25293	403	B4	No
207a Opawa Rd	LOT 2 DP 25293	433	B4	Yes
211a Opawa Rd	LOT 2 DP 18748	912	B4	No
211 Opawa Rd	LOT 1 DP 18748	487	B4	No
213 Opawa Rd	LOT 1 DP 20219	1054	B4	No
239a Opawa Rd	LOT 1 DP 82941 LOT 3 DP 82941	655	B4	No
241 Opawa Rd	Pt LOT 8 DP 412	710	B4	Yes
243 Opawa Rd	Pt LOT 9 DP 412	710	B4	No
245 Opawa Rd	Pt LOT 10 DP 412	706	B4	No
247 Opawa Rd	Pt LOT 11 DP 412	709	B4	No
249 Opawa Rd	Pt LOT 12 DP 412	719	B4	Yes
251 Opawa Rd	Pt LOT 13 DP 412	566	B4	No
253 Opawa Rd	LOT 1 DP 25769	402	B4	Yes
2 Kennedy Pl	LOT 1 DP 22932 - To Greenspace			

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Address	Legal Description	Size m2	Zoning	Offer back
255 Opawa Rd	Pt RS 91 (BM 312) - To Greenspace			
263/265 Opawa Rd	LOT 2 DP 35997	2226	L1	Yes
269 Opawa Rd	LOT 1 DP 19432	585	L1	Yes
269a Opawa Rd	LOT 15 DP 27317	137	L1	No
271 Opawa Rd	LOT 1 DP 13838	596	L1	Yes
273 Opawa Rd	LOT 2 DP 13838	596	L1	Yes
275 Opawa Rd	LOT 3 DP 13838	589	L1	Yes
277 Opawa Rd	LOT 4 DP 13838	574	L1	Yes
279 Opawa Rd	LOT 5 DP 13838	573	L1	Yes

- (b) Pursuant to Section 40(4) of the Public Works Act 1981, the properties be disposed of and the offer back process be followed.
- (c) Following completion of the offer back requirements, the Corporate Support Manager be delegated authority to dispose of the remaining properties, provided the sale price is less than 10% lower than the valuation as assessed by an independent registered public valuer.
- (d) The Corporate Support Manager be delegated authority to determine the most appropriate method of sale of the surplus land, having due regard to the market situation at the time of disposal.
- (e) Should Ngai Tahu Properties Limited offer to sell 209 Opawa Road to the Council, the Corporate Support Manager be delegated authority to acquire it, provided the price is within 10% of the valuation as assessed by an independent registered public valuer.
- (f) Pursuant to Section 52(4) of the Public Works Act 1981, the Council hereby resolves to set apart the land in the Schedule II hereto for a Local Purpose (Drainage) Reserve, subject to Section 23 of the Reserves Act 1977 and to remain vested in the Christchurch City Council.

**Schedule II**

All those parcels of land situated in the Canterbury Land Registry being part Lot 1, DP 22932, containing 328m<sup>2</sup> and being all of the land contained in Certificate of Title 3D/270, together with part Rural Section 91 containing 195 m<sup>2</sup> and being all of the land contained in Certificate of Title 378/231.

**BOARD DISCUSSION**

Members were in general agreement with the process described in the staff report for the disposal of the surplus land.

One issue highlighted, however, was the opportunity provided by the large size of the block of land; whether the forms of development that could occur within the current zoning were desirable, and whether those forms of development should be restricted through a land covenant.

**BOARD RECOMMENDATION**

That the staff recommendations be adopted, subject to a report initially being made to the Board, but prior to the conclusion of the offer-back process, detailing:

- (a) The forms of development that could occur on the land involved given the current zoning; and
- (b) The use of land covenants in respect of the affected on sold land.

**2. OPAWA ROAD/PORT HILLS ROAD STAGE III (FROM CURRIES ROAD TO TUNNEL ROAD) –  
REPORT OF BOARD WORKING PARTY**

1. At its meeting on 1 November 2005, the Board decided to recommend to the Council:
  - (a) That the Council note that the Board it is not at present in a position to offer useful feedback on the views of the community and that the Board wishes to meet with residents to discuss the project, obtain feedback and advise the Council accordingly. The Board therefore requests that the Council defer its decision on this matter until such time as feedback has been obtained.
  - (b) On the basis that the Council accepts the above recommendation, the Board constitute a working party comprising Phil Clearwater, Paul de Spa and Sue Wells, to work with staff on the consultation process to be undertaken with residents.
  - (c) The Board Chairperson be granted speaking rights when this matter is considered by the Council.
2. The Council adopted the Board's recommendations at its meeting on 1 December 2005.
3. Officers from the Transport and City Streets Unit were in attendance to assist the Working Party in its considerations at a meeting held on 3 February 2006.
4. Members noted that with the imminent availability of the draft LTCCP for public consultation, it would be preferable for consultation with the community on this matter to be considered through this process.
5. The Working Party was especially keen to ensure that the draft LTCCP highlighted changes along with appropriate notations to the capital programme including the Opawa Road/Port Hills Road Stage III project. The public along with the community boards would then have an opportunity to respond through the submission process.
6. Given the timing requirements around the LTCCP, the Working Party **agreed** to refer this matter to the Board on 7 February 2006 as a supplementary report and for on-forwarding to the Council thereafter.
7. The meeting report of the Working Party was considered by the Board and the recommendation which follows was endorsed for referral to the Council.

**BOARD RECOMMENDATION**

- (a) That community feedback on the Opawa Road/Port Hills Road Stage III project be sought through the LTCCP consultation process.
- (b) That proposed deletions/changes to the Council's programme be clearly identified in the draft LTCCP.

**PART B – REPORTS FOR INFORMATION**

**3. DEPUTATIONS BY APPOINTMENT**

Nil.

**4. YOUTH DEVELOPMENT FUND – REPORT BACK**

Dale Clark was unavailable to attend and report on his trip to Brazil to train and compete at the Del Ponte Futsal Centre of Excellence.

This matter was therefore deferred to a later meeting.

**5. BOARD FUNDS UPDATE**

The Board **received** an update regarding its 2005/06 Project, Discretionary, SCAP and Youth Development Funds.

In addition, the Board **decided** to ask staff to provide further information on actual year to date figures and a risk weighting assessment to be given in relation to funding allocations yet to be expended.

**6. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE**

The Board **received** an update on current activities and issues.

**7. BOARD MEMBERS' INFORMATION EXCHANGE**

Members provided updates on community activities/Council issues, in line with the Board's Objective No. 2 - "To ensure local people's needs are being represented".

**8. MEMBERS' QUESTIONS**

Nil.

**PART C – REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD**

**9. SUPPLEMENTARY REPORT**

The Chairperson sought the Board's approval to introduce a supplementary report regarding Opawa Road/Port Hills Road Stage III (from Curries Road to Tunnel Road) – Report of Board Working Party.

The reasons why the item was not on the agenda and why the matter could not wait for the next meeting were explained.

The Board **resolved** that the report be received and considered at the present meeting.

Clause 2 (Part A) of this meeting report refers.

**10. CONFIRMATION OF MEETING REPORT – 24 JANUARY 2006**

It was **resolved** that the report of the Board's meeting of 24 January 2006 be confirmed.

**11. SUGDEN STREET – ACCESS WAY ISSUES**

The Board's approval was sought to install "No Stopping" lines on both sides of Sugden Street adjacent to a pedestrian and cycle accessway.

The Board **resolved**:

- (a) That the stopping of vehicles be prohibited at any time as follows:
  - (i) On the northern side of Sugden Street, commencing at a point 225 metres from Coronation Street and extending in an easterly direction for a distance of 4 metres.
  - (ii) On the southern side of Sugden Street, commencing at a point 228 metres from Coronation Street and extending in an easterly direction for a distance of 4 metres.
- (b) That the immediately affected residents be advised of the Board's decisions and the reasons for them.

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**12. SELWYN STREET – P60 PARKING RESTRICTION**

The Board's approval was sought for the installation of a 60 minute parking restriction outside a small block of retail/commercial activities on Selwyn Street near the Ruskin, Burke and Ward Streets intersection.

The Board **resolved** that the parking of vehicles be restricted to a maximum of 60 minutes between the hours of 8.00am – 6.00pm Mondays to Fridays at the following locations:

- (a) On the west side of Selwyn Street, commencing at a point 8.6 metres north of the Ward Street intersection and extending in a northerly direction for a distance of 30 metres.
- (b) On the east side of Selwyn Street, commencing at a point 16.2 metres north of the Ruskin Street intersection and extending in a northerly direction for a distance of 43.4 metres.

The meeting concluded at 6.40 pm

**CONFIRMED THIS 21ST DAY OF FEBRUARY 2006**

**PHIL CLEARWATER  
CHAIRPERSON**