

14. 5.2009

**LYTTELTON/MT HERBERT COMMUNITY BOARD
17 MARCH 2009**

**Minutes of a meeting of the Lyttelton Mt Herbert Community Board
held on Tuesday 17 March 2009 at 9.30am in the Meeting Room
of the Lyttelton Recreation Centre, 25 Winchester Street, Lyttelton**

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

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

The Board reports that:

PART A - REPORTS REQUIRING A COUNCIL DECISION

1. SLOW VEHICLE BAY – DYERS PASS ROAD



General Manager responsible:	General Manager City Environment, DDI: 941 8608
Officer responsible:	Transport and Greenspace Manager
Author:	Lewis Burn, Property Consultant and Philip Crossland Project Manager

PURPOSE OF REPORT

1. The purpose of this report is to request that the Council pass a resolution under Section 114 of the Public Works Act 1981 to enable application for a declaration of land within Sugarloaf Scenic Reserve to be road.

EXECUTIVE SUMMARY

2. A need has been identified to build a slow vehicle bay on Dyers Pass Road (Lyttelton side). This project is being driven from a safety perspective and is being completed as part of the Inner Harbour Roading project.
3. To build the proposed slow vehicle bay there is a need to acquire two relatively small parcels from Sugarloaf Scenic Reserve. The Council is the administering body of this reserve which is a Crown owned reserve controlled by the Department of Conservation (DOC).
4. Discussions have been held with DOC and they have no objection in principle to the proposed road widening proceeding which will take in a sliver of the reserve for a distance of about 95 metres alongside the existing road.
5. The impact on the reserve is considered minor with the proposal involving the removal of six trees (with a further two to be pruned) near the alignment of the new boundary.
6. The process will involve the payment of compensation and costs to the Crown to acquire the land. DOC advise that as the Council is the administering body, the 50/50 principle will apply, meaning that the Council will need to pay 50 per cent of the assessed land value. It has been mutually agreed with DOC to engage Ford Baker (Valuers) to set a satisfactory level of compensation.
7. Construction of the slow vehicle bay is planned to commence within the 2009/10 financial year.

FINANCIAL IMPLICATIONS

8. There will be process costs for survey, consent and proclamation expenses (estimated \$8,000) in addition to a one-off compensation payment to the Crown. At the time of writing this report, the level of compensation had not been assessed but considering the area involved, the rural zoning, and that the Council will only need to pay 50 per cent of valuation, it is not expected this payment will exceed \$3,000-\$4,000. This payment will be covered by funding allocated to the Inner Harbour Roading Project.

1 Cont'd

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

9. This project aligns with the Transport and Greenspace Units Asset Management Plan section 10.0.6. The budget for this project is covered by the Inner Harbour Roding project as included in the LTCCP.

LEGAL CONSIDERATIONS

10. Under Section 114 of the Public Works Act 1981 the Minister of Lands may, by notice in the Gazette declare any land, whether owned by the Crown or not, to be road. Land shall not be declared to be road without the written consent of all parties having an interest in the land. In this case the consent of the Council and the Minister of Conservation is required before a gazettal process can proceed. On passing of a Council resolution DOC will be requested formally to seek the approval of the Minister of Conservation to the taking of the reserve land for road. On publication of a notice in the NZ Gazette the land vests in the Local Authority as road.
11. The Community Board does not have delegated authority to authorise the proposal to apply for a declaration of part of a reserve as road, such a decision needs to be made by the full Council. The Board has, however, recommendatory powers to the Council.

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

12. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. As above.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

14. As above.

ALIGNMENT WITH STRATEGIES

15. This project is consistent with key Council strategies including the Road Safety Strategy.

Do the recommendations align with the Council's strategies?

16. As above.

CONSULTATION FULFILMENT

17. The process to acquire the land under Section 114 of the Public Works Act 1981 with the appropriate consents does not require consultation.

BACKGROUND (THE ISSUES)

18. As part of a road safety improvement on Dyers Pass Road, a slow vehicle bay for uphill traffic between Governors Bay and the Summit Road is proposed.
19. Design of an appropriate slow vehicle bay has been completed. The design goes over the existing roadway boundary into the Sugarloaf Scenic Reserve. The extent it goes over the boundary is minimal and to complete construction of it, a sliver of the reserve is required to be proclaimed as legal road.
20. This proposal has been discussed with the Department of Conservation and the Council's Area Head Ranger, and both parties agree in principle that this proposal may proceed.

1 Cont'd

21. The subject land falls outside the protected area under the Summit Road (Canterbury) Protection Act 2001 so the provisions of that Act do not apply.

THE OBJECTIVES

22. To receive approval to purchase a sliver of land in order for the proposed slow vehicle bay to be constructed on Dyers Pass Road.

THE OPTIONS

Option 1

23. To proceed with the process to acquire part of Sugarloaf Scenic Reserve to provide sufficient land to construct the proposed slow vehicle bay at this location on Dyers Pass Road.
24. This is the preferred option as it allows the proposed slow vehicle bay to be constructed.

Option 2

25. Maintain the Status Quo i.e. do not proceed with the current proposal affecting part of the Sugarloaf Scenic Reserve.
26. This is not the preferred option as it does not allow for the proposed slow vehicle bay to be constructed.

Option 3

27. Reassess alternative locations on Dyers Pass Road to build a slow vehicle bay.
28. This is not the preferred option as no other suitable locations for a slow vehicle bay have been identified on this section of Dyers Pass Road.

THE PREFERRED OPTION

29. Option 1 is the preferred option as it allows the proposed slow vehicle bay to be constructed.

STAFF RECOMMENDATION

That the Council:

Resolves, pursuant to Section 114 (1) of the Public Works Act 1981, to seek the consent of the Minister of Conservation to declare the land described in the schedule below to be road.

Schedule

- (a) All those parcels of land described as Section 1 (521m²) and Section 2 (215m²) being part Reserve 4149 and part Reserve 4170 respectively being Scenic Reserve by NZ Gazette 1990 p2079 as shown outlined yellow on drawing number 500321-01 **attached**, subject to survey.
- (b) That the Corporate Support Unit Manager be authorised to negotiate and conclude with the Department of Conservation, the amount of compensation to be paid by the Council for the land required for road.

BOARD RECOMMENDATION

- (a) That the staff recommendation be adopted.
- (b) That the attention of staff be drawn to the Banks Peninsula Tree Planting on Reserves Policy which requires the use of locally sourced native planting for restoration work associated with roadworks.

2. BLACK POINT SUB-DIVISION - ROAD AND RIGHT OF WAY NAMING



This item was dealt with by way of a Chairperson's Report to the Council meeting of 9 April 2009.

PART B - REPORTS FOR INFORMATION

3. DEPUTATIONS BY APPOINTMENT



3.1 Sally Tripp

Ms Sally Tripp from the Governors Bay Landcare Group addressed the Board in support of the proposed Allandale Reserve Development Plans and commended the Council for taking this opportunity to showcase the flora of Banks Peninsula.

3.2 Helen Chambers – Governors Bay Community Association

Ms Chambers from the Governors Bay Community Association addressed the Board in support of the proposed Allandale Reserve Development Plan. In particular she praised the plan for the favourable likelihood that native birds could return to the area as a result of the proposed native planting to be undertaken. She noted the awareness of herons nesting in the macrocarpa trees in the Reserve and suggested that some of these trees not be removed initially but be kept for the herons until the native trees reach maturity.

3.3 Amanda Dewar – Lane Neave, Solicitors

Ms Dewar from Lane Neave, Solicitors (for Stowe Properties Limited), addressed the Board regarding the report on road naming for the Black Point subdivision. She advised that the five month delay in deciding road names for the subdivision had meant that the subdivision plan could not be deposited with the Land Registrar and therefore titles could not be issued to prospective section buyers. She requested that the Board consider the proposed road names on an urgent basis. (The Board considered this matter further under Clause 1 of these minutes.)

4. CORRESPONDENCE

4.1 Governors Bay Youth Club and Friends

The Board considered a letter signed by 37 members of the Governors Bay Youth Club and Friends requesting that the Board reconsider a request that was made several years ago, for a bike track/jumps to be allowed in the gully that the Cholmondeley Children's Home had given to the Council.

The Board **received** the correspondence and acknowledged that there appeared to be some confusion regarding the status of the land in question. The Board indicated its support for such a project in Governors Bay and requested that staff investigate and clarify the ownership of the land and work with the Governors Bay Youth Club members to help them achieve their objective.

5. PRESENTATIONS OF PETITIONS

Nil.

6. NOTICES OF MOTION

Nil.

7. MINUTES OF LYTTELTON RESERVE MANAGEMENT COMMITTEE

The Board **received** the minutes of the Lyttelton Reserve Management Committee meeting held on 2 February 2009.

8. ROAD STOPPING POLICY

The Board considered a report which requested its comments regarding the adoption of a formal policy in relation to the stopping of legal road, the Christchurch City Council Road Stopping Policy 2009.

The Board **decided** to adopt the staff recommendation. The Board's recommendation will form part of a report to the Council, together with recommendations from the other Community Boards.

9. BRIEFINGS

9.1 Project Legit – Lyttelton Skatepark Mural

Staff clarified aspects of the new skatepark mural design being organised by Project Legit, and assured the Board that while no formal design plan was produced, the new mural would be painted to the set criteria which had been issued. The new seating and painting of the new mural would take place next Saturday 21 March to coincide with the Lyttelton Farmers' Market.

The Board **decided** to approve the design brief.

10. COMMUNITY BOARD ADVISERS UPDATE

The Board **received** updates from the Community Board Adviser on:

- The Joint Banks Peninsula Submission to Representation Review for 2010 Local Authority Election.

The Board **decided** to approve the submission made to the Representation Review.

- As of 1 March 2009 the Board's Discretionary Response Fund had an unallocated balance of \$9,642 and the Reserves Discretionary Fund had an unallocated balance of \$17,745.

11. ELECTED MEMBERS INFORMATION EXCHANGE

Members made specific mention of the following matters:

- Weed problem on road reserves throughout the Lyttelton Harbour basin and Port Levy, in particular old mans beard along the Western Valley Road and elsewhere. The Board asked staff for clarification as to who carries out the eradication work, and also to provide information on how weeds on road reserve are managed. The Chairperson expressed a wish to join a new working party formed recently to investigate the weed problem on roadsides on Banks Peninsula.
- Community Directory – a comprehensive directory of community groups to be delivered to all households in the Lyttelton Mt Herbert community – staff to investigate the costs of publishing this booklet.
- Open Day Saturday 21 March at Port of Lyttelton in regard to their proposed new 10 hectare reclamation area in Te Awaparahi Bay for the purpose of storing coal.

12. QUESTIONS UNDER STANDING ORDERS

Nil

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

13. CONFIRMATION OF MEETING MINUTES

- (a) The Board **resolved** that the minutes of the Joint Extraordinary Meeting with Akaroa/Wairewa Community Board held on 29 January 2009 be confirmed.
- (b) The Board **resolved** that the minutes of the ordinary meeting held on Tuesday 17 February 2009 be confirmed, subject to the following amendment:

Page 3, Item 7, Purau Planning Day/Workshop	Delete:	<i>Society</i>
	Insert:	<i>Incorporated</i>
	Delete:	<i>Society</i>
	Insert:	<i>Group</i>

Purau Planning Day/Workshop – correspondence was received from Uniquely Purau Incorporated advising of an upcoming planning day and requesting that the Board assist with the costs for the day. Staff were asked to provide funding application information to the group.

14. ALLANDALE RESERVE DEVELOPMENT PLAN

The Board considered a report seeking approval of the final landscape development plan for the Allandale Reserve

The Board **resolved** to approve the final landscape development plans for the Allandale Reserve and requested staff to proceed to detailed design and construction as funding is finalised.

15. THE TERRACE (GOVERNORS BAY) – PROPOSED NO STOPPING RESTRICTIONS

The Board considered a report seeking to approve that the stopping of vehicles be prohibited at any time on the east side of The Terrace at the intersection of Hyland Brae and on the west side of The Terrace at the entrance of the Lighthouse Lane walking track.

The Board **resolved** to approve:

- (a) That the stopping of vehicles be prohibited at any time on the east side of The Terrace commencing at point 36 metres south of its intersection with Lighthouse Lane and extending in a southerly direction for a distance of 29 metres.
- (b) That the stopping of vehicles be prohibited at any time on the west side of The Terrace commencing at a point 246 metres south of its intersection with Zephyr Terrace and extending in a southerly direction for a distance of eight metres.

16. PARK TERRACE (CORSAIR BAY) – PROPOSED NO STOPPING RESTRICTIONS

The Board considered a report seeking to approve that the stopping of vehicles be prohibited at any time on the south-eastern side of Park Terrace in Corsair Bay.

16 Cont'd

The Board **resolved** to approve:

Revocations

- (a) That the existing No Stopping restrictions on the south eastern side of Park Terrace commencing at its intersection with the entrance to Corsair Bay carpark and extending in a predominantly south westerly direction for a distance of 79 metres be revoked.
- (b) That the existing No Stopping Restrictions on the south eastern side of Park Terrace commencing at a point 284 metres in a predominantly south westerly direction from its intersection with the entrance to Corsair Bay carpark and extending in a south westerly direction for a distance of 54 metres be revoked.

No Stopping Restriction

- (c) That the stopping of vehicles be prohibited at any time on the south eastern side of Park Terrace commencing from its intersection with the entrance to Corsair Bay carpark and extending in a south-westerly direction for a distance of 338 metres.

Ann Jolliffe **abstained** from voting on this resolution.

The Board **requested** that staff investigate the possibility of constructing a small carpark at the top of the Reserve above Magazine Bay in order to alleviate parking problems in this area.

17. HAWKHURST ROAD/JACKSONS ROAD – PROPOSED NO STOPPING RESTRICTIONS

The Board considered a report seeking to approve that the stopping of vehicles be prohibited at any time at the Hawkhurst Road/Jacksons Road intersection.

The Board **resolved** to approve:

- (a) That the stopping of vehicles be prohibited at any time on the west side of Hawkhurst Road commencing at a point two metres north of its northern intersection with Jacksons Road and extending in a southerly direction for a distance of 19 metres.
- (b) That the stopping of vehicles be prohibited at any time on the east side of Hawkhurst Road commencing at its northern intersection with Jacksons Road and extending in a northerly direction for a distance of six metres.
- (c) That the stopping of vehicles be prohibited at any time on the east side of Hawkhurst Road commencing at its southern intersection with Jacksons Road and extending in a southerly direction for a distance of six metres.
- (d) That the stopping of vehicles be prohibited at any time on the north side of Jacksons Road commencing at its intersection with Hawkhurst Road and extending in a easterly direction for a distance of 15 metres.
- (e) That the stopping of vehicles be prohibited at any time on the south side of Jacksons Road commencing at its intersection with Hawkhurst Road and extending in a easterly direction for a distance of nine metres.

The meeting concluded at 12.18pm.

CONFIRMED THIS 14TH DAY OF APRIL 2009.

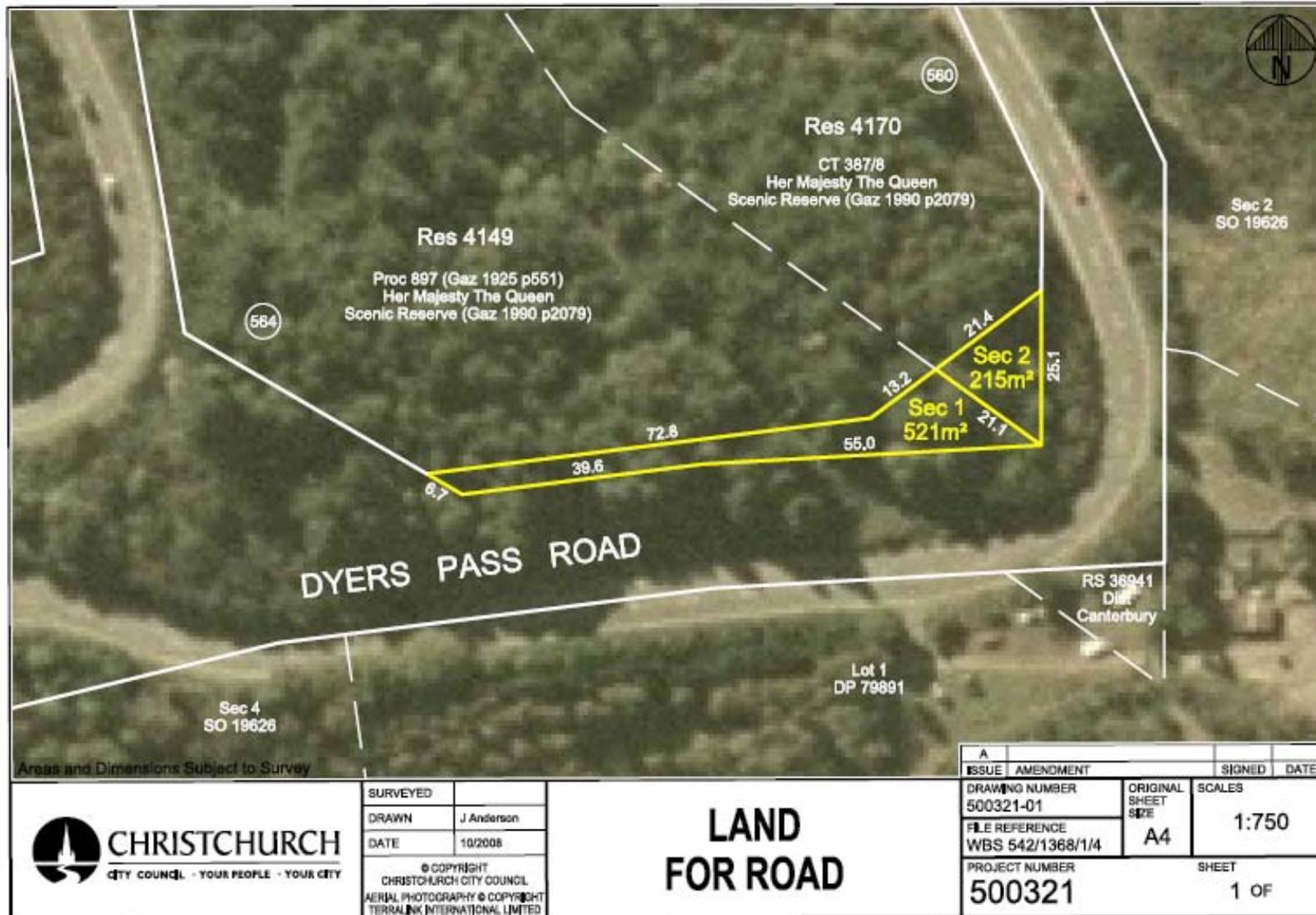
**PAULA SMITH
CHAIRPERSON**

14. 5. 2009

Lyttelton/Mt Herbert Community Board 17.3.2009

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ATTACHMENT TO CLAUSE 2



Areas and Dimensions Subject to Survey



SURVEYED	
DRAWN	J Anderson
DATE	10/2008
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LAND FOR ROAD

A		SIGNED	DATE
ISSUE	AMENDMENT		
DRAWING NUMBER	ORIGINAL SHEET SIZE	SCALES	
500321-01	A4	1:750	
FILE REFERENCE	PROJECT NUMBER	SHEET	
WBS 542/1368/1/4	500321	1 OF	

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ATTACHMENT TO CLAUSE 2

