

## **SPREYDON/HEATHCOTE COMMUNITY BOARD AGENDA**

**FRIDAY 14 DECEMBER 2012**

**AT 8AM**

**IN THE BOARDROOM,  
PIONEER STADIUM, 75 LYTTELTON STREET**

**Community Board:** Phil Clearwater (Chairperson), Barry Corbett, Paul McMahon, Karolin Potter, Helene Mautner, Tim Scandrett, and Sue Wells

**Community Board Adviser**

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**1. APOLOGIES**

**2. CONFIRMATION OF MEETING MINUTES – 23 NOVEMBER 2012**

The report of the Board's ordinary meeting of 23 November 2012 is attached.

**CHAIRPERSON'S RECOMMENDATION**

That the report of the Board's ordinary meeting be confirmed.

**3. DEPUTATIONS BY APPOINTMENT**

**3.1 COMMUNITY SERVICE AWARD**

Presentation of Community Service Award to Peter Tuffley

**3.2 SYDENHAM CHURCH**

Sydenham Church will update the Board on the removal and storage of the demolished church.

**3.3 ADDINGTON ACTION**

Mike Peters will update the Board on matters relating to Addington Action.

**4. PETITIONS**

**5. NOTICES OF MOTION**

The following Notice of Motion was submitted by Karolin Potter.

That the Spreydon/Heathcote Community Board requests that the Council initiate changes to the City Plan requiring that all new buildings be fully disability accessible.

Further that in the interim recommendations to developers by the Council planners emphasise that Christchurch's rebuild will be universally designed.

In particular no building higher than one storey will be built without a lift or accessible toilets and compliance with other principles in support of equitable access and use by disabled people.

Explanatory Note:

The notice of motion is intended to have the Christchurch City Council in its City Plan emphasize compliance with New Zealand Standards (NZS) 4121 which is currently not mandatory in terms of accessible public buildings. There are a number of public buildings where access to the second story is not possible and public spaces are only available via steps. These buildings meet the Council's consent processes for reasons that are difficult to understand.

It is useful to refer to the Better Design and Buildings for Everyone: Disabled People's Rights and the Built Environment Human Rights Commission October 2012 as follows:

The main issues about access to the built environment are:

- Seemingly inconsistent application by the local authorities of the Building Code and building access standards to new and modified buildings,
  - No clear mechanisms for a) bringing access issues in existing facilities and infrastructure to the attention of local authorities and b) getting something done about such issues
- and;

- The Building Act 2004 is a regulatory framework, a licensing regime and a set of standards for building in New Zealand. NZS 4121: 2001 is New Zealand's accessibility standard on public buildings. It outlines what is required to make sure buildings open to the public are accessible to disabled people. It is not mandatory.

The Human Rights Commission recommends that: inter alia

- a) priority is given to ensuring accessibility (in accordance with NZS 4121: 2001) and the principles of universal design are applied to the reconstruction of Christchurch
- b) the Ministerial Committee on Disability Issues instigates a review of all design standards that relate to the built environment. This review should consider the following: strengthening minimum accessibility requirements either by amending the Building Code or making compliance with NZS 4121: 2001 mandatory, extending NZS 4121: 2001 to residential housing and include stronger specifications for vision and hearing impaired people.

Universal design as it applies to buildings means that a building from the onset is designed and built to be accessible with ease of use for all people at all stages of life including for children, people carrying or pushing unwieldy objects (prams and ladders), adults, disabled people and the older person. Broadly speaking it means benches that easily alterable, toilets that are accessible, that all levels of the house are accessible with ease, the doorways are wider and the entrance ways smooth, that all fittings are accessible and operable (windows, door handles, ovens, curtains, equipment and benches etc) and that where fitting such as benches are installed dwangs etc are also fitted to make heights etc changeable.

**6. CORRESPONDENCE**

**7. BRIEFINGS**

**8. EARTHQUAKE DESIGN AND CAPABILITY**

14. 2. 2012

**SPREYDON/HEATHCOTE COMMUNITY BOARD  
23. 11. 2012**

**Minutes of a meeting of the Spreydon/Heathcote Community Board  
held on 23 November 2012 at 8am in the Board Room,  
Boardroom, Pioneer Stadium, 75 Lyttelton Street**

**PRESENT:** Phil Clearwater (Chairperson), Barry Corbett, Paul McMahon,  
Helene Mautner, Karolin Potter and Tim Scandrett.

**APOLOGIES:** Apologies for absence were received and accepted from Sue Wells.

The Board reports that:

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

**1. BRADFORD PARK DEEDS LAND**

The Spreydon/Heathcote Community Board considered a report seeking their recommendation to the Council regarding the options for deeds land adjacent to Bradford Park.

The Board considered the options provided in the report and discussed an option which would place all the land in a public park space. Since there were no matters of urgency associated with this matter the Board **decided** to lay the matter on the table until the next meeting for further consideration.

**PART B – REPORTS FOR INFORMATION**

**2. EARTHQUAKE DESIGN AND CAPABILITY**

**2.1 LEE PEE LTD – ROSIE HOBBS**

Rosie Hobbs gave a presentation to the Board regarding Lee Pee Ltd's plan for development on the corner of Coronation, Selwyn and Rosewarne Streets. The Board expressed their appreciation of the design which was in keeping with aspects of the Selwyn Street Shops Master Plan. In particular the Board noted the planned provision of parking spaces at the rear of the shops, the landscaping and the public space areas.

The Board Chairperson thanked Rosie Hobbs for informing the Board about Lee Pee Ltd's proposed plan for development.

**3. DEPUTATIONS BY APPOINTMENT**

**3.1 LOWER CASHMERE RESIDENTS ASSOCIATION**

Louise Ayling, Steve Clerain and Chris Elsmore members of the Lower Cashmere Residents Association addressed the Board regarding the recently formed residents association. It includes residents from Rose Street to Ashgrove Terrace and Barrington Street to Hoon Hay Road.

The Board Chairperson thanked the members from the Lower Cashmere Residents Association for attending the meeting.

**3 Cont'd**

**3.2 OLD STONE HOUSE**

Olwyn Rudd, Peter Rogers and Derek Meredith from the Old Stone House attended the meeting to address the Board regarding the Old Stone House and the Council's Facilities Rebuild Plan – Top 30 Projects.

Barry Corbett advised that yesterday the Council resolved to include the Old Stone House in the Facilities Rebuild Plan – Top 30 Projects. The plan was amended to include the Old Stone House in Cracroft, which had been left from the list in error.

The Board Chairperson thanked the staff of Old Stone House representatives for attending the meeting.

**4. PETITIONS**

Nil

**5. NOTICES OF MOTION**

Nil.

**6. CORRESPONDENCE**

**6.1 KEEP OUR ASSETS – CHRISTCHURCH**

The Board **received** a letter from Murray Horton, Convenor of Keep Our Assets – Christchurch.

The Board **decided** to write to the Prime Minister John Key and the Minister of Canterbury Earthquake Recover Gerry Brownlee regarding the Council retaining its strategic assets.

**6.2 PERMANENT CLOSURE OF EASTERN TERRACE**

The Board **received** a letter from Stuart McDonald regarding the permanent closure of Eastern Terrace in the area adjacent to the Beckenham ponds.

**6.3 HEATHCOTE RIVER PLAN**

The Board **received** a letter from Sue Grant of the Beckenham Neighbourhood Association regarding the Mid-Heathcote River/Ōpawaho Linear Park Master Plan.

**7. BRIEFINGS**

**7.1 NIKKI HAWKEY, COMMUNITY ENGAGEMENT MANAGER, CENSUS**

Statistics New Zealand will be undertaking a census in March 2013. Nikki Hawkey presented a brief explanation of what the census means for local communities and the impact it will have for Christchurch at this time and for the future.

**8. COMMUNITY BOARD ADVISER'S UPDATE**

Nil.

**9. ELECTED MEMBER'S INFORMATION EXCHANGE**

Nil.

**10. BOARD MEMBER'S INFORMATION EXCHANGE**

Nil.

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

**11. CONFIRMATION OF MINUTES – 5 NOVEMBER 2012**

The Board **resolved** that the minutes (*both open and public excluded sections*) of the Board's ordinary meeting of 5 November 2012 be confirmed.

**12. ANNEX ROAD, BIRMINGHAM DRIVE AND WRIGHTS ROAD: PROPOSED BUS STOPS**

The Spreydon/Heathcote Community Board considered a report seeking its approval that it formalise and approve the existing bus stops along a bus route that encompasses Annex Road, Birmingham Drive and Wrights Road.

The Spreydon/Heathcote Community Board **resolved** to approve:

Bus Stop B (north side of the road only) as identified on attached (**Attachment 3**) Plan TG123801 and TG123801b:

- (a) That all parking restrictions located on the northeast side of Annex Road commencing at its intersection with Birmingham Drive and extending in a northwest direction for a distance of 84 metres be revoked.
- (b) That a bus stop be installed on the northeast side of Annex Road commencing at a point 53 metres northwest of its intersection with Birmingham Drive and extending in a northwest direction for a distance of 17 metres.
- © That the stopping of vehicles be prohibited at any time on the northeast side of Annex Road commencing at its intersection with Birmingham Drive and extending in a northwest direction for a distance of 53 metres.
- (d) That the stopping of vehicles be prohibited at any time on the northeast side of Annex Road commencing at a point 70 metres northwest of its intersection with Birmingham Drive and extending in a northwest direction for a distance of 14 metres.

Bus Stops C as identified on attached (**Attachment 4**) Plan TG123801 and TG123801c:

- (e) That a bus stop be installed on the north side of Birmingham Drive commencing at a point 22 metres east of its intersection with Craft Place and extending in an easterly direction for 14 metres.
- (f) That the stopping of vehicles be prohibited at any time on the north side of Birmingham Drive commencing at a point 36 metres east of its intersection with Craft Place and extending in an easterly direction for a distance of 4 metres.
- (g) That a bus stop be installed on the south side of Birmingham Drive commencing at a point 61 metres east of its intersection with Vulcan Place and extending in an easterly direction for 14 metres.
- (h) That the stopping of vehicles be prohibited at any time on the south side of Birmingham Drive commencing at a point 75 metres east of its intersection with Vulcan Place and extending in an easterly direction for a distance of 8 metres.

12 Cont'd

Bus Stops D as identified on attached Plan (Attachment 5) TG123801 and TG123801d:

- (i) That a bus stop be installed on the north east side of Birmingham Drive commencing at a point 138 metres north west of its intersection with Hands Road and extending in a north westerly direction for 14 metres.
- (j) That the stopping of vehicles be prohibited at any time on the north east side of Birmingham Drive commencing at a point 132 metres north west of its intersection with Hands Road and extending in a north westerly direction for 6 metres.
- (k) That the stopping of vehicles be prohibited at any time on the north east side of Birmingham Drive commencing at a point 152 metres north west of its intersection with Hands Road and extending in a north westerly direction for 8 metres.
- (l) That all parking restrictions on south side of Birmingham Drive commencing at its intersection with Marylands Place and extending in a westerly direction to its intersection with Halls Place be revoked.
- (m) That a bus stop be installed on the south side of Birmingham Drive commencing at a point 7 metres west of its intersection with Marylands Place and extending in a westerly direction for 14 metres.
- (n) That the stopping of vehicles be prohibited at any time on the south side of Birmingham Drive commencing at its intersection with Marylands Place and extending in a westerly direction for a distance of 7 metres.
- (o) That the stopping of vehicles be prohibited at any time on the south side of Birmingham Drive commencing at a point 21 metres west of its intersection with Marylands Place and extending in an westerly direction to Halls Place

Bus Stops E as identified on attached Plan (Attachment 6) TG123801 and TG123801e:

- (p) That all parking restrictions on the northeast side of Wrights Road commencing at a point 49 metres northwest of its intersection with Jack Hinton Drive and extending in a north westerly direction for a distance of 22 metres be revoked.
- (q) That a bus stop be installed on the northeast side of Wrights Road commencing at a point 49 metres northwest of its intersection with Jack Hinton Drive and extending in a north westerly direction for a distance of 14 metres.
- © That the stopping of vehicles be prohibited at any time on the northeast side of Wrights Road commencing at a point 63 metres northwest of its intersection with Jack Hinton Drive and extending in a north westerly direction for a distance of 8 metres.
- (s) That all parking restrictions on the southwest side of Wrights Road commencing at a point 101 metres northwest of its intersection with Hillmorton Street and extending in a north westerly direction for a distance of 18 metres be revoked.
- (t) That a bus stop be installed on the southwest side of Wrights Road commencing at a point 101 metres northwest of its intersection with Hillmorton Street and extending in a north westerly direction for a distance of 14 metres.
- (u) That the stopping of vehicles be prohibited at any time on the southwest side of Wrights Road commencing at a point 115 metres northwest of its intersection with Hillmorton Street and extending in a north westerly direction for a distance of 4 metres.

### 13. MIDAS PLACE PROPOSED NO STOPPING RESTRICTION

The Spreydon/Heathcote Community Board considered a report seeking its approval of the installation of a No Stopping Restriction in Midas Place.

The Spreydon/Heathcote Community Board **resolved** to approve:

- (a) That the stopping of vehicles be prohibited at any time on the north-western side of Midas Place commencing at a point 122 metres northeast of its intersection with Annex Road and extending around the cul-de-sac head in a clockwise direction for a distance of 33 metres.
- (b) That the stopping of vehicles be prohibited at any time on the south-eastern side of Midas Place commencing at a point 61 metres north-east of its intersection with Annex Road and extending for a distance of 12 metres.
- (c) That the stopping of vehicles be prohibited at any time on the south-eastern side of Midas Place commencing at a point 91 metres north-east of its intersection with Annex Road and extending for a distance of 14 metres.

### 14. SPREYDON/HEATHCOTE 2012/13 YOUTH ACHIEVEMENT FUNDING APPLICATION – CONNER STEAD

The Spreydon/Heathcote Community Board considered an application for funding assistance from Connor Stead who has been selected for the National Under 19 Track Cycling Team to represent New Zealand at the 2013 Junior Oceania Track Cycling Championships in Adelaide, Australia from 24 November to 3 December 2012.

The Spreydon/Heathcote Community Board **resolved** to approve a grant of \$350 to Connor Stead from the 2012/13 Youth Achievement Scheme to represent New Zealand at the 2013 Junior Oceania Track Cycling Championships in Adelaide, Australia from 24 November to 3 December 2012.

### 15. SPREYDON/HEATHCOTE 2012/13 YOUTH ACHIEVEMENT FUNDING APPLICATION – OLIVIA RICHARDS

The Spreydon/Heathcote Community Board considered an application for funding assistance from Olivia Richards to compete in the national Get2Go Challenge Adventure Race on Great Barrier Island from 9– 4 December 2012.

The Spreydon/Heathcote Community Board **resolved** to approve a grant of \$250 to Olivia Richards from the 2012/13 Youth Achievement Scheme fund to compete at the national Get2Go Challenge on Great Barrier Island from 9-14 December 2012.

### 16. RESOLUTION TO BE PASSED – SUPPLEMENTARY REPORTS

The Spreydon/Heathcote Community Board **received** the following reports at the meeting:

- Spreydon/Heathcote 2012/13 Youth Achievement Funding Application – Sophie Harrison and Annaliese Elliot.
- Spreydon/Heathcote 2012/13 Youth Achievement Funding Application – Ian Bresler and Michael Bresler.

### 14. COMMUNITY BOARD ADVISER'S UPDATE

- Ward earthquake update
- Funding meeting and seminar dates 2013



**15. ELECTED MEMBERS' INFORMATION EXCHANGE**

**16. MEMBERS' QUESTIONS UNDER STANDING ORDERS**

**17. SPREYDON/HEATHCOTE 2012/13 YOUTH ACHIEVEMENT FUNDING APPLICATION – SOPHIE HARRISON AND ANNALIESE ELLIOT**

The Spreydon/Heathcote Community Board considered an application for funding assistance from the following applicants:

- a) Sophie Harrison, 15 years old from Cashmere, to compete in the national Get2Go Challenge Adventure Race on Great Barrier Island from 9 – 14 December 2012.
- b) Annaliese Elliot, 15 year old from Beckenham, to compete in the national Get2Go Challenge Adventure Race on Great Barrier Island from 9 – 14 December 2012.

The Spreydon/Heathcote Community Board **resolved** to approve a grant to Sophie Harrison and Annaliese Elliot of \$250 each from the 2012/13 Youth Achievement Scheme Fund to compete at the national Get2Go Challenge on Great Barrier Island from 9-14 December 2012.

**18. SPREYDON/HEATHCOTE 2012/13 YOUTH ACHIEVEMENT FUNDING APPLICATION – MICHAEL BRESLER AND IAN BRESLER**

The Spreydon/Heathcote Community Board considered an application of funding from the following applicants:

- a) Michael Bresler, 15 years old from Opawa, to compete at the Lego League National Competition in Auckland on 24 November 2012.
- b) Ian Bresler, 13 years old from Opawa, to compete at the Lego League National Competition in Auckland on 24 November 2012.

The Spreydon/Heathcote Community Board **resolved** to approve a grant to Michael Bresler and Ian Bresler of \$250 each from the 2012/13 Youth Achievement Scheme Fund to compete at the Lego League National Competition in Auckland on 24 November 2012.

The meeting concluded at 9.45am.

**CONFIRMED THIS 14<sup>TH</sup> DAY OF DECEMBER 2012**

**PHIL CLEARWATER  
CHAIRPERSON**

## 9. BRADFORD PARK DEEDS LAND

<b>General Manager responsible:</b>	Jane Parfitt, General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Asset & Network Planning Manager, 941-6290
<b>Author:</b>	Eric Banks, Parks & Waterways Planner

This item was to be considered at the meeting on 23 November 2012 however owing to time restraints this report will be considered on 14 December 2012.

### PURPOSE OF REPORT

1. To provide the Spreydon/Heathcote Community Board with options to recommend to the Council for deeds land adjacent to Bradford Park.

### EXECUTIVE SUMMARY

2. Following an information seminar held on Tuesday 13 April 2010, the Spreydon/Heathcote Community Board decided to request staff to provide a fully optioned report in relation to deeds land adjacent to Bradford Park. This was as a result of many years of complaints regarding the storage of personal property in a disorderly fashion, on what appears to be public land, and the maintenance of the strip. The Board has expressed a desire to gain control of the deeds land by purchase (or similar method).
3. Because the strip of land in question is unclaimed deeds land, it would be first necessary to initiate a search for the party entitled to a grant of probate in the estate of the last known owner in order to negotiate with. If such a party exists they could theoretically restrict public access to the strip, but this situation would present an opportunity for negotiation with the Council relating to access. If this search failed to find a living person with this right, it would be possible to negotiate with the Public Trust for purchase assuming a successful application to the court has been made.
4. The northern part of the deeds strip ('Parcel 1') is partly occupied by a city waterway. Maintenance of the area is undertaken by the Council within its drainage and general park maintenance budgets. Prima facie the portion maintained as part of the parks budget is contrary to the guidelines of the Office of the Auditor General regarding the expenditure of public money on private land without there being a public benefit in the form of ownership or easement. Any improvements by the Council on the eastern strip ('Parcel 2') would not be in keeping with these guidelines. Land parcels are shown in **Attachment 1**.
5. The neighbours of the eastern part of the deeds land ('Parcel 2') have access rights over it. The possible purchase, and subsequent negotiation with right of way holders, would be most unlikely to result in any significant change to the current issues of the site. Staff also believe the benefit gained by purchase of the northern part ('Parcel 1') is not sufficient to offset the likely protracted search and cost of that purchase.
6. In lieu of purchase related solutions staff have recommended some practical steps which are designed to reduce the likelihood of future complaints regarding Parcel 2 and recommend the Council's Enforcement team be the sole Council entity to enforce activities on the strip.

### FINANCIAL IMPLICATIONS

7. If the Council decided it was desirable to purchase one or both of the parcels, research to determine the owner or the present legal representative, based on previous experience, is likely to incur costs somewhere between \$20,000 and \$40,000. The market value of 'Parcel 1' at October 2009 was estimated by an independent registered valuer at \$117,000. A subsequent valuation was undertaken in November 2011 which valued parcel 1 at \$112,793 and parcel 2 at \$170,289 making a total of \$283,082 including GST.

### Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. No budget provision has been made for legal, investigative or purchase costs associated with acquiring the above lots.

## 9 Cont'd

## LEGAL CONSIDERATIONS

9. The deeds land shown in **Attachment 1** as 'Parcel 1' and 'Parcel 2' are legally described as Pt RS238. Zoning is L3, whereas the adjacent sports park is O2.
10. The Council ideally should not be undertaking maintenance work on the park areas of this deeds land until it has some form of legal agreement over the land, be that a licence, lease or easement or other legal occupation. To do so effectively constitutes a gift to the landowner and in doing so is not in line with guidelines produced by the Office of the Auditor General which the Council has traditionally interpreted in a practical sense as requiring that a public benefit be obtained, such as an easement for public access, before any money is expended on improving private land. From the Office of the Auditor General Good Practice Guide, public sector purchases, grants, and gifts:- *"Managing funding arrangements with external parties 2.2 A question that should be able to be answered in any context is whether the proposed use of funds is for a public purpose. A more specific check is to ensure that the proposed use of funds is for the public purpose or goals of the particular public entity. If not, the proposed use of funds may be more appropriate for another organisation."*
11. Having said this, the budget for maintenance of the park-side two-thirds of the land described as 'Parcel 1' (refer **Attachment 1**) is not specific to this area but is part of the larger budget for maintaining Bradford Park. The waterway and its banks, which runs within the parcel, are maintained as part of the waterways maintenance budget for environmental asset waterways. The legal right to access and maintain the creek is provided by the Land Drainage Act, 1908. Because the City Plan has a seven metre waterway setback, and the top of the bank of the waterway is roughly in line with the park/deeds land boundary (refer **Attachment 2**), the maintenance of all of the 'Parcel 1' deeds land strip could be legitimately undertaken by the Council's land drainage contractors using the same land drainage budget.
12. Officers are also of the view that the Council cannot use the adverse possession mechanism for claiming of any part of the deeds land. The reason for this is because to make such a claim the land needs to be fenced off from general public use for a period of 12 or more years, and evidence needs to be shown that money has been spent on the property during this period. The land has not been fenced off, and there has been no specific budget for maintenance of the land, the money spent being from budgets for a larger area of land that has included this land (general park maintenance budget).
13. The deeds land described as 'Parcel 2' is subject to a right of way created by a deed of conveyance made in 1865. The right of way allows foot or vehicle access to the strip by adjoining residents and owners of Forbes Street properties.
14. Early this year, the Council's Enforcement team sought an enforcement order from the Environment Court in relation to the resident of one of the adjacent Forbes Street properties regarding the unsightliness of the storage of personal property on a portion of the 'Parcel 2' deeds land and the associated risks of vermin and fire (refer **Attachments 3 and 4** for photographs). The Court resolved that the resident's right of way over the deeds land did not extend to the storage of personal property and gave the resident a finite period to remove the items. The resident has to-date complied.
15. Legally, the residents with a right of way could require the Council to remove the Council lock and chain which currently spans the entrance from Devon Street.

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

16. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

17. Not applicable.

**9 Cont'd**

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

18. No.

**ALIGNMENT WITH STRATEGIES**

19. Safer Christchurch Strategy (CPTED considerations), Public Open Space Strategy 2010 – 2040 (access to waterway and north end of park),

**Do the recommendations align with the Council's strategies?**

20. Yes.

**CONSULTATION FULFILMENT**

21. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Spreydon/Heathcote Community Board recommend that the Council:

- (a) Maintain the Status Quo in relation to ownership of the deeds land adjacent to Bradford Park; and does not actively pursue purchase of either portions of the deeds land, but be open to negotiation to secure an interest in the 'Parcel 1' portion if, and only if, at some future point in time a legal owner is made known to the Council.
- (b) Instruct Council staff to ensure Council records correctly state the land is not Council owned.

**CHAIRPERSON'S RECOMMENDATION**

For discussion.

9 Cont'd

9 BACKGROUND (THE ISSUES)

22. The land in question is approximately 10 metres in width bordering the north-east and east sides of Bradford Park. On Webmap it is shown to be at the address of 202f Milton Street, legal description – Pt RS238 (SO15044). This land is privately owned deeds land, the current owner of which is not readily or easily identifiable, the land having being registered under the old deeds system of registration.
23. For the purposes of this report, staff have divided the land described above into two parcels denoted by their present use as shown on **Attachment 1**.
24. 'Parcel 1' bordering the northeast of the park has been developed by the Council. The Council is maintaining the majority of this parcel as an extension to the park, the grass being regularly mown, having a footpath constructed on it providing access to the park and linking Milton Street to Bent Street (refer **Attachment 1**). The land slopes down to a small stream (Jacksons Creek) which is part of the natural drainage system in the Sydenham area.
25. A small area of this parcel of deeds land to the north-west of 29 Forbes Street, from a point level with this property's northern boundary, which abuts Bent Street is part of an area that has been used to naturalise the stream boundary. The creek is classed as an environmental asset waterway within the city plan with a setback of 7 metres (refer **Attachment 2**). A legal right to access and maintain the creek is provided by the Land Drainage Act, 1908. Along this part of the creek, maintenance is typically confined to the creek bed and lower portion of the bank, but can legitimately be carried out to the top of the bank or beyond if necessary. This maintenance work is financed by the Greenspace waterways operational budget. Long term, the intention would be to naturalise this waterway which could involve planting, bed enhancement and minor bank modification.
26. 'Parcel 2' bordering the East of the park provides access to the back of a number of properties on the west side of Forbes Street. Several of these properties have gained vehicle access to their properties off this land for many years. The Forbes Street properties are each made up of two legal titles of just over 200 square metres. All of the Forbes Street lots have a right of way over it for vehicle access.
27. A number of complaints associated with the storage of rubbish and private assets on the 'Parcel 2' deeds land immediately adjacent to the park have been received over the years. These have been described as unsightly or (incorrectly) as imposing on park access. Refer photographs in **Attachments 3 and 4**. There have also been a number of requests over the years from neighbours for maintenance of the strip as a driveway access. Some minor work in this regard has been undertaken in the past by Greenspace such as grass mowing. The reporting by adjacent residents of undesirable access to the parcel to the former Council Parks Unit resulted in a recommendation to the Board in 1998 that the now existing chain fence be installed as a means to prevent this specific problem.
28. Council's Enforcement team have been responding to the complaints of adjacent neighbours for some time. City Care had been asked to mow the strip to a rural standard when requested. The Enforcement team recently sought an Environment Court order in relation to the main offending property. The outcome is that the right of way which adjacent properties have over the strip does not entitle those right of way holders a right to store property over the right of way, with the exception of roadworthy motor vehicles. An agreement has been reached between Greenspace operations staff and Enforcement officers that the Enforcement team will monitor and enforce any future indiscretions, while City Care will be contracted to mow the grass to a rural standard to minimise the fire risk.
29. Although the park has minimal road frontage, there is ample parking in the adjacent streets to service the park, it having one rugby league training field, one lower grade cricket wicket, and a neighbourhood playground located within it. The parking only being required to service the sports field area.

**9 Cont'd**

30. The 'Parcel 1' land as described above is not the cause of any complaints from adjacent residents, however there is an ownership issue concerning this land as described above. It is unlikely that the Council would be seriously questioned on spending money on this land, there being no specific budgets in place to maintain this land, the budgets being for a much greater area of land and waterways maintenance.
31. If it is decided by Council that they should seek an interest in part or all of this land, then budgetary provision for such action will need to be made through the Long Term Council Community Plan.
32. In the absence of land vesting in the Council as the result of the operation of a resource consent condition such as a subdivision, the standard tool that the Council employs to acquire land is the Public Works Act 1981.
33. The Public Works Act provides two methods of acquisition, either by agreement with the vendor, or in the absence of agreement, by compulsory acquisition agreement. In the absence of a specific public work, the Council may wish to acquire the land from the existing owner by agreement, rather than using the compulsory acquisition procedures.
34. Obviously, before the Council could reach an agreement with the land owner it would need to identify the landowner. It would therefore be necessary to undertake research to determine the identity of the current owner. What will be required is to locate the present legal representative (not necessarily a descendant) of the last owner. This is undertaken by tracing the executor of the will of the last owner, and their executor, and so on, in a chain until a living person is located who would be entitled to a grant of probate of the will of that owner.
35. If such research should fail to be successful in locating a living individual entitled to a grant of probate in the estate of the last known owner, then an alternative statutory mechanism is available in the form of Part 7 of the Public Trust Act 2001. This provides that the Public Trust may be appointed manager of the property where, after due inquiry has been made, it has not been possible to locate the owner. If the property has a value of less than \$40,000 the Public Trust may elect to be the manager. If the property has a greater value, (which it has), then the Public Trust must make an application to the Court for appointment as manager. Once appointed as manager, either by election or by order of the court, the Public Trust may deal with the land as representative or trustee of the owner and could contract with the Council for the lands sale to the Council. This procedure was recently successfully employed to gain Council ownership of deeds land in Quinns Road adjacent to Shirley Stream. In any event the Council would be required to pay market value for the land in question.

**THE OBJECTIVES**

36. Maintain the accessibility and landscape integrity of the park for the users and neighbours of the park within programmed budgets.

**THE OPTIONS**

**OPTION 1 - PURCHASE 'PARCEL 1' ONLY**

37. Officers believe that no other party could make an adverse possession claim for this land because the land in question is not fenced off, reading as public land. The Council could acquire legal ownership of the land using the mechanisms of the Public Works Act 1981 which are described above.
38. If the Council decided not to purchase 'Parcel 1', there would be no change, except if a present day person could prove that they are entitled to a grant of probate of the will of the original owner. In this case the Council could negotiate with the present day legal owner to purchase or gain an easement or right of way over the land. If not successful, it is possible public access to this strip could be prevented or restricted.

**9 Cont'd**

39. An alternate scenario could involve a third party seeking to purchase the land from the legal owner, in which case the outcome could be the same regarding public access. The likelihood of either of these scenarios materialising is fairly remote given that the deeds land with its rights of access has existed for over a hundred years (in the case of 'Parcel 2' since a deed of conveyance was created in 1865). In addition, given the narrow width of the deeds land strip and the presence of a waterway with a 7 metre setback within it, there would be very little attraction for a potential developer.

**OPTION 2 - PURCHASE 'PARCEL 2' ONLY.**

40. The Council could try and obtain ownership of the land described as 'Parcel 2' by the same mechanisms as for 'Parcel 1' above.
41. The land currently reads as a private right of way, all of the lots in Forbes Street having legal access rights over this particular parcel of the deeds land. Despite Council ownership, extinguishing the rights-of-way of the adjacent properties would be subject to negotiation with landowners.
42. The adjacent properties to the land are zoned Living 3 in the City plan, and therefore any Council improvement to the land, (for example, constructing driveways on the land) would only be of benefit to the adjacent property owners, if and when they decide to undertake a more intensive development on their land as allowed for in the Living 3 zone. Once redeveloped in this way, the land is much less likely to be utilised for the storage of unsightly private assets as has been the case until now.
43. From our experience with deeds land it would cost a minimum of \$20,000 to action such a claim in addition to the purchase price. There are no funds in current budgets to fund such a purchase. To buy out the rights of way of the approximately 20 adjacent properties (and potentially another 20 non-adjacent properties), a minimum of \$10,000 per property is likely, but could be a lot higher if an owner is considering the L3 development potential. Apart from the cost, the danger would be that it would take only one property owner not to forgo their right of way to potentially result in the same issues as currently. Following the recent Environment Court ruling described above, these issues are now much less likely to be a problem for any length of time.
44. If 'Parcel 2' were not purchased, there would be no difference to residents rights of way compared with the option of purchase. As with 'Parcel 1' discussion, it is also possible, although unlikely, the present day legal owner might come forward and prevent or restrict public access over the deeds land. This would not be of significant detriment to the enjoyment of the adjacent area of the park by users however.

**OPTION 3 - PURCHASE BOTH PARCELS**

45. Total valuation of \$283,082 including GST.

**OPTION 4 - FENCE 'PARCEL 2'**

46. One option might be to fence the boundary of the land with the park. It would be difficult to achieve a more aesthetically pleasing result using a solid fence, which would also be subject to vandalism and ongoing maintenance. These costs would be entirely Council's. A hedge might be more suitable from a landscape perspective but either type of fence would need to be at least 2 metres high to obscure some items stored thus potentially creating a CPTED issue. Again, given the recent Environment Court ruling, this kind of issue is now able to be dealt with more swiftly and less likely to occur. A boundary fence is more likely to be suitable in the future if the deeds land access-way is required on a regular basis once the adjacent private properties are redeveloped.

## 9 Cont'd

**OPTION 5 -MAINTAIN THE STATUS QUO IN RELATION TO OWNERSHIP**

47. Do not actively pursue purchase of either portions of the deeds land, but be open to negotiation to secure an interest in the Parcel 1 portion if, and only if, at some future point in time the legal owner is made known to the Council. Rely on the Enforcement team to resolve any further issues related to storage.

**THE PREFERRED OPTION**

48. Option 5 - Maintain the Status Quo in relation to ownership. Do not actively pursue purchase of either portions of the deeds land, but be open to negotiation to secure an interest in the Parcel 1 portion if, and only if, at some future point in time the legal owner is made known to the Council. Rely on the Enforcement team to resolve any further issues related to storage.

**ASSESSMENT OF OPTIONS****The Preferred Option**

49. Maintain the Status Quo. Do not actively pursue purchase of either portions of the deeds land, but be open to negotiation to secure an interest in the Parcel 1 portion if, and only if, at some future point in time the legal owner is made known to the Council.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Likely little difference whichever option is undertaken.	Likely little difference whichever option is undertaken.
<b>Cultural</b>	Likely little difference whichever option is undertaken.	Likely little difference whichever option is undertaken.
<b>Environmental</b>	Likely little difference whichever option is undertaken.	Likely little difference whichever option is undertaken.
<b>Economic</b>	Short term no cost. No search cost involved.	None in short term. Purchase (2011 valuation) cost of \$112,793 if purchase in future.

**Extent to which community outcomes are achieved:**

No difference between options.

**Impact on the Council's capacity and responsibilities:**

Capital works and maintenance not likely to change. Short term not strictly following Council's own interpretation of Office of Auditor General's best practice guidelines. Long term may have the opportunity to do so.

**Effects on Maori:**

None.

**Consistency with existing Council policies:**

Parks Access Policy – Status quo would continue to provide an informal nonstandard access point from Devon Street.

**Views and preferences of persons affected or likely to have an interest:**

Land Drainage Team Leader satisfied with status quo / this recommendation.  
Team Leader urban parks prefers fence option

**Other relevant matters:**



## 9 Cont'd

## 50. Option 2 - Purchase 'Parcel 2' only

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Likely little difference whichever option is undertaken.	Likely little difference whichever option is undertaken.
<b>Cultural</b>	Likely little difference whichever option is undertaken.	Likely little difference whichever option is undertaken.
<b>Environmental</b>	Likely little difference whichever option is undertaken.	Likely little difference whichever option is undertaken.
<b>Economic</b>	Likely none.	Order of \$200,000
<p><b>Extent to which community outcomes are achieved:</b></p> <p>No difference between options.</p> <p><b>Impact on the Council's capacity and responsibilities:</b></p> <p>Capital works and maintenance likely to increase slightly as residents still retain right of ways but would need to be maintained to park standard. Greater consistency with Council's interpretation of Office of Auditor Generals best practice guidelines.</p> <p><b>Effects on Maori:</b></p> <p>None.</p> <p><b>Consistency with existing Council policies:</b></p> <p>Little difference between options as residents retain right of ways.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b></p> <p>Land Drainage Team Leader satisfied with status quo / this recommendation. Team Leader urban parks prefers fence option</p> <p><b>Other relevant matters:</b></p>		

23. 11. 2012

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ATTACHMENT 1 TO CLAUSE 9

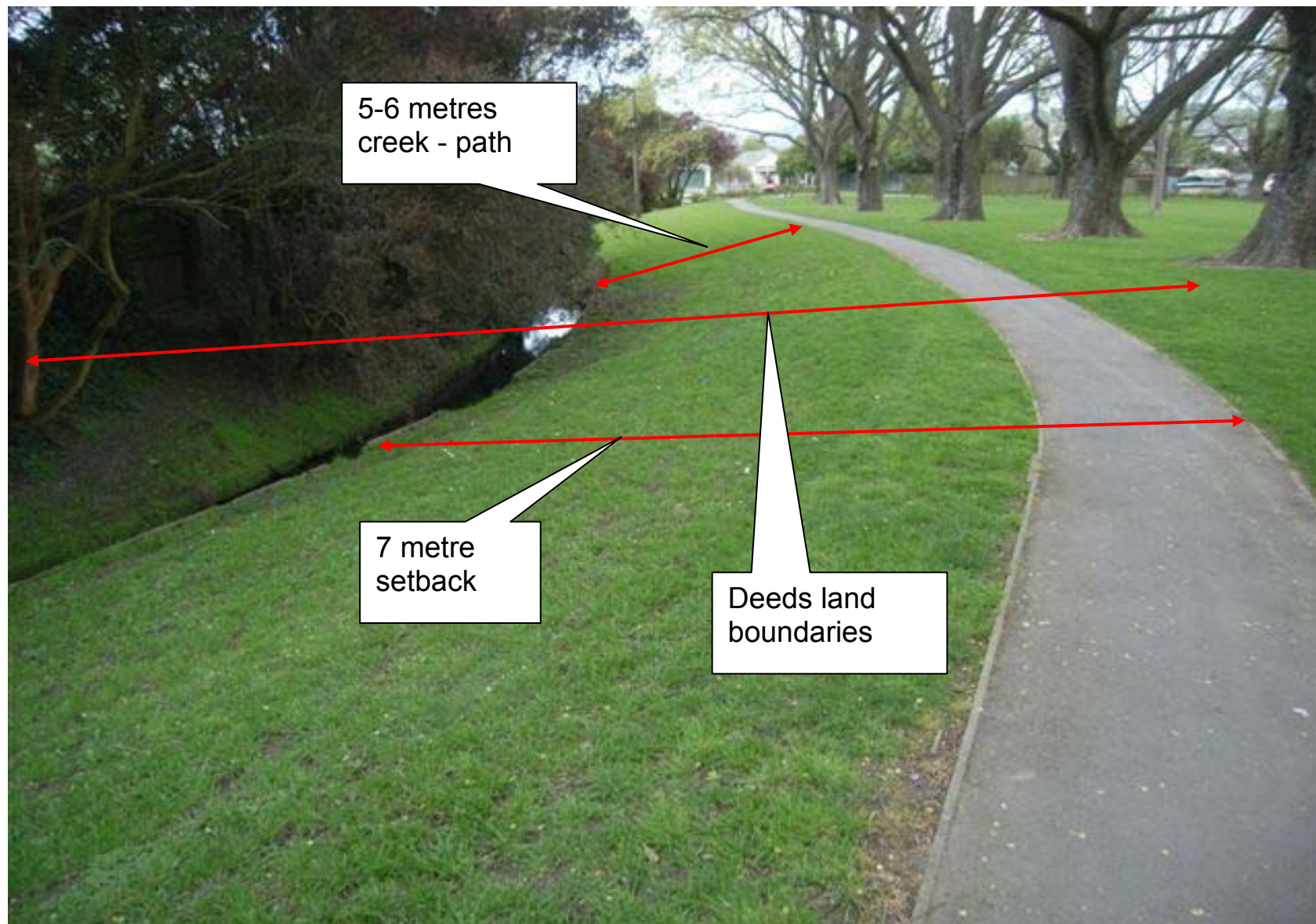




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ATTACHMENT 2 TO CLAUSE 9





23. 11. 2012

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ATTACHMENT 3 TO CLAUSE 9





23. 11. 2012

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ATTACHMENT 4 TO CLAUSE 9



**10. MALDON STREET PROPOSED NO STOPPING RESTRICTION**

<b>General Manager responsible:</b>	General Manager, City Environment Group DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
<b>Author:</b>	Chang Xi, Traffic Engineer

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's approval that the stopping of vehicles be prohibited at any time at the cul-de-sac end of Maldon Street shown on the attached plan.

**EXECUTIVE SUMMARY**

2. Maldon Street is classified as a local road in the Christchurch City Plan and this has a primary function of providing property access to the underlying Business 3 (Inner City Industrial) zoned land. This includes access for all vehicle types including heavy vehicles.
3. Council staff have received a request that no stopping restrictions be installed at the cul-de-sac end of Maldon Street.
4. The existing road environment provides unrestricted parking around the cul-de-sac head and the remainder of Maldon Street. Kerbside parking around the cul-de-sac head is restricting the ability for larger heavy vehicles to adequately turn. Furthermore, the location of some parked vehicles are also restricting access for the same heavy vehicles to access their properties
5. Installing a no stopping restriction from outside 19 to 20 Maldon Street will improve the manoeuvrability of vehicles turning on the cul-de-sac and will also enable safe and efficient access for all vehicles to the adjoining properties (refer **Attachment 1**).

**FINANCIAL IMPLICATIONS**

6. The estimated cost of this proposal is approximately \$300.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

7. The installation of road marking is within the LTCCP Street and Transport Operational Budgets.

**LEGAL CONSIDERATIONS**

8. Part 1, Clause 5 of the Christchurch City Council Traffic Parking Bylaw 2008 provides the Council with the authority to install parking restrictions by resolution.
9. The community boards have delegated authority from the Council to exercise the delegations as set out in the Register of Delegations. The list of delegations for the community boards includes the resolution of parking restrictions.
10. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule Traffic Control Devices 2004.

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

11. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes – Safety and Community.

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

13. As above.

**10 Cont'd**

**ALIGNMENT WITH STRATEGIES**

14. The recommendations align with the Council Strategies including the Parking Strategy 2003 and the Road Safety Strategy 2004.

**Do the recommendations align with the Council's strategies?**

15. As above.

**CONSULTATION FULFILMENT**

16. Consultation was carried out with property owners and tenants that are situated close to the proposed no parking restriction, with 20 public information leaflets distributed. The Residents' Association were also consulted. Two responses were received, one supporting the proposal and one not supporting. The respondent did not support the proposal due to the loss of car parking spaces to the businesses. The Christchurch City Council can consider to install time restriction parking to provide high parking turnover. It means that there will be parking spaces available to the local businesses. However, as this is a safety concern it is recommended that the proposal is approved.
17. If approved, Council Parking Enforcement will monitor this restriction when first installed and resolve any issues regarding inappropriate parking. This can be repeated if required.

**STAFF RECOMMENDATION**

It is recommended that the Spreydon/Heathcote Board:

- (a) Approve that the stopping of vehicles be prohibited at any time commencing at a point 94 metres from the northern kerblines intersection with Hawdon Street and extending around the cul-de-sac head in a clockwise direction to a point 94 metres from the southern kerblines intersection with Hawdon Street.

**CHAIRPERSONS RECOMMENDATION:**

For discussion.



14. 12. 2012

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ATTACHMENT 1 TO CLAUSE 10





**11. SPREYDON/HEATHCOTE 2012/13 YOUTH ACHIEVEMENT FUNDING APPLICATION – ISAIAH ALBERT VAUGHAN MCLEOD**

<b>General Manager responsible:</b>	General Manager, Community Services, DDI 941-8607
<b>Officer responsible:</b>	Unit Manager, Recreation and Sports
<b>Author:</b>	Anna Sheen, Community Recreation Adviser

**PURPOSE OF REPORT**

1. The purpose of this report is to present to the Board an application for funding assistance from the Spreydon/Heathcote 2012/13 Youth Achievement Scheme fund.

**EXECUTIVE SUMMARY**

2. Funding is being sought by Isaiah McLeod, 14 years old from Addington, to take part in the St Thomas of Canterbury Under 15 European Rugby Tour from 19 April – 14 May 2013.
3. The following table details event expenses and funding requested by the applicant.

<b>EXPENSES</b>	<b>Cost (\$)</b>
Cost of trip including airfares, accommodation, travel insurance, food	\$ 5000
Uniform	\$200
<b>Total cost</b>	<b>\$ 5200</b>
<b>Total Requested</b>	<b>\$ 500</b>

**FINANCIAL IMPLICATIONS**

4. The applicant has never received funding from the Spreydon/Heathcote Youth Achievement scheme.
5. There is currently a balance of \$2,400 available in the 2012/13 Youth Achievement Scheme fund.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

6. Yes see page 184, regarding Board funding.

**LEGAL CONSIDERATIONS**

7. There are no legal issues to be considered.

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

8. Not applicable.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. Yes.

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

10. Yes, Community Grants (page 176), Strengthening Communities (page 172), and Recreation and Sports Services (page.108).

**ALIGNMENT WITH STRATEGIES**

**Do the recommendations align with the Council's strategies?**

11. Application aligns with the Strengthening Communities Strategy, Youth Strategy and the Physical Recreation and Sport Strategy.

**11 Cont'd**

12. Application also aligns with the following Spreydon/Heathcote Community Board Objectives:  
'Increased participation of Spreydon/Heathcote residents in local and city-wide recreation events/programmes.'

**CONSULTATION FULFILMENT**

13. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Board grant Isaiah McLeod \$350 from the 2012/13 Youth Achievement Scheme fund to take part in the St Thomas of Canterbury Under 15 European Rugby Tour from 19 April – 14 May 2013.

**CHAIRPERSONS RECOMMENDATION:**

For discussion.

**11 Cont'd**

**BACKGROUND**

14. Isaiah attends St Thomas of Canterbury College where he has been selected as a member of the Under 15 school team. This team will travel to Italy and Corsica playing against various club sides, then travel to France where they will take part in an international tournament.
15. This year, Isaiah was selected for the Canterbury Metro Under 15 team. He has been selected for Canterbury Metro teams four times.
16. Isaiah participates in a number of other activities including kickboxing, boxing, Kapa Haka, playing the guitar and enjoys various sporting activities.
17. To help raise funds for the trip, Tamariki Tahī and Isaiah's whānau are organising a housie event aiming to raise \$800 for Isaiah. A fundraising dinner has already been held which raised \$500, a raffle raised \$200 and donations from friends and whānau has raised \$350. To date, Isaiah has raised \$1,350.00 towards his trip.
18. Isaiah's goals for the future are to represent his school as a member of the First XV next year and represent Canterbury and New Zealand in rugby eventually. He also wishes to become a police officer after he leaves school.

**12. COMMUNITY BOARD ADVISER'S UPDATE**

- Sydenham Heritage Church
- Manuka Cottage – update regarding new premises

**13. ELECTED MEMBERS' INFORMATION EXCHANGE**

**14. MEMBERS' QUESTIONS UNDER STANDING ORDERS**