

Banks Peninsula Community Board AGENDA

Notice of Meeting:

An ordinary meeting of the Banks Peninsula Community Board will be held on:

Date: Monday 28 May 2018
Time: 10am
Venue: Lyttelton Community Boardroom,
25 Canterbury Street, Lyttelton

Membership

Chairperson	Pam Richardson
Deputy Chairperson	Jed O'Donoghue
Members	Felix Dawson
	Tyrone Fields
	Janis Haley
	John McLister
	Tori Peden
	Andrew Turner

23 May 2018

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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.
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Part A	Matters Requiring a Council Decision
Part B	Reports for Information
Part C	Decisions Under Delegation

TABLE OF CONTENTS

Mihi/Karakia Timatanga.....	4
C 1. Apologies.....	4
B Declaration by Member.....	4
B 2. Declarations of Interest.....	4
C 3. Confirmation of Previous Minutes	4
B 4. Public Forum	4
B 5. Deputations by Appointment.....	4
B 6. Presentation of Petitions	4
C 7. Akaroa Design and Appearance Advisory Committee	13

STAFF REPORTS

C 8. Urumau Reserve Development Plan 2018.....	17
C 9. Pūrau Māori Reserve.....	75
B 10. Lyttelton Community Subdivision By-Election - Electoral Officer Report	91
C 11. Road Stopping 8 Rawhiti Street Diamond Harbour	93
C 12. Road Stopping 48 Cemetery Rd	107
C 13. Banks Peninsula Board Projects Fund Report 2018	119
B 14. Elected Members' Information Exchange	125

Karakia Whakamutunga

Mihi/Karakia Timatanga

1. Apologies

At the close of the agenda no apologies had been received.

Declarations of Interest

Sample **attached**. (refer page 5).

2. Declarations of Interest

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

3. Confirmation of Previous Minutes

That the minutes of the Banks Peninsula Community Board meeting held on [Monday, 14 May 2018](#) be confirmed (refer page 6).

4. Public Forum

A period of up to 30 minutes is available for people to speak for up to five minutes on any issue that is not the subject of a separate hearings process.

It is intended that the public forum session will be held at this point in the meeting.

4.1 Camia Young – Colletts Corner

5. Deputations by Appointment

Deputations may be heard on a matter or matters covered by a report on this agenda and approved by the Chairperson.

5.1 Purau Maori Reserve

1. Thomas Kulpe will speak on behalf of the Purau Residents Association regarding the Purau Maori Reserve report. (Refer Clause 9 of this agenda.)
2. Graham Christie will speak regarding the Purau Maori Reserve report. Refer Clause 9 of this agenda.

6. Presentation of Petitions

There were no petitions received at the time the agenda was prepared.

Sample



DECLARATION BY COMMUNITY BOARD MEMBER

I,, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the [insert Board name] Community, the powers, authorities, and duties vested in or imposed upon me as a member of the [insert Board name] Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

DATED at Lyttelton on this 28th day of May 2018.

.....

Signed in the presence of:

.....

Pamela Joan Richardson
CHAIRPERSON – Banks Peninsula Community Board

.....

Joan Madeleine Blatchford
COMMUNITY GOVERNANCE MANAGER – Lyttelton/Mt. Herbert

Banks Peninsula Community Board OPEN MINUTES

Date: Monday 14 May 2018
Time: 10am
Venue: Lyttelton Community Boardroom,
25 Canterbury Street, Lyttelton

Present

Chairperson	Pam Richardson
Deputy Chairperson	Jed O'Donoghue
Members	Felix Dawson
	Janis Haley
	John McLister
	Tori Peden
	Andrew Turner

14 May 2018

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- Part A **Matters Requiring a Council Decision**
Part B **Reports for Information**
Part C **Decisions Under Delegation**
-

Mihi/Karakia Timatanga: John McLister

The agenda was dealt with in the following order.

1. Apologies

Part C

An apology for lateness was received and accepted from Andrew Turner.

2. Declarations of Interest

Part B

John McLister and Tori Peden each declared an interest in a nomination under the Consideration of Community Service Awards to be considered in the Public Excluded section of the meeting.

3. Confirmation of Previous Minutes

Part C

Community Board Resolved BKCB/2018/00028

Community Board Decision

That the minutes of the Banks Peninsula Community Board meetings held on Monday, 16 April 2018 and Monday, 23 April 2018 be confirmed.

Janis Haley/John McLister

Carried

4. Public Forum

Part B

4.1 Elizabeth Graham

Elizabeth Graham presented information to the Board regarding what she considered to be inappropriate weed spraying in Lyttelton, which she believed could cause unstable banks.

The Chairperson thanked Elizabeth for her presentation.

The Board **agreed** to seek clarification from staff regarding the policy for weed spraying on slopes and roadsides.

4.2 Lyttelton Skate Park Mural Update

Jill Larkin, Project Lyttelton, and Trisha Ventom, Christchurch City Council, provided an update to the Board regarding the Lyttelton Skate Park mural, including a very successful consultation phase with local youth and their participation in the project.

After questions from the Board, the Chairperson thanked Jill and Trisha for their update.

Andrew Turner arrived to the meeting at 10:11 a.m..

5. Deputations by Appointment

Part B

There were no deputations by appointment.

6. Presentation of Petitions

Part B

There was no presentation of petitions.

7. Reserve Management Committee

Community Board Resolved BKCB/2018/00029

Staff Recommendation Accepted Without Change

Part B

That the Banks Peninsula Community Board:

1. Receive the minutes of the following Reserve Management Committee meetings:
 - Lyttelton Reserves Management Committee Minutes - 12 February 2018
 - Okains Bay Reserve Management Committee Minutes - 10 April 2018
2. Note the resignation of Sara Campbell from the Lyttelton Reserve Management Committee.

John McLister/Jed O'Donoghue

Carried

8. Lease - Governors Bay Heritage Trust

Staff Recommendations

That the Banks Peninsula Community Board:

1. Request officers to publicly advertise the proposal to grant a lease to Governors Bay Heritage Trust over that part of Cholmondeley Reserve where the Governors Bay School House and Dwelling is situated, an area of approximately 2445 square metres with legal description being Reserve 5222 held in trust for a Historic Reserve and shown on the plan Attachment A.
2. In the event that there are objections that cannot be satisfied, request staff to make arrangements to convene a Hearings Panel to consider any such objections and make a recommendation back to the Council for a decision.
3. In the event that there are no unresolved objections, then:
 - a. In its capacity of holding the Minister of Conservation's Delegation, recommend the Chief Executive gives consent to the lease in accordance with 58A of the Reserves Act 1977.
 - b. Authorise the Property Consultancy Manager to manage and conclude all issues and processes associated with the above resolutions including, but not limited to i. and ii. below:

- i. Finalising lease documentation to Governors Bay Heritage Trust for a period of up to 33 years broken into three 11 year terms at a peppercorn rental.
- ii. Granting approval to Governors Bay Heritage Trust to sub-let the dwelling through residential tenancy agreements in accordance with the Residential Tenancies Act on terms and conditions to be approved by the Property Consultancy Manager, on behalf of the Council.

Community Board Resolved BKCB/2018/00030

Part C

That the Banks Peninsula Community Board:

1. Request officers to publicly advertise the proposal to grant a lease(s) to Governors Bay Heritage Trust over that part of Cholmondeley Reserve where the Governors Bay School House and Dwelling is situated, an area of approximately 2445 square metres with legal description being Reserve 5222 held in trust for a Historic Reserve and shown on the plan Attachment A.
2. In the event that there are objections that cannot be satisfied, request staff to make arrangements to convene a Hearings Panel to consider any such objections and make a recommendation back to the Council for a decision.
3. In the event that there are no unresolved objections, then:
 - a. In its capacity of holding the Minister of Conservation's Delegation, recommend the Chief Executive gives consent to the lease(s) in accordance with 58A of the Reserves Act 1977.
 - b. Authorise the Property Consultancy Manager to manage and conclude all issues and processes associated with the above resolutions including, but not limited to i. and ii. below:
 - i. Finalising lease documentation to Governors Bay Heritage Trust for a period of up to 33 years broken into three 11 year terms at a peppercorn rental.
 - ii. Granting approval to Governors Bay Heritage Trust to sub-let the dwelling through residential tenancy agreements in accordance with the Residential Tenancies Act on terms and conditions to be approved by the Property Consultancy Manager, on behalf of the Council.

Andrew Turner/Jed O'Donoghue

Carried

9. Applications to the Banks Peninsula Discretionary Response Fund - Naval Point Club Lyttelton and Akaroa District Promotions

Community Board Resolved BKCB/2018/00031

Staff Recommendation Accepted Without Change

Part C

That the Banks Peninsula Community Board:

1. Approves a grant of \$2,500 to Naval Point Club Lyttelton Inc. towards the Port Levy Regatta.

2. Approves a grant of \$475 to Akaroa District Promotions Inc. towards rent and power.

Andrew Turner/Janis Haley

Carried

10. Banks Peninsula Youth Development Fund - Suzanna Davis

Community Board Resolved BKCB/2018/00032

Staff Recommendation Accepted Without Change

Part C

That the Banks Peninsula Community Board:

1. Approves a grant of \$300 from its 2017/18 Youth Development Fund to Suzanna Rose Davis towards the Future Problem Solving World Championships (International Conference).

Jed O'Donoghue/Tori Peden

Carried

11. Banks Peninsula Community Board Area Report

Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the Area Update for May 2018.
2. Request that staff reply to Sara Bellamy informing her of the comments from the Le Bons Bay Reserve Management Committee.
3. Consider items for inclusion in Newslines, the Board newsletter and the Report to Council.

Community Board Resolved BKCB/2018/00033

Part B

That the Banks Peninsula Community Board:

1. Receive the Area Update for May 2018.
2. Request that staff reply to Sara Bellamy informing her of the comments from the Le Bons Bay Reserve Management Committee and suggesting her family may wish to donate a seat or a picnic table for the reserve in their family name.
3. Suggested items for inclusion in the Board newsletter.
4. Requested information outlining staff responses to Long Term Plan submissions from the Board and the Banks Peninsula community.
5. Requested that staff seek further clarification regarding the requirement to have a resource consent to erect a fire storage tank on a residential property, such as at Birdlings Flat.

Janis Haley/Tori Peden

Carried

12. Elected Members' Information Exchange

Part B

Board members exchanged information on matters of current interest.

12.1 Council Ranger Vehicles

The Board **requested** that staff inquire if an Automated External Defibrillator (AED) could be made available in the Park Rangers vehicles when working with volunteers in reserves.

12.2 Akaroa Civil Defence

The Board **requested** that staff follow-up with the Akaroa civil defence group regarding its members wanting to become an informal community group rather than a formally trained civil defence group.

13 Resolution to Exclude the Public

Community Board Resolved BKCB/2018/00034

Part C

That at 11:35a.m. the resolution to exclude the public be adopted.

Pam Richardson/Tori Peden

Carried

The public were re-admitted to the meeting at 12:44p.m.

Karakia Whakamutunga: John McLister

Meeting concluded at 12:45p.m.

CONFIRMED THIS 28th DAY OF MAY 2018

PAM RICHARDSON
CHAIRPERSON

7. Akaroa Design and Appearance Advisory Committee

Reference: 18/502547

Presenter(s): Liz Carter – Community Board Adviser

1. Purpose of Report

The minutes from the meeting of the Akaroa Design and Appearance Advisory Committee meeting held on 3 May 2018 have been received.

2. Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the minutes from the meeting of the Akaroa Design and Appearance Advisory Committee held on 3 May 2018.
2. Consider the recommendation from the Akaroa Design and Appearance Advisory Committee as follows:
 - The Akaroa Design & Appearance Advisory Committee recommends to the Banks Peninsula Community Board that it request an update on the status and any progress with formally adopting the Akaroa Public Realm Design Guidelines.

Attachments

No.	Title	Page
A ↓	Akaroa Design and Appearance Advisory Committee 3 May 2018 Minutes	14



Akaroa Design and Appearance Advisory Committee OPEN MINUTES

Date: Thursday 3 May 2018
Time: 2.30pm
Venue: Akaroa Sports Complex, Akaroa Recreation Ground,
28 Rue Jolie, Akaroa

Present

Chairperson
Members

Pam Richardson - Banks Peninsula Community Board Representative
Janis Haley - Banks Peninsula Community Board Representative
John Davey - Consultant
William Fulton - Consultant
Lynda Wallace - Community Representative

3 May 2018

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Akaroa Design and Appearance Advisory Committee
03 May 2018



- Part A Matters Requiring a Council Decision
Part B Reports for Information
Part C Decisions Under Delegation

The agenda was dealt with in the following order.

1. Apologies

Part C

An apology for absence was received and accepted from Victoria Andrews and Dave Margetts.

2. Declarations of Interest

Part B

There were no declarations of interest recorded.

3. Deputations by Appointment

Part B

There were no deputations by appointment.

4. Plans to Consider - 65 Rue Lavaud

Committee Comment

The Committee heard an outline of the project from staff and representatives of the applicants. The Committee discussed the plans, and although it did not reach a consensus, members agreed to a number of comments. Some members felt that the buildings were acceptable in their current setting, whilst others thought they were not suited to Akaroa as they were not consistent with the built heritage and design guidelines for the town.

Overall the Committee felt to formally approve the buildings would be setting a precedent for other projects in Akaroa.

Staff Recommendations

That the Akaroa Design and Appearance Advisory Committee:

1. Receive the information and photographs for the buildings at 65 Rue Lavaud.
2. Provide comment as appropriate.

Committee Resolved ADAA/2018/00001

Part C

That the Akaroa Design and Appearance Advisory Committee:

1. Receive the information and photographs for the buildings at 65 Rue Lavaud.
2. Provides the following comments:
 - Planting suggested to screen the buildings from Rue Lavaud
 - A row of hut like structures is not consistent with Akaroa's built heritage character and design guidelines
 - A cladding of corrugated iron is not consistent with Akaroa's built heritage character and design guidelines

Akaroa Design and Appearance Advisory Committee
03 May 2018



- The look of the buildings could be acceptable if they were a temporary building for up to approximately 5 years
- The colour of the buildings is acceptable

William Fulton/Lynda Wallace

Carried

5. Committee Members' Exchange of Information

Part B

Committee Structure

Staff reported to the Committee that the operation of the Lyttelton Design Review Panel is being reviewed and it was intended to review the structure for this Committee at the same time. Members were asked to consider what structure they thought was suitable for this body.

It was suggested that if the name of the Committee changed as part of any review, that it be the Akaroa Design Review Panel.

Parkinson Memorial Trust

Members commented on this Trust and suggested that people be advised about it through the Community Board newsletter.

5.1 Public Realm Design Guidelines

Committee Resolved ADAA/2018/00002

Part B

That the Akaroa Design and Appearance Advisory Committee recommend to the Banks Peninsula Community Board that it request an update on the status and any progress with formally adopting the Akaroa Public Realm Design Guidelines.

Lynda Wallace/William Fulton

Carried

Meeting concluded at 3:40pm.

CONFIRMED THIS 3rd DAY OF MAY 2018

**PAM RICHARDSON
CHAIRPERSON**

8. Urumau Reserve Development Plan 2018

Reference: 18/477101

Presenter(s): Delia Walker – Recreation Planner

1. Purpose and Origin of Report

Purpose of Report

- 1.1 The purpose of this report is for the Banks Peninsula Community Board to re-consider the approval of the Urumau Reserve Development Plan 2018 as the final plan. (Refer Attachment A).
- 1.2 The Board first considered this report at a meeting held on Monday 16 April 2018. At that meeting the Board resolved to leave the report to lie on the table and sought clarification on the following:
 - *Which tracks within Urumau Reserve were legally established?*
 - *Of the tracks legally established:*
 - *Did staff have knowledge/involvement?*
 - *Do they comply with Christchurch City Council track standards?*
 - *What are their environmental impacts?*
 - *Do they require a cultural assessment?*
 - *What are the likely traffic and parking impacts if Urumau Reserve usage is intensified?*

Answers to these questions are provided in the **attached** memorandum – Attachment K.

Origin of Report

- 1.3 This report is being provided to fulfil a need to update the current Urumau Reserve Development Plan 2008.

2. Significance

- 2.1 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy.
 - 2.1.1 The level of significance was assessed as low level. Urumau Reserve is a relatively small regional reserve managed on a day-to-day basis by a local reserve management committee. It was assessed at the higher end of the low level owing to the high level of local interest. The level of interest from the wider Christchurch and Canterbury public was unexpected. This level of interest is reflected in the large number of submissions received.
 - 2.1.2 The community engagement and consultation outlined in this report reflect this assessment.

3. Staff Recommendations

That the Banks Peninsula Community Board:

1. Approve the Urumau Reserve Development Plan 2018 as per Attachment A of this report.

4. Key Points

4.1 This report supports the [Council's Long Term Plan \(2015 - 2025\)](#):

4.1.1 Activity: Regional Parks

- Level of Service: 6.3.5 Provide, develop and maintain facilities to the satisfaction of park users

4.2 The following feasible options have been considered:

- Option 1 – Approve the Urumau Reserve Development Plan 2018 (preferred option)
- Option 2 – Do not approve the Urumau Reserve Development Plan 2018

4.3 Option Summary - Advantages and Disadvantages (Preferred Option)

4.3.1 The advantages of this option include:

- Clear direction for Council staff and the Lyttelton Reserves Management Committee to prioritise and progress with identified development projects.
- Enhanced enjoyment of the reserve for reserve users with increased recreational, environmental and ecological opportunities.

4.3.2 The disadvantages of this option include:

- Does not meet all of the submission requests received through the consultation process.

5. Context/Background

Context

- 5.1 Urumau Reserve is gazetted as a Recreational Reserve under the Reserves Act 1977. Under the Act, Urumau Reserve is to be managed “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.”
- 5.2 The attached Urumau Reserve Development Plan 2018 (Refer Attachment A) is an update of the previous Urumau Reserve Development Plan 2008 (Refer Attachment B) approved by the Lyttelton Mt Herbert Community Board on 19 August 2008. The Lyttelton Reserves Management Committee worked with Council staff to develop the updated plan for community consultation and Banks Peninsula Community Board approval.
- 5.3 Urumau Reserve occupies 25.78 hectares of the lower end of a significant spur on the eastern side of Lyttelton township. It lies within the area of mana whenua Ngāti Wheke and forms a diverse planted backdrop to the town. The reserve is contained by Sumner Road on the eastern boundary, Gilmour Terrace and Foster Terrace to the west and Lyttelton Port Company land to the north. A poled walking route from the reserve extends across Lyttelton Port Company land and Department of Conservation land, to link up with the Crater Rim track and the network of Port Hills tracks across Department of Conservation and Council reserves.
- 5.4 A mixed pine and macrocarpa plantation on the ridge and eastern slopes was established over 120 years ago to provide ground stabilisation and rock fall mitigation. Over time it has also provided a vegetative buffer between the Lyttelton township and coal stockpiles alongside Gollans Bay. A disused quarry site accessed from Sumner Road operated as a Transfer Station for a number of years and is now closed. Contaminated fill has been identified in the quarry, which will have an impact on the future management of this site. The future use and

management of the quarry site is still to be determined, but it will still remain within Urumau Reserve.

- 5.5 Positioned at the tip of the spur and Urumau Reserve is the Lyttelton Timeball Station site where the original tower is soon to be rebuilt.
- 5.6 Pedestrian access to the Reserve is via steps at the end of Foster Terrace and Reserve Terrace to a track that crosses the eastern slope and links to a track across the Lyttelton Port Company land. Emergency and maintenance vehicle access to this track is via an easement at the end of Gilmour Terrace. A network of existing and new mountain bike tracks have been developed within the macrocarpa and pine plantation.

Background

- 5.7 The Urumau Reserve Development Plan 2008 outlined the Lyttelton Reserves Management Committee's broad aims to:
- Improve recreational and educational opportunities
 - Increase public access and use of the reserve
 - Enhance the town's natural landscape and birdlife
 - Control plant and animal pests on the reserve
- 5.8 The Lyttelton Reserve Management Committee and Council staff have achieved out these aims with the following developments:
- New steps at Foster and Reserve Terraces. Signs at the Foster Terrace entrance and along some sections of the track network.
 - The Lyttelton Reserve Management Committee has an on-going weed control and native plant re-vegetation plan using volunteers. This plan is based on the areas identified for planting in the 2008 Development Plan.
 - New mountain bike tracks have been constructed within the plantation area under the guidance of some members of the Lyttelton Reserve Management Committee, local volunteers from the Lyttelton Mountain Bike Club and guidance when requested from Council park rangers.
 - Some information and directional signage. An information sign at the Foster Terrace steps and directional signage at track intersections, as shown on the draft plan.
 - A pest management strategy is under development to control plant and animal pests within the reserve and in partnership with adjacent landowners and the community.
- 5.9 The Lyttelton Port Company has developed a shared track on their property which links Urumau Reserve to a poled route also across its land eventually connecting to the Crater Rim track.
- 5.10 Three Polhill's Bay shooting ranges have been identified at Urumau and on the Lyttelton Port Company land; 2 are located on Urumau Reserve and a third is shown on the Lyttelton Port Company land. The rifle range runs parallel to the Lyttelton Sumner Road. The butts that were in Buckleys Bay Scenic Reserve were washed away in the Wahine Storm; the identified three mounds are in reasonable condition. The mounds have been built on the side of the hill with rock retaining walls to form a level area from which to shoot. A 1.2m wide access track extends to the furthest mound. These ranges date back to 1866 and were used by the Lyttelton Volunteer Artillery. Any future work around these will require an Archaeological Authority.

Consultation

- 5.11 Council staff worked collaboratively over a number of meetings with the Lyttelton Reserves Management Committee to develop a draft Urumau Reserve Development Plan that was agreed to go out for community consultation. Input to the draft plan was received via separate meetings with Heritage New Zealand and the Lyttelton Port Company representatives and a phone discussion with a representative from Te Hapū o Ngāti Wheke.
- 5.12 A plan was confirmed for a three week Have Your Say community consultation period via hard copy, Council website and Newsline. Consultation on the Urumau Reserve Development Plan was open from 15 August 2017 to 4 September 2017. The information leaflet (Refer Attachment C), including submission form (Refer Attachment D) was hand delivered to 230 properties in adjacent streets, and distributed to 41 absentee owners and 147 identified stakeholders. Approximately two hundred extra copies were provided to the Lyttelton Information Centre. A link to the Urumau Reserve Development Plan Report was available on the Council website (refer Attachment E) Leaflets were also available via a holder on a corflute sign showing the proposal and the key consultation information at the Foster Street entrance to the reserve.
- 5.13 A public drop-in information session attended by approximately 20 people including Community Board representatives, was held between 7pm and 9pm Monday 28 August at the Banks Peninsula Board Rooms, Lyttelton.
- 5.13.1 Issues relating to the consultation process
- During the consultation process Council staff were made aware of material that was distributed to some Lyttelton properties along with the Urumau Reserve Development Plan information leaflet that was not part of the Council distribution. It included a white slip of paper saying "If you don't vote NO you approve the new plan". (Refer Attachment F)
 - Council staff we also made aware of stickers that were placed at various sites including on the corflute panel saying "VOTE NO Urumau MTB Plan". (Refer Attachment G)
 - Articles were also placed in The Akaroa Mail on Friday 25 August 2017 (Refer Attachment H) and the Bay Harbour News on Wednesday 30 August 2017. (Refer Attachment I). The Akaroa Mail article titled 'Mountain bikers may take over Lyttelton Reserve' quoted the Committee chair expressing surprise at the emphasis on mountain biking in the proposed plan and stating that people needed to know the consultation was happening. The public was invited to visit the Lyttelton Information Centre to collect leaflets and to speak to the chair or secretary of the Lyttelton Reserves Management Committee about the proposal. The Bay Harbour News article quoted the secretary of the committee highlighting the split among committee members regarding the 'bike trails'.
- 5.14 The distribution area of the "vote No slips and stickers" or its influence on the submitter feedback is not known. However the consultation feedback has shown there is strong support for the Urumau Reserve Development Plan 2018 as summarised in 5.19.
- 5.15 A meeting was held with representation from Te Hapū o Ngāti Wheke and Council staff on Friday 15 September 2017, to discuss concerns that Te Hapū o Ngāti Wheke had not been appropriately consulted, and it was confirmed that a representative had provided input. Council Engagement staff then made sure that collation of feedback was put on hold until a submission was received and considered as part of the process.
- 5.16 Following the formal consultation process a workshop was held with the Banks Peninsula Community Board and the Lyttelton Reserves Management Committee to consider the feedback and for comment on the draft project team response to be finalised for the report. It was then intended that a report would go to the Lyttelton Reserves Management Committee for consideration before going to the Banks Peninsula Community Board meeting for approval.

However, Council staff concerns regarding conflict of interest by some of the Lyttelton Reserve Management Committee members, led to Council Legal Services Unit advice to amend this decision-making process so that the staff report went directly to the Banks Peninsula Community Board, and all Lyttelton Reserves Management Committee members who had not previously submitted were given the opportunity to make a submission on the plan. This supplementary consultation process was open from 12 March 2018 to 26 March 2018.

5.17 In total, six hundred and twenty five submissions were received (*176 from the Lyttelton area*). 473 submissions supported the plan (*92 from the Lyttelton area*). 98 submissions had concerns about the plan (*37 from the Lyttelton area*). 54 submissions did not support the plan (*47 from the Lyttelton area*).

- 76% of submitters (473) supported the plan - 15% from Lyttelton area
- 16% of submitters (98) had concerns - 6% from Lyttelton area
- 8% of submitters (54) did not support - 7% from Lyttelton Area

5.18 Lyttelton area levels of support as part of overall support (approximate percentages)

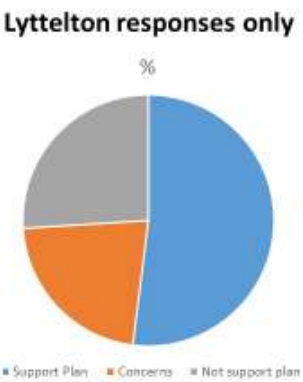
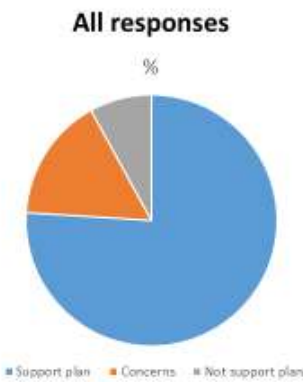
- 52% of those indicating support
- 21% of those with concerns
- 27% of those who did not support

5.19 In summary the distribution of responses was:

Area	Yes-support development plan	Yes-support development plan but with concerns	No-do not support the development plan	Total
Lyttelton	92	37	47	176
Christchurch and wider Canterbury	354	56	7	417
Other	27	5	0	32
Overall	473 (76%)	98(16%)	54(8%)	625(100%)



Comparison of responses – all/Lyttelton area



6. Option 1 – Approve the Urumau Reserve Development Plan 2018 (preferred)

Option Description

- 6.1 To approve the Urumau Reserve Development Plan 2018 as shown in Attachment A. This will include:
- Improved network of paths for recreation as shown on the plan.
 - Improved access to Urumau Reserve.
 - Improved directional and informational signage.
 - Identified areas for fire buffer, open space, native regeneration.
 - Overall to enhance the recreational, ecological, historic cultural and scenic values of the reserve.

Significance

- 6.2 The level of significance of this option is low consistent with section 2 of this report.
- 6.3 Engagement requirements for this level of significance included meetings with the Lyttelton Reserves Management Committee, Te Hapū o Ngāti Wheke, Lyttelton Port Company, Heritage New Zealand, a letterbox drop, onsite signage, newline and a drop in session.

Impact on Mana Whenua

- 6.4 This option does involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions.
- 6.5 Te Hapū o Ngāti Wheke provided the following feedback:
- Concern for sediment run off into the harbour and how that should be managed. The key message being the protection of Whakaraupō from all run off from land disturbance. A major piece of work to consider is Whaka-Ora, Healthy Harbour Ki Uta Ki Tai, Whakaraupō/Lyttelton Harbour Catchment Management Plan.
 - Supportive of the regeneration of native bush both on Urumau Reserve and other reserves within the Harbour Basin.
 - Supportive of mountain bike recreational use of the reserve but suggest that these should not be over extensively developed.
 - Ensure Urumau Reserve has a connection with other reserves and tracks on the Port Hills and through the township leading down to Te Ana and Naval Point.
 - Support for projects and developments that work within the big picture of Whakaraupō/Lyttelton.

Community Views and Preferences

- 6.6 An overview of positive comments from submitters in support and in support with concerns includes:
- the benefits of attracting people to Lyttelton,
 - support for multi - use development,
 - great to have and retain current mountain bike tracks,
 - trails are an asset to the community,
 - great to add more mountain bike tracks,
 - support and appreciation for efforts of native planting and regeneration,

- support for improvement in biodiversity,
- support for shared trails including links to the Timeball Station, quarry and rifle range,
- support for tracks linking Council, Lyttelton Port Company and Department of Conservation land,
- improving the tracks will give more recreational options,
- acknowledgement of health benefits from increased recreation,
- support for a plan that allows for scenic, historic and ecological restoration purposes,
- creates play, reflection as well as active challenge
- the importance of protecting and preserving outstanding vistas for their spectacular views.

6.7 Key issues raised overall were:

- requests for additional access points,
- concerns about loss of privacy and tranquillity,
- parking and traffic for neighbouring properties,
- damage to the environment,
- shared paths,
- unauthorised paths,
- opposition to mountain biking in the reserve.

6.8 The majority of submitters indicating support with concerns made suggestions rather than complaints. Key overall suggestions were:

- connect network with Port Hills tracks,
- develop tracks,
- provide access to Sumner Road,
- continue to allow dogs under effective control,
- include clear signage within the reserve,
- consider adding a range of facilities such as toilets, seats, bike wash, treehouse and picnic areas.

6.9 Organisations that submitted and support the plan include Enviroschools Canterbury (representing two local schools and a preschool), UC Bike, Craigieburn Trails Committee, Lyttelton Primary School, Gravity Canterbury, South Canterbury Mountain Bike Club, Queenstown Mountain Bike Club, Torpedo 7, Summit Road Society Inc, Peninsula Tramping Club, Lyttelton Mountain Bike Club and Shirley Boys Mountain Bike Club.

6.10 Organisations that submitted and had concerns include Lyttelton Port Company, Lyttelton Environment Group, Spokes Canterbury, Liz Briggs Consulting Ltd, Evolution Cycles and Te Hapū o Ngāti Wheke.

6.11 Lyttelton Information Centre submitted and did not support the plan and indicated support for walkers only.

6.12 A combined submission made on behalf of eight individual members of the Lyttelton Reserves Management Committee emphasized that the committee reached a consensus position to support the draft development plan for consultation.

- 6.13 While more than half of the submissions from the Lyttelton area supported the plan, approximately 27% percent opposed the plan. (Refer 5.18). Most concerns were reflected in the key issues raised overall in the submissions. These were parking, anti-mountain bike concerns including track origin/evolution/ and authorisation, user conflicts/priorities, and damage caused by the tracks and mountain bikes on the environment. Key concerns about environment protection management and development were ecological, land weed control, plantings, erosion, land de-stabilisation and fire risk. Concern about the effect of developing access ways on Gilmour and Foster Terrace on neighbouring properties were more prevalent amongst Lyttelton submitters and those living close to the reserve than those further afield. There was also concern over the lack of consideration of Maori heritage values of the site and a concern an environmental evaluation had not been carried out before developing the plan.
- 6.14 Several submissions including the chair and secretary of the Lyttelton Reserves Management Committee submitting as individuals questioned various aspects of Council and Reserve Management Committee process and outcomes including the viability of the structure and governance of the Lyttelton Reserve Management Committee, and the process around the installation of additional mountain bike tracks in the reserve. One submitter raised concerns over information given out from the Lyttelton Information Centre.
- 6.15 In a Lyttelton snapshot of the 30 submitters from adjacent Foster and Gilmour Terraces and Randolph Street, 10 do not support, 10 support with concerns and 10 support the plan. Several raised process issues that were not raised by submitters outside Lyttelton (see above Context and Background). Key issues from these adjacent residents either in support or with concerns were also local concerns including parking and privacy relating to proposed new access points through adjoining Council land, and vehicle access/congestion via these narrow hillside streets.
- 6.16 Of the 417 submissions received from Christchurch and wider Canterbury, fewer than ten opposed the plan and the issues were the same as those from the Lyttelton area with one submission voicing particular concerns about implications for mana whenua.
- 6.17 Of the 354 from the Christchurch area who indicated they support the plan, 66 did not comment. Of the 56 who indicated support with some concerns, the majority were suggestions not complaints, and the themes were the same as for those who commented in full support – that is, the majority indicated support for or made suggestions for improving mountain biking in the reserve. Comments ranged from requests for more tracks to shared tracks to separated tracks, and care in signage and use for walkers and runners. Several also indicated appreciation of and support for protecting and improving the vegetation – both native and introduced, for example macrocarpas and pines.
- 6.18 There was strong recognition in these wider submissions of the benefits to Lyttelton especially for the burgeoning interest in mountain biking and perceived need for more tracks. There were also comments about the unique aspects of Urumau for mountain biking, and the hard work put in by volunteers to develop challenging and interesting tracks.
- 6.19 There was also strong support in the wider Christchurch area for retaining and increasing connections to other tracks on the Port Hills including those put forward in the plan. For example connecting tracks to the Time Ball Station. Requests for other connections included Sumner Road access. Others included provision for downhill exit for mountain bikers, a loop track, provision for beginner rides, intermediate riders, and from a larger group, provision for experienced riders in what was cited as a unique place for this group including wet weather riders. There was also a range of comment about the pluses and minuses of sharing tracks for different users or providing separate access.
- 6.20 Of approximately 30 submissions from outside the Lyttelton and wider Christchurch area, none opposed the plan.

Project team response to key issues:

6.21 Concerns about additional access points to the reserve including parking and emergency access:

The reserve is currently limited to two formal access points only. If this situation remains it may result in heavier than desirable loading on the two sites. Currently there is limited formal access for bikes.

There is no legal access from the end of Gilmour Terrace to the Reserve via the private drive for the public. The access from Gilmour Terrace through the properties below the reserve is for Council maintenance of the Reserve and emergency's only, and not the general public.

The consultation plan shows three extra access points to the reserve, utilising existing reserve land.

- Access from 18 Gilmour Terrace would be for mountain bike use only.
- Access from 12 Foster Terrace would be a shared use track with up-hill mountain biking only through the food forest area.
- Access from 24 Foster Terrace would be a walking track only.

Staff agree that these access points are steep and would need to be engineered but it would provide an opportunity for downhill mountain bikers to exit the reserve on a dedicated track. Further investigation and feasibility studies would need to be carried out.

Staff acknowledge that there could be some increase in vehicle movement and parking demand on these streets as the reserve is promoted, and becomes more popular. However, the proposal to have multiple entry and exit points to the reserve that will help spread the load for any additional parking.

Not all visitors will drive, and those that do drive may also park in other streets, or in the commercial centre for ease of parking, movement and proximity to other facilities.

Parking demand needs to be assessed and monitored before determining what (if any) treatments are needed. Additional no stopping restrictions, or where applicable residents only parking restrictions, parking limit lines, parking compliance team action may need to be investigated if issues eventuate. Public transport, walk, bike options to be promoted.

Recommendation: Park promotions are to highlight the fact that the reserve has no formal parking and that all users should be encouraged to find other ways to get to there – for example public transport or walk and bike.

6.22 Additional access effects on neighbouring properties including loss of privacy and tranquillity:

Issues around practical access from an engineering and design perspective, or the impact on adjacent neighbours need further consideration including any mitigation (for example through plantings to screen for privacy). Options will be considered and affected neighbours would be consulted with directly.

Recommendation: The additional access points shown on the plan are explored further from an engineering point of view and with consideration to the impact on neighbours.

6.23 Concerns about damage to the environment:

Formation of tracks may have some impact on the environment. Council staff, Lyttelton Reserves Management Committee Members and volunteers must comply with District Plan rules, best practice guidelines for trail building and monitor track degradation as part of reserve management.

All efforts to minimise and control run-off will be taken. Continued planting is encouraged as well as armouring of tracks and sediment trapping.

Appropriate track construction and relevant planting alongside the track can help to minimise environmental damage.

Instability of the land is not considered to be a current major issue however drainage issues have been present in the reserve during significant rain events and channels and swales must be constantly managed to ensure water is adequately directed.

The Whaka-Ora Healthy Harbour, Ki Uta Ki Tai, Whakaraupō/Lyttelton Harbour Catchment Management Plan was adopted by Council in March 2018 and will be considered in any future development.

Recommendation: Any track development must ensure best environmental practice. Review and monitor current tracks for erosion. Monitor and manage drainage in and off the reserve. Continue native plantings as shown on the plan. Planting of native species to enhance biodiversity and assist with sediment control.

6.24 **Concern about shared paths:**

With limited space available, where possible, safe and enjoyable shared paths are an option. Shared climbing lines for bikes and walkers are particularly appropriate with shared downhill paths being least appropriate. Appropriate signage is needed. Shared paths help minimise risk of erosion by minimising soil disturbance.

There is a finite amount of room within the reserve for tracks. A balance is sought in the plan between providing for both activity types. That is why it is considered appropriate to have a dedicated downhill track for the mountain bikers.

Recommendation: Shared and dedicated path and signs are as shown on the development plan.

6.25 **Unauthorised creation of mountain bike tracks and need to limit mountain bike tracks to those shown on the development plan:**

There are differing opinions between some members of the Lyttelton Reserves Management Committee over whether the formation of some of the existing tracks have followed the correct process. After staff assessment track development to date appears to have followed correct process and no consents have been needed to complete track development. (Refer Attachment J) Council staff provided advice to the Lyttelton Reserve Management Committee when requested but have not been present on most working bees. Most tracks were developed from scratch lines under pines and in duff and needle layers. No native plants were removed that staff are aware of. Council staff have provided advice on reviewing track lines, usability, safety (staying in the orange zone) and sustainability including avoiding native vegetation. One species of New Zealand native fern that staff did point out was *asplenium oblongifolium*, common name, shining spleenwort. The development plan aims to provide a balance of recreational facilities to accommodate walkers and cyclists, while also acknowledging and providing for environmental, scenic, historic and ecological values.

Recommendation: All track development must be consistent with the development plan.

Project team response to key suggestions:

6.26 Connect network with Port Hills tracks:

Out of scope for this project but these suggestions are noted and appreciated and will be passed on to the appropriate people.

There is a connection available for walkers from Urumau to the summit via Lyttelton Port Company land and Department of Conservation land. There is not currently any other viable links other than a connection to Chalmers track from Urumau via Lyttelton Port Company land to the west. The Head to Head walkway is signposted at the Foster Terrace entrance and this is the track that passes through Lyttelton Port Company land and connects to Department of Conservation land.

Recommendation: Suggestions noted. Continue development of the Head to Head walkway.

6.27 Develop more tracks and access points:

Development should be as per the agreed plan once consultation is complete: There is no support for more tracks (above what is shown in plan), and the existing plan can only be done sustainably through prioritisation and careful management. Track development will take into account Christchurch District Plan requirements, best practice design, safety and environmental considerations and other relevant plans including Whaka-Ora Healthy Harbour, Ki Uta Ki Tai Whakaraupō/Lyttelton Harbour Catchment Management Plan.

Recommendation: The Council will work with the Lyttelton Reserves Management Committee to prioritise the planned developments which will be staged through a gradual process of improvement, and will be limited to available budgets.

6.28 Provide access to Sumner Road:

Following the Christchurch earthquakes Sumner Road continues to remain closed. Currently access to Urumau Reserve from Sumner Road is not considered practical given safety concerns and any future access would be dependent on review with traffic and roading advice.

Recommendation: No change to the proposed development plan. Future access could be considered once Sumner road is re-opened.

6.29 Consider adding a range of facilities such as toilets, seats, bike wash, tree house and picnic areas:

Currently limited options other than further seating and informal picnic area development. Any new structure would need to have an allocated capital and maintenance budget. One submitter gave the history of the seat proposed in the development plan. The seat was proposed to be a memorial for Gary Broker, acknowledging his enthusiasm and hard work over the years to Urumau Reserve. Money was donated by local people and the Community Board for a stone seat with additional suitable native plantings. Positioning of the seat was at the time intended to “break the journey” on the uphill climb.

Recommendation: Seat and informal picnic area as shown on development plan is supported. Positioning of the seat as a memorial for Gary Broker will be agreed in consultation with relevant local community members, Community Board members and Lyttelton Reserve Management Committee members.

6.30 Consideration of Māori Heritage Values

There was a concern over the lack of consideration of Māori heritage values. While consideration of native/indigenous planting is consistent with mana whenua values, additional representation of mana whenua values could be considered in consultation with Te Hapū o Ngāti Wheke. For example consideration of interpretation of Urumau and other key landscape features and naming of tracks.

Recommendation: Mana whenua values will be considered when implementing development projects.

6.31 Support for more walking tracks:

There was some support for more walking tracks. There is a finite amount of room within the reserve to provide for tracks. A balance is sought in the plan to cater for walking and cycling. Walking only tracks and where possible, safe and enjoyable shared paths are options.

Recommendation: Track development will be as shown on the development plan.

6.32 Support continued planting and maintenance plans:

Urumau Reserve is recognised as being in the Lyttelton Harbour ecosystem. New plantings must be sourced from local populations. The Council supports this including working with community volunteers, and offers support to the Lyttelton Reserves Management Committee.

Recommendation: Planting as per the development plan.

6.33 There are no changes to the proposed Urumau Reserve Development Plan 2018 as a result of consultation.

6.34 Attached is the Urumau Reserve Development Plan 2018 for Community Board approval. (Refer Attachment A)

6.35 Submitters have been sent a letter informing them of the time date and location of the Banks Peninsula Community Board meeting including how to request speaking rights at the meeting.

Alignment with Council Plans and Policies

6.36 This option is consistent with Council's Plans and Policies

6.36.1 Christchurch District Plan

6.36.2 Parks and Waterways Access Policy 2002

6.36.3 Physical Recreation and Sport Strategy 2002

6.36.4 Whaka-Ora Healthy Harbour, Ki Uta Ki Tai

6.36.5 Biodiversity Strategy

Financial Implications

6.37 Cost of Implementation – The cost of implementing the Urumau Reserve Development Plan will be assessed following approval of the plan and prioritisation of projects. The major projects with regards to developing access points into the reserves will be a more significant cost and require engineering.

6.38 Maintenance / Ongoing Costs – There will be ongoing maintenance costs associated with track maintenance.

6.39 Funding source – Currently there is no funding allocated to the development of Urumau Reserve. Smaller projects such as signage, track maintenance and plantings may be prioritised alongside other operational parks projects for operational funding. More significant projects will be prioritised and put forward in the next Council Annual or Long Term Plan for consideration.

Legal Implications

- 6.40 There is a legal context, issue or implication relevant to this decision.
- 6.41 This report has been reviewed and approved by the Legal Services Unit.
- 6.42 The decision to adopt the Urumau Reserve Development Plan 2018 lies with the Community Board under delegated authority from Council. *“Power to approve the location of, construction of, or alteration or addition to, any structure or area, and the design of landscape plans for the same, on reserves, parks and roads, provided the design is within the policy and budget of Council.”*
- 6.43 The content of the Development Plan comes within the terms of section 17(1) of the Reserves Act 1977 (referred to in paragraph 5.1 of this report) Some concerns were raised about whether the Council has met the requirements of the Local Government Act 2002 in relation to this consultation. However overall the Legal Services unit considers that persons who were invited or encouraged to present their views were able to access relevant and clear information from the Council. Legal staff believe that the process followed has been a robust one and that by removing the Lyttelton Reserves Management Committee from the decision making process Council has negated issues around conflict of interest.
- 6.44 Concerns around structure and governance of the Lyttelton Reserves Management Committee do not relate directly to the Urumau Reserve Development Plan 2018 and should be addressed in a different forum.

Risks and Mitigations

- 6.45 There is a risk that the privacy and tranquillity of neighbouring property to the identified access ways may be affected by development of access to Urumau Reserve and the additional noise of users of the access ways. This may result in neighbour’s privacy being compromised.
 - 6.45.1 Residual risk rating: The residual rating of the risk after the below treatment is implemented will be medium.
 - 6.45.2 Planned treatment include mitigating the issue by providing suitable screening, for example appropriate planting or fencing to provide privacy to neighbouring properties and minimise any noise issues from users accessing the reserve.
- 6.46 There is a risk that the increase in users on the tracks may cause increased soil erosion and run off into drainage causing increased sediment into Whakaraupō/Lyttelton Harbour.
 - 6.46.1 Residual risk rating: The residual rating of the risk after the below treatments are implemented will be medium.
 - 6.46.2 Planned and current treatment includes mitigating the issue by establishing suitable planting and sediment traps. This practice is currently used. Tracks may also be closed following significant weather events to mitigate the effects of erosion.
- 6.47 There is a risk of injury with shared use tracks and access by steep entrance ways onto narrow steep roads.
 - 6.47.1 Residual risk rating: The residual rating of the risk after the below treatments are implemented will be high.
 - 6.47.2 Planned and current treatments include mitigating the issue by ensuring there is clear signage indicating track usage. Tracks and access ways will be engineered according to appropriate industry standards.

Implementation

- 6.48 Implementation dependencies - Gaining Community Board approval to proceed with the development plan. Prioritisation of the development projects. Council staff, Lyttelton Reserves Management Committee and volunteer time and resource availability. Securing funding.
- 6.49 Implementation timeframe - Projects will be prioritised and completed as suitable funding becomes available.

Option Summary - Advantages and Disadvantages

- 6.50 The advantages of this option include:
- The Urumau Reserve Development Plan 2018 will provide clear direction for Council staff and the Lyttelton Reserves Management Committee to prioritise and progress identified development projects.
 - Enhanced enjoyment of the reserve for reserve users with increased recreational, environmental and ecological opportunities.
- 6.51 The disadvantages of this option include:
- Does not meet all of the submission requests received through the consultation process.

7. Option 2 – Do not approve the Urumau Reserve Development Plan 2018

Option Description

- 7.1 The Urumau Reserve Development Plan 2018 (Refer Attachment A) is not approved. If the development plan is not approved the Urumau Reserve Development Plan 2008 would continue to be operative.
- 7.2 If the Community Board does not approve the Urumau Reserve Development Plan 2018 the Community Board could request Council staff to consult further. This would require additional funding and resources.

Significance

- 7.3 The level of significance of this option is low consistent with section 2 of this report.
- 7.4 If the Community Board request Council staff to consult further the engagement requirements for this level of significance would include another consultation process similar to that outlined in paragraph 6.3. This could include meetings with key stakeholders, a letterbox drop, onsite signage, Newsline and a drop in session.

Impact on Mana Whenua

- 7.5 This option does involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions. Refer comments in paragraph 6.5 for feedback from Te Hapū o Ngāti Wheke.

Community Views and Preferences

- 7.6 The local community and Urumau Reserve users are specifically affected by this option due to the reserve being located directly above the Lyttelton township and the large number of people who use the reserve for a variety of recreational, cultural, environmental and/or ecological purposes.
- 7.7 Six hundred and twenty five submissions were received. 53 (8%) submissions did not support the Urumau Reserve Development Plan 2018. Key issues from those submitters that did not support the plan include anti mountain biking concerns including track origin/ evolution and authorisation, user conflicts/ priorities, damage to the environment, effect on privacy and tranquillity of neighbouring properties, particularly those adjacent to the proposed new access

points and concern over parking issues. Please refer to the following sections, Project team response to key issues and Project team response to key suggestions in section 6.

Alignment with Council Plans and Policies

7.8 This option is inconsistent with Council's Plans and Policies

7.8.1 Inconsistency – Council Long Term Plan, Regional Parks, Level of Service: 6.3.5: Provide, develop and maintain facilities to the satisfaction of park users.

7.8.2 Reason for inconsistency – As indicated from the submission response this option is in opposition to the majority of submitters views to develop Urumau Reserve. 76% of submitters support the proposed Urumau Reserve Development Plan 2018 and 16 % of submitters support the Development Plan with concerns.

7.8.3 Amendment necessary – Not applicable.

Financial Implications

7.9 Cost of Implementation – Additional costs if Council needs to re-consult.

7.10 Maintenance / Ongoing Costs – Not applicable.

7.11 Funding source – Currently there is no funding allocated for the development or to re-consult on the Urumau Reserve Development Plan 2018.

Legal Implications

7.12 There is not a legal context, issue or implication relevant to this decision.

7.13 This report has been reviewed and approved by the Legal Services Unit.

Risks and Mitigations

7.14 There is a risk of injury to users caused by lack of clear signage and improved track network. This may result in user injury and an enquiry (depending on the severity) of the injury.

7.14.1 Residual risk rating: The residual rating of the risk after the below treatment is implemented will be high.

7.14.2 Planned and/or current treatment include improving signage, improving the track network and ensuring tracks are built following appropriate industry guidelines.

Implementation

7.15 Implementation dependencies - Gaining Community Board approval for a revised Development Plan. Funding and resource availability.

7.16 Implementation timeframe – Will depend on funding and resource availability.

Option Summary - Advantages and Disadvantages

7.17 The advantages of this option include:

- The community has the opportunity to consider further changes to the Urumau Reserve Development Plan.

7.18 The disadvantages of this option include:

- Additional cost to re-consult.
- Potential for the cost of implementing the identified projects to increase.
- Council staff and the Lyttelton Reserve Management Committee lack guidance to future development of Urumau Reserve.
- Risk to current user groups with lack of clear signage.
- Risk of submitter frustration with consultation process.

- Risk to Council reputation given the level of support for the Urumau Reserve Development Plan 2018 received during the consultation process.

Attachments

No.	Title	Page
A	Ururau Reserve Development Plan 2018	
B ↓	Ururau Reserve Development Plan 2008	34
C ↓	Consultation PDF Ururau Reserve Development Plan consultation leaflet with insert plans 2017 08 08(2)	35
D ↓	Consultation Submission form Ururau Reserve Development Plan	39
E ↓	Ururau Reserve Development Plan for Consultation 2017 07 28	41
F ↓	Ururau Reserve If you don't vote NO you approve the new plan slip	51
G ↓	Ururau Reserve vote No Ururau MTB Plan sticker on corflute sign	52
H ↓	Ururau Reserve Mountain Bike Article Akaroa Mail 25 August 2017	53
I ↓	Ururau Reserve Mountain Bike Trail Story Bay Harbour News 30 August 2017	54
J ↓	Ururau Reserve - Notes on walking and cycling tracks at 96 Sumner Road	57
K ↓	Ururau Reserve Memorandum - Banks Peninsula Community Board - 28 May 2018	67

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

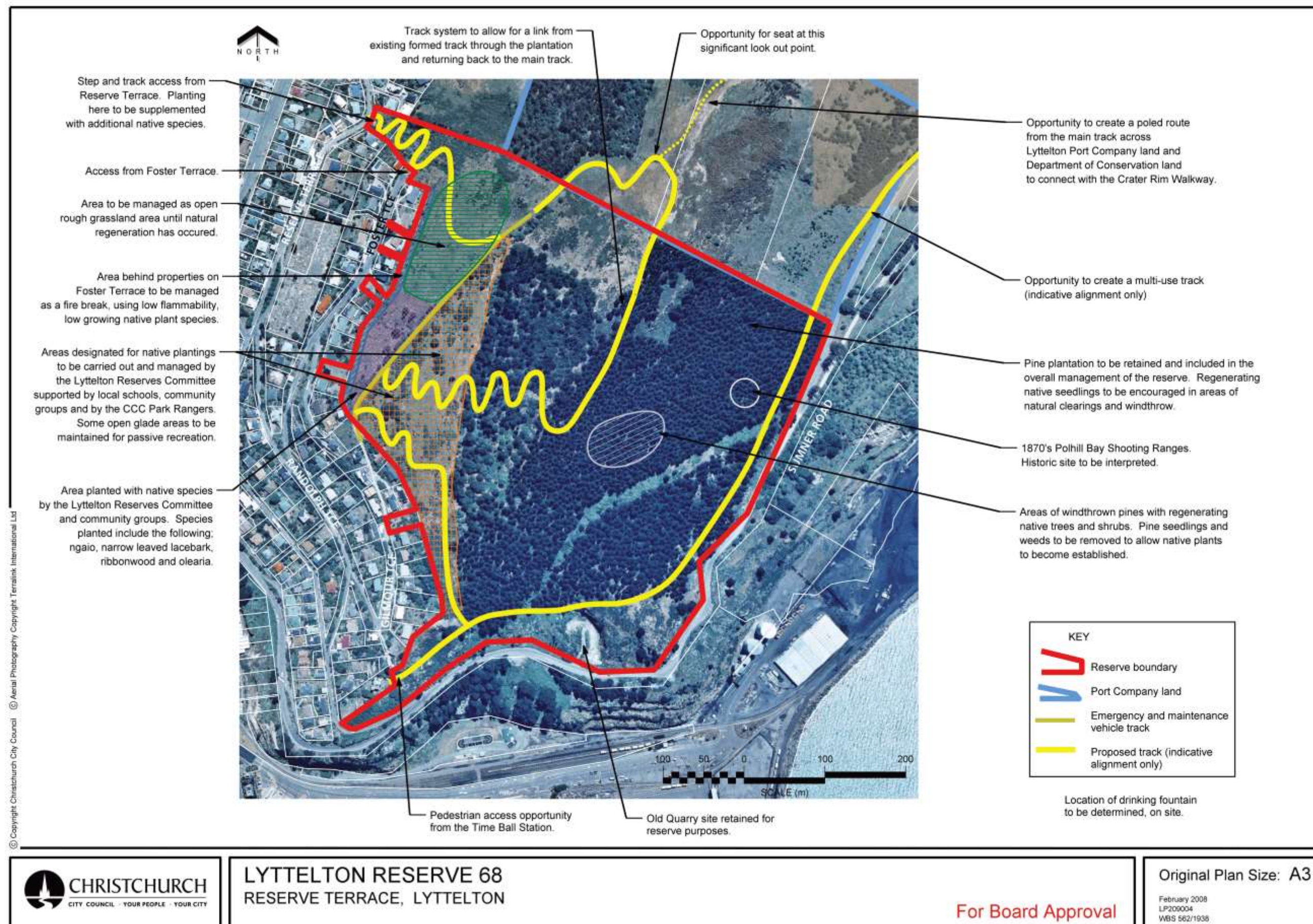
(a) This report contains:

- sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

Authors	Delia Walker - Planner Recreation Philippa Upton - Engagement Advisor
Approved By	Andrew Rutledge - Head of Parks Mary Richardson - General Manager Citizen and Community Diane Keenan - Head of Public Information and Participation Brendan Anstiss - General Manager Strategy and Transformation



Next steps

When community consultation closes, staff will work with the Reserve Management Committee to consider all the feedback and finalise a plan for Community Board approval.

We will get back to submitters with a summary of consultation, the final plan (including any proposed changes), and details of the decision meeting.

Following adoption of the revised development plan, budgets (allowing for any consents needed to do the work) will be put forward in the upcoming Draft Long Term Plan for Council consideration.



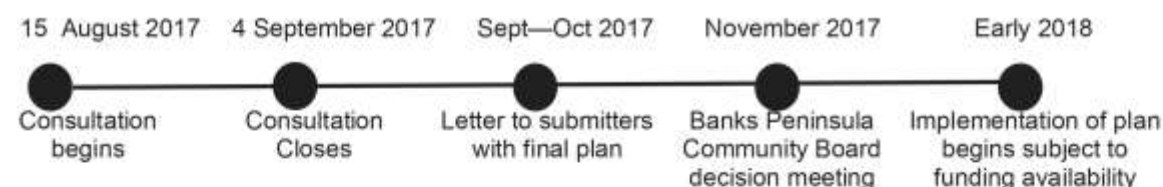
More information about the reserve

Go online at www.ccc.govt.nz/haveyoursay Urumau Development Plan to view the

- ☐ Development Plan Report
- ☐ Existing Development Plan



Timeline:



haveyoursay

ccc.govt.nz/haveyoursay

Any questions?

Philippa Upton Engagement Advisor
Christchurch City Council
PO Box 73013
Christchurch 8154

(03) 941 8808
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haveyoursay

ccc.govt.nz/haveyoursay

If you'd like to comment on the plan, please go online to: www.ccc.govt.nz/haveyoursay.

Or complete the enclosed freepost form.

Please make sure your comments reach us by **5pm, Monday 4 September 2017.**

Christchurch
City Council



Urumau Reserve Development Plan

Aug/Sept 2017

haveyoursay

ccc.govt.nz/haveyoursay

Christchurch
City Council



We are working with the Lyttelton Reserve Management Committee and the community to update the development plan for Urumau Reserve.

To the east above Lyttelton, in the area of mana whenua Ngati Wheke, Urumau Reserve forms a diverse planted backdrop to the town. Mountain bike and walking tracks cross the reserve, and a poled walking route links to the Port Hills track network.

Native planting, passive regeneration, conifer plantation, and pest control are key management priorities.

ccc.govt.nz/haveyoursay

Your comments will help us make sure the development plan for the reserve is updated to better reflect the needs and aspirations of the community.

Please join us at an informal drop in information session any time between 7.00pm and 9.00pm on **Monday 28 August** at the Banks Peninsula Board Rooms, 25 Canterbury Street Lyttelton.

Please make sure your comments reach us by

5.00pm, Monday 4 September 2017

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Christchurch
City Council



What we are doing and why

We are working to put together a development plan that balances the need to:

- ☐ improve recreational and educational opportunities
- ☐ increase public access and use of the reserve
- ☐ enhance the town's natural landscape and birdlife
- ☐ control weeds on the reserve

In doing this we need to consider:

- ☐ Tangata Whenua values
- ☐ walking & mountain bike path network and signs
- ☐ managing, planting and protecting vegetation
- ☐ access to adjacent Lyttelton Port Company land
- ☐ fire and rock fall hazard protection
- ☐ pedestrian access to the Timeball station



Potential location of track access from the Timeball Station site to the reserve

What is a recreation reserve?

Under the Reserves Management Act, 'a recreation reserve is to be managed 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'.

Key features of the proposal

Tracks

The proposal shows a range of existing and proposed recreational tracks:

Red solid and broken lines show existing and proposed walking tracks

Blue solid and broken lines show existing and proposed mountain bike use.

Yellow solid and broken lines show existing and proposed shared tracks for both walking and mountain biking. Uphill mountain biking only is also indicated on some of these tracks.

A walking route extends into Lyttelton Port Company land, providing access to Port Hills walkways on adjacent reserves.

Dogs 'under effective control' are currently allowed in the reserve.

Access points

New access points to the reserve are proposed at:

- ☐ 18 Gilmour Terrace for mountain bikes only
- ☐ 12 Foster Terrace for shared recreational use (pedestrians and mountain bikes—uphill only)
- ☐ 24 Foster Terrace for pedestrian access only
- ☐ the Timeball Station site for shared use (pedestrians and controlled mountain bike use)

The aim is to find more ways to separate walking use from mountain bike use.

Signs and barriers

Appropriate barriers and signs will be needed at the access points to the reserve.

Vegetation cover

Vegetation cover is shown in four distinct areas on the plan.

1. Fire buffer, using fire resistant native plants.
2. Areas to be re-planted with Port Hills Ecological District, Lyttelton Harbour zone, sourced plants.
3. Existing pine and macrocarpa established forest with understorey establishment of bird-distributed native seedlings.
4. An area of open grassland managed through passive regeneration of native plants. From here there are views out to the township and beyond.

Insert plans

The Draft Development Plan insert page (for consultation) shows existing and potential access points into the Reserve, a network and hierarchy of paths, existing and future signage, and a variety of vegetation cover.

The Lyttelton track network plan shows the relationship of Urumau Reserve to adjoining public open space and path networks around Lyttelton.

The 25.78 hectare reserve is contained by Sumner Road on the eastern boundary, Gilmour Terrace and Foster Terrace to the west and Port Company land to the north.

Native plant and bird life

The reserve is home to a range of birdlife and several indigenous eco-systems ranging from dry and rocky to more humid higher slopes where a greater range of drought-tolerant trees and shrubs survive, the reserve also harbours colonies of nationally endangered plants?

Archeaology

Three Polhill's Bay shooting ranges, dating from 1866 and used by the Lyttelton Volunteer Artillery, have been identified at Urumau and on the Port Company land.



An example of a Polhill's Bay rifle mound



Potential location of pedestrian track access from 18 Gilmour Terrace

Sumner Road access

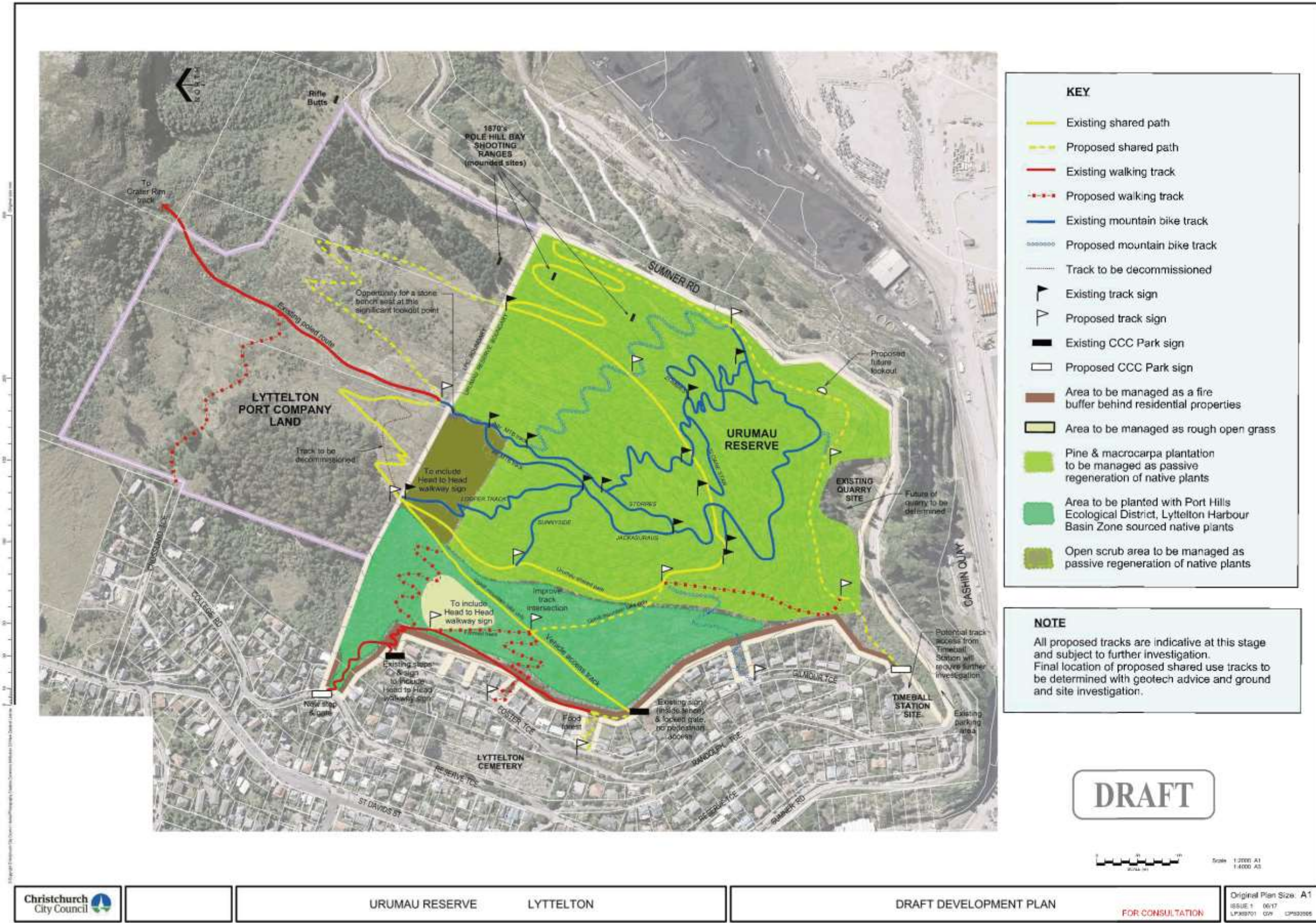
We considered a request for mountain bike access from the reserve onto Sumner Road. Although desirable, this (and any access from the reserve to Sumner Road), was excluded because of safety concerns.

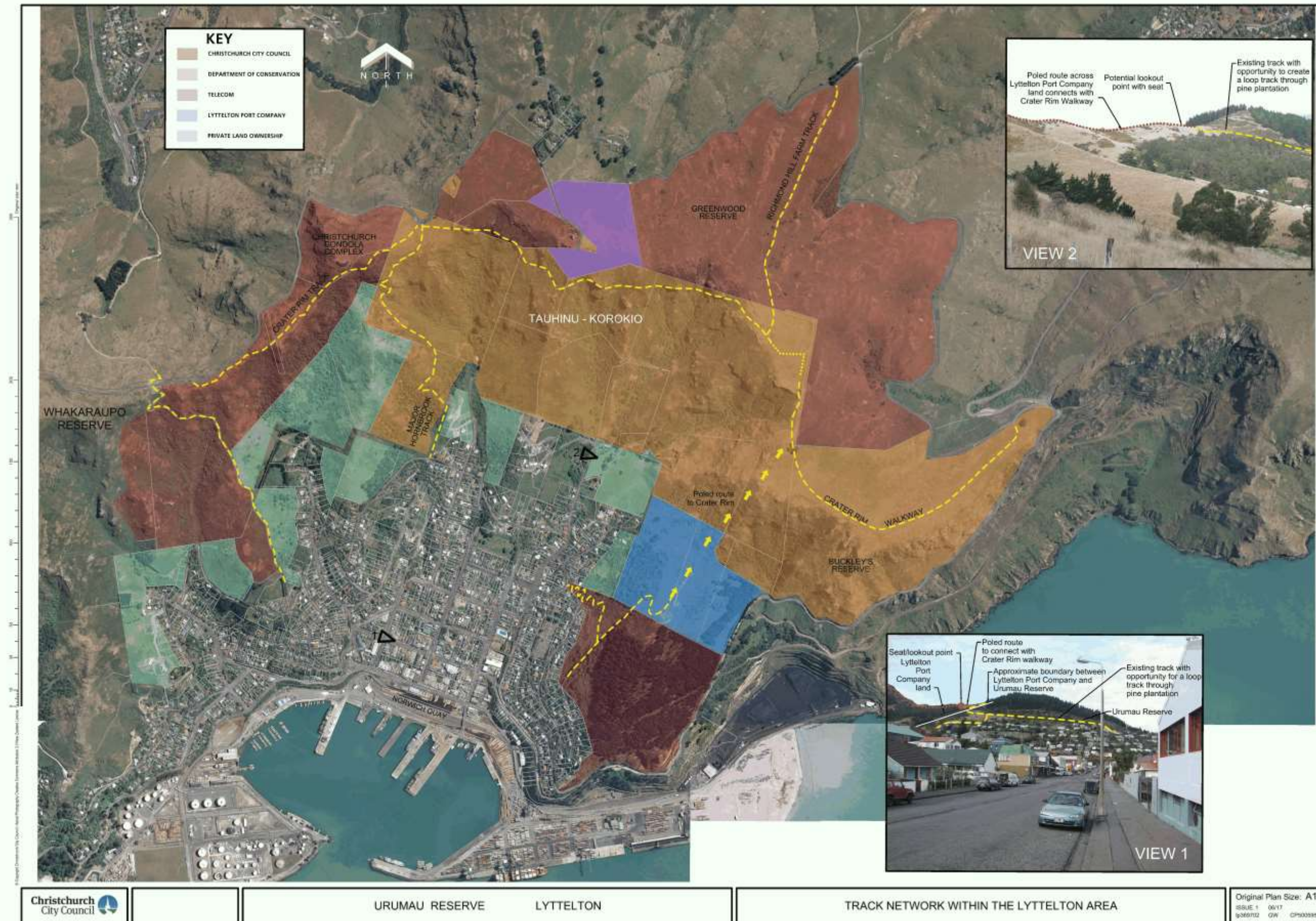
The road will carry a significant proportion of heavy goods vehicles including oversize vehicles, and there are sections where there is limited forward visibility for drivers.

Road width is also highly constrained by the rock bluff on the inside and steep slopes on the outer edge. This means there is no space for an adjacent walking path, nor a safety margin for mountain bikers using Sumner Road.



Existing sign at the reserve entrance on Foster Terrace





have your say
www.ccc.govt.nz/haveyoursay



**IF YOU CAN,
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Saves **YOU** time,
Cuts **OUR** costs

Please tell us what you like about the plan

We would also like to hear what you think could be changed or improved and why

.....

[illegible]

Name: *

Address:*

Postcode : *

Phone: *

Email:

* indicates required field

Please note: Your full name, address and telephone number are required because this information is important for transparency, and for Christchurch City Council's decision-making process. It also means we can update you on progress. Ideally we would like your email address too, if you have one, as this makes it easier for us to stay in touch with you throughout the engagement process.

Your submission, including your name and contact details, will be made available to the Community Board, to help them make an informed decision.

Submissions, with names but without contact details, are made available online once the Board agenda goes live on the Council website.

If requested, Council is legally required to make all written and/or electronic submissions available to the public, including the name and contact details of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you believe there are compelling reasons why your contact details and/or submission should be kept confidential, please contact the Council's Engagement Manager on (03) 941 8999 or 0800 800 169 (Banks Peninsula residents).

Please fold with the reply paid portion on the outside, seal and return by 5pm, 4 September 2017

Christchurch
City Council

If you wish to attach extra paper, please ensure the folded posted item is no thicker than 6mm. Alternatively, you can send your submission in an envelope of any size and address it using "Freepost Authority No. 178"

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Christchurch City Council
PO Box 73013
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Uruman Reserve

Draft Development Plan

Report



Christchurch City Council

Dated : 11th July 2017

Urumau Reserve Development Plan

Context

Urumau Reserve occupies 25.78 hectares of the lower end of a significant spur on the eastern side of Lyttelton township. It lies within the area of mana whenua Ngāti Wheke and forms a diverse planted backdrop to the town. The reserve is contained by Sumner Road on the eastern boundary, Gilmour Terrace and Foster Terrace to the west and Lyttelton Port Company land to the north. A poled walking route from the reserve extends across Lyttelton Port Company land and Department of Conservation land, to link up with the Crater Rim track and the network of Port Hills tracks across Department of Conservation and Council reserves.

A mixed pine and macrocarpa plantation on the ridge and eastern slopes was established over 120 years ago to provide ground stabilisation and rock fall mitigation. Over time it has also provided a vegetative buffer between the Lyttelton township and coal stockpiles alongside Gollans Bay. A disused quarry site accessed from Sumner Road operated as a Transfer Station for a number of years and is now closed. Contaminated fill has been identified in the quarry, which will have an impact on the future management of this site. The future use and management of the quarry site is still to be determined, but it will still remain within Urumau Reserve.

Positioned at the tip of the spur and Urumau Reserve is the Lyttelton Timeball Station site where the original tower is soon to be rebuilt.

Pedestrian access to the Reserve is achieved via steps at the end of Foster Terrace and Reserve Terrace to a track that crosses the eastern slope and links to a track across the Lyttelton Port Company land. Emergency and maintenance vehicle access to this track is via an easement at the end of Gilmour Terrace, although pedestrian access to the reserve is not encouraged at this point; access is marked with a locked gate and sign. A network of existing and new mountain bike tracks have been developed within the macrocarpa and pine plantation.

Urumau Reserve is gazetted as a Recreational Reserve under the Reserves Act 1977 and is administered by elected community representatives who form the Lyttelton Reserves Management Committee. Under the Act, Urumau Reserve is to be managed *"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."* The 2007 Development Plan for Urumau Reserve is due to be updated and the Lyttelton Reserves Management Committee has been working with Council staff to develop a plan for community consultation and Banks Peninsula Community Board approval. .

Background

The 2007 Draft Development Plan outlined the Lyttelton Reserves Management Committee's broad aims to:

1. Improve recreational and educational opportunities
2. Increase public access and use of the reserve
3. Enhance the town's natural landscape and birdlife
4. Control weeds on the reserve.

The Reserve Management Committee and Council staff have proceeded to carry out these aims with the following developments:

1. New steps have been provided at Foster and Reserve Terraces. Signs have been located at the Foster Terrace entrance and along some sections of the track network.
2. The Reserve Management Committee has an on-going weed control and native plant revegetation plan using volunteers. This plan is based on the areas identified for planting in the 2007 Development Plan.
3. New mountain bike tracks have been constructed within the plantation area under the guidance of Council staff and local volunteers from the Lyttelton Mountain Bike club.
4. Some information and directional signage has been installed. An information sign is placed at the Foster Terrace steps and directional signage has been installed at track intersections, as shown on the draft plan.
5. A pest management strategy is under development to control plant and animal pests within the reserve and in partnership with adjacent landowners and the community.

The Lyttelton Port Company has developed a shared track on their property which links Urumau Reserve to a poled route also across its land which eventually connects to the Crater Rim track.

Three Polhill's Bay shooting ranges have been identified at Urumau and on the Lyttelton Port Company land; 2 are located on Urumau Reserve and a third is shown on the Lyttelton Port Company land. The rifle range runs parallel to the Lyttelton Sumner Road. The butts that were in Buckleys Bay Scenic Reserve were washed away in the Wahine Storm; the identified three mounds are in reasonable condition. The mounds have been built on the side of the hill with rock retaining walls to form a level area from which to shoot. A 1.2m wide access track extends to the furthest mound. These ranges date back to 1866 and were used by the Lyttelton Volunteer Artillery. Any future work around these will require an Archaeological Authority.

Although a complete Avifauna Assessment of this specific reserve has not been carried out, findings from the Cavendish Bluffs assessment indicate that the following species are likely to be seen at Urumau: Kereru, NZ Falcon, NZ Kingfisher and Shining Cuckoo. Introduced finches are likely to be present in the pine plantation.

The Indigenous Ecosystems of the Lyttelton Harbour basin identifies Urumau Reserve as part of the Kowhai, Korokio, jewelled gecko, dry, rocky ecosystem. This ecosystem is characterised by having a rocky environment with an altitudinal sequence of shallow soils derived from the underlying rocks with Evans steepland soils on lower, steep dry sites. Cashmere soils on lower elevation gently sloping shoulders. Stewart steepland soils on higher more humid slopes. The natural vegetation of these sites are drought-tolerant trees and shrubs such as ngaio, kowhai, kanuka, golden ake ake, five-finger, cabbage trees, small leaved coprosmas, vines, short tussocks and small herbs. On the higher humid and shady sites a greater range of forest species such as mountain totara and black pine can survive.

Purpose of the Consultation Plan

To present a proposal for public feedback that will result in a plan that most effectively achieves a balance in meeting the aims and objectives for the overall use and management of Urumau Reserve, as agreed by the community and approved by the Community Board. The Development

Plan will provide guidance to the Reserve Management Committee and Council staff for the implementation of the aims and objectives of the community approved plan.

Draft Development Plan

1. Plan A illustrates the relationship of Urumau Reserve to adjoining public open space and path networks around Lyttleton
2. Plan B shows existing and potential access points into the Reserve, a network and hierarchy of paths, existing and future signage, and a variety of vegetation cover.

Draft Proposals

1. Tangata whenua values
 - Conversations with Ngāti Wheke representatives indicate that they support the current developments in the Reserve but emphasise their concern that if the track system is over-developed this could lead to soil erosion and eventual siltation of the harbour.
 - Ngāti Wheke is very supportive of native revegetation projects that will increase the biodiversity of the reserve and encourage more birdlife.
2. Path Network
 - When developing a future path network consideration should be given to the fragile nature of volcanic and loess soils covering the site. As much as possible, paths need to zig-zag across the steep slopes and follow contours. Construction of water-tables to channel water away from paths and tracks should be adopted. Planting of appropriate native plants alongside tracks will help mitigate against soil erosion.
 - After heavy rain events tracks should be closed to mountain bike use.
 - Shared tracks – these would provide both walking and mountain bike access to particular areas within the Reserve. These shared tracks would have a width of between 1.5m- 2.5m where feasible. They would need to be well graded and with a good surface and drainage. The Urumau track provides reasonably graded access around the ridge for walkers and mountain bikers.
 - Walking only tracks - to be identified for walking only unless they are to be used by mountain bikes for uphill use only.
 - Mountain bike tracks – these to be designated and graded for mountain biking with appropriate signage to identify the grade and use. Tracks to be identified with hazard signs to warn pedestrians of mountain bike use.
3. Signage
 - Signage plan to be developed to identify tracks and their uses. Standard CCC signs to be placed at all entrances to the Reserve to identify tracks and relevant Reserve bylaws. Head to Head walkway signage to be installed.
 - Interpretation signs to be located at appropriate places of interest, for example the Polhill's Bay Rifle Range.



An example of one of the Polhill's Bay Rifle Range mounds

4. Access

- New access at 18 Gilmore Terrace for mountain bike use only.



Potential location of track access from 18 Gilmour Terrace

- New access at 12 Foster Terrace for shared use.
- New access at 24 Foster Terrace for pedestrian access only.
- New access from the Timeball Station site for shared access.



Potential location of track access from Timeball Station site into Reserve

5. Pine and macrocarpa plantation
 - A forest management plan should be developed for the plantation to consider the health and viability of existing trees and how these should be managed in the future. For example, they could be incrementally felled and left on site, as they become old and unstable.
 - The pine plantation is currently mentioned in 'A Weed Survey of Urumau (Jensen & Shanks, 2008) - also included in this report is a list of indigenous plants that are regenerating within the plantation.
 - Allow for native plant regeneration to occur so that the whole area becomes a native forest; encourage this through passive regeneration of native species.
6. Native Planting
 - Native plants for areas identified on the previous 2007 Development Plan are currently being collected, propagated and planted by the Lyttelton Reserves Management Committee using seeds sourced from within the Lyttelton Harbour Basin of the Port Hills Ecological District (Wilson, 1992).
 - Christchurch City Council botanist has recommended that the range for seed collection could be extended within the Port Hills Ecological District to stay within the Lyttelton Harbour Basin, but beyond the areas where it is currently collected. This would help to broaden the plants gene pool.
 - The Lyttelton Reserves Management Committee plans and carries out native planting using a targeted and systematic approach.
 - The open grassed area on the western face of the reserve has been marked by the committee as an area of passive management so that over time natural regeneration will occur, in the meantime maintaining open space within the reserve.

- Further guidance on plant selection can be found in the Indigenous ecosystems of the Lyttelton Harbour Basin, a guide, prepared by the Governors Bay Landcare Group.
- 7. Plant and animal pest control and management
 - The Lyttelton Reserves Management Committee supported by the Christchurch City Council, coordinate and carry out work with community volunteers and school groups, to protect native flora and fauna and support endemic species regeneration by targeted control and eradication of plant and animal pests.
- 8. Lyttelton Port Company land
 - A management plan has been recently developed for the 17 hectares of land adjacent to the northern boundary of Urumau Reserve (Jensen, 2016).
 - The Port Company allows pedestrian and mountain bike access across its land and is amenable to creation of a shared track to allow access to walking and mountain biking tracks.
 - The amended shared track across its land was financed by a logging company; future maintenance of this track needs to be determined, potentially assisted by Council rangers.
 - Native planting on the Lyttelton Port Company land has been helped by the Banks Peninsula Conservation Trust, which along with Lyttelton Port Company staff will continue with its maintenance.
- 9. Fire Hazard and Protection
 - To help reduce fire risk, low flammability native plant species have been planted along the property boundaries of Foster and Gilmour Terrace.
 - Grass and plant pest control is essential for good fire protection.
- 10. Rock fall Hazard and Protection
 - Rock fall hazard areas are to be identified and appropriate hazard signage installed.
- 11. Timeball Station
 - The reconstruction of the Timeball tower is to commence soon. Future pedestrian access from this site into the reserve is welcomed by Heritage New Zealand; the route for a safe and suitable path will require further investigation but is considered feasible.

Other matters for consideration

12. On-going maintenance of all tracks: how much time and resources are required to carry out appropriate maintenance of all tracks?
13. Are 'dogs under effective control' still to be allowed into the Reserve or is there a need for a specific 'dog park'?
14. Is a comprehensive Forest Management Plan required?
15. Options for review: For example should the Development Plan be reviewed on a regular basis i.e. informally by the Reserve Management Committee every 5 years or formally every 10 years?

Summary

The Christchurch City Council is working with the Lyttelton Reserves Management Committee to consult with the community on and for the Banks Peninsula Community Board to approve the proposed Urumau Reserve Development Plan.

The community will be asked to comment on the development plan proposal for the recreation reserve. The plan includes considerations for track placement and signage, access to the reserve, and vegetation cover and management.

Key features of the proposal:

The proposal shows a hierarchy of existing and proposed tracks where red solid and broken lines indicate walking tracks and blue solid and broken lines are for mountain bike use. The broken yellow line indicates a shared track for both walking and mountain biking. The track extends into the Lyttelton Port Company land, providing access to adjacent Department of Conservation reserves and walkways.

Additional access points are proposed at 12 and 24 Foster Terrace and also at 18 Gilmour Terrace which would provide opportunities to further separate walking use from mountain bike use. Appropriate barriers and signage would be required at these points.

Vegetation cover is shown in four distinct areas: 1) fire buffer, using low flammability native plants, 2) areas to be revegetated using Port Hills Ecological District, Lyttelton Harbour Basin zone, sourced plants, 3) existing pine and macrocarpa established forest with understorey establishment of bird distributed native seedlings 4) an area of open grassland managed through passive regeneration which currently provides an area where views out to the township and beyond can be experienced.

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Crossland, A. June 2017. Urumau Reserve – Provisional Avifauna Assessment, 2017.

Governors Bay Landcare Group. September 1998. Indigenous Ecosystems of the Lyttelton Harbour Basin, a guide to native plants, their ecology and planting.

Jensen, C. 2016. Management Plan. For the Banks Peninsula Conservation Trust and Lyttelton Port of Christchurch. September 2016. 22pp.

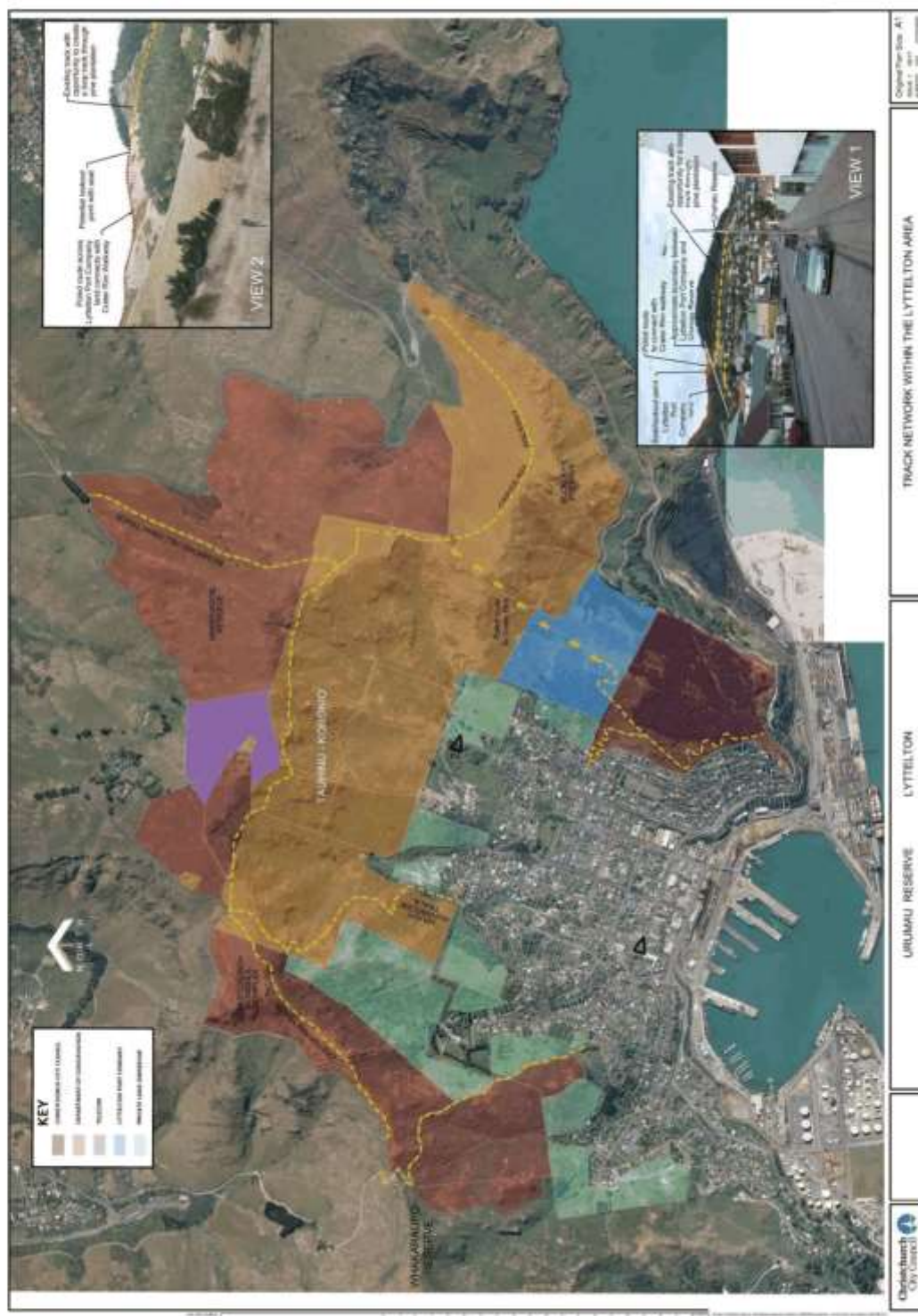
Jensen, C. and Shanks, A. 2008. A Weed Survey of Urumau. Undertaken for the Lyttelton Reserve Committee, December 2008. 23pp.

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Reserves Act 1977 Section 17(1)

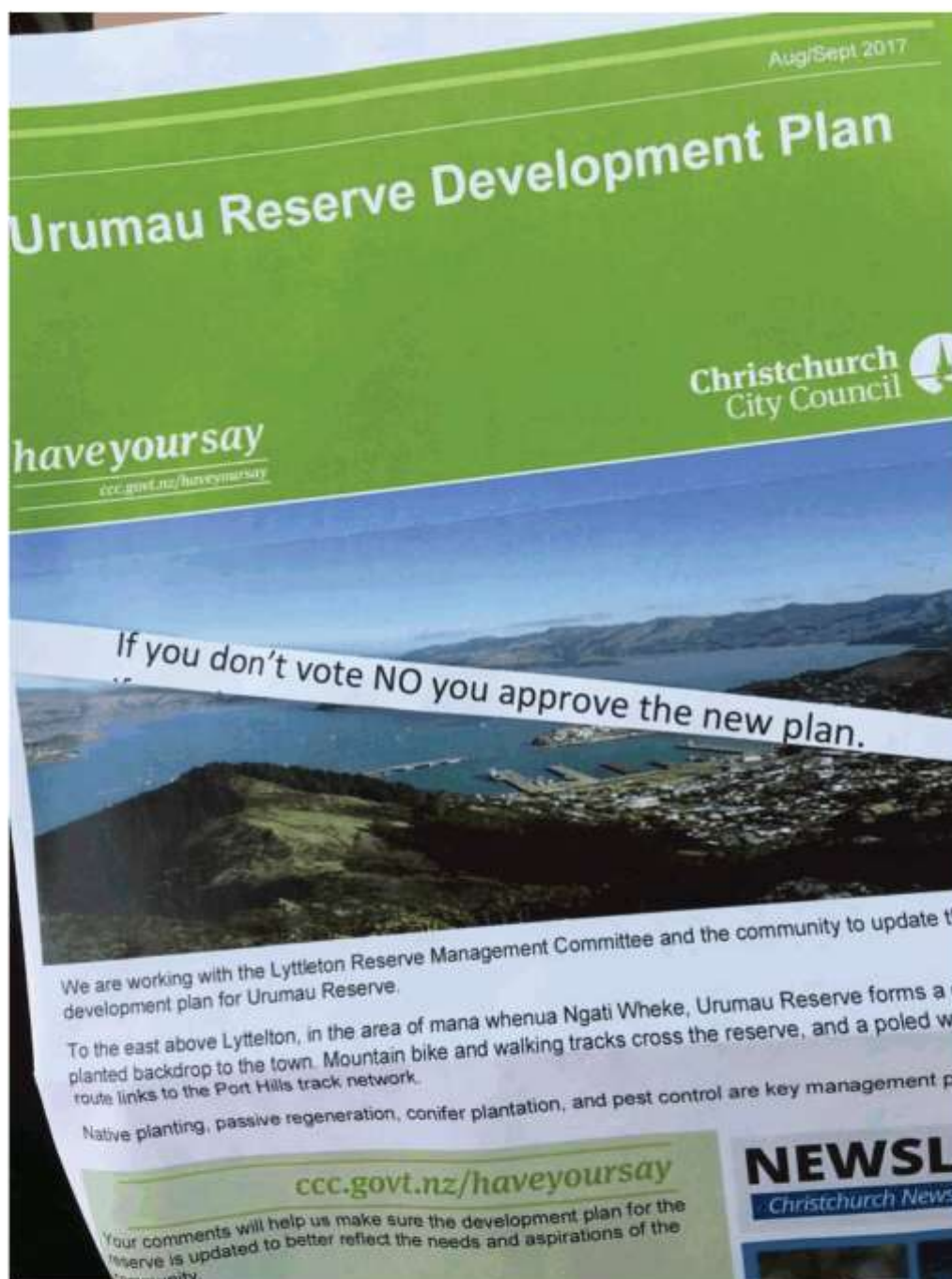
Wilson, H.D. 1992. Banks Ecological Region: Port Hills, Herbert and Akaroa Ecological Districts. Protected Natural Areas Programme Survey Report No. 21. Department of Conservation, Canterbury. 342 pp.

Plan A Adjoining public land a track network



Attachment E







Friday August 25 2017

Please take me

The Akaroa Mail

in this issue

FREE

and Banks Peninsula Advertiser

News and Features of lasting interest

The Akaroa Mail - The talk of the Peninsula since 1876

Tenderers invited for Akaroa Health Hub

The Canterbury District Health Board is inviting construction firms to express interest in building the new Akaroa Health Hub on the former Akaroa Hospital site.

It says that it is looking for a main contractor which can commit the necessary skills and resources to the project.

The new Health Hub will be a single-storey, with a total floor area of 780 square metres.

"Of importance for this project will be demonstrating an ability to manage and plan for the constraints of the site location," the Board says.

"Making use of local resources where possible will be beneficial for the project and the community."

An additional incentive for contractors, the Board says, is that it will give the winner a chance to demonstrate ability in the healthcare sector for a client with a significant programme of future works.



The Foster Terrace entrance to the Urumanu Reserve in Lyttelton.

Mountainbikers may take over Lyttelton Reserve

The Urumanu Reserve above Lyttelton could become a prime destination for mountain bikers if a draft

management plan is adopted. The reserve lies on the ridge to the east of the town, and extends up from the former Timball Station site to Port Company land which extends to the lower edges of the City Council's Summit Road reserves.

It is owned by the Council, with day-to-day management by the Lyttelton Reserves Management Committee.

Committee chair Wendy Everingham said that she was surprised by the emphasis on mountain biking in the proposed plan – in the past the Reserve has mostly been used for walking and as an area for conservation planting.

She wonders whether mountain bike tracks could pop up in any reserves.

"I really want people to know that this consultation is happening," she said.

Much of the land is now covered in pine and macrocarpa plantations, and it includes an area, the 'Pole Hill Shooting Ranges' which were used for target practice in the 1870's.

The main entrance is off the turning area, at the top of

Foster Terrace – the highest row of houses at Lyttelton's eastern end, and a new access gate is proposed off the end of Reserve Terrace.

The draft plan proposes a future possible entrance off the Timball site.

Council staff say that a request for mountain bike access from the reserve on to Summer Road had been considered, but this had been excluded because of safety concerns.

There is very limited parking available near any of the present or proposed entrances, and the roads are narrow and steep.

The draft management plan, which is currently out for consultation, shows existing walking and mountain bike tracks, and a new mountain bike track further up the hill than the present ones.

New walking tracks are shown leading up from the Timball area, and up into the reserve from the entrances off Reserve Terrace.

A long 'shared' pedestrian and cycle path would extend along the lower levels of the Reserve overlooking the Container Terminal.

Consultation on the Reserve Development Plan

closes on September 4, and information leaflets and response forms are available at the Council Service Centre in the Lyttelton Library and at the Lyttelton Information Centre.

At the Information Centre Wendy Everingham or Reserve Committee member Brian Downey will also be able to answer people's questions.

"We've got a whole heap of information forms for people to pick up and ask questions about," Wendy said.

Brian Downey is also offering walking botanical tours in the Urumanu Reserve at weekends – bookings can be made at the Information Centre.

The Council is planning a 'drop in' session at the Council Board rooms, 25 Canterbury Street just down the hill from the Recreation Centre) between 7.00pm and 9.00pm. On Monday August 28.

The Council hopes to have a final revised plan approved by the Banks Peninsula Community Board in November this year, with implementation of its proposals next year provided funding is available.



Sketches of the proposed Akaroa Health Hub - showing the main entrance, top left, the central courtyard and the view from the direction of the Garden of Tane.

NEXT ISSUE

Friday September 8. Deadline for news and advertising September 5

News

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PHOTO: MARTIN HUNTER

Capturing a dog's life with the camera

Sumner photographer Bart Vandendoel spends his spare
time on the beach taking photos of dogs and their owners.
•Story, page 6



"As is - Where is"

GET SORTED THIS

Mountain bike trails in reserve cause friction

By Sarla Donovan

THE FUTURE of mountain bike trails in Urumau Reserve are in doubt as a rift within the Lyttelton Reserves Management Committee deepens.

The trails have been developed since 2009, but committee secretary Brian Downey told *Bay Harbour News* yesterday there were too many, and they could be affecting the stability of the reserve's steep hillside slopes.

He said the issue of mountain bike trails had caused a "very definite split" among committee members and up to two thirds of the 16 members were against them.

The city council is currently looking at a plan to improve recreational opportunities in the reserve, increase public access, enhance birdlife and control weeds.

A city council leaflet outlining the reserve development proposal was sent to nearby residents last week.

- Turn to page 7
- Soapbox, p10

WEDNESDAY AUGUST 30 2017

Latest Christchurch news

Mountain bike trails in reserve cause friction

•From page 1

A separate strip of paper saying "if you don't vote NO you approve the new plan" was also placed in letter boxes.

Bumper stickers saying "Vote No Lyttelton MTB Plan" have been spotted around the township and one has been stuck on the proposal's information sign at the Foster Tce entrance to the reserve.

But committee member, Luke Hollister, who is in favour of the trails, said neither was appropriate.

"It's underhanded and misleading. This isn't a vote - it's a consultation document designed for people to have their say on what they want to happen in the reserve. It's everybody's reserve."

A member of the committee for the past year, Mr Hollister has also helped develop and build mountain bike trails in Urumau Reserve since 2009.

"It's become quite a contentious thing, which to me, as a parent and a ratepayer and a cyclist and a person that likes native plants is a bit weird - because it is a recreation reserve and it's designed to provide facilities for everybody. I think that's what the plan puts forward."

Mr Downey didn't know who was responsible for the paper strips or bumper stickers.

Asked if it was appropriate, Mr Downey said it was difficult to say. "How do you control it?" •Soapbox pg 10



MAILBOX: This strip of paper was put in local residents mailboxes, at the same time as a leaflet outlining the city council's development plan for Urumau Reserve.

•**HAVE YOUR SAY:** Do you think the 'Vote No' campaign is misleading? Email your views to saria.donovan@starmedia.kiwi

Banks Peninsula Water Zone Committee



Drop-in sessions for advice and support

Our staff will be at Little River every Wednesday from 9am to 1pm.

If you need some help understanding ways to improve biodiversity or want some advice on how to reduce stream bank erosion, drop in and have a chat to our staff.

Banks Peninsula Zone Team drop-in days:

Little River Service Centre, State Highway 75,
9-1pm, July - September 2017



Local
News
NOW

Your Local Views

Lyttelton's mountain biking paradise

Greg Jack is president of the Lyttelton Mountain Bike Club. He writes about how Lyttelton is tapping into the growing popularity of mountain biking through the Urumau Reserve trail network.



With stunning views overlooking Lyttelton to the west and the expanse of the harbour to the east, the conveniently located Urumau Recreation Reserve now sports 4km of mountain biking and walking trails.

The addition of Christchurch Adventure Park has helped to establish the city as one of the best biking locations in the country, if not the world, and will continue to encourage more locals to get out on a bike.

Growing up I was lucky enough to have a nearby forest where I could play and explore, so it's great to see kids able to get out riding and enjoying the great outdoors, right close to home.

With mountain biking booming as a sport, regions such as Rotorua, Nelson and



SOAP BOX

HAVE YOUR SAY: Is it a good idea to put more mountain bike trails into Urumau Reserve? Email your views to sarla.donovan@starmedia.kiwi

MOUNTAIN MAGIC: Mountain bikers enjoy an evening ride on the hills above Lyttelton

Queenstown are actively being developed as great biking destinations to attract local, domestic and international visitors.

Biking is good for business and Lyttelton shops are already benefitting from bikers from the 'other side' visiting Urumau Reserve.

While there are many places you can walk around Lyttelton, Urumau Reserve is the only

place you can go mountain biking. This factor has led the Lyttelton Mountain Bike Club, Lyttelton Reserve Management Committee, city council and Lyttelton Port Company to work together over the past eight years to create the current trail network.

The trails through the pine forest have been hand-dug by bikers at an average rate of 2m/h, but are now also being enjoyed

by walkers and runners.

The generally steep terrain means the trails are suitable for intermediate or advanced riders. They vary from smooth, bermed trails to tight, twisty, single tracks and steeper, swooping, technical trails. There's something for everyone, a part from beginners, which is something I'd love to see changed.

There's great potential to

add an easier 'XC' trail on the eastern side of the reserve and the proposed development plan supports the idea of joining the LPC track to the Urumau traverse track, forming a wide, low-angle, shared use loop track.

There is already much excitement for such a family-friendly loop track, but strong community support and funding are still needed for these initiatives to be realised.

If you haven't already, I'd encourage you to check out the trails and take in the stunning views, whether by bike or on foot. Signs point the way from the end of Foster Tce, but the best trail map and information is available via the Trailforks website or smartphone app.

If you're a local rider, I'd encourage you to join the Lyttelton Mountain Bike Club (www.lytteltonmthb.club). If you want to throw your weight behind the loop track concept, or just 'have your say' on the Urumau Reserve Development Plan, you can do so on the city council website.

But be quick as submissions close on September 4 (<https://www.ccc.govt.nz/the-council/consultations-and-submissions/haveyoursay/show/71>).

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Planning notes on walking and cycling tracks at 96 Sumner Road - Urumau Reserve

The following notes were prepared to address questions relating to existing and proposed walking and cycling tracks at Urumau Reserve:

- Where the existing tracks lawfully established,
- Is there a need for a retrospective resource consent for existing tracks, and
- Is a need for a resource consent for the proposed tracks.

The Banks Peninsula District Plan and the Christchurch District Plan are both relevant as outlined below.

Were the tracks lawfully established?

Banks Peninsula District Plan (BPDP)

The BPDP was operative until it was replaced by the Christchurch District Plan (CDP) in the District Plan Review during 2015-2017, so if the tracks were established before 19/09/2016 (when the new rules could be treated as operative pursuant to s86F of the RMA) then the BPDP applies.

Under the BPDP rules the site was zoned **RV (Recreation reserve)** and **RU (Rural)** as shown in Figure 1.

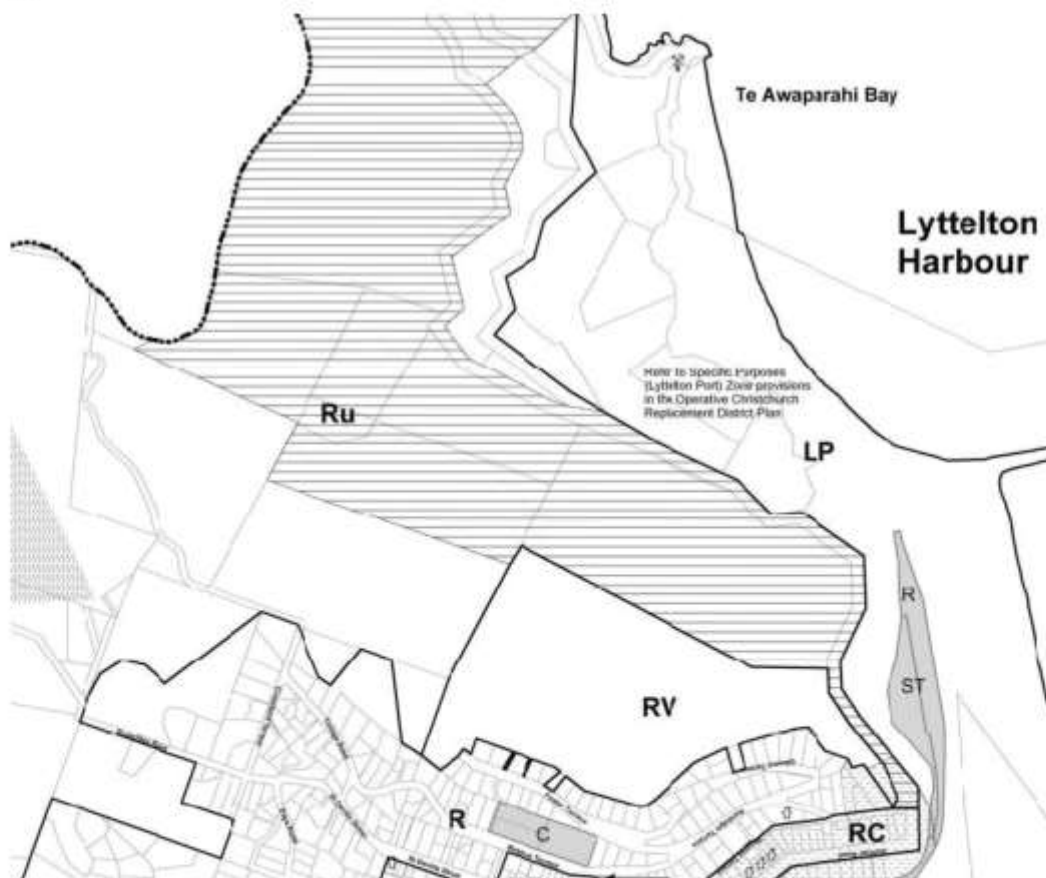


Figure 1

Different rules apply to the **Ru and RV zoning**.

Ru zoning

Walking and cycling tracks were provided for under Permitted activities as *c) creation and maintenance of reserves*, and *j) earthworks undertaken within those areas shown as Rural Amenity Landscape on the Planning Maps* (note that all land zoned Ru is also considered a Rural Amenity Landscape unless shown as being subject to a Coastal Natural Character or Outstanding Natural Landscape overlay).

There were still other standards that applied to permitted activities. The relevant standard in this case was 3.5 Earthworks:

3.5 Earthworks (Updated November 2010)

The maximum uphill cut depth is 2 metres (except for the construction of the proposed road serving land between Cass Bay and Corsair Bay shown on Planning Maps S3 and S4).

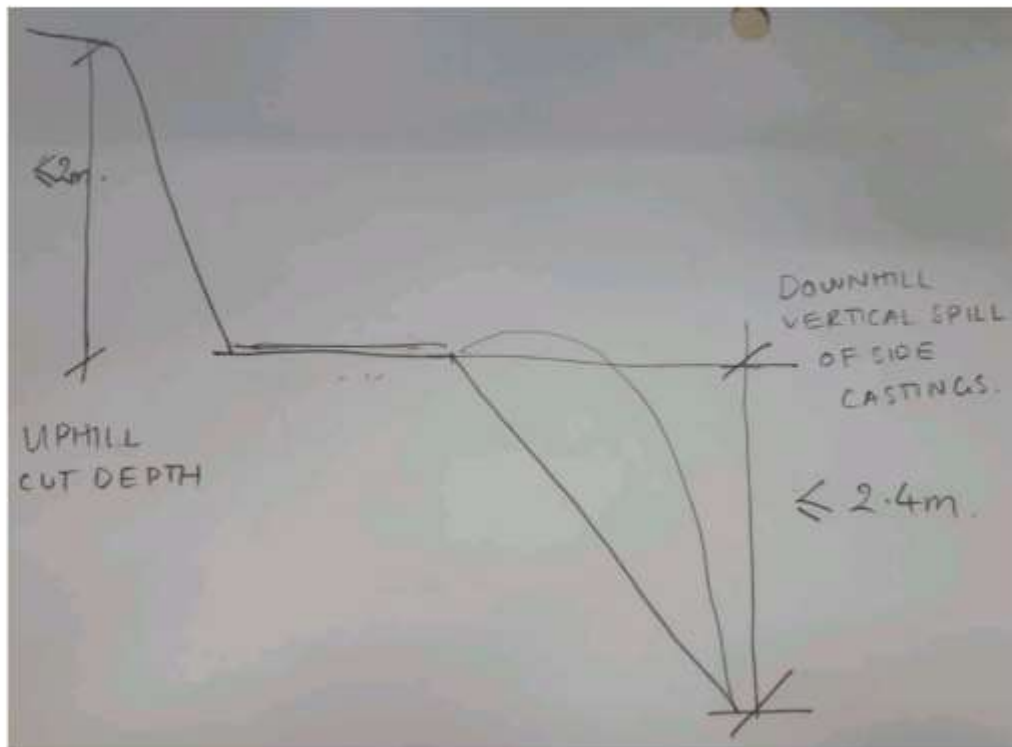
The maximum downhill vertical spill of side castings is to be 2.4 metres (except for the construction of the proposed road serving land between Cass Bay and Corsair Bay shown on Planning Maps S3 and S4).

The maximum volume of earth moved shall not exceed 100m³ per site within any one consecutive 12 month period except that for farm access tracks, the following standards apply:

- (i) no restriction on maximum volume of earth moved;
- (ii) no part of any farm access track shall be located within 30m of a State Highway boundary;
- (iii) the farm access track shall be no more than 250m in length.

The maximum width of any vehicle track is to be five metres.

To help illustrate the uphill cut and downhill vertical spill limits I've included the diagram below:



To clarify, when calculating the permitted volume of earthworks the 'site' should be taken as the portion of the site subject to the Ru zone rules, not the entire site. You would need to determine the earthworks volumes to determine compliance or non-compliance with the earthworks standard.

If you would like to refer directly to the rules, this is a link to the Council website containing the BPDP chapters: <https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/plans/christchurch-district-plan/districtplans/banks-peninsula-district-plan/> , and a link to the Ru zone rules: <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/banks-peninsula/BP-Chapter19.pdf> .

RV zoning

Walking and cycling tracks are provided for under Permitted activities as a) any activity, development or facility provided for in a reserve management plan prepared under the Reserves Act 1977, subject to any restrictions or requirements in the management plan, unless the activity, development or facility is provided for as a restricted discretionary activity (below), and e) provision of walking paths and tracks:

1. Permitted Activities

The following are permitted activities where they meet the conditions set out in Rule 3 (below) except where they involve the erection or replacement of any building within the Coastal Protection Area:

- a) Any activity, development or facility provided for in a reserve management plan prepared under the Reserves Act 1977, subject to any restrictions or requirements in the management plan, unless the activity, development or facility is provided for as a restricted discretionary activity (below).
- b) Farming.
- c) Outdoor recreation.
- d) Amenity tree planting.
- e) Provision of walking paths and tracks.
- f) Conservation activities.

As stated in the permitted activities, the conditions in Rule 3 also apply. The relevant standard is 3.6 Earthworks:

3.6 Earthworks

Earthworks undertaken in any continuous period of five years shall not exceed the following dimensions:

- 20 m³ (volume) or 100 m² (area) per site where a site is 1 hectare or less in area;
- or
- 20 m³ (volume) or 100 m² (area) per hectare where a site is greater than 1 hectare in area;
- and
- shall not have a face height greater than 1.2m.

The site referred to in this standard can be read as the part of the reserve covered by the RV zoning, not the whole reserve site.

If the limits in rule 3.6 were not met when constructing the existing tracks then they were not lawfully established.

This is a link to the RV zone rules: <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/banks-peninsula/BP-Chapter18.pdf>.

Note: If the tracks were lawfully established then they are protected by that regardless of the new planning rules.

Vegetation clearance

One further standard which I found after the meeting applies to the Ru zoned part of the site, and concerns significant vegetation clearance:

9. Non-Complying Activities (Updated November 2010)

9.1 Clearance of significant indigenous vegetation except

- Minor trimming or disturbance (i.e. the removal of branches from trees/shrubs and removal of seedlings/saplings) of significant indigenous vegetation within 2 metres of existing fences, existing vehicles tracks, existing buildings, and existing utilities; within the legal formed roads; and in the course of removing declared weed pests.
- Where the clearance is carried out on an area of improved pasture for pastoral farming purposes.
- for conservation activities.

'Significant indigenous vegetation' is defined in the definitions for the BDP:

<https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/banks-peninsula/BP-PartVII.pdf> . Determining whether the vegetation was significant indigenous vegetation would likely require an ecologist to visit the site. Alternatively Brenda Greene, Senior Advisor Natural Environment in the Natural Environment Team in the Strategic Policy Unit, may have more information which could assist.

If significant indigenous vegetation was cleared to make the existing tracks (except as provided for under 9.1 above) then a resource consent would have been required at the time, and the tracks were not lawfully established.

Note: The new Open Space Natural zone rules under the CDP replaced the BDP rules from 19/09/2016 when the new rules could be treated as operative (pursuant to s86F of the RMA). If the existing tracks were constructed prior to 19/09/2016 and did not meet the above standards then they would have required resource consent under the BDP at the time.

However, the BDP is no longer operative, and there is now only the CDP. We can only now consider *any* works (done prior to 2016 or proposed) under the operative CDP.

If the tracks were lawfully established under the BDP then they are protected by that regardless of the new planning rules, even if they do not comply with standards in the new CDP.

Is a retrospective resource consent needed?

Only if the existing tracks do not comply with the operative CDP rules. These are explained below.

Is a resource consent needed for the proposed tracks?

This depends on the operative CDP rules, which are outlined below.

Christchurch District Plan

The site is now zoned **OS (Open Space Natural)**, and the rules for this zone have been fully operative since 22/02/2017.

Under the CDP I consider that new walking tracks fall within the definition of *park management activities*:

Park management activities

means the day to day management, operations and maintenance of parks and reserves. It includes:

- a. vegetation and amenity tree planting, maintenance and removal;
- b. removal/control of exotic, noxious or nuisance species;
- c. wild animal and pest control operations;
- d. maintenance of walkways, cycle ways or vehicle tracks and associated earthworks; and
- e. maintenance of public amenities.

Note that this is an inclusive definition and is not restricted to the list of matters (a-e). In my view track creation falls under the 'operations' component of the definition.

Chapter 18 - OS zone

Under the OS zone rules, park management activities are a permitted activity with no activity specific standards to be complied with:

18.7.1 Activity status tables - Open Space Natural Zone

18.7.1.1 Permitted activities

- a. The activities listed below are permitted activities in the Open Space Natural Zone if they meet the activity specific standards set out in the following table and the built form standards in Rule 18.7.2.
- b. Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 18.7.1.2, 18.7.1.3, 18.7.1.4, 18.7.1.5 and 18.7.1.6.

Activity	Activity specific standards:
P1 Conservation activities	Nil
P2 Recreation activity and/or recreation facility, other than as provided for under the following rules: a. Rule 18.7.1.4 D2 and Rule 18.7.1.5 NC3 (Major sports facility); b. Rule 18.7.1.1 P13 (Golf course/golf driving range); c. Rule 18.7.1.1 P14 (Gymnasium); d. Rule 18.7.1.5 NC2 (Motorised sports facility)	a. Any recreation facilities shall exclude: i. Formal or informal playing fields; ii. Outdoor ball courts and artificial playing surfaces; and iii. Skate parks.
P3 Park management activity and/or park management facility	Nil

However rules in other chapters (Chapter 5, Chapter 8, and Chapter 9) are still relevant to the activity. These are outlined below.

Chapter 5 – Natural Hazards

The site contains areas of the *Rockfall Management Area 1* and the *Rockfall Management Area 2* as shown below in Figure 2. The rest of the site is covered by the *Remainder of Port Hills and Banks Peninsula Slope Instability Management Area* overlay. Park management activities are provided for as a permitted activity in both Rock fall Management Areas 1 and 2 (5.6.1.1 P24 and P25). When considering park management activities within the *Remainder of Port Hills and Banks Peninsula Slope Instability Management Area* overlay we are referred back to the zone rules (which also permit walking and cycling tracks as park management activities).

Chapter 8 – Subdivision, Development and Earthworks

Rule 8.9.2.1 provides for earthworks as a permitted activity if it is within the volume, depth and gradient limits under activity P1. However earthworks are exempt from the activity standards set out in Rule 8.9.2.1 P1 and P2 if they are *xii) earthworks undertaken by Council or Canterbury Regional Council to maintain or upgrade their own parks and reserves*. I consider that tracks within a Council reserve would fit within this exemption, therefore the formation of tracks is permitted.

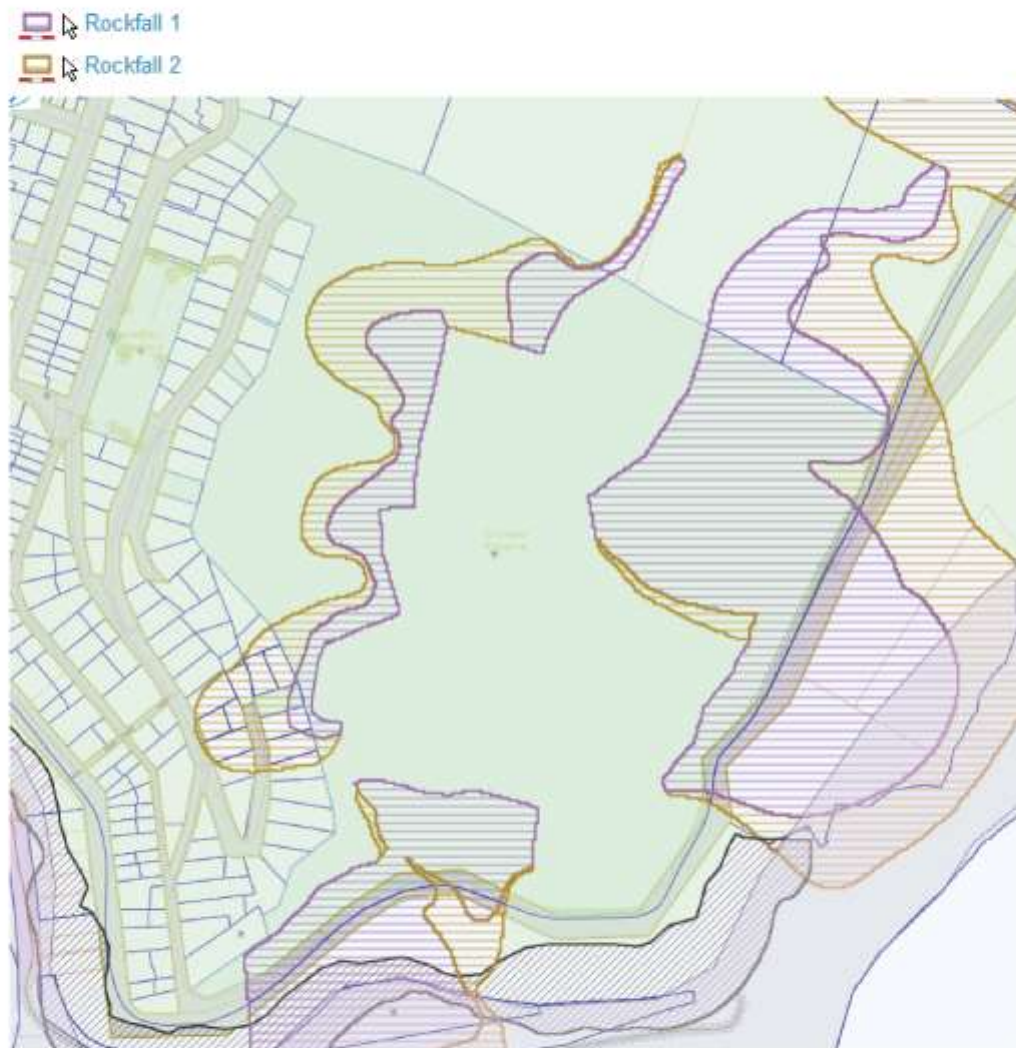


Figure 2

Chapter 9 – Natural and cultural heritage

Subchapter 9.2 – Landscapes and natural character

Part of the site is covered by the Rural Amenity Landscape overlay, and the Natural Character in the Coastal Environment overlay, as shown in Figure 3 below. Walking and cycling tracks are not provided for in the Rules for these overlays, so under s9 of the RMA I must consider that the proposed activity is permitted because there is not a rule against it, and neither is there a catch-all statement in the rules for activities not specifically provided for as either a discretionary or non-complying activity.



Figure 3

Sub-chapter 9.1 – Indigenous biodiversity and ecosystems

You would also need to consider whether indigenous vegetation is being affected (or has been affected) by the works. Refer to the flowchart at clause 9.1.3, and the defined areas of vegetation at Appendix 9.1.6.6:

<http://districtplan.ccc.govt.nz/pages/plan/Book.aspx?exhibit=DistrictPlan&hid=86006> . As with the old BPDP, determining whether vegetation defined under Appendix 9.1.6.6 may require an ecologist to look at the site.

Sub-Chapter 9.4 - Significant and other trees

Trees in public open space are covered in the rules under 9.4.4.1. Which rules apply will depend on what (if any) tree removal has occurred or is proposed. Refer to the activity status tables under clause 9.4.4.1: <http://districtplan.ccc.govt.nz/pages/plan/Book.aspx?exhibit=DistrictPlan&hid=86006>

Sub-Chapter 9.4 - Ngāi Tahu values and the natural environment

If a resource consent is required for the proposed tracks under the CDP, the application would need to be sent to Mahaanui Kurataiao for consultation as the site is within the Ngā Tūrangā Tūpuna overlay (as shown at figure 4 below), which is a site of Ngāi Tahu cultural significance listed in Appendix 9.5.6.

Sub-chapter 9.6 - Coastal Environment

The site is partly within the Coastal Environment (as shown at figure 4 below), so the coastal environment objectives and policies or the matters of discretion would need to be addressed, depending on the activity status of the activity. The following point under Rule 9.6.1 explains:

g. Activities located within, or affecting, the coastal environment and requiring discretionary or non-complying resource consent approval under zone or district-wide rules applying across the Christchurch District, will be assessed against the coastal environment objectives and policies. Restricted discretionary resource consents, where appropriate, cross-reference to the matters of discretion for the coastal environment.

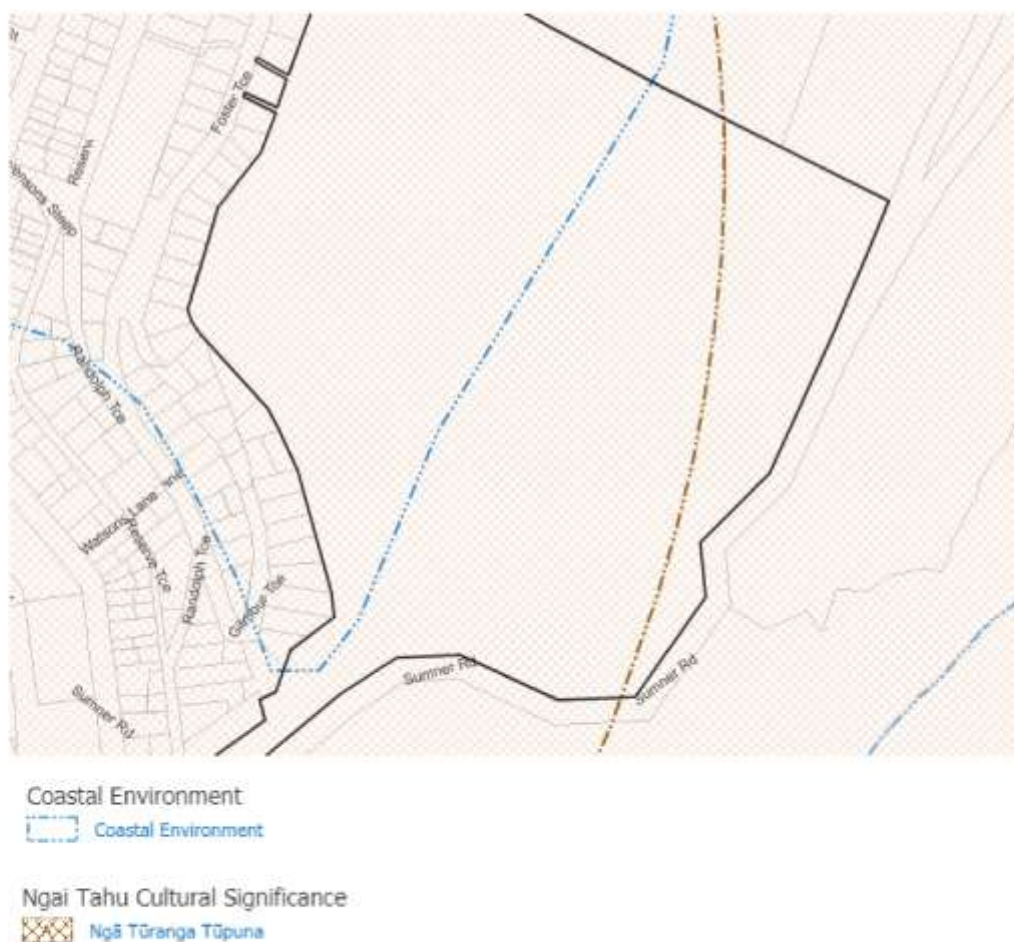


Figure 4

Overview

From the information provided above, it looks like you would just need to determine whether any trees or indigenous vegetation have been or are proposed to be affected by the construction of walking or cycling tracks. Otherwise they appear to be permitted on this site under the CDP. Further to this I have summarised the main points as follows:

- If tracks were lawfully established under the BPDP then they are protected by this, even if they would not comply under the new CDP rules.
- If tracks were not lawfully established under the BPDP, retrospective resource consent is only needed if they do not comply with the new CDP rules.
- I consider that the activity of creating new tracks falls under the definition of 'park management activities', which is an inclusive definition.
- Creation of tracks is provided for in the Open Space Natural zone rules, the Natural Hazards rules, and the Earthworks rules. It is also presumed to be permitted under the Rural Amenity Landscape and Natural Character in the Coastal Environment overlay rules.
- Further information may be needed to determine compliance with the rules for significant indigenous vegetation and other trees (9.1 and 9.4).

Christchurch City Council
Parks and Recreation Planning - Parks

Memorandum

Date: 17 May 2018

From: DELIA WALKER - RECREATION PLANNER - PARKS

To: BANKS PENINSULA COMMUNITY BOARD

Cc: Liz Carter - Community Board Adviser (for distribution)

RE: URUMAU RESERVE DEVELOPMENT PLAN

Purpose of this Memo:

To provide the Banks Peninsula Community Board with the additional information requested at its 16 April 2018 meeting with regard to the Urumau Reserve Development Plan.

Background:

At its meeting on 16 April 2018 the Banks Peninsula Community Board considered a report seeking approval of the final Urumau Reserve Development Plan 2018.

The Community Board resolved:

That the Banks Peninsula Community Board leaves the report on the Urumau Reserve Development Plan to lie on the table and seeks further clarification from staff as follows:

- 1) *Which tracks within Urumau Reserve were legally established?*
- 2) *Of the tracks legally established:*
 - *Did staff have knowledge/involvement?*
 - *Do they comply with Christchurch City Council track standards?*
 - *What are their environmental impacts?*
 - *Do they require a cultural assessment?*
- 3) *What are the likely traffic and parking impacts if Urumau Reserve usage is intensified?*

- 2 -

Information requested:

1. Which tracks within Urumau Reserve were legally established?

As previously advised, the tracks comply with the relevant rules and exemptions in the Christchurch District Plan. (Refer attachment J of the report to Banks Peninsula Community Board on 16 April 2018.) In general this allows the Council to carry out earthworks for the management and public enjoyment of the reserve.

Further advice was sought from the Councils Legal Services Unit on the question of track legality as follows:

The Banks Peninsula Community Board when considering the report on the Draft Urumau Reserve Development Plan (on 16 April 2018) asked for clarification on whether the walking and cycling tracks that are currently on the reserve were legally established in terms of:

1. *Current delegations to Reserve Management Committees (RMCs).*
2. *The 2008 (Reserve 68) Urumau Development Plan adopted by the Lyttelton/Mt. Herbert Community Board on 19 August 2008.*

The legal opinion has been circulated separately to the Banks Peninsula Community Board. The summary of advice is:

1. It is difficult to provide a definitive answer on which body/person should have approved the installation of tracks on the reserve, without knowing which tracks are the tracks of concern and when they were constructed.
2. Furthermore, tracks can develop over time simply by people using a particular area over and over again without a formal construction process being undertaken (walkers and mountain bikers included). Works could be subsequently undertaken to make safe well-worn areas or the like. In my opinion, there are probably numerous tracks in the Port Hills that have been created in this way.
3. The current tracks in place can be ratified by the Board if it chooses to adopt the Urumau Development Plan. This will remove any question about the legality or otherwise of current tracks. If the Board wants to remove some tracks then the tracks will need to be closed and removed. The Community Board does not have a delegation to close tracks as such. This power remains with Council. However, the power to remove tracks could be exercised through the development plan process.

With regard to delegations, the legal opinion comments that the power to resolve the development plan resides with the Community Board and not the Lyttelton Reserve Management Committee.

The Lyttelton-Mt Herbert Community Board approved the Urumau Reserve Development Plan 2008 (at that time known as Reserve 68) on 19 August 2008.

TRIM:

- 3 -

A copy of the report that went to the Lyttelton-Mt Herbert Community Board on 19 August 2008 to adopt the 2008 Reserve 68 Development Plan has been circulated to Community Board members.

Clause 17(d) of that report states:

(d) **Mountain Bike Tracks/Multi Use Tracks**

Mountain bike tracks will be investigated and final location determined by specialist Council staff in conjunction with local interest groups and will be based on Christchurch City Council standards.

The legal opinion comments that:

14. It appears that following the 2008 report staff worked with Committee members on track alignment and the like. This would appear to be within what was contemplated by paragraph (d) referred to above.

2. Of the tracks legally established:

(a) Did staff have knowledge/involvement?

- i. Staff had general knowledge of the mountain bike tracks shown as established on the development plan. This was gained through attending meetings of the Lyttelton Reserve Management Committee and the Tracks Subcommittee. Staff were under the impression that, given the internal communication opportunities within the Lyttelton Reserve Management Committee, the track development and formalisation of them was accepted. Staff were not aware of any direct request to stop any track developments and, indeed, were asked by the Lyttelton Reserve Management Committee to provide signage on them, which was provided. Staff met on site when requested by Lyttelton Reserve Management Committee members and provided advice on design and management.
- ii. The Lyttelton Reserve Management Committee was involved in discussions and decision making on three Council funded track projects. As this was capital programme work the Park Rangers took a stronger financial and management overview of them compared to other tracks, but all decisions were agreed to or led by the Lyttelton Reserve Management Committee. The other mountain bike tracks, however, were constructed by volunteers under the guidance of the Track Subcommittee of the Lyttelton Reserve Management Committee. Park Rangers were less involved in these tracks but provided guidance whenever asked.
- iii. Ranger staff attended most Lyttelton Reserve Management Committee meetings and were aware of the, at times, fractious nature of the committee. General discussions and decisions regarding the mountain bike track network made at committee meetings were often poorly formalised and subsequently poorly recorded in the minutes. However Council staff are confident that the presence of the tracks and their development was clearly known by all the Lyttelton Reserve Management Committee members.

TRIM:

- 4 -

(b) Do they comply with Christchurch City Council track standards?

The Council applies an international grading system to its mountain bike tracks. This is based on the skill level required to safely ride them. It has a range of 1-6, 1 being novice and 6 being extreme. Most of the track network in Urumau Reserve is in the 3-5 range due to the nature of the terrain.

- ii. For track design the Council follows guidelines that both the Department of Conservation and many land managers follow for trail construction in general. This outlines cut and fill techniques, drainage, and armouring (surfacing). These can be applied to both walking and mountain bike tracks as general rules of thumb. These guidelines are not rigid and allow for variances in terrain, rainfall, soil structure and canopy cover. Given those inputs, staff consider the design of the tracks in Urumau to be acceptable but they will require ongoing monitoring and maintenance given the high impact of mountain biking.
- iii. The tracks in Urumau are similar to existing track networks in Victoria Park which have also been built largely with volunteer leadership.
- iv. Pirate track building is prevalent in many reserves. These tracks are often non-compliant sometimes requiring remediation or closure. Urumau has a very strong club overview that will greatly help alleviate these concerns as club members regularly maintain the network and ensure work is managed via the Lyttelton Reserves Management Committee representatives.
- v. A Department of Conservation staff member visited Urumau Reserve on 9 May 2018 and indicated the tracks were well maintained and track design and management were consistent with the New Zealand Cycle Trail and Design Guide. Please refer to email **attached** to the end of this memo, from Bruce Wester, Asset Planner, Department of Conservation for an opinion on track standards.

(c) What are their environmental impacts?

- i. Most tracks, walking or biking, have a negative physical impact on the environment that needs to be managed. At Urumau Reserve the development of mountain bike tracks was guided towards the pine plantation, away from open grassland terrain, to maximise the benefits of canopy cover to help intercept rainfall and reduce visual concerns, the rocky free draining nature of the dry ridge and the avoidance of native vegetation or planting sites as much as possible.
- ii. Observations over the last few years have not caused any major concerns for staff that the tracks are causing any visible sedimentation increases. Obviously the track surface has exposed raw earth which will degrade over time and require constant management to prevent deep rutting. The key to this is good regular maintenance and early solving of problem areas. Sediment socks, track gradient reversal and slope angles can all be important tools to manage this.

TRIM:

- 5 -

- iii. For those tracks where direct advice was sought, Rangers made suggestions to avoid native vegetation and minimise cut and fill thereby minimising track impact consistent with best practice.
- iv. The use of the reserve for mountain biking requires a bit more effort than many other reserves as riders can't be dropped off and do a run and then be shuttled up again. The advantage of this is that will reduce the number of riders and the amount of actual riding possible.
- v. A site visit by a staff member of the Department of Conservation on 9 May 2018 indicated the tracks showed no signs of erosion that would contribute to increased sedimentation into the harbour. Please refer to the email **attached** to the end of this memo, from Bruce Wester, Asset Planner, Department of Conservation for an opinion on the environmental impacts of the tracks.

(d) Do they require a cultural assessment?

- i. Council staff consulted with Te Hapu o Ngāti Wheke on the proposed development plan and were not requested to complete a cultural assessment.
- ii. Council staff are not aware of any significant cultural values that would trigger a cultural assessment to be completed.
- iii. Council staff are not aware of any silent files for the area the tracks are located in. No silent files are shown in the Mahaanui Iwi Management Plan for the area the tracks are located.

3. What are the likely traffic and parking impacts if Urumau Reserve usage is intensified?

- i. There are no car parking facilities anticipated in the plan, however, two potential sites (old Quarry and a red zoned property) may have future capacity for this if required.
- ii. While Urumau Reserve is a Regional Park, its predominant use is expected to remain strongly local. Increased use is not expected to be significant.
- iii. Creating additional entrance points may increase the desire for people to try and park close to them.
- iv. There were a number of submissions in relation to the impact on parking within the area of the reserve. It is difficult to predetermine whether this could become an issue. Council staff will work closely with the Reserve Management Committee to monitor this concern and action will be taken as required.

Conclusion:

It is difficult to determine if the tracks were legally established. However, it appears that the tracks have been established within the parameters of the previous

TRIM:

- 6 -

development plan and Council delegations. The tracks can be ratified by the Community Board if it chooses to approve the Development Plan. The tracks can also be removed through the Development Plan process.

Both Council staff and the Reserve Management Committee had knowledge of and involvement in the construction of the tracks.

The tracks are consistent with accepted track design guidelines and standards.

The tracks do not appear to have any significant environmental impact but will require ongoing management.

No need for a cultural assessment has been identified.

Intensified use of the reserve is not anticipated to be significant. Therefore, any anticipated increase in traffic is expected to be minimal. However, this will be monitored and managed as necessary.

The current tracks in place can be ratified by the Community Board if it chooses to adopt the Urumau Development Plan. Future development plans for the reserve will be guided by a management plan once approved. Urumau Reserve will be included in either the Port Hills Management Plan or the Banks Peninsula Reserves Management Plan.

Delia Walker

Recreation Planner
Parks and Recreation Planning - Parks

Approval:

Name	Position	Signature	Date
Brent Smith	Manager Parks Planning and Asset Management		17/5/2018
Andrew Rutledge	Head of Parks, Parks		21/052018

TRIM:

- 7 -

Email received 11 May 2018 from Bruce Webster, Asset Planner, Department of Conservation with regards to Urumau Reserve. Note: attachments of Cycle Trail Design Guide and sign plan not included.

On Wednesday 9th May 2018 I visited the Urumau reserve to address the below questions asked by Paul Devil.

At the site I met Nick Singleton and Daryl Warnock and accessed the site via the Vehicle Access track and from there walked the Looper Track, sections of the Jackasuras and Stormer, down Zombies and back to the Vehicle via the Uramaru path. A total of 1 ½ hours was spent on site. During the site visit I observed and took photo's. Additionally I listen to Nick and Daryl around the history of the tracks how they are managed and witness first hand the relationship between council and community group.

An opinion on if the tracks appear to contribute to increased sedimentation of the harbour would be useful.

From all indicators witnessed I could not see any signs of erosion that would "contribute to increased sedimentation of the harbour". The area outside of the track surface were vegetated or had pine needles, and indicators of surface runoff did not go beyond the surrounding vegetation and duff layer. Also there was no indicators of sediment transport into the harbour.

Also a view on if the design of the tracks generally follows accepted guidelines for sustainable mountain bike track development.

The track design and management were consistent with the above Cycle Trail Design Guide [Refer to New Zealand Cycle Trail Design Guide]. They have been designed, sign posted and maintained to reflect well designed and sustainable trails.

The design of the trails have been well thought out and considers braking of the bikes. Examples of pitch and direction tracks, out slope, grade reversal rock armouring were witness to limit the erosion to the tracks.

The site does have a sign plan (shown above) consistent with cycle trails design guide.

For the tracks to be sustainable a regular maintenance programme is essential, having seen the good state of the tracks and talking to Nick and Daryl this is occurring.

They would like to know if there is any recommendations for change or removal of track features or maintenance improvements required.

I found the tracks were well maintained and features consistent with the track standards noted above. The only recommendation I would make is re-instate signage removed from the start of the track from vandalism.

Regards

Bruce Webster

Asset Planner Kaiwhakamahere Rawa | Eastern South Island | Department of Conservation |
Christchurch Office, Level 3 Grand Central 161 Cashel Street Christchurch 8011
T: +64 3 3631652 (VPN : 7852) | M: +64 27 837 4573 | E: bwebster@doc.govt.nz

TRIM:

- 8 -

 Please consider the environment before printing this e-mail

Attachment K Item 8

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9. Pūrau Māori Reserve

Reference: 18/186901

Presenter(s): Megan Carpenter – Parks Recreation Planner

1. Purpose and Origin of Report

Purpose of Report

- 1.1 The purpose of this report is to request that the Banks Peninsula Community Board (acting under the delegation of the Council) approve the initiation of Section 24 Reserves Act 1977 to revoke the reserve status of Pūrau Maori Reserve situated at 177 Pūrau Avenue being 1381m² described as Reserve 4622.

Origin of Report

- 1.2 This report is being provided to fulfil item 9.2 Elected Members' Information Exchange, from a meeting held by Lyttelton-Mt Herbert Community Board on 20 August 2014, HPE Records Manager 14/1035230.
 - 1.2.1 *The Board decided to request a report that enables the Board to decide on the reclassification of the Foreshore Reserve at Pūrau, including the Pūrau Māori Reserve.*
 - 1.2.2 *The report is to include that the reserves have been surveyed, that papatipu rūnanga have been consulted and to seek the reclassification of the reserves as historic to better reflect the historic and cultural values of the sites.*

2. Significance

- 2.1 The decision in this report is of medium significance in relation to the Christchurch City Council's Significance and Engagement Policy.
 - 2.1.1 The level of significance was determined by the significance and engagement matrix. Staff have considered the significance of the decision to be made and their assessment is that the matter is of medium significance for the following reasons:
 - There is a medium level of community interest in the issue, with the local community aware of the cultural significance of this site. Recently the Pūrau Resident Association circulated information to the community about the history of this site. Culturally this site is significant to Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga.
 - The level of impact on current users of the reserve and the capacity for Council to carry out its role and functions is low.
 - 2.1.2 The community engagement outlined in this report reflects the assessment and the statutory requirements of section 24 of the Reserves Act 1977.

3. Staff and Chairperson's Recommendations

[That the Banks Peninsula Community Board:](#)

1. [Approve the initiation of the process under section 24\(1\)\(b\) of the Reserves Act 1977 to revoke the reserve status of Pūrau Māori Reserve \(situated at 177 Pūrau Avenue and containing 1381m² and being legally described as Reserve 4622\) and the commencement of the public consultation process required by section 24\(2\) of that Act.](#)

4. Key Points

- 4.1 This report supports the [Council's Long Term Plan \(2015 - 2025\)](#):

4.1.1 Activity: Neighbourhood Parks

- Level of Service: 6.0.3 Overall customer satisfaction with neighbourhood parks

4.2 The following feasible options have been considered:

- Option 1 – Approve the initiation of the Reserves Act 1977 process to revoke the reserve status of Pūrau Māori Reserve (preferred option)
- Option 2 – Approve the initiation of the Reserves Act 1977 process to change classification of Pūrau Māori Reserve from Recreation Reserve to Historic Reserve.

4.3 Option Summary - Advantages and Disadvantages (Preferred Option)

4.3.1 The advantages of this option include:

- Revocation of the classification of Pūrau Māori Reserve as a Recreation Reserve under the Reserves Act 1977 will enable the site to be recognised as an urupā site. A geomagnetic report has confirmed there are buried artefacts in this reserve. The purpose of Recreation as per the Reserves Act 1977 classification is culturally insensitive to the future use of this site.
- Recreation users will be able to use Pūrau Recreation Ground (4,410m²), classified as a Recreation Reserve under the Reserves Act 1977 which is approximately 80m away from Pūrau Māori Reserve. Pūrau Recreation Ground has a playground, toilet, stream, tree shade, seating and open space providing adequate amenity for the surrounding residential area.
- Conservation values of the Pūrau Māori Reserve will be protected as an urupā site and not subject to recreational activities as it would be under the classification as Recreation Reserve.
- The revocation process supports the partnership between Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga and the Council in recognition of the Rūnanga's historic cultural, social and spiritual connection to Pūrau Bay and acknowledges Te Hapū o Ngāti Wheke historic claim to Pūrau Māori Reserve.

4.3.2 The disadvantages of this option include:

- Some community members are concerned around the possibility of perceived loss of open space.

5. Context/Background

Background – Pūrau Bay

- 5.1 Pūrau Bay is a significant area for mana whenua and tāngata whenua (people of the land: the iwi or hapū (sub-tribe) who hold mana whenua over an area). Direct Māori occupation in Pūrau was from the earliest times of Māori occupation on Te Pātaka o Rākaihautū (Banks Peninsula) until the late 19th century.
- 5.2 Pūrau was a favourable location for Māori settlement due to its protection from the north-easterly and south-westerly winds, having a flat area suitable for settlement, a source of fresh-water and mahinga kai (food and other resources, and the areas they are sourced from) resources.
- 5.3 Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga is the modern day representative of the hapū Ngāti Wheke. The takiwā (tribal traditional territory) of the Rūnanga reflects the events and deeds of Te Rakiwhakaputa and his sons Manuwhiri and Wheke: events and deeds that secured their descendants' mana whenua rights to the area. The takiwā centres on Rāpaki and the catchment of Whakaraupō is described in the Port Cooper Deed of 1849.
- 5.4 The Port Cooper Deed (August 1849) proposed setting aside lands in Pūrau for local Ngāi Tahu residents when land was sold for Colonial settlement.

- 5.5 Tiemi Nohomutu was a leader of Ngāi Tahu in Whakaraupō during the 1830s and 1840s, he was present as one of the ‘four high chiefs’ on the Port Cooper Deed. He died in 1850 and as a resident was buried in Pūrau where his headstone can be seen today at 177 Pūrau Road, Pūrau.
- 5.6 In 1870 nine acres was set aside in Pūrau and established as Māori Reserve 876. The reserve was not set aside to the hapū but rather to an individual Ngaromata (Wikitoria) Nohomutu (Tiemi Nohomutu’s granddaughter). She had no descendants and willed the land to Rahera Muriwai Uru in 1913 (no whanau relationship) and despite native land restrictions, he sold the nine acres to a local farmer’s wife in 1914.
- 5.7 In 1950 the land owner proposed to subdivide the nine acres. One of the conditions of the subdivision was the establishment of a ¼ acre section reserve as a Council public reserve which was named Pūrau Māori Reserve.
- 5.8 Pūrau Māori Reserve (177 Pūrau Avenue) is classified as a Recreation Reserve, subject to the Reserves Act 1977 and vested in the Mount Herbert County Council as Reserve 4622 by New Zealand Gazette Notice on 26 January 1962 (page 196) for public purposes.

Background of proposal

- 5.9 In 2009 Council held community consultation for a landscape development plan for the reserves in Pūrau Bay (Pūrau Māori Reserve and Pūrau Foreshore Reserve). Council received a submission from Te Hapū o Ngāti Wheke on the significance of both reserves. The development plan was put on hold to allow for further discussions to take place.
- 5.10 Following a request from Te Hapū o Ngāti Wheke who were concerned there were unidentified artefacts buried in the reserve, Council commissioned an Archaeological Geomagnetic Report for Pūrau in September 2009.
- 5.11 At its meeting on 20 August 2014, during an elected members’ information exchange, the Lyttelton/Mt Herbert Community Board decided to:
- Request a report that enables the Board to decide on the reclassification of the Foreshore Reserve at Pūrau, including the Pūrau Māori Reserve.*
- The report is to include that the reserves have been surveyed, that papatipu rūnanga have been consulted and to seek the reclassification of the reserves as historic to better reflect the historic and cultural values of the site.*
- 5.12 Mahaanui Kurataiao Limited (MKT) recommended that Council commission a Cultural Values Report and provided Council with a scope of works in April 2017.
- 5.13 This was completed in August 2017 and this document remains the property of Te Hapū o Ngāti Wheke, which has permitted some historical information to be included in **Attachment A and Attachment B**.
- 5.14 Council had a meeting with MKT and members of Te Hapū o Ngāti Wheke in December 2017 around the process going forward.
- 5.15 At this meeting Council staff agreed with Ngāti Wheke that the following recommendation of the CVR be considered for implementation
- Pūrau Māori Reserve, 177 Pūrau Avenue, Pūrau (Reserve 4622). The CVR requested that the option to restore ownership of this land parcel to Te Hapū o Ngāti Wheke be explored. This will involve the revoking of reserve status under the Reserves Act 1977.*
- 5.16 Te Hapū o Ngāti Wheke Incorporated passed the following resolution at its Rūnanga meeting on 10 December 2017.
- Te Hapū o Ngāti Wheke request of Christchurch City Council that Pūrau Reserve 4622, BP 15546 (0.1381 ha), 177 Pūrau Drive, currently designated under the Reserves Act be*

revoked and be granted to Mana Whenua Te Hapū o Ngāti Wheke with the title to be registered under Te Ture Whenua Māori Act as a Māori Reservation.

- 5.17 Council staff attended a Banks Peninsula Community Board seminar on Monday 12 February 2018 to discuss the proposal to revoke the reserve status. The Community Board suggested that staff have a drop in session for Pūrau residents to attend and ask questions prior to the Community Board meeting to approve the initiation of the Reserves Act 1977 process to revoke reserve status of Pūrau Māori Reserve.
- 5.18 A community drop in session was held on Saturday 7 April 2018 at Pūrau Recreation Ground to let the Pūrau community know about the proposal to revoke reserves status and to provide the opportunity to ask any questions or concerns. Refer to **Attachment A** for a summary of information received at this drop in session.

Reasons for revocation

- 5.19 Pūrau Māori Reserve is a Council community park located at 177 Pūrau Avenue, Pūrau (refer **Attachment C** for map). The title to the Pūrau Māori Reserve was not derived from the Crown.
- 5.20 Section 17. Recreation reserves (1) of the Reserves Act 1977 states:
- “... in relation to reserves classified as recreation reserves, 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.”*
- 5.21 The retention of this land as a reserve for recreation purposes is considered not warranted by staff and surplus to Council’s parks and reserves requirements for the following reasons;
- 5.21.1 Pūrau Recreation Ground (4,410m²), classified as a Recreation Reserve under the Reserves Act 1977 is approximately 80m away from Pūrau Māori Reserve. Pūrau Recreation Ground has a playground, toilet, stream, tree shade, seating and open space providing adequate amenity for the surrounding residential area.
- 5.21.2 Pūrau Recreation Ground is meeting the needs of the local community and visitors from Christchurch for open space, and formal and informal recreation activities. And these users will not be disadvantaged by the revocation of Pūrau Māori Reserve
- 5.21.3 Te Hapū o Ngāti Wheke have identified Pūrau Māori Reserve as an urupā site. The geomagnetic report has confirmed there are buried artefacts in this reserve. The purpose of Recreation as per the Reserves Act 1977 classification is culturally insensitive to the future use of this site.
- 5.21.4 There is budget in Council’s Draft Long Term Plan 2018 – 2018 to develop reserves in Pūrau. This funding can be used to make improvements to the recreation ground including access to the park.
- 5.21.5 Pūrau Māori Reserve is culturally significant to Te Hapū o Ngāti Wheke. Being held as a Recreation Reserve under the Reserves Act 1977 is insensitive to Ngāti Wheke and allows for members of the community to play cricket and have picnic’s on site. Since the residents association have shared information around the history of this site, members of the community have a better understanding of what activities are suitable at Pūrau Māori Reserve, however visitors to Pūrau do not.
- 5.22 Council’s Public Open Space Strategy 2010 provide a framework to guide the provision and development of all public open space within Christchurch and Banks Peninsula. The guidelines recommend that residents in townships and small settlements should have access to local parks (3000m² or more in size) within approximately 400m. All residents in the Pūrau settlement have access to the following public open space reserves: Pūrau Esplanade Reserve (5,358m²), Pūrau

Foreshore Reserve (10,715m²) and Pūrau Recreation Ground (4,410m²). Pūrau Māori Reserve is an additional 1381m² reserve that is significantly above the levels of open space requirements (3000m²) for the residents of Pūrau.

- 5.23 If the reservation is uplifted the land is then available to Council to consider returning the land to Te Hapū o Ngāti Wheke.

6. Option 1 - Approve the initiation of the Reserves Act 1977 process to revoke the reserve status of Pūrau Māori Reserve (preferred)

Option Description

- 6.1 The Banks Peninsula Community Board resolves to initiate Section 24 Reserves Act 1977 process to revoke the reserve status of Pūrau Māori Reserve, 177 Pūrau Avenue, Pūrau (Reserve 4622).

Significance

- 6.2 The level of significance of this option is medium consistent with section 2 of this report.
- 6.3 Engagement requirements for this level of significance are consistent with the community views and preferences as shared with the Board at the presentation of this report.

Impact on Mana Whenua

- 6.4 This option does involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value and specifically impacts Te Hapū o Ngāti Wheke and Ngāi Tahu, their culture and traditions.
- 6.5 Te Hapū o Ngāti Wheke has been consulted in relation to the future of this reserve.

Community Views and Preferences

- 6.6 A community drop in session was held on Saturday 7 April at Pūrau Recreation Ground. Refer to **Attachment D** for a summary of feedback received from this drop in session.
- 6.7 If the Community Board approve the initiation of the section 24 Reserves Act 1977 revocation for Pūrau Māori Reserve, public notification will be held for a minimum of one month. A hearings panel may be established should any submissions be received requesting to be heard.

Alignment with Council Plans and Policies

- 6.8 This option is consistent with Council's Plans and Policies.

Financial Implications

- 6.9 Cost of Implementation – Covered by Parks Planning operational budgets.
- 6.10 Maintenance / Ongoing Costs – Once the reserve status has been revoked there will be no ongoing maintenance or associated ongoing costs.

Legal Implications

- 6.11 This report has been reviewed by Councils Legal Services Unit.
- 6.12 The legislative process to revoke a reservation is provided for under Section 24 of the Reserves Act 1977. This process requires public notification of the intention to revoke the reservation giving the reasons why this course of action is advisable.
- 6.13 A Hearings Panel would be established to hear any submissions and to make a recommendation to the Community Board. The Community Board holds the delegation from the Council to decide whether to apply to the Minister of Conservation to revoke the reserve status, or not. Therefore, in addition to the Council decision-making process, the Reserves Act requires that any proposal to revoke the reserve status of any land is approved by the Minister of Conservation. If the Minister's approval is not forthcoming, then the revocation will not be able to proceed.
- 6.14 The Department of Conservation has been provided information on the proposal to revoke the reservation as required by Section 24 (2) (a) of the Reserves Act 1977.
- 6.15 This option of the report is solely about the proposal to uplift the reservation of the reserve for recreation purposes as it can be demonstrated that there is no longer any need to retain this reservation. The future use of this land should the reservation be revoked is not being debated

in this report and will be the subject of a further options report to Council at the appropriate time.

Risks and Mitigations

- 6.16 There is a risk the outcome of the public consultation may not agree with the revocation of Pūrau Māori Reserve. The hearings panel will make their recommendation to the Community Board following consultation.
- 6.17 Mitigation: Council is following the statutory process of section 24 Reserves Act 1977 with providing opportunity for the public to participate in community consultation and hearings panel.

Implementation

- 6.18 Implementation dependencies – subject to public notification and statutory processes.
- 6.19 Implementation timeframe – N / A

Option Summary - Advantages and Disadvantages

- 6.20 The advantages of this option include:
- Revocation of the classification of Pūrau Māori Reserve as a Recreation Reserve under the Reserves Act 1977 will enable the site to be recognised as an urupā site. A geomagnetic report has confirmed there are buried artefacts in this reserve. The purpose of Recreation as per the Reserves Act 1977 classification is culturally insensitive to the future use of this site.
 - Recreation users will still be able to use Pūrau Recreation Ground (4,410m²), classified as a Recreation Reserve under the Reserves Act 1977 which is approximately 80m away from Pūrau Māori Reserve. Pūrau Recreation Ground has a playground, toilet, stream, tree shade, seating and open space providing adequate amenity for the surrounding residential area.
 - Recreation users will no longer be unknowingly recreating on a sacred urupā site and potentially offending Tangata Whenua.
- 6.21 The disadvantages of this option include:
- Some community members are concerned around the possibility of perceived loss of open space.

7. Option 2 - Approve the initiation of the Reserves Act 1977 process to change classification of Pūrau Māori Reserve from Recreation Reserve to Historic Reserve.

Option Description

- 7.1 The Banks Peninsula Community Board resolves to initiate Section 24 Reserves Act 1977 process for change of classification of Pūrau Māori Reserve, 177 Pūrau Avenue, Pūrau (Reserve 4622).

Significance

- 7.2 The level of significance of this option is medium consistent with section 2 of this report.

Impact on Mana Whenua

- 7.3 This option does involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value and specifically impacts Te Hapū o Ngāti Wheke and Ngāi Tahu, their culture and traditions.
- 7.4 Te Hapū o Ngāti Wheke have been consulted in relation to the future of this reserve.

Community Views and Preferences

- 7.5 If the Community Board approve the initiation of the Section 24 Reserves Act process to reclassify Pūrau Māori Reserve, public notification will be held for a minimum of one month. A hearings panel may be established should any submissions be received requesting to be heard.
- 7.6 This option is inconsistent with the conclusion, requirements and recommendations of the CVR completed by MKT.
- 7.7 A community drop in session was held on Saturday 7 April at Pūrau Recreation Ground. Refer to **Attachment D** for a summary of feedback received from this drop in session.

Alignment with Council Plans and Policies

- 7.8 This option is consistent with Council's Plans and Policies

Financial Implications

- 7.9 Cost of Implementation – Covered by Parks Planning operational budgets.
- 7.10 Maintenance / Ongoing Costs – There will be ongoing maintenance costs if the reserve is to stay in Council ownership.
- 7.11 Funding source – If capital funding is required for development of Pūrau Māori Reserve, this would need to come out of a future Council Long Term Plan.

Legal Implications

- 7.12 This report has been reviewed by Council's Legal Services Unit.
- 7.13 Reserve classification is a legal process under Section 24 of the Reserves Act 1977.

Risks and Mitigations

- 7.14 Council could be perceived as not fulfilling its obligations to mana whenua and Ngāi Tahu.

Implementation

- 7.15 Implementation dependencies - there are no implementation dependencies.
- 7.16 Implementation timeframe – Not Applicable

Option Summary - Advantages and Disadvantages

- 7.17 The advantages of this option include:
- There are no significant advantages to the community and Te Hapū o Ngāti Wheke.
- 7.18 The disadvantages of this option include:
- If this option is preferred Council could be perceived as not fulfilling its obligations to mana whenua and Ngāi Tahu.

Attachments

No.	Title	Page
A ↓	Map of Pūrau	84
B ↓	Pūrau Urupā - History from Te Hapū o Ngāti Wheke	85
C ↓	Tiemi Nohomutu II - Te Hapū o Ngāti Wheke	88
D ↓	Pūrau Māori Reserve - Drop in session notes 7.04.2018	90

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

Authors	Megan Carpenter - Planner Recreation Russel Wedge - Team Leader Parks Policy & Advisory
Approved By	Brent Smith - Manager Parks Planning & Asset Management Mary Richardson - General Manager Citizen and Community

Purau
Landbase
Street Number
Park Name
Road Name
Park
Park (No Fill)
Park (No Fill)
Aerial Photo 2016
Aerial Photo 2015 CC 5
Aerial Photo 2015 BP 6
Aerial Photo 2015 4
WorkingLevel per foot
AQG NodeLine



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ph: 941-8300 fax: 941-8385

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PŪRAU URUPĀ

D157: Pūrau urupā. Updated: 29 January 2018.

Proposal:

To transfer ownership and management of the Pūrau Ngāi Tahu burial ground, Reserve 4622, from Christchurch City Council (CCC) to being a reserve under *Te Ture Whenua Māori Act 1993*, and managed by the Rāpaki Trustees.¹

At least 11 burials have been indicated in Pūrau Reserve 4622, 177 Pūrau Drive.² As far as is known, they are all Ngāi Tahu and may be either casualties of the 1826 conflict at Rīpapa³, or former residents of Pūrau. In the 1857 Census there were 12 Ngāi Tahu of the Ngāti Te Rakiwhakaputa hapū resident in Pūrau⁴. One of the burials is identified by a headstone for Tiemi Nohomutu who died in 1850. (qv separate brief biography of Tiemi Nohomutu).

CCC lists responsibility for 27 cemeteries in the City⁵. This includes cemeteries at Diamond Harbour and Port Levy, but not Pūrau. Reserve 4622 is zoned as a Recreation Reserve.⁶

Papatipū Rūnanga typically have retained ownership and management of urupā for whānau, hapū and iwi members within their takiwa. Ōnuku, Wairewa, Taumutu and Koukourārata each have responsibility for their own urupā. Similarly Rāpaki has 2 in Rāpaki and 1 in Taukahara.

Under *Te Ture Whenua Māori Act 1993*, Trustees are regularly nominated (usually elected) by members of their Rūnanga and then proposed for appointment by the Māori Land Court.⁷ Such Trustees have management responsibilities for their urupā.

Pūrau is a special situation because for 100 years the mana whenua, Rāpaki, has sought, unsuccessfully, kaitiaki to protect the koiwi known to lie in Pūrau.

When Native Reserve 876 Pūrau was sold in 1914, one of the terms of sale was “Purchaser agrees to fence in and keep fenced the graves on the land.”⁸ The next year, the County Clerk of Mt Herbert County Council (MtHCC), wrote to the Minister of Native Lands requesting control of the “Native Cemetery (say ¼ acre) so it may be fenced and planted with native shrubs and thus conserved.”⁹

For the next 35 years several such requests fell on deaf ears. Then in 1950 the land owner proposed a subdivision of the 9 acres. One of the conditions of approval was the establishment of a specific ¼ acre section which “should be shown as ‘Public Reserve’”.¹⁰

Interestingly, there was local support for Māori control of the section by the landowner¹¹ and MtHCC.¹² But not in Wellington.

Another 10 years went by and there were further attempts, but Wellington obviously felt threatened by Armageddon.¹³ The NZ Commissioner of Crown Lands said, “There could be a wholesale demand to return to Māori control all ancestral graves if we establish a precedent here”!¹⁴ He was obviously under some pressure from the North Canterbury Historic Places Trust and so suggested “the following possibilities to improve the present administration of [the reserve]”: a) vest in Māori Trustee (*Maori Affairs Act*); b) change purpose to cemetery and

appoint County Council as Cemetery Trustees (*Health Act*); c) appoint the National Historic Places Trust to control and change as Historic Reserve (*Reserves and Domains Act*); or d) appoint a special board of up to 9 members to control and manage.”¹⁵ There is no suggestion that local Māori manage their own urupā. The closest is the last option which draws a hand-written note, “Avoid this at all costs”.

Eventually in 1961 the section was “vested in His Majesty the King as a public reserve.”¹⁶ The following year it is Gazetted and ‘Public reserve’ interpreted as “Recreation Reserve”.¹⁷ Another 27 years of MthCC follow during which time Rāpaki tried the elected representative route. 4 different Rāpaki residents were variously elected as Councillors¹⁸. They too were unsuccessful.

For the next 17 years (1989 to 2006), Pūrau’s local government was Banks Peninsula District Council (BPDC). In March 2006 when BPDC was amalgamated, CCC inherited the proposed BPDC District Planning Zoning for 177 Pūrau Drive as, RV – Recreation Reserve. Not CR – Conservation Reserve, not C – Cemetery.¹⁹

December 2008, the Chair of the Community Board contacted Rāpaki representatives querying the appropriateness of holding the “...big picnic [on 177 Pūrau Drive] called the ‘Pūrau Long Lunch’, with tents, and BBQs, tables and chairs, games and local performers etc...” in a Māori burial ground.

Shortly after, CCC proposed a quite detailed Pūrau Bay Landscape Development Plan²⁰ eg a proposed ‘Pūrau Māori Reserve’ sign is indicated for Reserve 4622. Also, a note: “Existing memorial to be retained.” Presumably the option of removing Nohomutu’s headstone was considered. 70% of the 39 respondents, including Rāpaki, did not support the proposed Plan which was then put on hold.

Rāpaki asked for further inquiries and discussion regarding the Reserve including a sub-surface geomagnetic archaeological study to locate probable burials²¹. This was done²². Rāpaki and CCC agreed to a Cultural Values Report by Mahaanui Kurataiao.²³

December 2017 CCC and Rāpaki agreed on a schedule for the transfer of Reserve 4622 from CCC to Rāpaki.²⁴

Comment:

This is a sad story of a century of ignoring the fundamental and basic use of this section and indulging in a variety of activities which are contrary to the values of the mana whenua who have tried to exercise their kaitiaki responsibilities for those buried there. There is now an opportunity to resolve this issue by transferring the reserve from local government to mana whenua. We hope it will be supported by all those with an interest in this matter.

References:

- Hans-Dieter Bader (2009), 'Archaeological Geomagnetic Report, Purau Bay, Christchurch'.
Unpublished report prepared for Christchurch City Council.
- Mahaanui Kurataiao (2017), *Cultural Values Report: Pūrau Bay / Whakaraupō*. 34pp.
- R Te Maire Tau, and Atholl J Anderson, (2008) *Ngai Tahu: A Migration History – the Carrington Text*. 272pp.

End notes:

1. Te Hapū o Ngāti Wheke (Rūnanga of Rāpaki). Resolution passed 10 December 2017.
2. H-D Bader (2009) 'Archaeological Geomagnetic Report, Purau Bay, Christchurch'. p.13
3. Te M Tau and A Anderson (2008) p.167.
4. 1857 Census. Canterbury Provincial Government, Provincial Sec. Native Affairs. CP322a/15.
5. CCC website
6. CCC Reserve 4622, Recreation Reserve
7. *Te Ture Whenua Māori Act 1993 s222*. Trustees.
8. 18 SIMB p.258 [Māori Land Court – Te Wai Pounamu 1914]
9. WA Carpenter, Correspondence 26 June 1915 to Minister of Native Lands.
10. RG Dick, Surveyor-General Corresp. 20 March 1950 to Chief Surveyor, Christchurch.
11. HH Gardiner in Ropiha, Under-Sec, Dept Māori Affairs 9 March to Dir-Gen of Lands
12. G Thomas, CC, MtHCC Correspondence 2 October 1950.
13. Armageddon: - a dramatic and catastrophic conflict, especially one seen as likely to destroy the world or the human race. Alternatively, it may have been simply racism – surely not possible!
14. Commissioner of Crown Lands, Correspondence 26 July 1961.
15. Idem Correspondence 5 August 1959.
16. Certificate of Title 534/78 22 November 1950.
17. *NZ Gazette* 2 January 1962 p.196.
18. GM Couch 1962-1974; ATR Couch 1975-1977; DFH Couch 1977-1980 and D Rhodes 1980-1989.
19. BPDC (2006) proposed District Plan – Zoning.
20. CCC (2008) Pūrau Bay Landscape Development Plan.
21. Donald Couch, Chair, Te Hapū o Ngāti Wheke, Correspondence 29 January 2009 to CCC.
22. H-D Bader (2009)
23. Mahaanui Kurataiao (2017), *Cultural Values Report: Pūrau Bay, Whakaraupō*. p.3
24. CCC (per Megan Carpenter), Correspondence 7 December 2017, re process
“...to restore ownership of this land parcel to Te Hapū o Ngāti Wheke..”

TIEMI NOHOMUTU

D157: Tiemi Nohomutu II. Updated: 26 January 2017.

Tiemi Nohomutu was a leader of Ngāi Tahu in Whakaraupō during the 1830s and 1840s.

His whakapapa is from Rāpaki's Kati Kurii (Ngāi Tahu) founder Te Rakiwhakaputa and Te Kuku through their son Wheke and then his son Te Ihu who with Moinana were Tiemi's parents.¹ Tiemi identified his Hapū as Ngāti Te Rakiwhakaputa.

Probably born in the 18th century,² as a mature, committed Ngāi Tahu man, Tiemi Nohomutu was almost certainly a participant in the Kai Huanga conflicts of the 1820s. Similarly, in the subsequent battles with Ngāti Toa and their northern iwi allies. Like fellow warrior chief Tangatahara, he may have been briefly captured - then escaped.³ Following the 1832 disasters at Kaiapoi and Onawe, Nohomutu is listed as one of the leaders of the 1833 Tauaiti (small war party) or Oraumoaiti (Fighting Bay) of 340 Ngāi Tahu men who left Whakaraupō in 6 double waka-taua to seek utu on Te Rauparaha and his allies at Waiharakeke (Flaxbourne) and Paruparu (near Lake Grassmere).⁴ This they did. Te Rauparaha had two lucky escapes with his life there and didn't again attack Ngāi Tahu. But, one of his allies did – Te Pūoho of Ngāti Tama lead 100 men down the West Coast crossing through Haast to the Mātaura until they were defeated by Ngāi Tahu at Tuturau in 1836.⁵

The 1830s were a time of dislocation and severe Ngāi Tahu population loss because of conflict, war and measles. Then came the Treaty of Waitangi, land leases and sales and colonization.

But first, the French at Akaroa who produced different understandings and complicated negotiations for land. ⁶ Nohomutu was present as one of the "four high chiefs of Port Cooper and Port Levy". His name and moko are to be found on Jean François Langlois' land purchase documents of 1838 and 1840.⁷

Following the arrival in Akaroa of the 57 French and German settlers in August 1840, several Catholic missionaries arrived, including Fr Comte, whose specific task was 'to evangelise the Māori'. He appears to have baptised most of the Māori living on Banks Peninsula – including Tiemi Nohomutu. ⁸ The conversions may have been 'more apparent than real', although the 1857 Census subsequently lists all 12 of Nohomutu's hapū resident in Pūrau as Catholic.⁹

Tiemi Nohomutu is listed in an 1841 Census of Port Cooper.¹⁰ In 1844, Edward Shortland refers to sailing in Nohomutu's boat in Port Levy and Port Cooper. ¹¹

The first land agreement between Ngāi Tahu and Colonists was on 1 October 1846, the Greenwood/ Rhodes leases with Pūrau Ngāi Tahu.¹² Nohomutu was the lead signatory there as well as on the Port Cooper / Whakaraupō deed of August 1849. ¹³ He also signed the Deans (Putaringamotu/ Riccarton) Lease in 1846,¹⁴ but did not sign Kemp's Deed. ¹⁵

Tiemi Nohomutu died in 1850 and as a resident is buried in Pūrau where his headstone may be seen today. He had married Hinetuhi / Hinetutu. They had one daughter Te Kohuwai who married Paora Taki and they in turn had one daughter - Ngaroimata (Wikitoria).

The Port Cooper Deed August 1849 proposed setting aside lands in Pūrau for local Ngāi Tahu residents – when the rest was sold for Colonial Settlement and use. ¹⁶ In 1870 this received formal recognition as a Crown Reserve which set aside 9 acres and established Native Reserve 876 Pūrau.¹⁷ This was not awarded to the hapū but rather to an individual - Ngaroimata (Wikitoria) (Tiemi Nohomutu's granddaughter). She had no descendants and willed it to Rahera Muriwai Uru (no whanau relationship), who Succeeded to Wikitoria in 1913 and despite Native Land restrictions, was able in 1914 to find a way to sell the 9 acres to a local farmer's wife for £360.¹⁸

And so this disastrous process resulted in Ngāi Tahu land rights in Pūrau being extinguished.

Tiemi Nohomutu's contemporaries included: Te Whakarukeruke, Taununu (d. 1832), Iwikau (d. 1845) and Tangatahara d. 1847).

A ridge west of Te Poho o Tamatea is named Nohomutu after Tiemi Nohomutu, but he is not depicted with a pou in the Rāpaki whare *Wheke*. He is not listed in the Ngāi Tahu Blue Book despite being alive in 1848, because after his mokopuna Wikitoria, there were no further descendants in his line. Nor is he included in any of the recognised Biography publications which include Ngāi Tahu eg Te Ara Encyclopedia of NZ. (1998); Dictionary of NZ Biography (1990, 1993, 2000) or Ngā Tāngata Ngāi Tahu. (2017). Notwithstanding, he was undoubtedly a rangatira.

References:

- Harry C Evison (2006). *The Ngai Tahu Deeds: A Window on NZ History*. 312pp.
Harry C Evison (1997). *The Long Dispute*. 399pp.
Harry C Evison (1993). *Te Wai Pounamu*. 582pp.
Tau, R.T.M. and Anderson, A.J. (2008) *Ngai Tahu: A Migration History – Carrington*
Peter Tremewan (rev. ed. 2010). *French Akaroa*. 383 pp.

End notes:

1. Tau & Anderson (2008) Whakapapa 13, 218.
2. In 1841 Fr Comte gave Nohomutu's age as 'about 50'. Baptism and Marriage records.
3. Paora Taki (1884?) *Events*. 18.
4. Tau & Anderson (2008) 191.
5. A Anderson (1986), *Te Puoho's Last Raid*.
6. Tremewan (rev. 2010) *French Akaroa*.
7. Tremewan (2010) 116-117.
8. Tremewan (2010) 253.
9. 1857 Census.
10. E Halswell, 'Port Levi or Kokorarata and Port Cooper. Names of Mauries Residents', Appendix D. Minutes of Evidence Committee..*British Parl. Papers* 1847-8 (46) 30-31.40.
11. Edward Shortland, *Southern Districts* pp 258-9, 289.
12. Evison (1993) 221-222.
13. Evison (2006) 133-134.
14. J Andersen (1949), *Old Christchurch* 11-12.
15. Evison (2006) 125.
16. Plan of Native Reserve No.1 Pūrau Port Cooper 1849.
17. Crown Grant Deed 5021 11 April 1870.
18. Conveyance 116117 Uru to Gardiner 18 March 1914.

Pūrau Māori Reserve – Community Drop in Session notes

Saturday 7 April 2018

Pūrau Recreation Ground

Te Hapū o Ngāti Wheke Representatives: Yvette Couch-Lewis, Donald Couch

CCC: Megan Carpenter

Banks Peninsula Community Board: Pam Richardson, Jed O'Donoghue, Felix Dawson

HPE Record Manager: 18/344147

Notes

- Why can't it be a Historic Reserve under the Reserve Act 1977? Is there an opportunity to have a Management Plan developed with Ngāti Wheke?
 - o CCC staff discussed these options with Ngāti Wheke in December 2017. Ngāti Wheke have a strong desire to own the land due to the significance of the site.
- Will it be a burial place in the future?
 - o Highly unlikely – there is a process to follow for a site to become an active urupa/cemetery including land use consents through CCC/ECAN which would involve effected parties.
- Concerns around public access
 - o Ngāti Wheke have indicated at this stage that they will not restrict access.
- Concerns around ongoing maintenance
 - o There are nine reserves in Rāpaki with six trustees, a charter was developed for these reserves in November 2017. The community would see a similar situation as to what is in Rāpaki for Pūrau. Rāpaki has a contract with contractors for maintenance.
- The community would like to see the Trustees charter – for community guidance as to what Ngāti Wheke/Koukourata will do with site. They would like to see example of other charters that Ngāti Wheke have.
- What is the community going to lose? E.g. past use has included space for cricket and New Year celebrations.
- Concerns around safety of access to the Recreation Ground e.g. access along Pūrau Avenue and access into recreation ground (narrow bridge over the drain). Residents want children to be able to play in the recreation ground by themselves.
- General support from community members around having suitable signage/interpretation panels at the sites to provide information around history etc. so citizens can make an informed decision as to how they use the reserves.

Ngāti Wheke developing a reserve committee is in the next phase.

There is budget in the draft Long Term Plan 2018 - 2028 for reserve developments in Pūrau. This funding can be used to enhance the Recreation Ground.

Other comments/note

- Support to renew the public toilets (this was highly supported).
- Foreshore erosion – needs a solution.
- Is the bus shelter in the right location? School kids get on the bus across the road from the recreation ground.
- Foreshore Reserve - Access to water from the foreshore is important. Kayaks/sail boats need grass to sort sails etc. and launching. Users aren't necessarily residents.
- Foreshore Reserve – needs information signage so citizens can make an informed choice around how they use the space. Take away picnic tables and relocate them elsewhere in Pūrau. Consider re-routing the Head-2-Head walkway.

Pam/Jill – suggested that CCC organise an event in summer to talk to community around the development of reserves in Pūrau.

10. Lyttelton Community Subdivision By-Election - Electoral Officer Report

Reference: 18/497185

Presenter(s): Jo Daly, Electoral Officer

1. Purpose of Report

- 1.1 The purpose of this report is for the Banks Peninsula Community Board to receive a report on the outcome of the by-election for the Lyttelton Community Subdivision of the Banks Peninsula Community Board.

2. Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the information in the report.

3. Key Points

- 3.1 A by-election to fill the extraordinary vacancy for one member of the Lyttelton Community Subdivision was held on 16 May 2018. The extraordinary vacancy arose from the resignation of Christine Wilson.
- 3.2 Tyrone Fields was declared elected. The declaration of by-election result was made on 19 May 2018.
- 3.3 There were five candidates for the extraordinary vacancy. Voting was as below:
 - FIELDS, Tyrone 500
 - STRUTHERS, Robyn 185
 - COUCH-LEWIS, Yvette 156
 - STANBRIDGE, Ashley 105
 - DIETSCHKE, Paul 62
- 3.4 The voter return was 42.34%, being 1009 votes (including 1 informal vote).

Attachments

There are no attachments to this report.

Signatories

Author	Jo Daly - Council Secretary
Approved By	Mary Richardson - General Manager Citizen and Community

11. Road Stopping 8 Rawhiti Street Diamond Harbour

Reference: 18/251374

Presenter(s): Stuart McLeod

1. Purpose and Origin of Report

Purpose of Report

- 1.1 The purpose of this report is to inform the Banks Peninsula Community Board of the road stopping processes available to them and for the Board to be satisfied they can resolve to stop a portion of unformed legal road adjoining 8 Rawhiti Street Diamond Harbour under the Public Works Act 1981 process.

Origin of Report

- 1.2 This report is staff generated because there is no staff delegation where the road stopping will constitute a complying lot under the City Plan on its own account or where its amalgamation with the adjoining lot creates a new potential for the adjoining lot to be subdivided.

2. Significance

- 2.1 The decisions in this report are of low significance in relation to the Christchurch City Council's Significance and Engagement Policy.
 - 2.1.1 The level of significance was determined because this project only affects the applicant's property and they already occupy the land - that is they have a garage and driveway on it plus landscaping. The owners of the properties neighbouring the applicants land have provided separate written consents
 - 2.1.2 The community engagement and consultation outlined in this report reflect the assessment. Notwithstanding the low level of significance because the road to be stopped sits within a Nga Turanga Tupuna area Mahaanui Kurataiao (MKT) has been consulted, and they consider there is no impact on Maori.
 - 2.1.3 Consultation with MKT is only triggered if there has been an application for an activity that requires a resource consent, which is not the case in this instance. However it was thought prudent to consult with them because a sub-divisible parcel of land will be created.

3. Staff Recommendations

That the Banks Peninsula Community Board:

1. That pursuant to Section 116(1), 117(3)(b) and 120(3) of the Public Works Act 1981 resolves to stop that parcel of land identified on the attached diagram containing 106m² or thereabouts subject to survey and to amalgamate that parcel of land with the adjoining land contained in Computer Freehold Register CB520/20
2. That the Property Consultancy Manager is delegated the authority to take and complete all steps necessary to stop the portion of road referred to above.

4. Key Points

- 4.1 This report supports the [Council's Long Term Plan \(2015 - 2025\)](#):
 - 4.1.1 Activity: Roads and Footpaths

- 4.2 Level of Service: 16.0.2 Maintain road condition
- 4.3 The following feasible options have been considered:
- Option 1 – Stop the road using the Public Works Act 1981 procedure (preferred option)
 - Option 2 – Stop the road using the Local Government Act 1974 procedure
 - Option 3 – Do not stop the road
- 4.4 Option Summary - Advantages and Disadvantages (Preferred Option)
- 4.4.1 The advantages of this option include:
- Is less costly for the applicant.
 - Is relatively simple and quick.
 - The end result achieves the same outcome as Option 2 albeit using a different process.
 - Reflects the low level of significance as already determined using the Councils Significance Assessment template.
 - Regulatory checks and balances are in place because the Public Works Act 1981 process requires approval from the Minister of Lands.
- 4.4.2 The disadvantages of this option include:
- None

5. Context/Background

Road stopping application

- 5.1 An application has been received by the owners of 8 Rawhiti Street Diamond Harbour to stop a portion of road adjoining their property as identified in the attached diagram (**Attachment A**). Its location within the wider Diamond Harbour is shown in **Attachment B**.
- 5.2 The road stopping application has been assessed by the Transport Unit against the criteria in the Councils Road Stopping Policy (paragraph 5.7 below), and all the criteria can be satisfied.
- 5.3 The road to be stopped is already occupied by the applicant, it has been utilised for a private driveway, garage, landscaping and fencing. In general it slopes downwards from the formed road as can be seen in **Attachment C**.
- 5.4 The value of the road to be stopped has been assessed by a competent independent registered valuer appointed by Council, as is required by section 345 of the Local Government Act 1974.
- 5.5 Subsequently an agreement for sale and purchase has been entered into with the adjoining owner that is conditional upon Council approval and subject to the stopped road being amalgamated with the applicants adjoining title.
- 5.6 Council receive multiple applications to stop parts of road which are all assessed against the criteria in the Road Stopping Policy by the Transport Unit.
- 5.7 The criteria that are considered are listed in the below table:

City Plan	Is the road shown to be stopped in the operative City Plan or does the stopping have any adverse impact on adjoining properties under the City Plan i.e. set backs/site coverage or the neighbourhood in general.
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Current Level of Use	Is the road the sole or most convenient means of access to any existing lots or amenity features e.g. a river or coast.
	Is the road used by members of the public
Future Use	Will the road be needed to service future residential, commercial, industrial or agricultural developments
	Will the road be needed in the future to connect existing roads.
	Will the road be needed to provide a future or alternative inter-district link
Alternative Uses	Does the road have potential to be utilised by the Council for any other public work either now or potentially in the future.
	Does the road have current or potential value for amenity or conservation functions e.g. walkway, utilities corridor, esplanade strip, protected trees etc.
Road adjoining any water body	If so, there is a need to consider Section 345 LGA, which requires that after road stopping, such land becomes vested in Council as an esplanade reserve.
Encumbrances	Is the road encumbered by any services and infrastructure and can they be protected by easements
Traffic Safety	Does access and egress of motor vehicles on the section of the road constitute a danger or hazard to the road users.
Infrastructure	Does the road currently contain infrastructure, or will it in the future, that is better protected and managed through ownership.

- 5.8 Once assessed and if approved for further processing, consideration is given to which road stopping process should be used and the Property Consultancy Team is instructed to progress.
- 5.9 When the Council adopted the road stopping policy in 2009 it delegated its road stopping authority to the Corporate Support Manager but restricted the delegation to compliance with the Road Stopping Policy and to compliance to those instances where the following criteria must be met
- The area of road to be stopped will not constitute a complying lot under the City Plan on its own account nor will its amalgamation with the adjoining lot create potential for the adjoining land to be subdivided and
 - It will be necessary for the adjoining land to be amalgamated with the certificate of title adjoining the property and
 - The owner of the adjoining property is the logical purchaser of the stopped road and
 - That the proposed road stopping complies with the Councils Road Stopping Policy and
 - The area of road to be stopped is not adjoining a reserve or waterway.
- 5.10 The Manager Property Consultancy cannot exercise the delegation in this instance because the stopped road once amalgamated will constitute a lot that can be subdivided.
- 5.11 Although not a road stopping criteria, further consideration has been that the road to be stopped is within a Nga Turunga Tupuna area. If land within a Nga Turunga Tupuna area is subject to a resource consent application consultation with Nga Tahu is required. Mahaanui Kurataiao is an organisation set up by Ngai Tahu to consult with local rūnanga.
- 5.12 Although road stoppings do not require a resource consent it was thought prudent to consult with Mahaanui Kurataiao because a sub-dividable parcel of land will be created.
- 5.13 Road stoppings can be managed under one of two statutory processes
- the Public Works Act 1981 procedure or
 - the Local Government Act 1981 procedure

- 5.14 Because staff cannot exercise their road stopping delegation in this instance a decision from the Community Board is required.
- 5.15 The Community Board has the following delegation in respect of applications to stop roads.
- 5.15.1 Power to accept or decline an application from either a Council business unit or from any other person to stop legal road which does not fall within the delegation given to the Corporate Support Unit Manager under paragraph (b) (of the Road Stopping Policy resolution of the Council dated 9 April 2009) shall be delegated to the Community Board within which the legal road proposed to be stopped is situated.
- 5.15.2 That where the Community Board's delegated authority above applies:
- That Councils powers under sections 116, 117 and 120 of the Public Works Act 1981 and Sections 319(h), 342(1)(a) and 345 of the Local Government Act 1974 (excluding the power to hear objections and recommend to the Council whether the Council should allow or otherwise any objections received to road stopping procedures pursuant to the Tenth Schedule of the Local Government Act 1974 and the Councils powers under paragraph 5 of the Tenth Schedule) in relation to road stopping and disposal of the land that was previously stopped road be delegated to the Community Board for the Ward within which the proposed legal road is situated and to be exercised in accordance with the Councils Road Stopping Policy.
 - That the power to determine (in compliance with the Councils Road Stopping Policy) which statutory procedure should be employed to undertake a particular road stopping (either under the Local Government Act 1974 or the Public Works Act 1981) be delegated to the Community Board for the Ward within which the proposed legal road is situated and to be exercised in accordance with the Councils Road Stopping Policy.
- 5.16 Taking into account the information provided in this report and the advantages and disadvantages of each option, it is considered that this road stopping is in no way controversial and it is recommended that the Public Works Act 1981 process be followed. However for completeness and to allow the Community Board to make a fully informed decision a brief outline of both the Public Works Act 1981 process and the Local Government Act 1974 process is given below.

The Public Works Act 1981 process

- 5.17 Councils have powers under Sections 116, 117 and 120 of the Public Works Act 1981 to stop roads and in the case of the Christchurch City Council have delegated that authority to the Corporate Support Manager, however all road stoppings that fall within the Public Works Act process are subject to approval from the Minister of Lands. The Ministers consent is obtained by submitting a report to Land Information New Zealand that contains all information relevant to each individual application.
- 5.18 The critical factors the Minister considers as set out in Land Information New Zealand's road stopping standard are
- 5.18.1 Public use of the road
- 5.18.2 Is sufficient road remaining
- 5.18.3 The reasons for it being stopped
- 5.18.4 Access to adjoining properties either remains or is provided for
- 5.18.5 All necessary regulatory authorities have been obtained i.e. Council approval and
- 5.18.6 Is the use of the Public Works Act 1981 warranted.

- 5.19 If the Ministers approval is given, then a road stopping notice is published in the New Zealand Gazette stopping the road and automatically amalgamating it with the adjoining title. The notice is then lodged with the District Land Registrar who issues one new title for the stopped road and the adjoining parcel of land.

The Local Government Act 1974 process

- 5.20 The Local Government Act 1974 process is prescribed in Schedule 10 of the Local Government Act 1974, the following process must be followed;
- 5.20.1 The Council shall prepare a plan of the road proposed to be stopped together with an explanation of why the road is to be stopped and the purpose or purposes to which the stopped road will be put, and a survey plan made identifying the road to be stopped.
- 5.20.2 Once the plan is approved as to survey by the Chief Surveyor (Land Information New Zealand) the Council shall at least twice at intervals of not less than seven days give public notice of the proposal and name a place where the plan can be inspected. The notice shall be current for at least 40 days during which time objections can be lodged.
- 5.20.3 Have a copy of the public notice fixed in a conspicuous place at each end of the road to be stopped.
- 5.21 If no objections are received the Council may by public notice declare that the road is stopped, at such time it shall cease to be road. The process is completed by lodging a copy of the notice at Land Information New Zealand and then a transfer of the land to the applicant.
- 5.22 If objections are received the Council will
- 5.22.1 Appoint a hearings panel to consider the objections and report to Council on whether to allow the objections or not.
- 5.22.2 If it allows the objections Council will pass a resolution not to stop the road.
- 5.22.3 If the objections are NOT allowed then the Council must
- Send the objections together with a copy of the survey plan with a full description of the proposal the Environment Court.
 - The Environment Court shall consider the District Plan, the plan of the proposed road to be stopped, the Councils explanation of why the road stopping is being considered, and any objections received.
 - The Environment Court shall then confirm, modify or reverse the decision of Council which shall be final and conclusive.
- If the Environment Court reverses the decision of Council then no further proceedings shall be entertained for stopping the road by the Environment Court for 2 years.
 - If the Environment Court confirms the decision of Council the Council may declare the road to be stopped by public notice, the road shall then cease to be a road. The process is completed by lodging a copy of the notice at Land Information New Zealand and then a transfer of the land to the applicant.

6. Option 1 – Stop the road using the Public Works Act 1981 process (preferred)

Option Description

- 6.1 This road stopping process is prescribed in Part 8 of the Public Works Act 1981 and is subject to approval by the Minister of Lands. The Minister of Lands consent is obtained by application to Crown Property Clearances which is part of Land Information New Zealand.
- 6.2 In addition to the consent of the Minister of Lands consent of other land owners adjoining the road to be stopped may be required. The Public Works Act 1981 also allows stopped roads to be dealt with by the Council as if it had been stopped under the Local Government Act 1974, i.e. sold and amalgamated with adjoining land.

Significance

- 6.3 The level of significance of this option is low and is consistent with section 2 of this report
- 6.4 Engagement requirements for this level of significance have been exceeded by obtaining the consent of the adjoining owners and consulting with Mahaanui Kurataiao.

Impact on Mana Whenua

- 6.5 This Option is not a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions.
- 6.6 However because this land is within a Nga Turunga Tupa area local iwi have been consulted through Mahaanui Kurataiao and have they consented to the road stopping.
- 6.7 Consent was given because there is no change to the nature activity on the unformed road, i.e. the garage, driveway and landscaping are already on and remain on the land. Mahaanui Kurataiao also took into account that there would be no disturbance to the surface of the land as part of this process and that no resource consent is required.

Community Views and Preferences

- 6.8 The adjoining owners are potentially affected by this option because once the road has been stopped and amalgamated it becomes part of a sub-divisible lot, however they are aware of this road stopping proposal and have provided their written consent.
- 6.9 The views of the community are not being sought because this is not a controversial project and there is no impact on the wider community. Although they will not be aware of this road stopping it is also very unlikely that they are even aware the unformed road to be stopped is a "legal" road. For all intents and purposes and in appearance it has appeared to be part of the property located at 8 Rawhiti Street for many years.

Alignment with Council Plans and Policies

- 6.10 This option is consistent with Council's Plans and Policies, roads and footpaths maintain road condition.

Financial Implications

- 6.11 Cost of Implementation – none, the applicant is to meet all Councils costs
- 6.12 Maintenance / Ongoing Costs – None, if stopped the road will be sold.
- 6.13 Funding source – not applicable - this will result in unbudgeted revenue.

Legal Implications

- 6.14 A standard agreement for sale and purchase has been prepared by the Legal Services Unit and signed by both parties. One of the conditions in the agreement is obtaining consent of the

Council either under delegation or by Council resolution. Because this particular road stopping does not fall within a staff delegation a resolution from the Community Board is required.

- 6.15 This report has not been reviewed by the Legal Services Unit.

Risks and Mitigations

- 6.16 There is no risk in stopping this portion of road, it has been occupied by the applicant for many years.
- 6.17 Risk and mitigations have been considered by the Transport Unit against the criteria in the Councils Road Stopping Policy, these criteria consider the City Plan, current level of use, future use, alternative uses, roads adjoining any water body, encumbrances, traffic safety and infrastructure. The Transport Unit concluded there is no reason not to stop the road.

Implementation

- 6.18 Implementation dependencies - the Community Board approving the Public Works Act 1981 process and obtaining the consent of the Minister of Lands
- 6.19 Implementation timeframe – 6 months

Option Summary - Advantages and Disadvantages

- 6.20 The advantages of this option include:
- Is less costly for the applicant
 - Is relatively quick
 - The end result achieves the same outcome as Option 2 albeit using a different process
 - Regulatory checks and balances are in place because the Public Works Act 1981 process requires approval from the Minister of Lands is required.
- 6.21 The disadvantages of this option include:
- None.

7. Option 2 – Stop the road using the Local Government Act 1974 procedure

Option Description

- 7.1 The Road stopping process under the Local Government Act 1974 is prescribed in Schedule 10 of the said Act and requires public advertisement. If objections are received and NOT allowed then they must be referred to the Environment Court.
- 7.2 If the Council allows the objections then the road stopping is at an end and no further action will be taken, the road will remain unformed and occupied by the adjoining owner.

Significance

- 7.3 The level of significance of this option is medium which differs from section 2 of this report. Although public advertisement has its merits the significance of this road stopping does not warrant consultation with the wider community. Public advertisement is not justified.
- 7.4 Engagement requirements for this level of significance are in this case prescribed by the Local Government Act 1974 and include
- 7.4.1 The Council shall have available a plan for inspection at its offices and
- 7.4.2 At least twice at intervals of not less than seven days give public notice of the proposal and

7.4.3 Such notice is to call for objections and

7.4.4 Have a notice placed in a conspicuous place at each end of the road to be stopped and

7.4.5 All notices must allow for a minimum period of at least 40 days after the first publication of the notice in which objections can be received.

Impact on Mana Whenua

7.5 As per Option 1 this option is not a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions.

7.6 However because this land is within a Nga Turunga Tupa area local iwi have been consulted through Mahaanui Kurataiao and have consented to the road stopping.

7.7 Consent was given because there is no change to the nature activity on the unformed road, i.e. the garage, driveway and landscaping remain on the land. Mahaanui Kurataiao also took into account that there would be no disturbance to the surface of the land as part of this process and no resource consent is required.

Community Views and Preferences

7.8 The adjoining owners are potentially affected by this option because once the road has been stopped and amalgamated it becomes sub-divisible, however they are aware of this road stopping proposal and have provided their written consent to it.

Alignment with Council Plans and Policies

7.8.1 This option is consistent with Council's Plans and Policies, roads and footpaths maintain road condition.

Financial Implications

7.9 Cost of Implementation – none to Council, the applicant is to meet all Councils costs which for this option will be greater than option 1

7.10 Maintenance / Ongoing Costs – None, if stopped the road will be sold.

7.11 Funding source – not applicable.

Legal Implications

7.12 A standard agreement for sale and purchase has been prepared by the Legal Services Unit and signed by both parties. One of the conditions in the agreement is obtaining consent of the Council either under delegation or by Council resolution. Because this particular road stopping does not fall within a staff delegation a resolution from the Community Board is required.

7.13 If the Council elects to use the Local Government Act 1974 process the following process must be followed.

7.13.1 Public advertisement calling for objections

7.13.2 If no objections are received the Council may by public notice declare that the road is stopped.

7.13.3 If objections are received the Council will

7.13.4 refer any unsatisfied objections to a Hearing Panel who

7.13.5 will consider the objections and report their recommendations to Council and

7.13.6 If the objections are allowed the Council will resolve not to stop the road or

7.13.7 If the objections are not allowed refer them to the Environment Court with the plans along with a full description of the proposed alterations to the road.

7.13.8 The Environment Court shall consider the district plan, the plan of the road to be stopped, the Council's explanation of why the road should be stopped and the objections received and confirm, modify or reverse the decision of Council.

7.13.9 If the Environment Court reverses the Council's decision no proceeding shall be entertained by the Environment Court for 2 years or

7.13.10 If the Environment Court confirms the decision of the Council the Council may declare by public notice that the road is stopped and cease to be a road.

7.14 It is not necessary for the Legal Services unit to review this report because these matters are procedural as prescribed by the Local Government Act 1974.

Risks and Mitigations

7.15 Risk and mitigations have been considered by the Transport Unit against the criteria in the Council's Road Stopping Policy, these criteria consider the City Plan, current level of use, future use alternative uses, road adjoining any water body, encumbrances, traffic safety and infrastructure. The Transport Unit concluded there is no reason not to stop the road.

7.16 If using the Local Government Act 1974 process there is a risk that this proposed road stopping, if an objection is received, could attract unwarranted exposure if this matter ended up before the Environment Court.

Implementation

7.17 Implementation dependencies - the Community Board approving the Local Government Act 1974 process and potential subsequent referral of the matter to the Environment Court.

7.18 Implementation timeframe – 12 – 18+ months

Option Summary - Advantages and Disadvantages

7.19 The advantages of this option include:

- Wider consultation

7.20 The disadvantages of this option include:

- Longer time frame
- Greater cost for the applicant
- Potential to escalate a low significance matter into something it is not.

8. Option 3 – Do not stop the road

Option Description

8.1 This does not require the Council to take any further action other than to resolve not to stop the road

Significance

8.2 The level of significance of this option is low and consistent with section 2 of this report

8.3 Engagement requirements for this level of significance are non-existent.

Impact on Mana Whenua

8.4 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

- 8.5 The applicant is specifically affected by this option due to the Transport Unit having assessed the roads suitability for stopping. Their views are that we will have wasted their time and money.
- 8.6 The wider Community are very unlikely to know this piece of land is a road because it has been occupied by the applicant for many years.

Alignment with Council Plans and Policies

- 8.7 This option is consistent with Council's Plans and Policies
- 8.7.1 Inconsistency – not applicable
- 8.7.2 Reason for inconsistency – not applicable
- 8.7.3 Amendment necessary – not applicable

Financial Implications

- 8.8 Cost of Implementation - nil
- 8.9 Maintenance / Ongoing Costs – Mowing and landscape maintenance costs could be incurred. The unformed road would remain in Council ownership and although maintained by the adjoining owner to date we may not be able to rely on their good will to maintain it in future.
- 8.10 Funding source – Road and footpaths – maintenance.

Legal Implications

- 8.11 There is no legal context, issue or implication relevant to this decision
- 8.12 This report has not been reviewed and approved by the Legal Services Unit

Risks and Mitigations

- 8.13 There is no risk associated with this action
- 8.13.1 Residual risk rating: The residual rating of the risk after the below treatment(s) implemented will be low
- 8.13.2 There may be further applications to stop the road.

Implementation

- 8.14 Implementation dependencies - Council resolving not to stop the road
- 8.15 Implementation timeframe – 2 months

Option Summary - Advantages and Disadvantages

- 8.16 The advantages of this option include:
- None
- 8.17 The disadvantages of this option include:
- Disappointed rate payer
 - Further road stopping applications may be made and if so the matter would again have to be considered.

Attachments

No.	Title	Page
A ↓	Attachment A - Site Map	104
B ↓	Attachment B - Location Map	105
C ↓	Attachment C - Street View	106
D	Attachment D - 304/5836 market valuation - CONFIDENTIAL	

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

Author	Stuart McLeod - Property Consultant
Approved By	Angus Smith - Manager Property Consultancy Bruce Rendall - Head of Facilities, Property & Planning Richard Osborne - Head of Transport David Adamson - General Manager City Services

Attachment A



Attachment B





12. Road Stopping 48 Cemetery Rd

Reference: 18/315277

Presenter(s): Sarah Stuart, Property Consultant

1. Purpose and Origin of Report

Purpose of Report

- 1.1 The purpose of this report is to inform the Banks Peninsula Community Board of the road stopping processes available to them and for the Board to be satisfied they can resolve to stop a portion of unformed legal road adjoining 48 Cemetery Road, Wainui under the Public Works Act 1981 (PWA 1981) process.

Origin of Report

- 1.2 This report is staff generated because there is no staff delegation where the road stopping will constitute a complying lot under the City Plan on its own account or where its amalgamation with the adjoining lot creates a new potential for the adjoining lot to be subdivided.

2. Significance

- 2.1 The decisions in this report are of low significance in relation to the Christchurch City Council's Significance and Engagement Policy.
 - The level of significance was determined because this project only affects the applicant's property and they already utilise the land as part of a garden and driveway. The owners of the properties neighbouring the applicant's land have provided separate written consents.
 - The community engagement and consultation outlined in this report reflects the assessment. Notwithstanding the low level of significance, because the road to be stopped sits within a Nga Turanga Tupuna area, Mahaanui Kurataiao has been consulted, and they consider there is no impact on Maori.
 - Consultation with Mahaanui Kurataiao is only triggered if there has been an application for an activity that requires a resource consent, which is not the case in this instance. However it was thought prudent to consult with them because a sub-divisible parcel of land will be created.

3. Staff Recommendations

That the Banks Peninsula Community Board:

1. Pursuant to Section 116(1), 117(3)(b) and 120(3) of the Public Works Act 1981 resolves to stop that parcel of land shown as Sec 1 on the attached diagram containing 248m² or thereabouts subject to survey and to amalgamate that parcel of land with the adjoining land contained in Computer Freehold Register CB14B/221

That the Property Consultancy Manager is delegated the authority to take and complete all steps necessary to stop the portion of road referred to above.

4. Key Points

- 4.1 This report supports the [Council's Long Term Plan \(2015 - 2025\)](#):
 - Activity: Roads and Footpaths

- 4.2 Level of Service: 16.0.2 Maintain road condition
- 4.3 The following feasible options have been considered:
- Option 1 – Stop the road using the PWA 1981 procedure (preferred option).
 - Option 2 – Stop the road using the Local Government Act 1974 (LGA 1974) procedure.
 - Option 3 – Do not stop the road.
- 4.4 Option Summary - Advantages and Disadvantages (Preferred Option)
- The advantages of this option include:
 - Is less costly for the applicant.
 - Is relatively simple and quick.
 - The end result achieves the same outcome as Option 2 albeit using a different process.
 - Reflects the low level of significance as already determined using the Council's Significance Assessment template.
 - Regulatory checks and balances are in place because the PWA 1981 process requires approval from the Minister of Lands.
 - The disadvantages of this option include:
 - None

5. Context/Background

Road stopping application

- 5.1 An application has been received by the owners of 48 Cemetery Rd, Wainui, to stop the portion of road adjoining their property identified as Sec 1 in **Attachment A**.
- 5.2 Its location within the wider Akaroa Harbour is shown below.



- 5.3 The road stopping application has been assessed by the Transport Unit against the criteria in the Council's Road Stopping Policy (paragraph 5.7 below), all the criteria can be satisfied.
- 5.4 The road to be stopped is already partly occupied by the applicant and is being utilised as part of a private driveway and garden. In general it slopes downwards from the formed road as can be seen below:



- 5.5 The value of the road to be stopped has been assessed by a competent independent registered valuer appointed by Council as is required by section 345 of the LGA 1974.
- 5.6 Subsequently an agreement for sale and purchase has been entered into with the adjoining owner that is conditional upon Council approval and subject to the stopped road being amalgamated with the applicant's adjoining title.
- 5.7 Council receives multiple applications to stop parts of road which are all assessed against the criteria in the Road Stopping Policy by the Transport Unit.
- 5.8 The criteria that are considered are listed in the below table

City Plan	Is the road shown to be stopped in the operative City Plan or does the stopping have any adverse impact on adjoining properties under the City Plan i.e. set-backs/site coverage or the neighbourhood in general.
Current Level of Use	Is the road the sole or most convenient means of access to any existing lots or amenity features e.g. a river or coast. Is the road used by members of the public
Future Use	Will the road be needed to service future residential, commercial, industrial or agricultural developments Will the road be needed in the future to connect existing roads. Will the road be needed to provide a future or alternative inter-district link
Alternative Uses	Does the road have potential to be utilised by the Council for any other public work either now or potentially in the future. Does the road have current or potential value for amenity or conservation functions e.g. walkway, utilities corridor, esplanade strip, protected trees etc.
Road adjoining any water body	If so, there is a need to consider Section 345 LGA, which requires that after road stopping, such land becomes vested in Council as an esplanade reserve.
Encumbrances	Is the road encumbered by any services and infrastructure and can they be protected by easements

Traffic Safety	Does access and egress of motor vehicles on the section of the road constitute a danger or hazard to the road users.
Infrastructure	Does the road currently contain infrastructure, or will it in the future, that is better protected and managed through ownership.

- 5.9 Once assessed, and if approved for further processing, consideration is given to which road stopping process should be used and the Property Consultancy Team is instructed to progress.
- 5.10 When the Council adopted its Road Stopping Policy in 2009 it delegated its road stopping authority to the Corporate Support Manager (sub-delegated to the Manager Property Consultancy) but restricted the delegation to compliance with the Road Stopping Policy and to compliance to those instances where the following criteria must be met:
- The area of road to be stopped will not constitute a complying lot under the City Plan on its own account nor will its amalgamation with the adjoining lot create potential for the adjoining land to be subdivided, and
 - It will be necessary for the adjoining land to be amalgamated with the certificate of title adjoining the property, and
 - The owner of the adjoining property is the logical purchaser of the stopped road, and
 - That the proposed road stopping complies with the Council's Road Stopping Policy, and
 - The area of road to be stopped is not adjoining a reserve or waterway.
- 5.11 The Manager Property Consultancy cannot exercise the delegation in this instance because the stopped road, once amalgamated, will constitute a lot that can be subdivided.
- 5.12 Although not a road stopping criteria, further consideration has been that the road to be stopped is within a Nga Turunga Tupuna area. Consultation with Ngai Tahu is required if land within a Nga Turunga Tupuna area is subject to a resource consent application. Mahaanui Kurataiao is an organisation set up by Ngai Tahu to consult with local rūnanga.
- 5.13 Although road stoppings do not require a resource consent it was thought prudent to consult with Mahaanui Kurataiao because a sub-divisible parcel of land will be created.
- 5.14 Road stoppings can be managed under one of two statutory processes:
- the PWA 1981 procedure, or
 - the LGA 1974 procedure.
- 5.15 A decision from the Community Board is required because staff cannot exercise their road stopping delegation in this instance.
- 5.16 The Community Board has the following delegation in respect of applications to stop road:
- Power to accept or decline an application, from either a Council business unit or from any other person, to stop legal road which does not fall within the delegation given to the Corporate Support Unit Manager under paragraph (b) (of the Road Stopping Policy resolution of the Council dated 9 April 2009) shall be delegated to the Community Board within which the legal road proposed to be stopped is situated.
 - That where the Community Board's delegated authority above applies:
 - That Council's powers under sections 116, 117 and 120 of the PWA 1981 and Sections 319(h), 342(1)(a) and 345 of the LGA 1974 (excluding the power to hear objections and recommend to the Council whether the Council should allow or otherwise any objections received to road stopping procedures pursuant to Schedule 10 of the LGA 1974 and the Council's powers under paragraph 5 of Schedule 10) in relation to road stopping and disposal of the land that was previously stopped road

be delegated to the Community Board for the Ward within which the proposed legal road is situated and to be exercised in accordance with the Council's Road Stopping Policy.

- That the power to determine (in compliance with the Council's Road Stopping Policy) which statutory procedure should be employed to undertake a particular road stopping (either under the LGA 1974 or the PWA 1981) be delegated to the Community Board for the Ward within which the proposed legal road is situated and to be exercised in accordance with the Council's Road Stopping Policy.

5.17 Taking into account the information provided in this report and the advantages and disadvantages of each option, it is considered that this road stopping is in no way controversial and it is recommended that the PWA 1981 process be followed. However for completeness and to allow the Community Board to make a fully informed decision a brief outline of both the PWA 1981 process and the LGA 1974 process is given below.

The Public Works Act 1981 process

5.18 Councils have powers under Sections 116, 117 and 120 of the PWA 1981 to stop roads and in the case of the Christchurch City Council have delegated that authority to the Corporate Support Manager, however all road stoppings that fall within the PWA process are subject to approval from the Minister of Lands. The Minister's consent is obtained by submitting a report to Land Information New Zealand (LINZ) that contains all information relevant to each individual application.

5.19 The Minister considers the following critical factors set out in LINZ's road stopping standard:

- Public use of the road.
- Is sufficient road remaining?
- The reasons for it being stopped.
- Access to adjoining properties either remains or is provided for.
- All necessary regulatory authorities have been obtained i.e. Council approval, and
- Is the use of the Public Works Act 1981 warranted?

5.20 If the Minister's approval is given, then a road stopping notice is published in the New Zealand Gazette stopping the road and automatically amalgamating it with the adjoining title. The notice is then lodged with the District Land Registrar who issues one new title for the stopped and the adjoining parcel of land.

The Local Government Act 1974 process

5.21 The LGA 1974 process is prescribed in Schedule 10 of the LGA 1974, the following process must be followed;

- The Council shall prepare a plan of the road proposed to be stopped together with an explanation of why the road is to be stopped and the purpose or purposes to which the stopped road will be put, and a survey plan made identifying the road to be stopped.
- Once the plan is approved as to survey by the Chief Surveyor (LINZ) the Council shall at least twice at intervals of not less than seven days give public notice of the proposal and name a place where the plan can be inspected. The notice shall be current for at least 40 days during which time objections can be lodged.
- Have a copy of the public notice fixed in a conspicuous place at each end of the road to be stopped.

- 5.22 If no objections are received the Council may by public notice declare that the road is stopped, at such time it shall cease to be road. The process is completed by lodging a copy of the notice at LINZ and then a transfer of the land to the applicant.
- 5.23 If objections are received the Council will
- Appoint a hearings panel to consider the objections and report to Council on whether to allow the objections or not.
 - If it allows the objections Council will pass a resolution not to stop the road.
 - If the objections are NOT allowed then the Council must
 - Send the objections together with a copy of the survey plan with a full description of the proposal the Environment Court.
 - The Environment Court shall consider the District Plan, the plan of the proposed road to be stopped, the Council's explanation of why the road stopping is being considered, and any objections received.
 - The Environment Court shall then confirm, modify or reverse the decision of Council which shall be final and conclusive.
 - If the Environment Court reverses the decision of Council then no further proceedings shall be entertained for stopping the road by the Environment Court for 2 years.
 - If the Environment Court confirms the decision of Council the Council may declare the road to be stopped by public notice, the road shall then cease to be a road. The process is completed by lodging a copy of the notice at LINZ and then a transfer of the land to the applicant.

6. Option 1 – Stop the road using the Public Works Act 1981 process (preferred)

Option Description

- 6.1 This road stopping process is prescribed in Part 8 of the PWA 1981 and is subject to approval by the Minister of Lands. The Minister of Lands' consent is obtained by application to Crown Property Clearances (CPC) which is part of LINZ.
- 6.2 In addition to the consent of the Minister of Lands, consent of other land owners adjoining the road to be stopped may be required. The PWA 1981 also allows stopped roads to be dealt with by the Council as if it had been stopped under the LGA 1974, i.e. sold and amalgamated with adjoining land.

Significance

- 6.3 The level of significance of this option is low and is consistent with section 2 of this report
- 6.4 Engagement requirements for this level of significance have been exceeded by obtaining the consent of the adjoining owners and consulting with Mahaanui Kurataiao.

Impact on Mana Whenua

- 6.5 This Option is not a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions.
- 6.6 However because this land is within a Nga Turunga Tupuna area local iwi have been consulted through Mahaanui Kurataiao and they have consented to the road stopping.
- 6.7 Consent was given because there is no change to the nature of the activity on the unformed road, i.e. the driveway and landscaping are already on and remain on the land. Mahaanui

Kurataiao also took into account that there would be no disturbance to the surface of the land as part of this process and that no resource consent is required.

Community Views and Preferences

- 6.8 The adjoining owners are potentially affected by this option because once the road has been stopped and amalgamated it becomes part of a sub-divisible lot, however they are aware of the road stopping proposal and have provided their written consent.
- 6.9 The views of the community are not being sought because this is not a controversial project and there is no impact on the wider community. Although they will not be aware of this road stopping it is also very unlikely that they are even aware the unformed road to be stopped is a “legal” road. For all intents and purposes it has appeared to be part of the property located at 48 Cemetery Rd for many years.

Alignment with Council Plans and Policies

- 6.10 This option is consistent with Council’s Plans and Policies, roads and footpaths maintain road condition.

Financial Implications

- 6.11 Cost of Implementation – none, the applicant is to meet all Council’s costs.
- 6.12 Maintenance / Ongoing Costs – None, if stopped the road will be sold.
- 6.13 Funding source – n/a - this will result in unbudgeted revenue.

Legal Implications

- 6.14 A standard agreement for sale and purchase has been prepared by the Legal Services Unit and signed by both parties. One of the conditions in the agreement is obtaining consent of the Council either under delegation or by Council resolution. Because this particular road stopping does not fall within a staff delegation a resolution from the Community Board is being required.
- 6.15 This report has not been reviewed by the Legal Services Unit.

Risks and Mitigations

- 6.16 There is no risk in stopping this portion of road as it has been utilised by the applicant for many years.
- 6.17 Risk and mitigations have been considered by the Transport Unit against the criteria in the Council’s Road Stopping Policy. These criteria consider the City Plan, current level of use, future use, alternative uses, road adjoining any water body, encumbrances, traffic safety and infrastructure. The Transport Unit concluded there is no reason not to stop the road.

Implementation

- 6.18 Implementation dependencies - the Community Board approving the PWA 1981 process and obtaining the consent of the Minister of Lands.
- 6.19 Implementation timeframe – 6 months

Option Summary - Advantages and Disadvantages

- 6.20 The advantages of this option include:
- Is less costly for the applicant
 - Is relatively quick
 - The end result achieves the same outcome as Option 2 albeit using a different process
 - Regulatory checks and balances are in place because the PWA 1981 process requires approval from the Minister of Lands.

6.21 The disadvantages of this option include:

- None.

7. Option 2 – Stop the road using the Local Government Act 1974 procedure

Option Description

- 7.1 The Road stopping process under the LGA 1974 is prescribed in Schedule 10 of the Act and requires public notification. If objections are received and NOT allowed then they must be referred to the Environment Court.
- 7.2 If the Council allows the objections then the road stopping is at an end and no further action will be taken, the road will remain unformed and occupied by the adjoining owner.

Significance

- 7.3 The level of significance of this option is low consistent with section 2 of this report. Although public notification has its merits the significance of this road stopping does not warrant such advertisement.
- 7.4 Engagement requirements for this level of significance are in this case prescribed by the LGA 1974 and include
- The Council shall have available a plan for inspection at its offices, and
 - At least twice, at intervals of not less than seven days, give public notice of the proposal, and
 - Such notice is to call for objections, and
 - Have a notice placed in a conspicuous place at each end of the road to be stopped, and
 - All notices must allow for a minimum period of at least 40 days after the first publication of the notice in which objections can be received.

Impact on Mana Whenua

- 7.5 As per Option 1 this option is not a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions.
- 7.6 However because this land is within a Nga Turunga Tupuna area local iwi have been consulted through Mahaanui Kurataiao and have consented to the road stopping.
- 7.7 Consent was given because there is no change to the nature of the activity on the unformed road, i.e. the driveway and garden remain on the land. Mahaanui Kurataiao also took into account that there would be no disturbance to the surface of the land as part of this process and no resource consent is required.

Community Views and Preferences

- 7.8 The adjoining owners are potentially affected by this option because once the road has been stopped and amalgamated it becomes sub-divisible, however they are aware of this road stopping proposal and have provided their written consent to it.

Alignment with Council Plans and Policies

- This option is consistent with Council's Plans and Policies, roads and footpaths maintain road condition.

Financial Implications

- 7.9 Cost of Implementation – none to Council, the applicant is to meet all Council's costs which for this option will be greater than option 1

- 7.10 Maintenance / Ongoing Costs – None, if stopped the road will be sold.
- 7.11 Funding source – not applicable.

Legal Implications

- 7.12 A standard agreement for sale and purchase has been prepared by the Legal Services Unit and signed by both parties. One of the conditions in the agreement is obtaining consent of the Council either under delegation or by Council resolution. Because this particular road stopping does not fall within a staff delegation a resolution from the Community Board is required.
- 7.13 If the Council elects to use the LGA 1974 process the following process must be followed.
- Public advertisement calling for objections
 - If no objections are received the Council may by public notice declare that the road is stopped.
 - If objections are received the Council will refer any unsatisfied objections to a Hearing Panel
 - The Hearings Panel will consider the objections and report their recommendations to Council, and
 - If the objections are allowed the Council will resolve not to stop the road, or
 - If the objections are not allowed refer them to the Environment Court with the plans along with a full description of the proposed alterations to the road.
 - The Environment Court shall consider the district plan, the plan of the road to be stopped, the Council's explanation of why the road should be stopped and the objections received and confirm, modify or reverse the decision of Council.
 - If the Environment Court reverses the Council's decision no proceeding shall be entertained by the Environment Court for 2 years, or
 - If the Environment Court confirms the decision of the Council the Council may declare by public notice that the road is stopped and cease to be a road.
- 7.14 It is not necessary for the Legal Services unit to review this report because these matters are procedural as prescribed by the LGA 1974.

Risks and Mitigations

- 7.15 Risk and mitigations have been considered by the Transport Unit against the criteria in the Council's Road Stopping Policy, these criteria consider the City Plan, current level of use, future use alternative uses, road adjoining any water body, encumbrances, traffic safety and infrastructure. The Transport Unit concluded there is no reason not to stop the road.
- 7.16 If using the LGA 1974 process there is a risk that this proposed road stopping, if an objection is received, could attract unwarranted exposure if this matter ended up before the Environment Court.

Implementation

- 7.17 Implementation dependencies - the Community Board approving the LGA 1974 process and potential subsequent referral of the matter to the Environment Court.
- 7.18 Implementation timeframe – 12 – 18+ months

Option Summary - Advantages and Disadvantages

- 7.19 The advantages of this option include:
- Wider notification

7.20 The disadvantages of this option include:

- Longer time frame
- Greater cost for the applicant
- Potential to escalate a low significance matter into something it is not.

8. Option 3 – Do not stop the road

Option Description

8.1 This does not require the Council to take any further action other than to resolve not to stop the road.

Significance

8.2 The level of significance of this option is low and consistent with section 2 of this report

8.3 Engagement requirements for this level of significance are non-existent.

Impact on Mana Whenua

8.4 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

8.5 The applicant is specifically affected by this option due to the Transport Unit having assessed the road's suitability for stopping. Their views are that we will have wasted their time and money.

8.6 The wider Community are very unlikely to know this piece of land is a road because it has been occupied by the applicant for many years.

Alignment with Council Plans and Policies

8.7 This option is consistent with Council's Plans and Policies

- Inconsistency – not applicable.
- Reason for inconsistency – not applicable.
- Amendment necessary – not applicable.

Financial Implications

8.8 Cost of Implementation - nil

8.9 Maintenance / Ongoing Costs – Mowing and landscape maintenance costs could be incurred. The unformed road would remain in Council ownership and although maintained by the adjoining owner to date we may not be able to rely on their good will to maintain it in future.

8.10 Funding source – Road and footpaths – maintenance.

Legal Implications

8.11 There is no legal context, issue or implication relevant to this decision

8.12 This report has not been reviewed and approved by the Legal Services Unit

Risks and Mitigations

8.13 There is no risk associated with this action.

- Residual risk rating: The residual rating of the risk after the below treatment(s) implemented will be low.
- There may be further applications to stop the road.

Implementation

8.14 Implementation dependencies - Council resolving not to stop the road.

8.15 Implementation timeframe – 2 months

Option Summary - Advantages and Disadvantages

8.16 The advantages of this option include:

- None

8.17 The disadvantages of this option include:

- Disappointed rate payer
- Further road stopping application may be made and if so the matter would have to be considered again.

Attachments

No.	Title	Page
A ↓	Road stopping diagram	118
B	Attachment B - 304/5305 Valuation of Road at 48 Cemetery Road, Wainui - CONFIDENTIAL	
C	Attachment C - 304/5305 48 Cemetery Rd Knight Frank Valuation Letter - CONFIDENTIAL	

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

Author	Sarah Stuart - Property Consultant
Approved By	Angus Smith - Manager Property Consultancy Bruce Rendall - Head of Facilities, Property & Planning Richard Osborne - Head of Transport David Adamson - General Manager City Services



13. Banks Peninsula Board Projects Fund Report 2018

Reference: 18/450125

Presenter(s): Philipa Hay, Community Development Adviser

1. Purpose and Origin of Report

Purpose of Report

- 1.1 The purpose of this report is for the Banks Peninsula Community Board Community Board to consider whether it wishes to submit any board projects to the Banks Peninsula 2018/19 Strengthening Communities Fund for consideration.

Origin of Report

- 1.2 This report is staff generated as part of the 2018/19 funding round process.

2. Significance

- 2.1 The decisions in this report are of low significance in relation to the Christchurch City Council's Significance and Engagement Policy.
 - 2.1.1 The level of significance was determined by the number of people affected and/or with an interest.
 - 2.1.2 Due to the assessment of low significance, no further community engagement and consultation is required.

3. Staff Recommendations

That the Banks Peninsula Community Board:

1. Decides to fund any Community Board Projects it identifies for the 2018/19 year through its 2018/19 Discretionary Response Fund.

4. Key Points

- 4.1 Each year each community board is able to identify and fund projects it would like to deliver or community initiatives it would like to support in its local community, particularly those which help achieve outcomes identified in its community board plan. Board projects need to be agreed as part of Unit work programmes.
- 4.2 Board projects may be allocated from either the Discretionary Response Fund (DRF) or the Strengthening Communities Fund (SCF). Last year the Banks Peninsula Community Board allocated funds from its Discretionary Response Fund (DRF) for the board projects it identified.
- 4.3 Information contained in this report outlines the benefits and/or limitations of allocating funds from each of the schemes.
- 4.4 Attachments to this report include a list of board projects from the Banks Peninsula area that were funded in the previous three years, and a list of possible projects the Board may like to consider.
- 4.5 As was the case for the 2017/18 year, the Board will decide for the 2018/19 (coming) year the size of the SCF and will allocate funding from its 2018/19 DRF. In prior years, the size of each of these Board funds was set by the Council.
- 4.6 The amount available for allocation by the Banks Peninsula Community Board for the 2018/19 year has yet to be set.

5. Context and Background

Allocating Board Projects from the Board's 2018/19 Discretionary Response Fund

- This fund has broader criteria than the SCF. It is more flexible as to how it can be used and has open timeframes for applications. Therefore it allows more scope than SCF for board projects.
- The DRF is not a contestable fund as such. Applications are allocated on their merits when they have been submitted and until the fund is closed – either at the end of the financial year or when funds are depleted.
- Allocating from DRF will allow more time to assess and develop project scopes for the board projects identified. Applications to SCF have closed and are currently being assessed.
- Directly funding from DRF will allow more flexibility when board projects are under (or over) spent. As the DRF runs along the same timeline as the Council's financial year, funds can be reallocated back to the DRF to be utilised by the Board for community grants, or topped up if further unforeseen funds are required.

Allocating Board Projects from the Board's 2018/19 Strengthening Communities Fund

- Funding board projects from SCF requires the Board to allocate funds in competition with those from community organisations.
- The funding year for SCF does not align with the Council's financial year, and reporting on the financial aspect of projects will not align with the timeframes for the projects. This incurs extra staff time to track, accrue and report on projects.
- Timeframes this year are tight. The Board will need to decide on the projects it wishes to put forward for SCF funding at this meeting of the Board (28 May).
- If the Board decides to fund board projects from its 2018/19 SCF, the attached lists are included to provide information to help identify board projects it may like to consider submitting for the 2018/19 year.

Attachments

No.	Title	Page
A ↓	Possible Board Projects for 2018-19	122
B ↓	Community Board Projects from the Banks Peninsula Area 2015-16 to 2017-18	123

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

Author	Philipa Hay - Community Development Advisor
Approved By	Penelope Goldstone - Manager Community Governance, Banks Peninsula/Akaroa

Attachment A – Possible Board Projects for 2018/19
Banks Peninsula Community Board

Council Unit	Project (Brief description)	Amount
Community Support, Governance and Partnerships Unit	<p>Summer with your Neighbours</p> <p>"Summer with your Neighbours" formerly known as Neighbourhood Week will be held from October/November 2018 to the end of March 2019 coinciding with Neighbours Day Aotearoa.</p> <p>Individuals and community groups hold a variety of small neighbourhood events in their local areas. This helps neighbours and communities to get to know each other and enhances community and neighbourhood safety as a result.</p>	\$3,000
Community Support, Governance and Partnerships Unit	<p>ANZAC Day Services</p> <p>Services take place in Lyttelton, Little River and Akaroa, and in years previous to 2018 in Diamond Harbour. Every year, these ceremonies are attended by a large number of community members. It is an opportunity for people to gather together to commemorate an important day in New Zealand's history, and recognise sacrifices made by community members.</p>	\$2,000
Community Support, Governance and Partnerships Unit	<p>Reserve Management Committees (RMCs) Activity Costs</p> <p>This funding is to cover costs for RMCs in undertaking the co-ordination aspects of their role – this could include contributions towards venue hire, speakers' costs, stationery, volunteer reimbursements.</p>	\$1,500

Attachment B – Community Board Projects History 2015/16 – 2017/18
for the Banks Peninsula Area

2015/16

Council Unit	Project	Amount
Lyttelton/Mt Herbert - DRF		
Community Support Unit	Neighbourhood Week	\$2,000
Democracy Services Unit	ANZAC Day Services	\$1,000
Democracy Services Unit	Communicating with the Community	\$1,000
Akaroa/Wairewa - SCF		
Community Support Unit	Neighbourhood Week	\$1,000
Democracy Services Unit	ANZAC Day Services	\$1,100
Democracy Services Unit	Community Board Newsletter and Other Media	\$2,000
Akaroa/Wairewa - DRF		
Democracy Services Unit	Christmas Packs for the Elderly	\$500

2016/17

Council Unit	Project	Amount
Lyttelton/Mt Herbert - SCF		
Community Support, Governance and Partnerships Unit	Neighbourhood Week	\$2,000
Community Support, Governance and Partnerships Unit	ANZAC Day Services	\$750
Community Support, Governance and Partnerships Unit	Edible Garden Awards (held triennially)	\$3,500
Community Support, Governance and Partnerships Unit	Rainbow Youth Mardi Gras	\$4,000
Akaroa/Wairewa - SCF		
Community Support, Governance and Partnerships Unit	Neighbourhood Week	\$1,000
Community Support, Governance and Partnerships Unit	ANZAC Day Services	\$1,200
Community Support, Governance and Partnerships Unit	Community Board Communications	\$2,000

2017/18

Council Unit	Project	Amount
Banks Peninsula DRF		
Community Support, Governance and Partnerships Unit	Summer With Your Neighbours	\$3,000
Community Support, Governance and Partnerships Unit	ANZAC Day Services	\$2,000
Community Support, Governance and Partnerships Unit	Community Service Awards (held triennially)	\$3,000
Community Support, Governance and Partnerships Unit	Reserve Management Committees' Activity Costs	\$1,500

14. Elected Members' Information Exchange

This item provides an opportunity for Board Members to update each other on recent events and/or issues of relevance and interest to the Board.