

**Te Pātaka o Rākaihautū  
Banks Peninsula Community Board  
SUPPLEMENTARY AGENDA**

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**Notice of Meeting:**

An ordinary meeting of the Te Pātaka o Rākaihautū/Banks Peninsula Community Board will be held on:

**Date:** Monday 4 March 2019  
**Time:** 10am  
**Venue:** Lyttelton Community Boardroom,  
25 Canterbury Street, Lyttelton

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**Membership**

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

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**5 March 2019**

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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. If you require further information relating to any reports, please contact the person named on the report.

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**Part B**     **Reports for Information**  
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## 17. Resolution to Include Supplementary Reports

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### **1. Background**

- 1.1 Approval is sought to submit the following report to the Banks Peninsula Community Board meeting on 04 March 2019:
  18. Sumner Road Realignment
- 1.2 The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the report was not included on the main agenda is that it was not available at the time the agenda was prepared.
- 1.3 It is appropriate that the Banks Peninsula Community Board receive the report at the current meeting.

### **2. Recommendation**

- 2.1 That the report be received and considered at the Banks Peninsula Community Board meeting on 04 March 2019.
  18. Sumner Road Realignment

## 18. Sumner Road Realignment

Reference: 19/233831

Presenter(s): Justin Sims

### 1. Purpose of Report

- 1.1 The purpose of this report is for the Te Pātaka o Rākaihautū/Banks Peninsula Community Board to recommend to the Council that it approve the declaration as road of part of Urumau Reserve indicated as Sec 1 on the plan at 5.10 below (record of title reference CB31B/11) due to the realignment of Sumner Road.

#### Origin of Report

- 1.2 This report is being submitted to the Council as it has undertaken rock fall mitigation works above Sumner Rd followed by road repairs to the carriageway itself. As a result, part of the road at Windy Point was moved away from the cliff edge for safety and financial reasons.
- 1.3 The new alignment and subsequent need to declare part Urumau Reserve for road can be completed under the Public Works Act 1981 (PWA) but is not covered by any staff delegations so it requires Council approval.

### 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 determined utilising the significance and engagement assessment worksheet.
  - 2.1.2 The community engagement and consultation outlined in this report reflect the assessment.
  - 2.1.3 The assessment reflects the fact that there is no impact to the public's use of the reserve due to the negligible impact as a result of the topography. Furthermore, this is a necessary action to establish the correct land status related to the Sumner Road works.

### 3. Staff Recommendations

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board recommend to the Council that it resolve to:

1. Delegate to the Chief Executive the power to apply to the Minister of Lands pursuant to s114(2)(e) of the Public Works Act 1981 for part of Urumau Reserve (record of title reference CB31B/11) as indicated Sec 1 on the plan attached, to be declared as road under section 114 of the Public Works Act 1981, and to give the written consent of the Council under section 114(2)(h) of that Act.
2. Delegate authority to the Property Consultancy Manager to do all things necessary at his sole discretion to implement and conclude the declaration as road.

### 4. Key Points

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

- 4.1.1 Activity:
- Level of Service:
- 4.2 The following feasible options have been considered:
- Option 1 – Declare part of Urumau Reserve as road (preferred option).
  - Option 2 – Do not declare the land as road.
- 4.3 Option Summary - Advantages and Disadvantages (Preferred Option)
- 4.3.1 The advantages of this option include:
- Relocating the road was considerably cheaper than rebuilding it in its previous location which would have required significant cliff stabilisation and construction of an expensive retaining wall above sensitive Lyttelton Port Company infrastructure.
  - Relocating the road results in a safer road alignment.
  - There are no alternatives given the road abuts the reserve on one side and a cliff edge on the other.
  - The part of Urumau reserve which is affected by the proposal in this report cannot be put to meaningful use given its topography, so there is a negligible loss in amenity.
- 4.3.2 The disadvantages of this option include:
- Part of the reserve will become road.

## 5. Context/Background

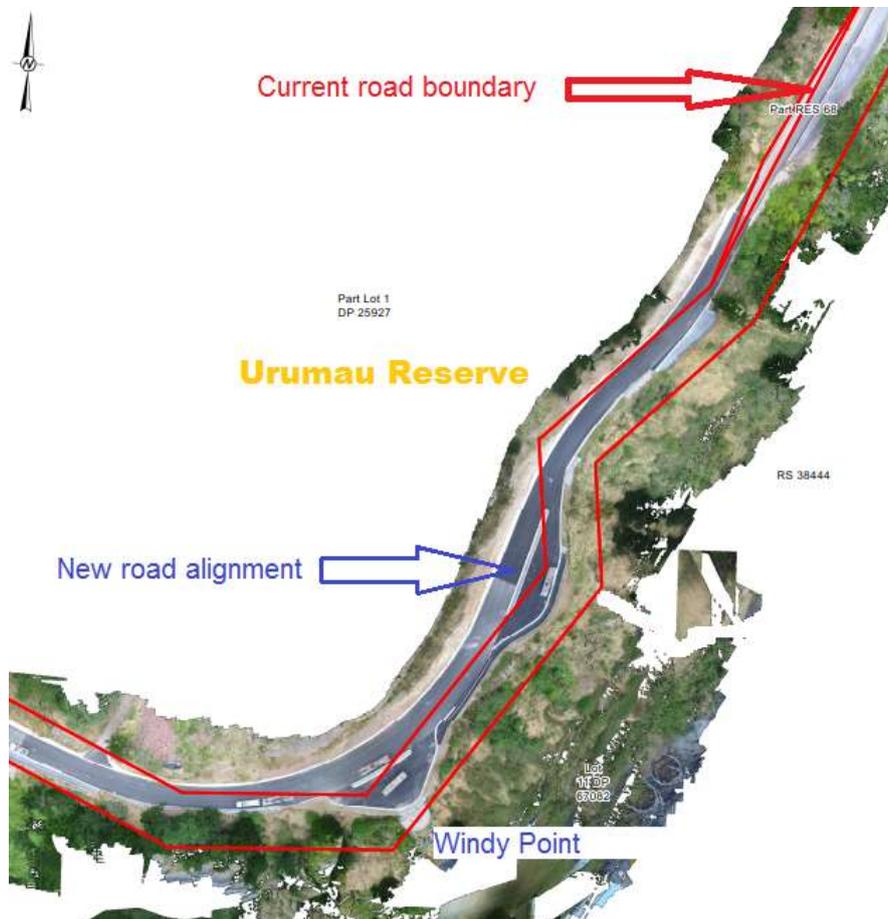
### The Works

- 5.1 Sumner Road has, as result of the Canterbury earthquakes, sustained a significant level of damage to the carriageway surface and road edge due to rock fall from the bluffs above the road and earthquake induced slipping of the seaward half of the road. The bluffs above the road became fragmented and loose and posed an ongoing safety risk to road users to the extent that the road was closed temporarily by the Council.
- 5.2 The project was undertaken in two phases, the first to be the rock fall source risk mitigation works above Sumner Road, which reduces rock fall risk and allows access to the road itself, while the second phase was the road repair and reconstruction works.
- 5.3 Works undertaken include source rock deconstruction by scaling Windy Point and the upper reaches of the Crater Rims Bluffs, with a 400-metre-long, 15-metre-wide catch bench constructed at the base of the bluffs to protect the road below from rock fall.
- 5.4 A rock bund has also been constructed in Double Gully to the west of the Crater Rim Bluffs to intercept rock fall from the bluffs. This bund is several metres high and 50 metres long, faced with basalt cobbles to reflect the basalt stone walls in the area.

### The issue

- 5.5 As Sumner Rd in the location of the proposed realignment is bound by a cliff edge on one side and Urumau Reserve on the other, there is no alternative to the proposed realignment.

- 5.6 Making safe the cliff below the road was not cost effective nor does it provide the most resilient long term solution. The majority of the land is also not in Council ownership.
- 5.7 The road was therefore realigned into a small part of Urumau Reserve which is a classified recreation reserve as shown on the aerial photo below (the red lines indicating the current road boundaries).



- 5.8 The majority of the land in which the road is to be located is a cliff edge already significantly modified by previous earthquake related emergency works and therefore its amenity value as a recreation reserve is not being lost as it is not capable of use by the public in any event.
- 5.9 Access to existing walking and mountain bike tracks will still be possible albeit this will be from informal access points as was the case prior to the earthquakes.

### The Decision

- 5.10 As Urumau Reserve is a recreation reserve, Sec 1 on the plan below should be declared road under the provisions of the PWA to make lawful the new road alignment.
- 5.11 Occupation of the reserve originally occurred under an emergency legislation warrant. The decision in this report relates to legalising this occupation under “business as usual” legislation.



## 6. Option 1 – Declare part of Urumau Reserve as road (preferred)

### Option Description

- 6.1 Realign Sumner Road away from the damaged cliff edge on to part of Urumau Reserve that is adjacent to the road. As the reserve is a classified Recreation Reserve this must be declared road.

### Significance

- 6.2 The level of significance of this option is low consistent with section 2 of this report.

### Impact on Mana Whenua

- 6.3 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

- 6.4 Sumner Road users are specifically affected by this option. As the part of Urumau Reserve that is to be declared road is not useable by the public due to its topography, the users of the reserve are not directly affected.
- 6.5 The declaration of part of the reserve as road does not require public notification.

### Alignment with Council Plans and Policies

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

### Financial Implications

- 6.7 Cost of Implementation – as part of Sumner-Lyttelton Corridor project the required works are within approved project budgets.
- 6.8 Maintenance / Ongoing Costs – as part of road network maintenance
- 6.9 Funding source – Sumner-Lyttelton Corridor capital project(s);  
9982 Sumner Road Zone 3A Roading - HI CSA funded

### Legal Implications

- 6.10 There is a legal context, issue or implication relevant to this decision. The procedure to declare land as road has been used on many occasions and is set out in the PWA.
- 6.11 The process under section 114 of the PWA requires the Council to apply to the Minister of Lands, and the Minister of Lands, by notice in the Gazette, declares the land to be road.
- 6.12 Under section 114(2) of the PWA, part of the process involves the Council and also for the Minister of Conservation to provide written consent to the Minister of Lands to the land becoming road.

### Risks and Mitigations

- 6.13 There is a risk approval to declare the land as road is not received from the Council and the Minister of Conservation.
- 6.14 Risk that the required consent of the Council and Minister of Conservation is not received which means the road would be occupying recreation reserve.
- 6.14.1 Treatment: provide a compelling case as to why the reserve should be declared road.
- 6.14.2 Residual risk rating: the rating of the risk is low.

### Implementation

- 6.15 Implementation dependencies - opening of Sumner Road is dependent on realignment of the existing carriageway.
- 6.16 Implementation timeframe – by 29<sup>th</sup> March 2019.

### Option Summary - Advantages and Disadvantages

6.17 The advantages of this option include:

- Relocating the road was considerably cheaper than rebuilding it in its previous location which would have required significant cliff stabilisation and construction of an expensive retaining wall above sensitive Lyttelton Port Company infrastructure.
- Relocating the road results in a safer road alignment.
- There are no alternatives given the road abuts the reserve on one side and a cliff edge on the other.
- The part of Urumau reserve which is affected by the proposal in this report cannot be put to meaningful use given its topography, so there is a negligible loss in amenity.

6.18 The disadvantages of this option include:

- Part of the reserve will become legal road and part a Local Purpose (Road) Reserve.

## 7. Option 2 – Do not declare the land as road.

### Option Description

7.1 Do not declare the land as road and leave the road occupying part of Urumau Reserve in breach of the Reserves Act 1977.

### Significance

- 7.2 The level of significance of this option is low consistent with section 2 of this report.
- 7.3 Engagement requirements for this level of significance are not applicable.

### Impact on Mana Whenua

7.4 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

7.5 Impact on users of the reserve would in practical terms not be affected given the topography of the land limits current use and the ability to access the balance of the reserve whether the land is legal road or not is unaffected.

### Alignment with Council Plans and Policies

7.6 This option is not consistent with Council's Plans and Policies as it would not comply with the Reserves Act.

### Financial Implications

- 7.7 Cost of Implementation - as part of Sumner Corridor project
- 7.8 Maintenance / Ongoing Costs - as part of road network maintenance
- 7.9 Funding source – Sumner Corridor capital project

### Legal Implications

7.10 A breach of the Reserves Act would be actionable by the Minister of Conservation.

### Risks and Mitigations

7.11 The Minister of Conservation may require the breach in the Reserves Act to be remedied.

7.12 Risk that the occupation of the reserve for road is still required to be formalised or else removed from the reserve.

7.12.1 Treatment: subsequently approve the land to be declared as road or realign the road.

7.12.2 Residual risk rating: the rating of the risk is medium.

### Implementation

7.13 Implementation dependencies - opening of Sumner Road is dependent on realignment of the existing carriageway.

7.14 Implementation timeframe – by 29<sup>th</sup> March 2019.

### Option Summary - Advantages and Disadvantages

7.15 The advantages of this option include:

- Urumau Reserve would not be affected.

7.16 The disadvantages of this option include:

- The use of the reserve would be in breach of the Reserves Act.
- A subsequent report to Council may be required to provide consent to declare the land as road.
- Relocating the road off the reserve, if this were considered feasible, would be at a significant cost.
- Cost of future maintenance if the road was relocated would be higher as the cliffs below the road are inherently unstable.
- The safety benefits of realigning the road are not realised.

## Attachments

There are no attachments to this report.

## 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

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<b>Approved By</b>	Angus Smith - Manager Property Consultancy Bruce Rendall - Head of Facilities, Property & Planning Lynette Ellis - Manager Planning and Delivery Transport Richard Osborne - Head of Transport David Adamson - General Manager City Services