

Te Pātaka o Rākaihautū Banks Peninsula Community Board AGENDA

Notice of Meeting:

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

Date: Monday 18 March 2019
Time: 10am
Venue: Akaroa Board Room
78 Rue Lavaud, Akaroa

Membership

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

13 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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Strategic Framework

The Council's Vision – Christchurch is a city of opportunity for all.

Open to new ideas, new people and new ways of doing things – a city where anything is possible.

Whiria ngā whenu o ngā papa Honoa ki te maurua tāukiuki

Bind together the strands of each mat
And join together with the seams of respect
and reciprocity.

The partnership with Papatipu Rūnanga
reflects mutual understanding and respect,
and a goal of improving the economic,
cultural, environmental and social
wellbeing for all.

Overarching Principle

Partnership – Our
people are our taonga
– to be treasured and
encouraged. By working
together we can create
a city that uses their
skill and talent, where
we can all participate,
and be valued.

Supporting Principles

Accountability	Collaboration
Affordability	Prudent Financial Management
Agility	Stewardship
Equity	Wellbeing and resilience
Innovation	Trust

Community Outcomes

What we want to achieve together as our city evolves

Strong communities

Strong sense of
community
Active participation in
civic life
Safe and healthy
communities
Celebration of our
identity through arts,
culture, heritage and
sport
Valuing the voices of
children and young
people

Liveable city

Vibrant and thriving
central city, suburban
and rural centres
A well connected and
accessible city
Sufficient supply of, and
access to, a range of
housing
21st century garden city
we are proud to live in

Healthy environment

Healthy waterways
High quality drinking
water
Unique landscapes and
indigenous biodiversity
are valued
Sustainable use of
resources

Prosperous economy

Great place for people,
business and investment
An inclusive, equitable
economy with broad-
based prosperity for all
A productive, adaptive
and resilient economic
base
Modern and robust
city infrastructure and
community facilities

Strategic Priorities

Our focus for improvement over the next three years and beyond

Enabling active citizenship and connected
communities

Maximising opportunities to develop a vibrant,
prosperous and sustainable 21st century city

Climate change
leadership

Informed and proactive
approaches to natural
hazard risks

Increasing active, public
and shared transport
opportunities and use

Safe and sustainable
water supply and
improved waterways

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

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Mihi/Karakia Timatanga

1. Apologies

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

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 Te Pātaka o Rākaihautū/Banks Peninsula Community Board meeting held on [Monday, 4 March 2019](#) be confirmed (refer page 6).

4. Public Forum

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

4.1 Hugh Waghorn – Lions Club - Paddy's Market

Hugh Waghorn will speak regarding the Council owned shed that the Lions Club uses to store goods for the Paddy's Market held annually in Akaroa.

4.2 Victoria Andrews

Victoria Andrews will speak regarding various issues in Akaroa, including the heritage and amenity values of the Britomart Reserve, the current traffic risk management plan, the composition and purpose of the Cruise Action Group and the Akaroa Wharf including access for the disabled.

4.3 Mike Norris

Mike Norris will speak regarding Yew Cottage, the Britomart Reserve Toilets and activity on the Akaroa Wharf.

4.4 Harry Stronach

Harry Stronach will speak regarding cruise ship issues in Akaroa.

4.5 Darin Rainbird

Darin Rainbird will speak regarding the Mini Golf Course, and a letter of support for cruise ship visits to Akaroa.

4.6 Lumiere d'Akaroa - Light Festival

Leigh Hickey and Lynda Wallace will speak on behalf of Akaroa District Promotions and the Garden of Tane Reserve Management Committee regarding the Lumiere d'Akaroa Light Festival being held Saturday 18 May 2019.

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 Akaroa Wharf Structures Update – Paul Milligan, Black Cat Cruises

Paul Milligan will speak on behalf of Black Cat Cruises regarding the report *Akaroa Wharf Structures Update* – Item 8 of this agenda.

6. Presentation of Petitions

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



Te Pātaka o Rākaihautū Banks Peninsula Community Board OPEN MINUTES

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

Present

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

4 March 2019

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Part A Matters Requiring a Council Decision

Part B Reports for Information

Part C Decisions Under Delegation

Mihi/Karakia Timatanga: Tyrone Fields

The agenda was dealt with in the following order.

1. Apologies

Part C

Community Board Resolved BKCB/2019/00015

Community Board Decision

An apology for lateness was received and accepted from Tori Peden.

Pam Richardson/Jed O'Donoghue

Carried

2. Declarations of Interest

Part B

There were no declarations of interest recorded.

3. Confirmation of Previous Minutes

Part C

Community Board Resolved BKCB/2019/00016

Community Board Decision

That the minutes of the Te Pātaka o Rākaihautū/Banks Peninsula Community Board meeting held on Monday, 18 February 2019 be confirmed.

Tyrone Fields/Janis Haley

Carried

4. Public Forum

Part B

4.1 Camia Young - Collet's Corner Update

Camia Young spoke on behalf of Ohu Ltd and gave an update to the Board on the Collett's Corner project.

The Chairperson thanked Ms Young for her presentation.

Attachments

A Collets Corner Concept Outline

4.2 Professor Liz Slooten - Impact on Hector's Dolphins

Professor Liz Slooten gave a presentation and spoke regarding her concerns about the current pile driving operations being carried out by Lyttelton Port Company, and the impact she believed they were having on Hector's Dolphins. She suggested that screw piling would be a viable alternative that would not create as much disturbance.

The Chairperson reported that the Lyttelton Port Company had committed to providing information on the recorded noise levels by mid-April.

Part B

That the Banks Peninsula Community Board:

1. Request that staff circulate the information from the Lyttelton Port Company, when it is received in April, to people who had attended Board meetings on this matter.
2. Thanks Professor Slooten for her presentation.

Attachments

A Hector's Dolphins Lyttelton Harbour Presentation

4.3 Brian Downey - Illegal Tracks in Reserves

Brian Downey spoke regarding illegal tracks being made in local reserves and the lack of maintenance on tracks in Urumau Reserve, which had resulted in people cutting the grass back because of fire risk, and destroying plantings in the process. He said the community has put a lot of time and effort into planting and looking after these areas but Council staff are not maintaining them.

The Board was concerned that the good work carried out by volunteers over many years was being undone through lack of maintenance and the illegal cutting of tracks.

Part B

That the Banks Peninsula Community Board:

1. Request that staff be asked to discuss the issues around lack of maintenance and illegal tracks in Lyttelton reserves, with the Board.
2. Thanks Mr Downey for his presentation.

4.4 Wendy Everingham - Urumau Reserve - Sumner Road Realignment

Ms Everingham raised concerns about a proposal that would see part of Urumau Reserve being taken as legal road for the realignment of Sumner Road resulting in the loss of 1.2 hectares of reserve land. She was also concerned that the Board would not be making the decision on the proposal, and that the Reserve Management Committee had not been consulted. Ms Everingham said there did not appear to be any environmental assessments carried out as part of the proposal, or any mitigation measures proposed.

(Refer Item 18 in the minutes.)

Part B

That the Banks Peninsula Community Board:

1. Thanks Ms Everingham for her presentation.

4.5 Ann Joliffe - Maintenance Issues

Mrs Joliffe spoke regarding the lack of maintenance around roads and reserves in Lyttelton. She said the area from Corsair Bay to Magazine Bay has been neglected for years and she asked for improvements to the maintenance schedule for these areas, which includes grass verges, footpaths, fences, roads, and road markings.

The Board was disappointed to hear that these maintenance issues are still not being addressed despite numerous requests to staff. Board members said they would like to see a map showing all areas on Banks Peninsula that are included in a maintenance contract, to ensure that all areas Board members are aware of were covered, before contracts were renegotiated.

Part B

That the Banks Peninsula Community Board:

1. Requested staff report to the Board on the agreed levels of service for maintenance contracts covering these areas, and if the level of service is being provided correctly by contractors.
2. Thanks Mrs Joliffe for her deputation.

5. Deputations by Appointment

Part B

There were no deputations by appointment.

6. Presentation of Petitions

Part B

There was no presentation of petitions.

10. Briefing - Whakaraupō Community Advisory Group

Staff Recommendations

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:

1. Notes the information supplied during the Briefings.
2. Considers the appointment of a Banks Peninsula Community Board representative to the Whakaraupō Community Advisory Group.

Community Board Resolved BKCB/2019/00017

Part B

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:

1. Notes the information supplied during the Briefing.

2. Appoints Tyrone Fields as the Banks Peninsula Community Board representative to the Whakaraupō Community Advisory Group.

Jed O'Donoghue/John McLister

Carried

7. Reserve Management Committee Meeting Minutes

Community Board Resolved BKCB/2019/00018

[Original Staff Recommendation accepted without change]

Part B

That the Banks Peninsula Community Board:

1. Receive the minutes of the following Reserve Management Committees:
2. Le Bons Bay Reserve Management Committee
3. Awa-iti Reserve Management Committee

Janis Haley/Tori Peden

Carried

8. Correspondence - Lyttelton Public Toilets

Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the information in the correspondence report dated 04 March 2019, from Mr E C Venes.

Community Board Decisions under Delegation

Part B

That the Banks Peninsula Community Board:

1. Receive the information in the correspondence report dated 04 March 2019, from Mr E C Venes, regarding public toilet facilities in Lyttelton.
2. Forward the letter to staff to question whether some improved facilities can be provided in light of the cruise ships returning to Lyttelton, and requesting that staff investigate increasing the regularity of cleaning of Lyttelton public toilets in the summer period.

9. Correspondence - Childrens Bay Walkway

Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the information in the correspondence report dated 04 March 2019, from the Takamatua Ratepayers Association.
2. Refer the correspondence to Parks staff with a request that they liaise with the Takamatua Ratepayers Association to progress this suggestion.

Community Board Resolved BKCB/2019/00019

Part B

That the Banks Peninsula Community Board:

1. Receive the information in the correspondence report dated 04 March 2019, from the Takamatua Ratepayers Association.
2. Refer the letter back to the Akaroa Issues Working Party to gain its endorsement.
3. Refer the correspondence to Parks staff to report back to the Board to confirm how the matters in the letter can be addressed including opportunities for a community partnership

Andrew Turner/Pam Richardson

Carried

**11. Proposal to enter into a Conservation Covenant - 27 Hunters Road
Diamond Harbour**

Community Board Resolved BKCB/2019/00020

[Original Staff Recommendation accepted without change]

Part C

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board receives the information in this report and:

1. Requests the Reserves Officer Subcommittee to take all necessary steps to enter into a covenant under section 77 of the Reserves Act 1977 to manage, so as to enhance and preserve the natural environment, landscape and wildlife habitat of Sams Gully and Morgans Gully as identified in the attached plan as Covenant Areas 1 and 2, and
2. Requests that the roles and responsibilities for the day to day management of Covenant Areas 1 and 2 be formally established and incorporated into the Terms of Reference for Reserves Management Committee when they are next reviewed, or similar documentation. The roles and responsibilities to include an acknowledgement that there is intent to consider entering into a Conservation Covenant over suitable parts of Covenant Area 3.

Felix Dawson/John McLister

Carried

12. Election of a Deputy Chairperson

Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the information in the report.
2. Adopt by resolution, which system of voting it will use to elect a Deputy Chairperson, that is System A or System B.
3. Proceed to elect a Deputy Chairperson.

Community Board Resolved BKCB/2019/00021

Part C

That the Banks Peninsula Community Board:

1. Receive the information in the report.
2. Adopt System B as the system of voting to elect a Deputy Chairperson.

John McLister/Jed O'Donoghue

Carried

Nominations were called for the position of Deputy Chairperson.

1. Jed O'Donoghue moved and John McLister seconded that Tyrone Fields be nominated.
2. Janis Haley moved and Pam Richardson seconded that Tori Peden be nominated.

After one round of voting Tyrone Fields was declared elected as Deputy Chairperson.

**13. 2019 Community Boards Conference - Board Members' Attendance
Staff Recommendations**

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:

1. Receive the information in the report.
2. Approve the attendance of interested Board members at the 2019 Community Boards Conference at the Devon Hotel in New Plymouth.

Community Board Resolved BKCB/2019/00022

Part C

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:

1. Receive the information in the report.
2. Approve the attendance of Felix Dawson and Tori Peden at the 2019 Community Boards Conference at the Devon Hotel in New Plymouth.

Andrew Turner/Janis Haley

Carried

14. Banks Peninsula 2019/20 Board Projects Funding Report

Community Board Resolved BKCB/2019/00023

[Original Staff Recommendation accepted without change]

Part C

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:

1. Decides to fund any Community Board Projects it identifies for the 2019/20 year through its 2019/20 Discretionary Response Fund.

Tori Peden/Jed O'Donoghue

Carried

15. Te Pātaka o Rākaihautū/Banks Peninsula Community Board Area Report - March 2019

Community Board Resolved BKCB/2019/00024

[Original Staff Recommendation accepted without change]

Part B

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:

1. Receive the Te Pātaka o Rākaihautū/Banks Peninsula Community Board Area Report for March 2019.

Jed O'Donoghue/Tori Peden

Carried

16. Elected Members' Information Exchange

Part B

16.1 Diamond Harbour Public Toilets

It was reported that water is leaking from the public toilets in Diamond Harbour, and flowing over part of the Head to Head Walkway. Requests for service have been made but it has not yet been repaired.

Part B

That the Banks Peninsula Community Board:

1. Requests that staff urgently repair the water leak at the public toilets in Diamond Harbour.

16.2 Dogs in Lyttelton

Members had observed that there had been an increase in dog faeces in public places in Lyttelton and noted that there have been a number of wandering dogs roaming around the town.

Part B

That the Banks Peninsula Community Board:

1. Requests that staff address the issues of wandering dogs in Lyttelton and remind dog owners of their obligations to keep dogs under control and to clean up after them.

16.3 Lyttelton Cruise Planning

The Board noted that there were a number of issues to investigate and progress before cruise ships started to return to Lyttelton in larger numbers, such as a shuttle service to the town from the port, facilities for seafarers and infrastructure facilities.

Part B

That the Banks Peninsula Community Board:

1. Support the formation of a community working group to plan for cruise ships returning to Lyttelton, with membership from the Community Board, ChristchurchNZ, the Lyttelton Businessmen's Association, the Lyttelton Information Centre, the Lyttelton Seafarers Welfare Centre and other interested groups.

17. Resolution to Include Supplementary Reports

Community Board Resolved BKCB/2019/00025

Community Board Decision

That the reports be received and considered at the Te Pātaka o Rākaihautū/Banks Peninsula Community Board meeting on Monday, 4 March 2019.

Open Items

18. Sumner Road Realignment

Andrew Turner/Jed O'Donoghue

Carried

18. Sumner Road Realignment

Board Comment

The Board was concerned that not all of the piece of recreation reserve being taken for legal road was needed for the physical roadway. Members wanted as much of that land as possible to be managed as reserve so that the environmental impact would be minimal.

Staff Recommendations

That the 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.

Community Board Decided BKCB/2019/00026

Part A

That the Te Pātaka o Rākaihautū/Council 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.
3. Request that the Property Consultancy Manager work with the Lyttelton Reserve Management Committee to establish future roles and responsibilities for management of the land, with the aim of having the maximum amount of land to be legalised as road managed as part of the Urumau Reserve to reduce the environmental impact as much as possible. The roles and responsibilities to be formally established in the Reserve Management Committee Terms of Reference or similar documentation.

Andrew Turner/Jed O'Donoghue

Carried

Karakia Whakamutunga: John McLister

Meeting concluded at 1.00pm.

CONFIRMED THIS 18th DAY OF MARCH 2019

PAM RICHARDSON
CHAIRPERSON

7. Correspondence - Allie McMillan - Community Resilience and Preparedness

Reference: 19/250480

Presenter(s): Liz Carter – Community Board Adviser

1. Purpose of Report

Correspondence has been received from:

Name	Subject
Allie McMillan	Community Resilience and Preparedness

2. Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the information in the correspondence report dated 18 March 2019.

Attachments

No.	Title	Page
A ↓	Banks Peninsula Community Board Meeting - 4 March 2019 - Inwards Correspondence - Allie McMillan - Fire Danger - Community Resilience	18

Date: Sunday 17 February 2019

To: Banks Peninsula Community Board

Re: Fire danger: preparing for the future now

The Banks Peninsula Community Board outlines in its Plan for 2017-2019 Seven Priority Outcomes. Top of the list is:

Community Resilience and Preparedness – that the community is prepared for the consequences of natural hazards.

Subsequent to the heat wave and the Nelson fires of last week, the community has become super aware of fire extremes on the whole of Banks Peninsula, and especially around the more populated areas of Lyttelton Harbour. This concern has been voiced and documented by, for example, Martin van Beynen (Press, Saturday 16 February) and Insight (RNZ Sunday 17 February).

The present Fire Emergency, as outlined in the mail drop by the Fire Risk team, has provided individual households with some safety measures. This is reminiscent of Civil Defence information provided to individual households in 2010 and 2011 about earthquake preparedness: useful and practical for the immediate response but in no way really preparing for the full devastation. And fire has no boundaries. We are all in it together. Ash and sparks travel.

The COMMUNITY response to the earthquakes was truly what defined this community, and brought comfort and hope. It was empowering.

I believe that we, as a community, need to work collectively, as well as individually, to address this increasing risk of Fire. The issues, including the huge growth of vegetation over the last months, need to be openly acknowledged and dealt to.

The Banks Peninsula Community Board is the ideal group to take up the challenge of bringing all parties together: to inform, make connections to such organisations as the Christchurch City Council, the local Fire Brigades, the Christchurch Fire Risk team, Civil Defence, the Police, the Information Centre and, here in Lyttelton, Project Lyttelton and the Reserves Committee, and most importantly THE COMMUNITY. We need all-encompassing advance preparation, and regulation enforcement on many fronts, for example:

Parking. The blocking of narrow streets which inhibit emergency responses

Walking and cycling tracks. Should they remain open in times of extreme fire risk?

Overgrown grass and weeds, both on Council and individually owned properties

Use of machinery during fire extremes (a neighbour is busy sawing timber as I write)

Arsonists who might live in this community. It is stated that there are many arsonists in Canterbury.

Fire breaks. How might these be implemented?

Water. Individual and community catchment of rainwater

The Fuel Tank Farm.

I know, in my situation, surrounded by a neglected Council Reserve, a Eucalyptus plantation high above me, a rampant area of tall weeds and grass, and huge macrocarpas and pine trees immediately above me, a steep drive, and a parking nightmare on the street below me, the issues are huge, and beyond my individual capacity. It seems ineffective for each individual to approach each organisation, and daunting even to approach each neighbour. I am sure I am not alone in my concerns. How much more positive, effective and confidence boosting it would be to have a Community response?

Life is changing, and will increasingly change in light of Global Climate Change. So, how will the Banks Peninsula Community Board action its plan for Community Resilience and Preparedness in relation to the increasing risk of a continually recurring Fire Emergency?

I look forward to your response.

Allie McMillan

Phone: 3288803 02102544781

8. Akaroa Wharf Structures Update

Reference: 19/200650

Presenter(s): Bruce Rendall

1. Purpose of Report

- 1.1 The purpose of this report is to provide an update on progress to implement the Board's previous decisions about structures on the Akaroa wharf. Additionally, as the Board's preferred outcome cannot reasonably and practicably be achieved, staff are seeking further guidance on acceptable negotiation parameters.

2. Executive Summary

- 2.1 The Te Pātaka o Rākaihautū/Banks Peninsula Community Board previously provided guidance to staff that it wished to see the removal of a number of structures, associated with Black Cats building, from the Akaroa Wharf.
- 2.2 While some of these structures have been removed, statutory compliance matters mean that other requested changes have not occurred. These changes relate to ramps and stair structures required for accessibility, and fire and emergency egress.
- 2.3 Black Cat has presented a proposal that reduces the area occupied by its structures, while still complying with statutory requirements.
- 2.4 Staff recommend that the Board accept this proposal as the best way to achieve its objectives of reducing private occupation of public space, while also allowing Black Cat's building to remain statutorily compliant and able to be used.

3. Staff Recommendations

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:

1. Note the progress already made on removing private structures from the Akaroa Wharf including the removal of signs, support poles and furniture.
2. Request staff to continue to negotiate changes to access structures located on the wharf with the aim of achieving a solution that is generally consistent with those shown on Plan A1.04 Ground Floor Plan- Proposed prepared by AW Architects and dated 12/10/18.
3. Request staff to report back if the statutory approval process results in any changes to the design of the structures that are more than minor.
4. Note that the authorised structures will be listed in a new license to gain access and provide support to the structures abutting the wharf.
5. Request staff to include clauses within the new licence to Black Cat:
 - a. requiring the access ramps and steps be used for access only and be kept clear at all times; and
 - b. allowing members of the public, other than staff or customers of Black Cat, to use the access ramps and stairs.

4. Context/Background

Issue or Opportunity

- 4.1 There are a number of structures located on the Akaroa Wharf that have been installed without appropriate land owner approval.
- 4.2 These structures have caused community and other wharf users concerns, as they are private structures occupying public land.
- 4.3 Te Pātaka o Rākaihautū/Banks Peninsula Community Board has indicated that it wishes all structures not appropriately approved to be removed, unless staff can negotiate arrangements acceptable to the Board.
- 4.4 Staff have been unable to negotiate arrangements that completely meet the Board's requirements.

Strategic Alignment

- 4.5 Addressing the issue requires consideration of matters within Council's strategic framework including strong active communities and an inclusive, equitable and prosperous economy.
- 4.6 The decision will not have a material effect, either negative or positive, on the achievement of Council's strategic objectives.
- 4.7 This report does not directly support the [Council's Long Term Plan \(2018 - 2028\)](#) as the specific issue is not addressed in the plan.

Decision Making Authority

- 4.8 Solving the problem requires negotiation of a preferred outcome and legalising this through a license agreement.
- 4.9 Delegated authority for negotiating and authoring the licence sits with staff.
- 4.10 In exercising the delegation, staff are guided by the Board's preferences.

Previous Decisions

- 4.11 At its meeting of 25 June 2018, Te Pātaka o Rākaihautū/Banks Peninsula Community Board resolved to:

Request staff to arrange the implementation of the following changes to structures adjacent to the Black Cat building on the Akaroa Wharf:

- *the complete removal of the western most sign (outside the "old cool store");*
- *the complete removal of the middle sign.*
- *the cutting back of the sign above the main entrance and the removal of the support poles;*
- *the proposals for the altered sign over the main entrance and the relocation of the heat pump be referred to the Akaroa Design and Appearance Committee for comment;*
- *remove the ramp outside the "old cool store" and reinstate the surface to a similar standard to the adjacent concrete surface;*
- *remove the middle ramp and reinstate the surface*

- *remove the seats outside the main entrance*
- *the cost for these changes to be met by Black Cat.*

Note that the authorised structures will be listed in a new license to gain access and provide support to the structures abutting the wharf.

The Board expects that the above outcomes will be achieved within three months. In the event that this is not achieved, that staff report further to the Board.

- 4.12 Staff have implemented this decision where possible. To date the following actions have been undertaken:
- 4.12.1 Black Cat has removed the western most and central signs;
 - 4.12.2 The sign above the main entrance has been cut back and the support poles removed;
 - 4.12.3 Black Cat has refereed its proposals for the altered sign and relocation of the heat pump to the Akaroa Design and Appearance Committee for comment;
 - 4.12.4 The seats have been removed;
 - 4.12.5 All costs have been met by Black Cat.
- 4.13 Investigations have been undertaken to determine if the ramps can be removed. These investigations have focused on ensuring that the Black Cat building still complies with relevant access and fire egress provisions.
- 4.14 No solution has been found that both meets the Board's guidance and ensures that Black Cat building remains compliant. Alternatives are included in the discussion section below.

Assessment of Significance and Engagement

- 4.15 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy.
- 4.16 The level of significance was determined using Council's significance and engagement policy.
- 4.17 The matter is primarily of local importance, with little interest from the wider community. It does not impact on any Council services, does not involve any Council expenditure and does not involve a strategic asset.
- 4.18 The community engagement and consultation outlined in this report reflect this assessment.

Additional Background

- 4.19 Staff have worked with Black Cat to investigate ways that the ramps and stairs could be removed, while still allowing for the building to remain compliant with statutory requirements. The specific focus of the investigations were on:
- 4.19.1 The possibility of having internal ramps to meet accessible paths of travel requirements; and
 - 4.19.2 Ensuring that any changes to nominated emergency exit points met statutory fire and life safety requirements.
- 4.20 Two alternatives have been looked at. These are replacement of the access ramps by internal ramps at either the western (former cool store) end of the building or within the briefing room.
- 4.21 Neither of these two alternatives are feasible. There is insufficient internal space at the westernmost end to allow for a compliant ramp. The inclusion of a ramp parallel with the

- length of the building within the briefing room is also not feasible due to the length required and the underlying building structure.
- 4.22 Internal travel distances, the need for an at-grade landing area outside emergency exits, and the requirements that emergency exits swing outwards have all been considered.
- 4.23 At the time of the Board's original decision, the option of requiring internal ramps had not been conclusively explored. Staff did not have sufficient information to provide definitive advice on this option and it was open to the Board to make the decision it did. Architectural and engineering assessments have been required to obtain the information to allow for this more conclusive advice. The assessments were commissioned and paid for by Black Cat, in line with the Board's resolutions, but reviewed by staff. An iterative process was adopted to ensure that the assessments were rigorous.
- 4.24 To try to reduce the footprint of structures on the wharf to a minimum, Black Cat has proposed an alternative arrangement (attached). This proposal reduces the area occupied by over 60% compared to what is there presently. It also reduces the area occupied compared to the structures on the wharf prior to the 2016 changes.
- 4.25 The alternative appears to be compliant with statutory requirements and allows for both access and emergency egress. The plans have been informally shown to Council's building consenting unit who have given this advice. A definitive answer would only come through a formal building consent.
- 4.26 Black Cat's alternative is inconsistent with the Board's decision and the Boards' guidance on this matter is considered important before staff make a decision on this proposal.
- 4.27 Staff have also considered the impact of a strict application of the Board's decision. Removal of the access and noncompliant modifications to fire egress would leave the building non-compliant and exposed to enforcement action from Council in its statutory roles. In the worst case, Black Cat would be forced to close if the non-compliances voided insurances and exposed them to significant risk.
- 4.28 Similarly, if Council decided to terminate the licence for access and support, it is reasonably foreseeable that Black Cat would be forced to close the building.
- 4.29 Under both scenarios, there is the possibility of further action by Black Cat (NB: this has not been discussed with nor raised by Black Cat, but is a reasonable foreseeable scenario given the seriousness of a building closure. To date they have demonstrated a willingness to meet the Board's preferred position, but not at the expense of a compliant building).
- 4.30 Should Council decide it wished to require the removal of the structures without agreement, it is likely that some form of legal action would be required.
- 4.31 As previously advised Council gave statutory consent for the structures. There is no clear record of appropriate approval from Council in its landowner role. The evidence shows that this approval was discussed at various times between 2008 and 2016, however, no definitive approval or rejection was provided.
- 4.32 The structure outside the briefing room existed prior to the 2016 changes. It was modified in these changes to meet statutory requirements. A ramp was also present outside the chiller prior to 2016. This was replaced and significantly extended by the 2016 changes.
- 4.33 This matter originated from concerns about the loss of public space on the Akaroa Wharf, particularly in regard to the loss of the Fisherman's Landing and the encroachment of buildings on to public areas of the wharf.

- 4.34 The Board's resolution and this current paper does not address the question of the Fisherman's Landing. Following receipt of a letter from the Fisherman's Association agreeing to forfeit access (Previously supplied to the Board), the focus has been limited to the other structures.

Discussion

- 4.35 The two remaining ramps occupy part of the public wharf structure. While it is preferable not to have private structures on public space, it is commonly allowed in many different situations, primarily to allow pragmatic access. Occupations should be minimal and managed.
- 4.36 The potential to completely remove these existing structures has been explored and has been found not to be reasonably practical. The impact of taking a hard line is disproportional to the impact on the public of these structures.
- 4.37 Black Cat has presented a proposal that reduces the occupation of public space while still ensuring that the building meets its statutory requirements. Staff have reviewed this proposal, in the context of the other changes already made, and consider that this will further help achieve the Board's desires. As such, staff recommend that the Board indicates its support for this proposal.
- 4.38 A broader concern, raised by staff in previous reports, and by the public since, is the inappropriate use of the ramps for storage and drying. This matter has been raised with Black Cat. Staff will include conditions, such as explicit prohibitions on these types of activity, in a new licence. Compliance with these prohibitions will also reduce perceptions that the public wharf is being used as defacto private space.
- 4.39 The proposal addresses the expressed concerns about the loss of public space. It removes structures that do or could restrict access, while still allowing for compliant disability access and other public benefits to the adjacent building. Given the benefits, officers recommend this position to the Board.

5. Options Analysis

Options Considered

- 5.1 The following reasonably practicable options were considered and are assessed in this report:
- Option 1 - Modify Resolution
 - Option 2 - Continue to implement the Board's resolution
- 5.2 The following options were considered but ruled out
- Allow the existing ramps and stairs to remain. This option does not help resolve the situation and is likely to lead to ongoing public and Board concern. Additionally, the size and the design of the ramps mean that despite management intervention there is the possibility of the ramps and stairs being used inappropriately.

Options Descriptions

- 5.3 **Preferred Option:** Option 1 – Modify Resolution

- 5.3.1 **Option Description:** The Board modifies its resolution to provide guidance to staff to allow for ramps and steps to occupy the wharf subject to these being reduced in area, generally in accordance with the plans attached and used for access and egress only.

The words “generally in accordance” have been used as the plans have not formally been through statutory approval process so may be subject to minor change

5.3.2 Option Advantages

- Reduces the physical occupation of the wharf
- Reduces the perception of a private use of a public asset
- Allows for statutory compliant access and egress to Black Cat’s building

5.3.3 Option Disadvantages

- Private structures remain on the wharf
- Some members of the community may still object

5.4 Option 2 - Continue to implement the Board’s resolution

5.4.1 Option Description: Officers could continue to negotiate with Black Cat towards the complete removal of the steps and ramps.

5.4.2 Option Advantages

- The Boards intentions will be met in full
- There will be a reduction in private structures on the wharf

5.4.3 Option Disadvantages

- Council may need to take legal action to implement the decision. This is not guaranteed of success, is likely to be costly and carries reputational risks
- The Black Cat building may be rendered non-complaint with statutory requirements and forced to close
- There is a risk that the public would see Council’s response as disproportionate to the issue

Analysis Criteria

5.5 The following additional criteria will be used to assess options:

5.5.1 Black Cat’s building remains statutorily compliant and able to be used. It is not the Boards or Council’s intent to restrict Black Cat’s ability to trade and to use their privately owned building

5.5.2 Reduce private occupation of the public space

Options Considerations

5.6 The recommended option is inconsistent with the Board’s previous resolution, however, the Board may not have made this decision if there had been definitive information about the inability to have the accessibility ramps inside the building.

6. Community Views and Preferences

6.1 There is a community interest in this matter as evidenced by deputations and other correspondence. The views express concern about the loss of public space and restricted access on the wharf.

6.2 There will be sections of the community who will oppose the preferred option and will want to see the structures completely removed.

7. Legal Implications

- 7.1 There is a legal context, issue or implication relevant to this decision. Dependent of the decision made, Council may need to take legal action to achieve its objectives. Under the recommended option this is unlikely.
- 7.2 This report has not been reviewed and approved by the Legal Services Unit given that legal action is not certain at this time.

8. Risks

- 8.1 There are no significant risks associated with this decision.
- 8.2 This does not mean that there are no risks, however, any risks are considered tolerable

9. Next Steps

- 9.1 If the Board accepted the recommended option, staff would work with Black Cat to start the formal statutory approval as quickly as possible. Implementation of the changes would depend on the time taken to get the statutory approval, the ability to source contractors and a requirement for safe access to the wharf. The Board can be kept informed of progress through memos rather than formal reports.

10. Options Matrix

Issue Specific Criteria			
Criteria		Option 1 – Modify Resolution	Option 2 – Continue to implement Boards resolution
Financial Implications	Cost to Implement	No additional cost to Council over and above staff time to complete the new licence	This option will require additional expenditure by Council over and above staff time to complete the new licence, however, the quantum of this is unknown. Expenditure will be required on staff time to negotiate the changes and possibly on legal advice if agreement is not possible.
	Maintenance/Ongoing	No additional costs. Staff would continue to monitor compliance	No additional costs. Staff would continue to monitor compliance
	Funding Source	Rates	Rates
	Impact on Rates	No increase in rates – expenditure absorbed in normal operational costs with no effect on other operations	No increase in rates – expenditure absorbed in normal operational costs. There may be an impact on the ability to carry out other operational activities dependent on the quantum
Accessibility Impacts		No impact – accessibility maintained	Potential impact if accessibility ramps removed and no acceptable alternative found
Black Cat's building remains statutorily compliant and able to be used.		Achieved	Appears unlikely to be achieved
Reduce private occupation of the public space		Achieved	Possibly achieved – likely to take more time

Statutory Criteria		
Criteria	Option 1 – Modify Resolution	Option 2 – Continue to implement Boards resolution
Impact on Mana Whenua	NA	NA
Alignment to Council Plans & Policies	No inconsistencies with policy This option is inconsistent with the Board's previous guidance, however, the Board may not have made this decision if there had been definitive information about the inability to have the accessibility ramps inside the building.	No inconsistencies with policy

Attachments

No.	Title	Page
A ↓	Blcak Cat Proposed Changes to Access Structures (Ramps and Stairs)	30

Confirmation of Statutory Compliance

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

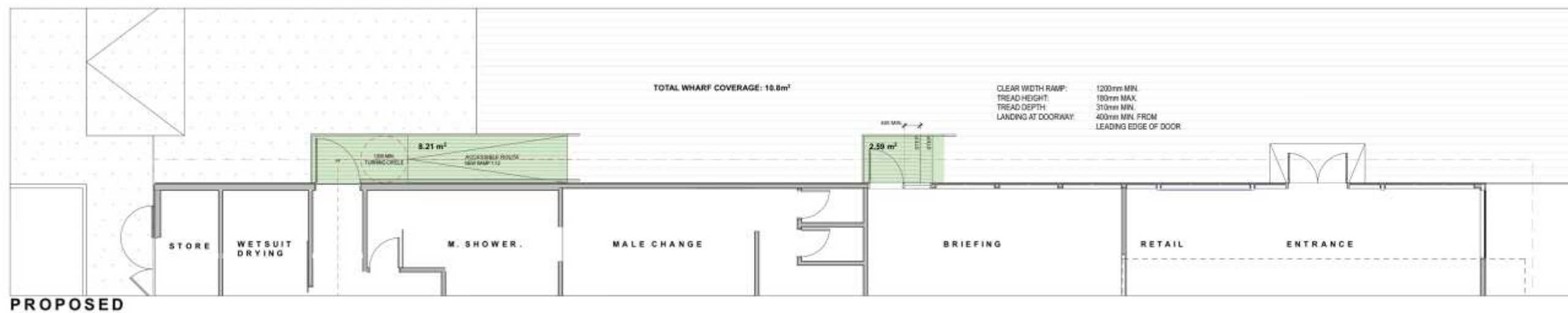
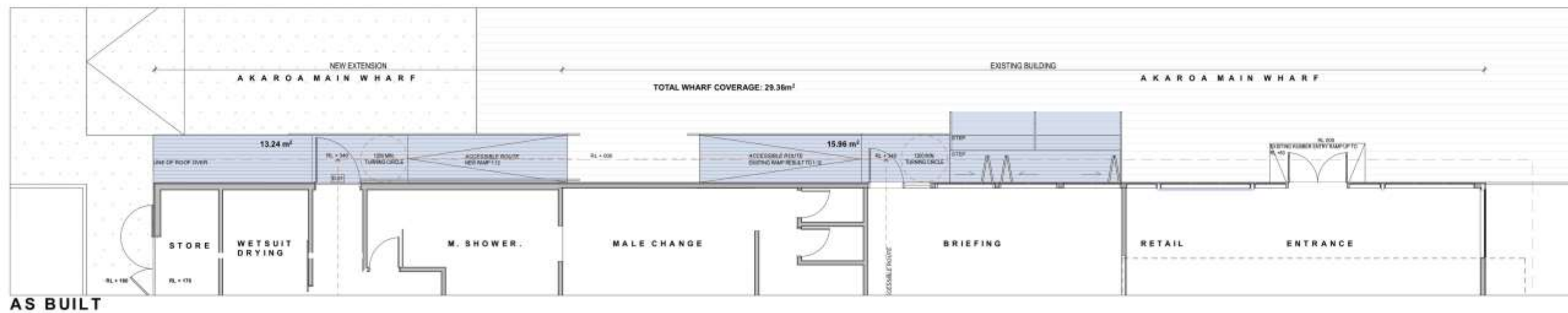
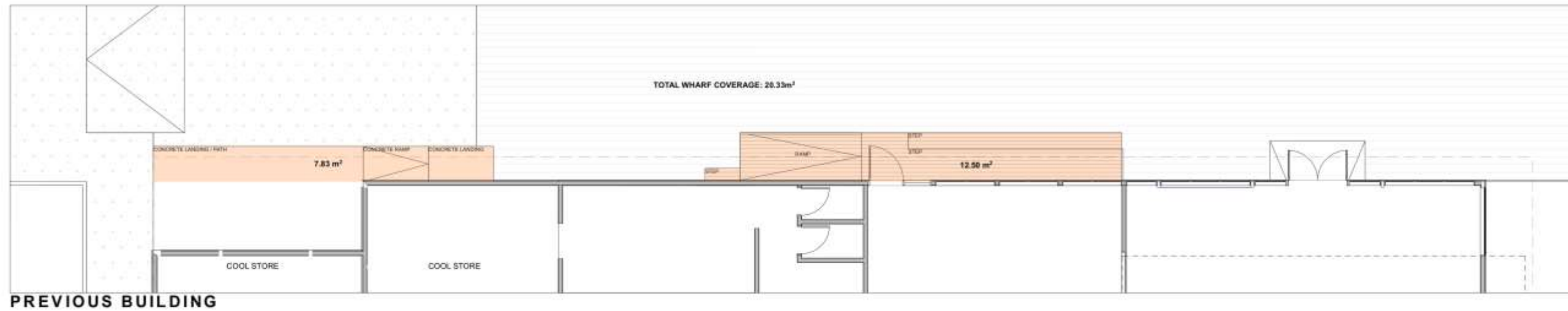
(a) This report contains:

- (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	Bruce Rendall - Head of Facilities, Property & Planning
Approved By	Anne Columbus - General Manager Corporate Services



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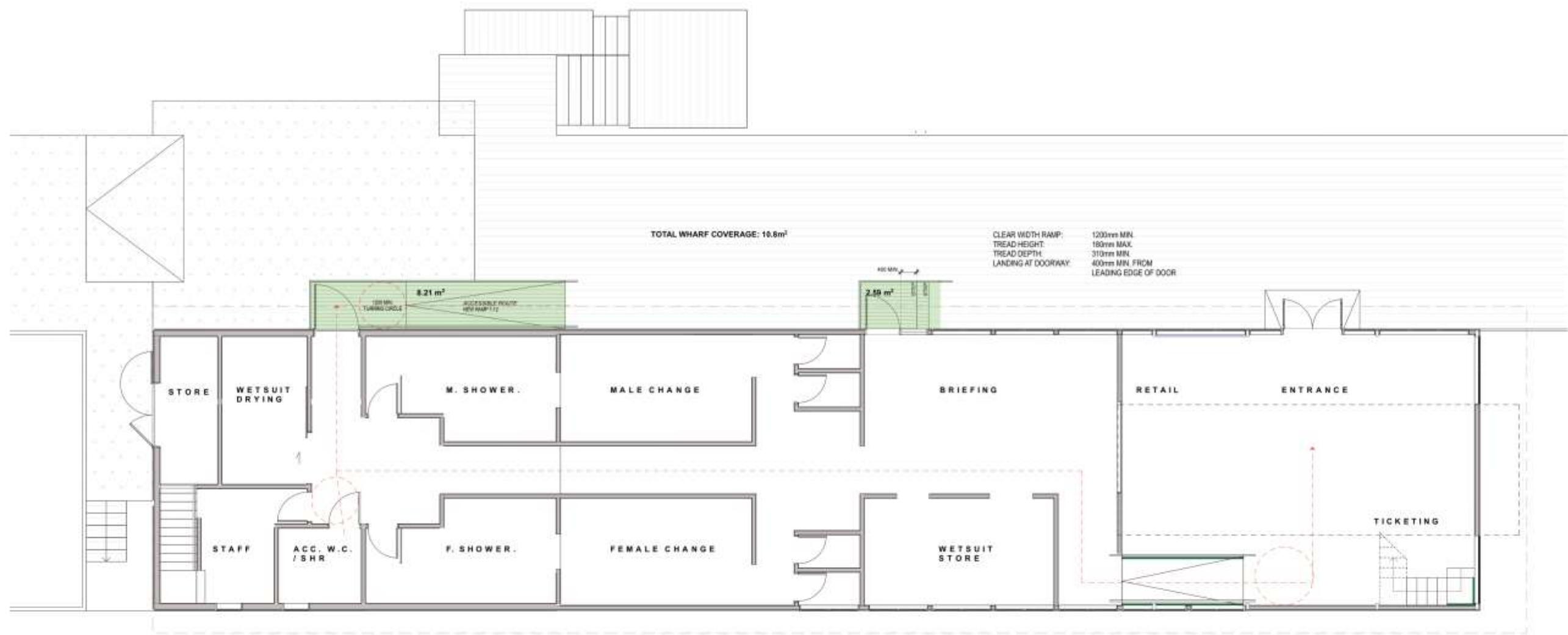
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ALL DIMENSIONS PRIOR TO COMMENCING WORK

**BLACK CAT CRUISES
FITOUT, AKAROA**
FOR BLACK CAT CRUISES

FOR INFORMATION
NOT TO BE USED UNTIL ENDORSED FOR BUILDING CONSENT BY
CCC

SCALE: 1:100 @ A3
DATE: 12/10/18

GROUND FLOOR PLANS



9. 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.