



SUMMIT ROAD PROTECTION AUTHORITY
TE MANA TIAKI I TE ARA AKITU

Te Mana Tiaki I Te Ara Akitu Summit Road Protection Authority and its Advisory Committee MINUTES ATTACHMENTS

Date: Friday 26 March 2021
Time: 5pm
Venue: Boardroom, Beckenham Service Centre,
66 Colombo Street, Beckenham

TABLE OF CONTENTS

PAGE

10. Christchurch City Council's Long Term Plan

- A. Submission to Christchurch City Council Long Term Plan 2021-31 2

12. John Jameson Lookout

- A. Presentation from Summit Road Society for John Jameson Lookout 14

15. Draft Annual Plan and Annual Budget for 2021-22

- A. Revised Draft Annual Plan and Budget 2021-22 21



**SUMMIT ROAD PROTECTION AUTHORITY
TE MANA TIAKI I TE ARA AKITU**

26 March 2021

Annual Plan Submissions
Christchurch City Council
PO Box 73017
CHRISTCHURCH 8154

**TE MANA TIAKI I TE ARA AKITU / SUMMIT ROAD PROTECTION AUTHORITY
SUBMISSION ON THE CHRISTCHURCH CITY COUNCIL'S DRAFT LONG TERM
PLAN 2021-31**

The Summit Road Protection Authority is constituted under the Summit Road (Canterbury) Protection Act 2001 and deemed by that Act of Parliament to be a joint committee of Christchurch City Council and Selwyn District Council. The Authority, however, has independent statutory powers and purposes; the purposes of its constituting Act are:

- (a) to provide for the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths, and public open spaces within the protected land:
- (b) to provide for the preservation and protection of natural amenities associated with land within the protected area:
- (c) to provide for the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.

The Authority notes that the City Council on 22 March 2018 resolved to not approve the installation of proposed Prohibited Times on Road Restrictions for the Summit Road following a significant response to the public consultation indicating the high significance of the Summit Road to the greater Christchurch region.

The City Council also resolved at that meeting to request: "that the Port Hills Management Plan be advanced as soon as possible recognising that the outcomes and objectives of that Plan may assist in achieving positive outcomes for the Summit Road and other affected roads in the area covered by that Plan."





The Authority requests that the City Council in considering its draft Long Term Plan makes provision to fulfil this resolution, and is mindful of the city-wide significance of the Summit Road.

The Authority has long seen need for a management plan for the Port Hills to protect and enhance the area's amenities and facilities for the public enjoyment of its recreational, cultural, aesthetic, ecological and geological attributes. Its **attached** vision for the Summit Road and Port Hills recommending the development of a management plan was authored prior to the commencement of the Canterbury Earthquake Sequence, which clearly caused some interruption to its advancement, though the City Council has since resolved to advance a management plan as soon as possible.

The Authority and its Advisory Committee have accordingly agreed the submission to:

Request that the City Council gives appropriate prioritisation to the advancement of a Port Hills Management Plan in line with its resolution of 22 March 2018 to request that the Plan be advanced as soon as possible recognising that the outcomes and objectives of that Plan may assist in achieving positive outcomes for the Summit Road and other affected roads in the area covered by that Plan.

The Authority and its Advisory Committee thank the City Council for receiving this submission.

The Authority and Advisory Committee are composed of appointees/nominees as listed below of: Christchurch City Council (one delegated to Te Pātaka o Rākaihautū / Banks Peninsula Community Board), Selwyn District Council, Summit Road Society Inc., the Minister of Conservation, Environment Canterbury, Te Hapū o Ngāti Wheke Inc. (Rāpaki), and the other owners of the protected land.

Te Mana Tiaki I Te Ara Akitu / Summit Road Protection Authority
Chair Tim Scandrett, Cr Jeff Bland, Tori Peden

Summit Road Protection Authority Advisory Committee
Chair Paul Loughton, Cr Tim Scandrett, Cr Jeff Bland, Tori Peden, Hana Walton, Christine Dann, Peter Graham, Denis Aldridge, Kelvin McMillan, Gill Jenkins



TE MANA TIAKI I TE ARA AKITU



A New Vision For The Summit Road And Port Hills

“A Heritage Road Through A Park”

Executive Summary

A new vision for the maintenance and heritage development of the Summit Road is urgently needed. It is now over a century since the Road was first conceived and the first section of it was built. During that time there have been huge changes in the ways in which New Zealanders live and play. These have had a major impact on how the Road is used, and they also indicate how it could better be used.

The most important differences between then and now which affect the use of the Road are:

- Changes in private motor vehicle ownership and use patterns;
- Changes in outdoor recreation activities;
- Changes in attitudes and activities related to natural and human heritage conservation and interpretation, and;
- Changes in land use on the Port Hills and the increasing areas of land adjoining the road that are now in public and trust ownership.

All these changes mean that it is time to re-visit the original vision for the Road, and see how it can be reinterpreted to take into account a century of changes. While circumstances may have changed, the intentions of Harry Ell and others who brought the Road into being remain as valid as ever.

This paper;

- Examines what changed circumstances mean for the Summit Road today, in the light of the original vision of its founder, Harry Ell; and
- Outlines a vision for the Road which is appropriate to twenty-first century circumstances while still remaining true to the original vision of its creators.

This paper is intended as an orientation guide and resource for Community Boards, and for Council staff who have responsibility for parks, reserves and open spaces, outdoor recreation, roading and traffic management, tourism, natural and built heritage conservation and protection.

The Summit Road encompasses all these areas of interest and value. The Summit Road Protection Authority believes it is now time for Council to take an integrated



TE MANA TIAKI | TE ARA AKITU



approach to planning for the use of the Summit Road and surrounding areas which takes into account its multiple and overlapping values and uses.

Our vision of *A Heritage Road Through A Park* is intended to make it easier to understand how all these uses and values connect to each other, and to facilitate planning and development which will enhance all these aspects of the Road for those who come to enjoy the 'summit experience' which it offers.

1. The Summit Road then and now

The importance of the Summit Road and the sky line of the Port Hills as the landscape backdrop of the City of Christchurch, has been recognised by a special Act of Parliament for over 40 years now. For over 60 years the Summit Road Protection Society has provided strong community leadership and support in these matters. A number of landowners in the area have also made important contributions.

The Summit Road today has uses which were never envisaged by its creators. So does the surrounding land. Some of these users and uses enhance the recreational amenity and heritage values of the road, and some detract from it. The Summit Road Protection Authority has the following principal areas of concern with regard to the changes in the way the road is used today, which need to be addressed if the Road is to stay true to the purposes for which it was created – to give its users better access to natural beauty and recreation along the summit of the Port Hills.

a) Changes in private motor vehicle ownership and use patterns

When Sir Charles Bowen broke the first sod on the Summit Road in 1908, motor vehicles were a very recent invention and very few individuals or families owned a private motor vehicle. The Summit Road was not originally intended for use by motor cars, but rather by walkers, coaches and horse riders, and perhaps by some rugged cyclists. The rest houses on the road were intended for the benefit of tired, hungry and thirsty walkers and riders, not for motorists able to cart their own refreshments (or toss food and drink containers out of car windows on to the Road).

The Road was later sealed making it much more convenient for motorists, although its narrow and winding nature means it is still a challenging drive, albeit a very pleasant one if taken slowly. Since being sealed it has become a wonderful cycle route. Walkers are now perhaps better served by the Crater Rim Walkway, which loops around and across the Road, yet the Road itself may still offer the best views and photo opportunities, as well as access to historic sites.

Unfortunately, by the end of the twentieth century some motorists had begun making destructive use of the Road, and this destructive usage has become worse over the past ten years. The so-called 'boy racers' use the Road at night in ways which endanger



TE MANA TIAKI I TE ARA AKITU



other road users, damage the carriage way, and pose a threat to the surrounding land and vegetation from off-road car use, fire and leaking car wrecks. Also there has been many incidents of vandalism to signs, toilets and fences, the theft of stock and dumping of rubbish. The relative isolation of the Road means that policing such behaviour is difficult, and problems keep recurring. There is also a need for better fire-fighting facilities, possibly with helicopter access.

The Authority has spent many meetings deliberating on the best way to deal with this threat to the Road, and has come to the conclusion that the best way forward is to enhance the Road experience for bona fide users by upgrading the amenity status of the Road to *A Heritage Road Through A Park*. This would at the same time provide for stronger measures for traffic control and restriction (such as those currently applied in Victoria Park) and hence better options for protecting the Road from misuse.

b) Changes in outdoor recreational activities

When the Road was built bicycles were the standard form of every-day personal transport, and were also used for carrying light loads. Bicycles have changed in the course of a century from heavy, gear-less machines, used by a majority for getting to school and work, to light, multi-gear machines used by a minority for mainly recreational purposes, such as road-touring, road racing and off-road ('mountain') biking.

The Summit Road is an increasingly popular destination and route for recreational cyclists of all kinds. This is totally within the spirit of the original vision for the Road, but raises safety issues when cycles share a narrow and winding road with modern motor vehicles. There are also issues around off-road biking on tracks and roadsides which are either intended primarily for walkers, or have vegetation that needs protection. Cyclists can not damage the Road itself in the way in which motorists can, but they are quite capable of creating nuisances, from littering to traffic hazards. The Authority is of the view that cyclists as well as motorists need to be aware that the Road is not just any old race track. Tourist traffic along the Summit Road is increasing with greater use by campervans.

We consider that their safety, as well as their amenity, along with that of other road-users, would be enhanced by developing the Summit Road as *A Heritage Road Through A Park*.

c) Changes in attitudes and activities related to natural and human heritage conservation and interpretation, and changes in land use

When the Summit Road was conceived, most of the native forest on the Port Hills had been destroyed, the tui and several other native bird species had gone or become very



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rare, and there was only one bush reserve of any size which ran from the valley floor to the summit (Kennedy's Bush).

The purchase and preservation of Kennedy's Bush was Harry Ell's first big achievement with regard to conserving nature and providing public access to it. In his mind the Summit Road was primarily a route for improving public access to the unique natural heritage – geological, biological, ecological – of the Port Hills. It was also meant to give access to the glorious aesthetic values of the hill landscape itself, and the magnificent views of harbour, plains and mountains from the Hills. Ell was a friend of New Zealand's leading botanist (and premier ecologist) of the time, Dr Leonard Cockayne, and accompanied him on many botanical explorations. Their work built on the work of earlier notable Canterbury naturalists, such as Thomas Potts of Ohinetahi, and has contributed to that of their notable successors, such as Hugh Wilson.

Harry Ell was a leading exemplar of and advocate for the changing mindset towards native species and ecosystems which began to occur at the beginning of the twentieth century in New Zealand. Although Ell's dream of large roadside bush reserves every few miles across the Canterbury Plains never came to pass, once he focussed his energies on a particular place, his beloved Port Hills, he was able to inspire others to take more care of their natural heritage, to conserve and enhance it.

By the end of the twentieth century Kennedy's Bush and the few other much smaller nature reserves adjacent to the Summit Road had been joined by a good number of other, much larger, reserves. Today almost three-quarters of the Road passes through or beside reserved land. (*See Appendix I – Map of the Summit Road and adjacent reserves*). Some reserves are being developed and maintained mainly for recreational purposes (mostly off-road biking and /or walking) while in others nature and biodiversity protection and restoration is the primary focus. Both types of reserve also provide landscape amenity, whether at close range or when viewed from the city.

The natural values and public use and amenity values of the land adjacent to the Summit Road are therefore much higher than they were when it was first built, and they have the potential to be further enhanced with careful planning and development work. In addition, the Road now has its own intrinsic heritage value, and its stories are part of Canterbury's history. It has the historic rest and refreshment houses which Ell envisaged, although today only the Sign of the Kiwi is fully functional in this regard. It has old milestones, horse troughs, gateposts, and stone seats.

Over this time pastoral farming activity on the Port Hills has been reducing as market conditions have changed and more land has been acquired for reserves.



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The Authority believe that the time has come to better recognise, protect and celebrate the heritage of the Road itself, as well as to integrate its management with the now extensive areas of public and trust land adjoining.

d) Changes in administrative arrangements

Over recent years the number of local Councils having jurisdiction over the Port Hills has reduced from five to just two, the Christchurch City Council and the Selwyn District Council. Since the original Summit Road Protection Act of 1963, the Resource Management Act was passed in 1991 providing the potential for District Plans to better achieve many of the outcomes sort by the 1963 Act.

2. A Vision for the Future

A century of change has brought good things for much of the land beside the Road, with more conservation and restoration of nature and more opportunities for outdoor recreation. At the same time it has created problems for the Road itself, and for recreational users of the Road. Further, it has created problems with regard to the proper recognition, protection and enjoyment of the now historic sides and artefacts along the Road.

The role of the Authority is to safeguard the Road from inappropriate development, and to protect and promote (as far as its budget allows) the heritage and landscape values of the Road and adjoining land. (*See Appendix II – The Role of the Summit Road Protection Authority*). The Authority does not own the Road nor have the powers to regulate its daily use. It can only advise those with these powers on how to best manage the Road, so that the purposes for which it was built are protected, and where possible enhanced.

The Authority is the statutory guardian for the Road and its purposes, and it is from this position of knowledge of and responsibility for the Road that we have developed a twenty-first century vision for the Summit Road – a vision of *A Heritage Road through A Park*. This concept included measures aimed at enhancing the Roads status, protecting its heritage, promoting its values, and streamlining and improving its management. Specific actions which we would like to see taken to these ends are given in the Recommendation. The important elements of the vision are sketched out below.

a) Improved status for the Road

While the Summit Road is arguably the highest status road in the whole country, by virtue of having its own unique Act of Parliament, this fact is hard to reconcile with the reality of the Road itself today. Travelling along the Road and seeing the extent of



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vandalism on the roadway and its adjacent features, and also seeing that there is almost nothing by way of signage or interpretation that indicates that this is a special road, and tells the traveller what its special nature consists of, one would be forgiven for thinking that the Road is just a sealed track, of no special value or merit. Only the solidly-built Sign of the Kiwi gives any hint that this road was meant to be something special.

The Christchurch City Council web page for visitors informs them that “travelling by foot or wheel, the Summit Road winds tantalisingly around the rims of two extinct volcanoes and offers the traveller enough scenic views to fill a lifetime”. Correct grammar and geology are not the only things lacking in this sentence. It does not tell visitors how to get to the Road, let alone all the other things that are special about it. Nor are there links to a page with a map of the Road, a history of the Road, information on natural features to be seen from the Road, or anything else that would really encourage a visitor to experience what the Road has to offer. (By contrast, there are links to visitor attractions of much lesser historic, natural and recreational value, such as the restaurant tram).

In the Authority’s view this is a great opportunity missed. We would like to work with the Council in improving the status of the Road so that it is both a draw card for visitors (encouraging them to stay longer in Christchurch, when they find out that they can have a great encounter with nature and some recreational thrills right here, and don’t need to go further south), and for citizens who can come to this natural playground regularly.

The best way to do this is to manage and promote the Road in a way which is consistent with what it has to offer – hence the concept of *A Heritage Road Through A Park*. The Road needs its own integrated management plan which recognises that:

- Most of the Road now passes through or runs beside reserve lands with public access ie it is a road through a de facto park, and
- The Road is of significant historical value in itself ie it is a heritage road.

An integrated management plan for the Road would use these two concepts as its guiding principles.

It would also make explicit provision for remedying the major problems which are currently stand in the way of realising the *Heritage Road Through A Park* vision. These are outlined in (b) and (c) below:

b) Better indication and interpretation of the Road

The Summit Road needs proper signage at appropriate points eg Evans Pass, Dyers Pass, Gebbies Pass which indicate that the Road begins, ends or continues at these



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points. These signs can be simple (ideally of stone and wood) and need only indicate the name of the Road. They should also be all of the same design.

Signage for reserves and tracks beside and leading from the road also needs to be improved to a more uniform and consistent standard. Interpretation panels are needed at or close to key features on the Road, and/or at the points of entry to the Road. The Authority currently has some money in its budget allocated for signage, including interpretative panels, and would like to work in with the Council to make its contribution to better signage and interpretation for the whole road.

c) Better protection for the Road and its users

The Road itself, and roadside structures, including car parks, are being regularly damaged by motorised vandals. Dangerous driving also puts other road-users at risk. It is not possible to police such behaviour adequately, and therefore other preventive measures must be considered.

These could include reducing the speed limit on the Road, and closing all or part of the Road to motor vehicles (except for the passes, and with provision made for residents who live beside the road) between dusk and dawn.

The Road is not an essential route to anywhere, and while closing the road to cars would be somewhat inconvenient to residents along the Road, as well as to those few citizens who find it a pleasant place for peaceful night-time driving, it would be easy to ascertain if the majority of residents prefer this inconvenience to destructive drivers on the road at night, while bona fide night-time drivers would surely appreciate the public good reasons for a night-time closure.

All recreational drivers and other users of the Road would also be reconciled to any speed restrictions and closures by knowing that as a result the Road would be safer and more pleasant to use.

3. Further Work

Further work needs to be undertaken to investigate how the integration of the management of public reserves and private trust lands with the Summit Road itself, can better promote the objectives of the Summit Road Protection Act and further the concept of a “Scenic Drive” or “A Heritage Road Through A Park”, and ensure that in the ongoing management and planning of the Port Hills, the original vision of Harry Ell to develop a scenic roadway along the summit is not lost.

In particularly this work would establish:

- An overview of the present patterns of reserves/trust lands along the Summit Road between Evans Pass and Gebbies Pass.



TE MANA TIAKI I TE ARA AKITU



- An overview of existing management plans and goals/objectives for existing reserves and trust lands and previous studies into these matters.
- An understanding of the purpose, function and classification of the Summit Road from Evans Pass to Gebbies Pass.
- Establish the views of existing management personnel of reserves/trust/roads and identify issues, problems and opportunity and possible forms of future management.
- Identify statutory restraints that may limit opportunities for developing the vision.
- Possible scope of concept in terms of adjoining reserves such as Godley Head, how far down the hill it should extend, retention of access to private land, and links with the Gondola, 'Sign of the Kiwi', Bridle Path and Rapaki Track, and the development of wider cycleways across Banks Peninsula.
- Examples with illustrations of similar 'scenic drives' in New Zealand and overseas.
- Identify and illustrate opportunities and ways ahead that would help achieve of the vision.

4. Recommendation

That the Christchurch City Council investigate the ways in which improving the status of the Summit Road to *A Heritage Road Through A Park*, including developing an integrated management plan for the Road and adjacent reserve land would meet the objectives of both the Council and the Summit Road Protection Authority, (within its jurisdiction) with regard to enhancing the heritage and natural values of the road and adjacent reserves, making it a safer and more enjoyable place for all users.

Appendix I – Map of the Summit Road and adjacent reserves

Appendix II – Background to the Summit Road Protection Authority



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Appendix I

Map Of The Summit Road And Adjacent Reserves



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Appendix II

Background to the Summit Road Protection Authority

In 1963 Parliament enacted the Summit Road (Canterbury) Protection Act. This Act was originally administered by the Christchurch Regional Planning Authority, then by the Canterbury United Council and between 1989 and 1992, the Canterbury Regional Council. In 1993 Parliament amended the 1963 Act to provide for the establishment of the Summit Road Protection Authority as a joint standing committee of the Christchurch City Council, the Banks Peninsula District Council and the Selwyn District Council.

The Summit Road Protection Authority was established on 1 July 1993.

The function of the Authority is to carry out its responsibilities under the Summit Road (Canterbury) Protection Act 2001. The purposes of this Act are as follows:

- To provide for the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths and public open spaces within the protected land;
- To provide for the preservation and protection of natural amenities of land within the protected area;
- To provide for the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.

Scenic amenity includes the extensive views from the Summit Road and other roads, paths and parks within the protected land, to the Port Hills, Christchurch, the Plains and the Harbour. Natural amenities means the natural or physical qualities of an area that contribute to people's appreciation of its pleasantness, coherence and cultural and recreation attributes.

The area protected by the Act runs along the summit of the Port Hills from Evans Pass to Gebbies Pass and is generally the land above a line running about 30 metres below the Summit Road.

In carrying out its functions, the Authority has identified four areas of significant activity:

- Regulation
- Advice and advocacy
- Provision of interpretative facilities
- General administration

In March 2006, Banks Peninsula District Council joined with the Christchurch City Council. As a result, membership of the Authority changed to included two representatives of the Christchurch City Council and one of Selwyn District Council.

The Authority is advised by an Advisory Committee who include representatives of the land owners, the Department of Conservation, The Summit Road Society, Ngāi Tahu, Environment Canterbury and an open space expert.



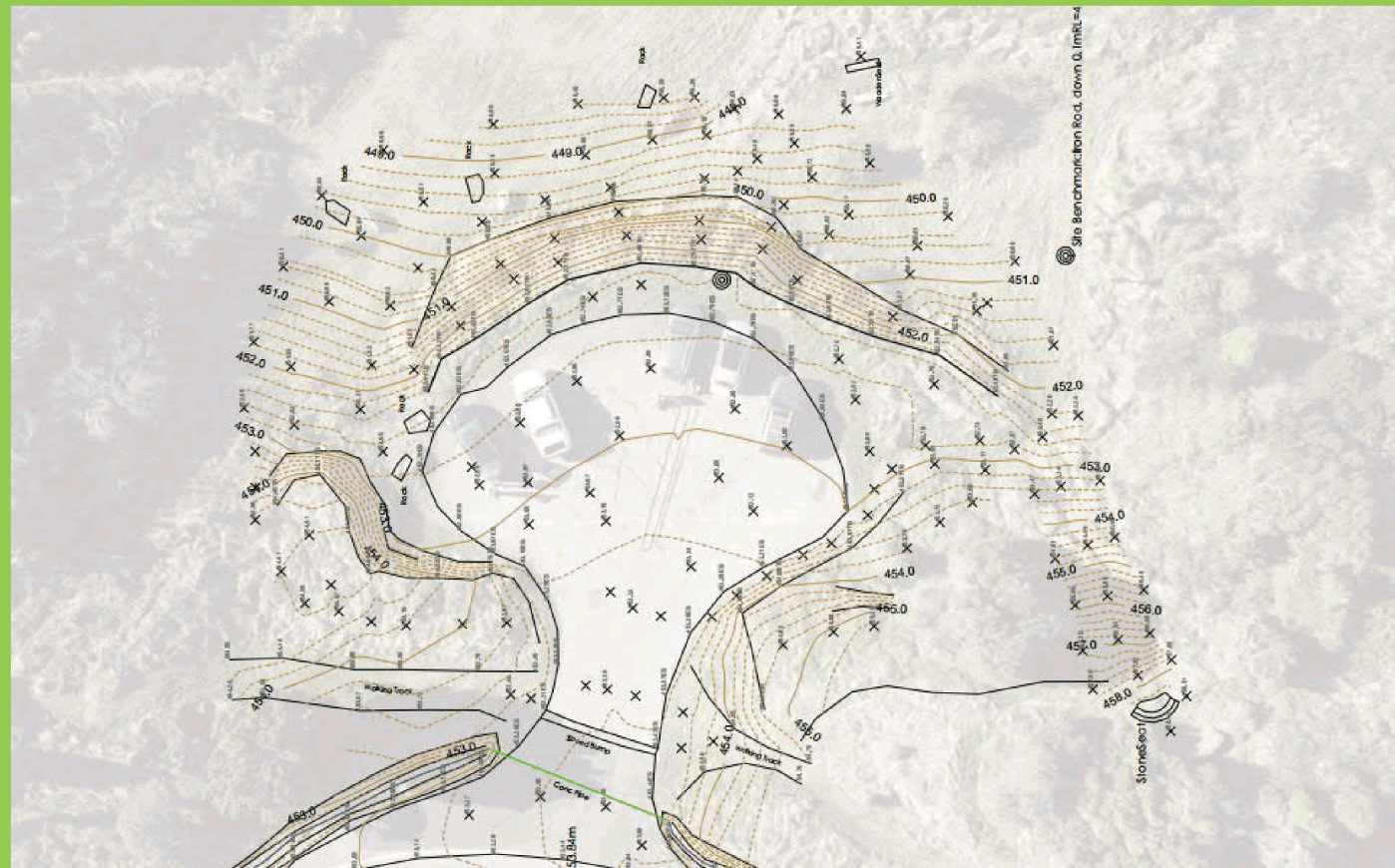
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Proposed John Jameson Lookout

Attachment A

Item 12





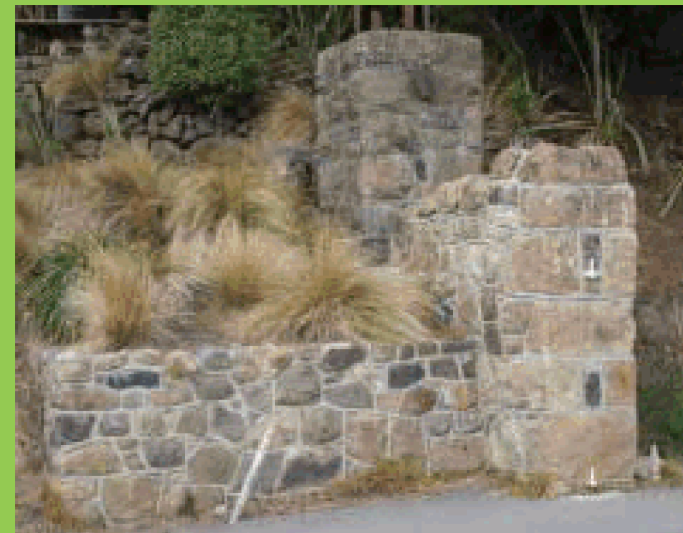
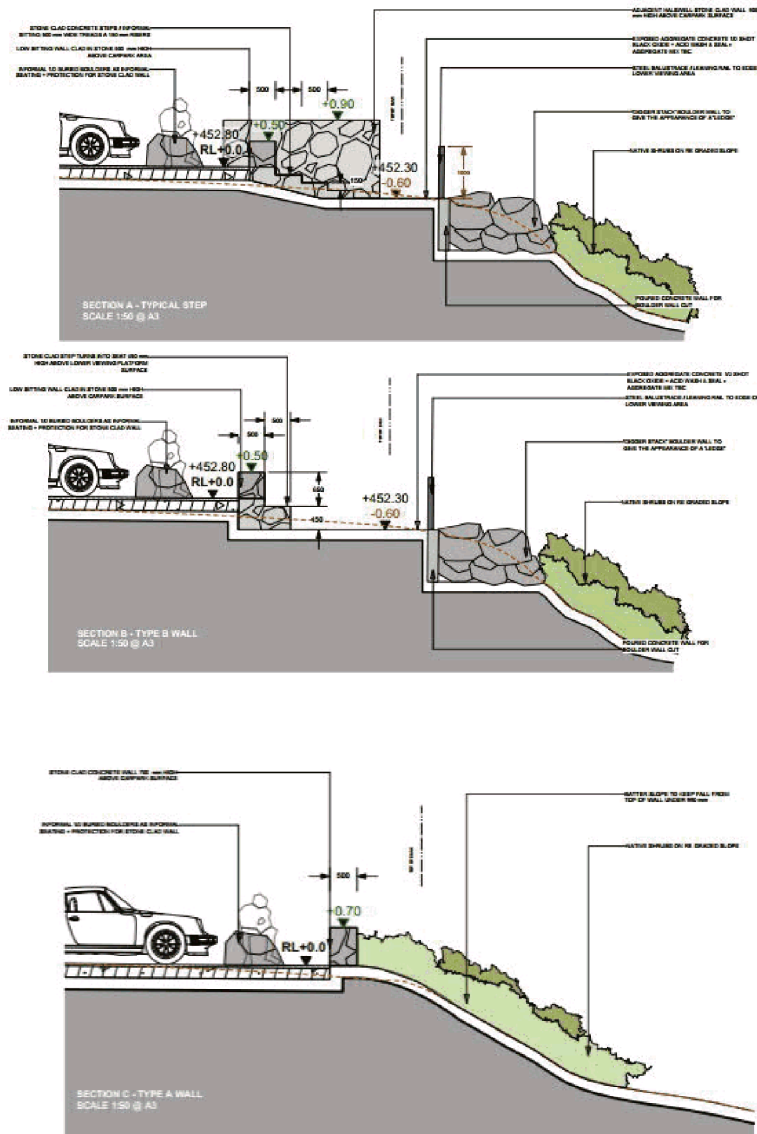
Landscape Concept





Landscape Concept with measurements





Preferred wall finish



"Weep hole"



Artist Impression





Artist Impression



note: artist impression only*



SUMMIT ROAD PROTECTION AUTHORITY
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Item 15

Attachment A

TE MANA TIAKI I TE ARA AKITU SUMMIT ROAD PROTECTION AUTHORITY

Annual Plan and Budget

2021 / 2022

Executive Secretary

Mark Saunders
Telephone: (03) 941 6436
Email: mark.saunders@ccc.govt.nz

Address for Service:

Te Hononga / Civic Offices
53 Hereford Street
PO Box 73016
Christchurch 8154



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

CONTENTS

	Page
1. The Authority and Advisory Committee	2
2. Introduction	2
3. Functions of the Authority	3
4. Membership	3
5. Significant Activities of the Authority	4
6. Work programme 2021-2022	5
7. Proposed Budget for 2021-2022	8
8. Local Body Levy 2021/22	9
Appendices	
A. Protected Area Map	10
B. Delegations Register	11



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1. SUMMIT ROAD PROTECTION AUTHORITY AND ADVISORY COMMITTEE

Summit Road Authority	
Selwyn District Council	Cr Jeff Bland
Christchurch City Council	Cr Tim Scandrett (Chair)
Christchurch City Council	Ms Tori Peden
Summit Road Advisory Committee	
Summit Road Society Inc. nominee	Mr Paul Loughton (Chair)
Christchurch City Council	Cr Tim Scandrett
Christchurch City Council (Banks Peninsula Community Board)	Ms Tori Peden
Selwyn District Council	Cr Tim Scandrett
Landowner nominee	Mr Denis Aldridge
Landowner nominee	Mr Peter Graham
Minister of Conservation nominee	To be confirmed
Te Papatipu Runanga o Rapaki / Te Runanga o Ngai Tahu nominee	Ms Hana Walton
Environment Canterbury nominee	Ms Gill Jenkins
Contributory Councils' nominee having a knowledge of open space and park management.	Mr Kelvin McMillan
Executive Secretary	Mr Mark Saunders

2. INTRODUCTION

The Summit Road Protection Authority's Annual Plan and Budget for 2021/22 describes work that may be undertaken during the year, shows how much it may cost, and sets out the objectives in each area of significant activity. The Annual Plan relates to the period 1 July 2021 - 30 June 2022, the financial year for the Authority.

In 1963 Parliament enacted the Summit Road (Canterbury) Protection Act. This Act was originally administered by the Christchurch Regional Planning Authority, then by the Canterbury United Council and between 1989 and 1992, by the Canterbury Regional Council. In 1992 Parliament amended the 1963 Act to provide for the establishment of the Summit Road Protection Authority as a joint standing committee of the Christchurch City Council, the Banks Peninsula District Council and the Selwyn District Council.



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

The Summit Road Protection Authority was established on 1 July 1993.

In 2001 a revised Summit Road (Canterbury) Protection Act was passed. In 2006 the Banks Peninsula District Council was amalgamated with the Christchurch City Council.

3. THE FUNCTIONS OF THE AUTHORITY

The function of the Authority is to carry out its responsibilities under the Summit Road (Canterbury) Protection Act 2001. The purposes of this Act are as follows:

- To provide for the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths and public open spaces within the protected land;
- To provide for the preservation and protection of natural amenities of land within the protected area.
- To provide for the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.

Scenic amenity includes the extensive views from the Summit Road and other roads, paths and parks within the protected land, to the Port Hills, Christchurch, the Plains and the Harbour. Natural amenities means the natural or physical qualities of an area that contribute to people's appreciation of its pleasantness, coherence and cultural and recreation attributes.

The area protected by the Act runs along the summit of the Port Hills from Evans Pass to Gebbies Pass and is generally the land between a line running about 30 metres vertically below the Summit Road and the ridgeline, as shown in **Appendix A**.

In carrying out its functions, the Authority has identified the following areas of significant activity:

- regulation
- advice and promotion
- general administration
- enforcement

The 2020 Annual Report was approved by the Authority in March 2021.

4. MEMBERSHIP

In March 2006, Banks Peninsular District Council joined with the Christchurch City Council. As a result, membership of the Authority changed to include two representatives of the Christchurch City Council and one of Selwyn District Council.

Following the Local Body elections in October 2019 Councillor Jeff Bland (Selwyn District Council), Councillor Tim Scandrett (Christchurch City Council) and Ms Tori Peden (a member of the City Council's Banks Peninsula Community Board / Te Pātaka o Rākaihautū) were appointed to the Authority.

The Authority is advised by an Advisory Committee that includes representatives of the land owners, the Department of Conservation, the Summit Road Society Inc, Ngāi Tahu, Environment Canterbury and an open space expert.



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5. SIGNIFICANT ACTIVITIES OF THE AUTHORITY

The responsibilities of the Authority are framed by the Summit Road (Canterbury) Protection Act 2001.

(a) Regulation

Implementation of the regulatory provisions of the Act is the primary responsibility of the Authority. The Act requires that applications for specified activities on the protected land must be made to the Authority. The Act also provides for applications for the amendment or removal of land from the protected area.

The hearing and determination of applications for consent to carry out activities on the protected land (except those determined under Section 17 of the Act) has been delegated to the Advisory Committee. However, applications for the amendment or removal of land from the protected area are determined by the Authority.

The Authority also provides comments and makes submissions on district plan reviews, variations and plan changes, where appropriate. The purpose of doing this is to promote greater harmony between the requirements of the Summit Road (Canterbury) Protection Act and provisions in district plans where these affect the control of structures and other activities within the protected area, and to avoid unnecessary duplication of regulatory processes.

(b) Advice and promotion

A secondary function the Authority has adopted is to promote the improvement of facilities for the public enjoyment of scenic and natural amenities. As part of the exercise of this function, the Authority has carried out a number of studies in the past aimed at identifying the needs of the public and methods by which these can be met in a manner consistent with the other purposes of the Act.

During 2002 the Authority undertook a review of facilities and formulated a strategy to meet the needs of visitors and recreational users of the Summit Road. While the implementation of this strategy is primarily the responsibility of the constituent local bodies, the Authority can perform a useful function in promoting the adoption of the proposals by these bodies, for example by submissions on long term plans.

In addition, the Authority has from time to time provided information or participated in programmes led by other organisations aimed at promoting public awareness of issues relating to the Port Hills. The Authority may continue to do this where programmes are consistent with the purposes of the Act.

(c) General administration

General administration is the main item of expenditure for the Authority and includes activities associated with servicing the Authority, including meetings and members' allowances; the preparation of agendas; the Annual Plan and Budget and Annual Report; budget, revenue and expenditure reports; and dealing with correspondence, servicing



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

member, media and public enquiries, and maintaining files and information base. The Authority meets as required and at least annually.

The Executive Secretary currently provides their services pro bono (acknowledging they are a City Council employee). However, the Authority should budget for remunerating an Executive Secretary as potentially its most significant regular expense. Other administrative services, such as accounting and secretarial services, are provided by the City Council currently without charge, though could equally be charged in future.

(d) Enforcement

The Authority may need to undertake enforcement activities in the event that any unconsented regulated activities occur on the protected land.

6. WORK PROGRAMME 2021/22

The following projects comprise the Authority's proposed work programme for 2021/22.

(a) Exercise of regulatory functions

The likely level of expenditure by the Authority in processing applications cannot be forecast with accuracy because it is dependent on the nature and timing of applications over the next 12 months. Moreover, in certain circumstances, part of the cost may be recoverable from applicants. Nevertheless, the Authority must bear the majority of cost of overall administration of the process including determination of whether or not the approval of the Authority is required, the adequacy of information provided with the application and the nature of investigations required, and assessment and reporting on applications together with monitoring compliance with any conditions imposed by the Authority.

To enable this work to be carried out, it is proposed that the Authority make budget provision for an expenditure of \$10,000 against this item, which may also be used for professional assistance and advice in the consideration and hearing of applications.

Under section 8 of the Summit Road (Canterbury) Protection Act, the Authority may make submissions in respect of any proposal to prepare, change, or review any policy statement or plan referred to in the RMA that affects or may affect the protected land, therefore \$10,000 has been allowed in the event that any involvement by the Authority in this respect may be warranted.

Under section 24 of the Summit Road (Canterbury) Protection Act applicants to the Authority are given specified rights of appeal in regard to any decision, condition, or review of any decision, made or imposed by the Authority under the sections of the Act there specified. To enable the Authority to appropriately respond to and participate in any such appeal and be appropriately legally represented and advised \$10,000 is set aside as an initial sum for this eventuality, noting that it would be likely further would then need to be levied from the contributory councils.

Under section 21 of the Summit Road (Canterbury) Protection Act any person having an estate or interest in any land, building or other improvements detrimentally affected by



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

any decision of the Authority given under section 14 of the Act may, subject to the provisions of section 21, make a claim for compensation from the Authority for loss sustained by that person. Any liabilities including compensation awards incurred by the Authority under the Act would be payable by the contributory councils. However, it is considered that the Authority should hold in reserve some funds buffering the contributory councils from such unforeseen liability, so that it may duly exercise its regulatory functions without undue concern about its ability to pay such compensation awards promptly.

It is also noted that under section 21 a claim for compensation must be made and determined in accordance with the provisions of the Public Works Act, which determination may result in professional fees needing to be incurred. Therefore, \$15,000 is set aside for liabilities/contingencies and costs that may arise as a consequence of section 21 to ensure the Authority is not unduly restrained in its functions by this risk and appropriately buffers the contributory councils against it.

(b) Port Hills Management Plan

The Port Hills Parks Plan (the 'Plan') being developed by the City Council will be a major initiative that the Authority will wish to at least be consulted in regard to, so \$10,000 is set aside for expenses associated with making submissions, including obtaining professional advice or advocacy, or undertaking research.

Advice may also be sought on prospect that the Authority may contribute to development of the Plan in order to advance it as a priority and to enable it to become a tool relevant to the Authority's functions. Use of reserve funds for this purpose may require the approval of the contributory councils, and \$50,000 is held in reserve either as insurance against levying the councils for uncertain expenses/liabilities that may exceed their allocation herein, or as available (if approved, should approval be necessary) to offer to the City Council to enable the advancement of the Plan.

(c) Advice and Promotion

The Authority will also seek to promote the scenic and natural amenities of the protected land through submitting on such consultations the Long Term Plans of the contributory councils. It is likely the expense of this will be covered by the allowance for general administration.

(d) General administration

The Authority is currently supported by City Council staff as the current level of administration is falling within what can generally be supported by those staff with some donation of their work and personal time. However, the possibility of need to directly engage and pay staff in future to administer the Authority should be provided for and accordingly \$24,000 is set aside for this purpose, even though it is currently just a possible expense.



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

(e) Enforcement / Auditing Activities on the Protected Land

\$10,000 is set aside for enforcement action / auditing activities on the protected land, particularly if legal fees may need to be incurred. Enforcement is presently intended to principally be reactive given that structures in breach of the Act will likely also be in breach of the RMA or Building Act, and given that the members are associated to varying degrees with the protected land and may refer matters for investigation.

If an audit of activities on the protected land were part of the development of the Port Hills Parks Plan, that may also justify use the budget dedicated for the development of the Plan, or use of part of this enforcement budget if it were considered adequate reserve for legal fees remained, or legal action if necessary may be deferred to levy the contributory councils the cost.

A summary of the proposed programme of work for the year 2021/22, together with performance measures, follows:

Project	Objective	Performance Measure	Public Consultation	Output	Completion Date
Regulation Applications	Process and determine all applications in a timely and cost effective manner	Decisions made and communicated to the applicant and other affected parties within specified time limit.	Applications publicly notified except where exempt under the Act	Decision on applications with reasons	Ongoing
Regulation District Plans	Ensure harmonisation and avoid duplication between provisions of the Summit Road Act and district plans	Submissions made within the time limits specified in the plan	Consultation with interest groups as appropriate	Preparation of submissions, presentation of evidence in support of submissions	Ongoing in accordance with district plan timetables
Advice and promotion	Public enjoyment of scenic and natural amenities	Submissions made within the time limits specified	As required	Preparation of submissions, presentation of evidence in support of submissions	As required
General Administration	Provide timely advice to the Authority and service to the public. To ensure that the administration of the Authority conforms to public administration requirements.	Forward meeting agendas two clear working days prior to meetings. Respond to correspondence, and member and public enquiries in a timely manner.	Consultation with Councils and other interest groups as appropriate	Meeting agendas and reports, Annual Report, Annual Plan and Budget, financial reports, correspondence, service member and public enquiries.	Ongoing



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

7. PROPOSED BUDGET FOR 2021/22

The proposed budget for the coming year for each of the significant activity areas is as follows:

Project	Budgeted Expenditure
Regulation <ul style="list-style-type: none"> Applications / legal advice District Plan / Policy Statement Reviews Appeals / legal advice Contingencies reserve 	\$10,000 \$10,000 \$10,000 \$15,000
Port Hills Management Plan <ul style="list-style-type: none"> Submitting 	\$10,000
General administration	\$24,000
Enforcement	\$10,000
Total Prospective Expenditure	\$89,000

The proposed source of funding for the expenditure is as follows:

Source	Funding
Local body levy (2021 /22, \$0) Reserve funds (\$139,256.34)	\$0 \$89,000
Total Prospective Expenditure	\$89,000

Note: Residual Funds in reserve = \$50,256.34



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

8. LOCAL BODY LEVY 2021/22

It is proposed that the Authority levy for 2021/22 be set at \$0, as it was last year, though the year before it was \$1,000 and previously \$14,500 (the amount raised in annual budgets over the preceding eight years and continuing a significant reduction on the \$17,500 levy set in earlier years).

Though the funds are potentially virtually fully allocated, the above proposed budget represents an allocation of funds to merely potential professional and administrative fees, contingencies, and opportunities for substantive input into upcoming plans and reviews. Because of the substantive prospective provision for the development of the Port Hills Parks Plan, the reserves for legal fees and contingencies are modest and may require the Authority to levy the contributory councils in short order should these come to bear.

However, this may be considered to represent reasonable budgeting in the current circumstances, relating in large part that it is unknown when and if the proposed expenditure may occur, there should be ability to levy substantially more in short order if necessary, and it is possible to show that the Authority holds no more than potentially necessary in reserve at this time. It being the case that the expenditure may not be incurred in the coming year, it is considered that the levy can stay substantially reduced as proposed until the expenditure may occur.

The reduction of the Authority levy to \$0 reflects that City Council staff have supported the Authority, avoiding the need for the moment to pay for that support as it would generally expect to. The members from the contributory councils and Environment Canterbury also do not take a fee and the other members take only a stipend for meeting attendance covering their disbursements. This reflects the dedication of all involved to the work of the Authority, and also reflects that the Authority is keen to demonstrate solidarity for not imposing on the contributory councils unnecessarily at this time the country is uniting in recovering from Covid-19 Lockdowns.

If the Authority incurred fees or contingencies in excess of those allowed for, it would need to go to the contributory councils outside of its annual levying process to impose an additional levy. It is considered that the Authority should plan to avoid this eventuality if possible to shield the contributory councils from unforeseen expenditure. However, it appears that there is risk that the Port Hills Parks Plan could continue to be de-prioritised if the Authority is so cautious as to not prospectively re-direct substantial reserves to its development as budgeted.

The lack of an integrated management plan has long been identified by the Authority as a risk point for achieving the purposes of the Summit Road (Canterbury) Protection Act, while Parliament duly enacted that the Authority could levy the contributory councils for this ends up to a limit that appears at no risk of being exceeded. So it is considered the Authority has struck a justified balance levying \$0 at present with the possibility (likely small) that substantially more may need to be levied in the near future. It might also be hoped that the contributory councils direct the immediate savings on the annual levy to the advancement of the Port Hills Parks Plan or to the cause of the Summit Road in some similar manner, as investment in such may reduce the possible costs arising from leaving the Authority unassisted.



TE MANA TIAKI | TE ARA AKITU ANNUAL PLAN & BUDGET 2021-22

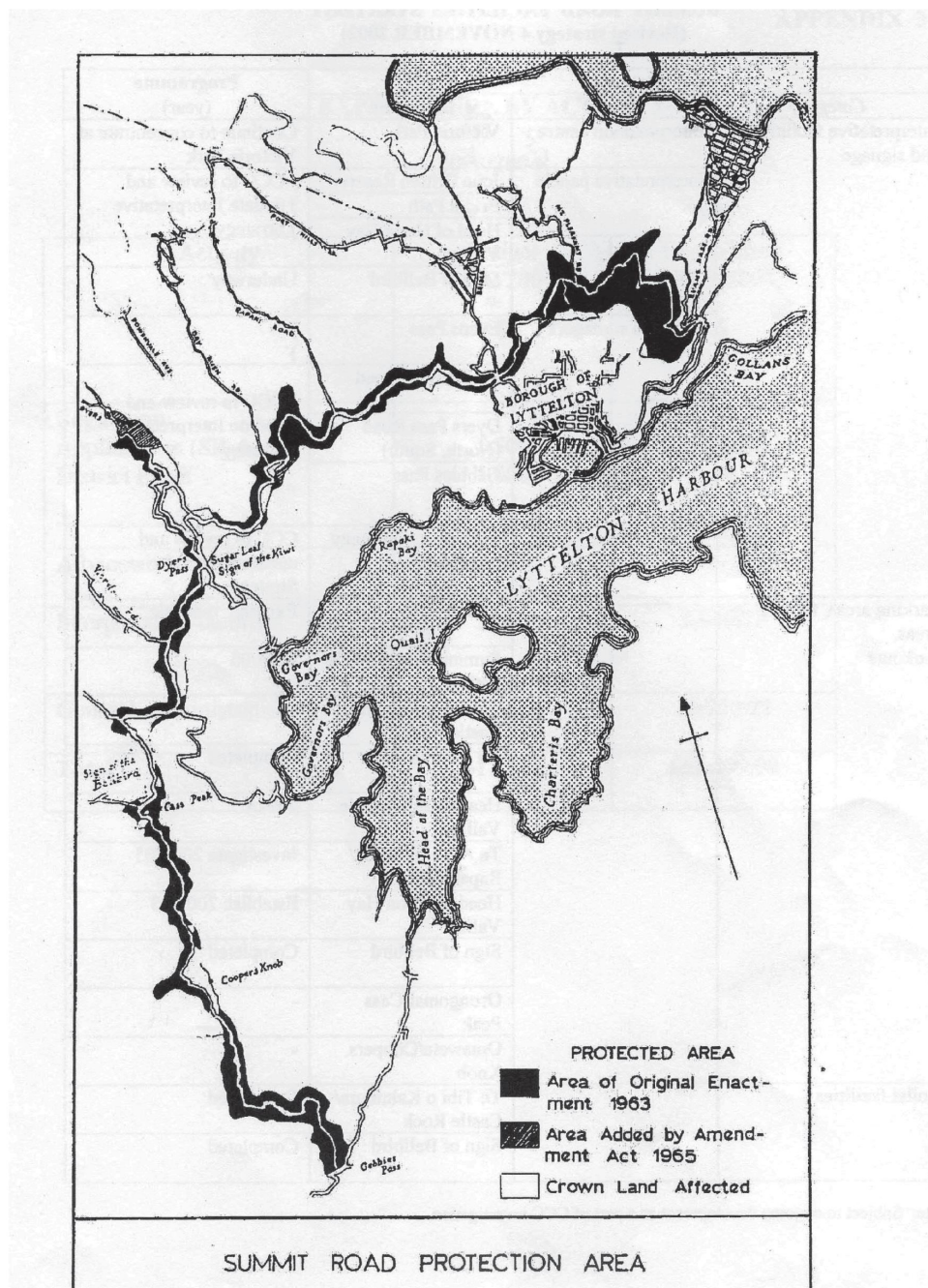
The levy would be made on the two contributory local bodies in accordance with section 25 of the Summit Road (Canterbury) Protection Act 2001, the apportionment being made on rateable capital values, except being a levy of \$0 there is no apportionment to be made in this case.

Mark Saunders
Executive Secretary
Te Mana Tiaki | Te Ara Akitu
Summit Road Protection Authority
March 2021

DRAFT



APPENDIX A





APPENDIX B

TE MANA TIAKI I TE ARA AKITU / SUMMIT ROAD PROTECTION AUTHORITY DRAFT DELEGATIONS REGISTER

These delegations shall apply unless contrary express delegation is given in a resolution of the Authority.

Summit Road Protection Authority	PA
PA Chairperson	PAC
PA Advisory Committee	AC
Executive Secretary – principal administrative officer	ES
Open Space Expert – s9(1)(f) appointed	OSE
Christchurch City Council Legal Services Unit	LSU

LEGISLATIVE DELEGATIONS – Summit Road (Canterbury) Protection Act 2001

Section	Delegation	Delegated to:
Various	Where delegation to 'PA or AC' to determine which decides in each instance	PAC
8(2)	To make submissions in respect of any proposal to prepare, change, or review any policy statement or plan referred to in that Act that affects or may affect the protected land.	PA or ES or OSE
10(1)	The Authority may give public notice of its intention to declare any land described in the notice to be protected land.	PA (undelegated)
10(4)	Serving a copy of the public notice	ES
10(4)(c)	Deciding who has a greater interest in the proposal than the public generally.	PA (undelegated)
10(6)	Deciding whether, after hearing all submissions, to add all or part of the land described in the notice given under subsection (1) to the protected land.	PA or AC
10(6)	Subsequent to decision, giving public notice after the time for lodging appeals has expired or all appeals have been disposed of, to declare all or part of that land to be protected land.	ES
11(2)	Requiring the applicant to supply such detail or plans as, in the Authority's opinion, are necessary for a reasonable understanding of the application by any person who may wish to make a submission.	ES or OSE or PA
11(3)	Publicly notify all applications for removal of land from the protected land and must serve copies of the application on the following parties.	ES
11(3)	Deciding who has a greater interest in the proposal than the public generally.	ES or OSE or PA
11(5)&(6)	Being satisfied in respect of s11(5); considering submissions under s11(6); and deciding under s11(6) to remove the land described in the application under subsection (1) from the protected land.	PA or AC
11(6)&(7)	Subsequent to decision, giving public notice under s11(6); and deposited copy of public notice under s11(7).	ES or their nominee from LSU
12(2)(b)(ii)	Approval of the Authority	PA (undelegated)
12(4)	Providing feedback on being consulted under s12(4).	PA (undelegated)
12(5)&(6)	Assessing effects of structure, tree, hedge or shelter belt on amenities do/will not differ substantially.	PAC or their nominee
13(3)	The Authority may require the applicant to supply such further details or plans as, in the Authority's opinion, are necessary for a reasonable understanding of the application.	ES and OSE and PAC and PA or AC



13(4)	If the Authority is satisfied that it has received adequate information, the likely effects of the application are more than minor, and the application has not been publicly notified separately by a territorial authority, it must give public notice of the application.	PA (undeleigated) – may be determined on the papers
13(4)	Giving and serving public notice.	ES
14(1)	Assessing acceptability of submissions.	ES
14(3)	The Authority may require the applicant to pay to the Authority a sum not exceeding the actual cost of public notification and may require payment of a deposit against the cost of the hearing before dealing with the application.	ES
14(4)&(7)	<p>The Authority must consider all submissions received and, if a submitter has given notice that he or she wishes to be heard,— (a) must convene hearings, whether public or otherwise; and (b) must establish a procedure that is fair and appropriate in the circumstances; and (c) may summons witnesses and hear evidence on oath.</p> <p>After considering the proposal or application and any submissions received, the Authority— (a) must either— (i) allow the proposal or application, with or without conditions; or (ii) disallow the proposal or application in whole or in part; and (b) must, within 15 working days of the hearing, notify its decision and the reasons for its decision to every proposer or applicant, the landowners, all those persons who made written submissions and who supplied an address for service, and every territorial authority in whose district the property is situated.</p>	PA or AC
14(5)	The Authority is satisfied that it is impracticable to commence the hearing within that period.	ES
15	Whether to hold hearing jointly.	PAC
16(1)	Sending copy of public notice.	ES or their nominee from LSU
17(1)	If the effects of an application under section 13 on the amenities are minor, the Authority may decide that the application does not require notification or approval by the Authority.	PA (undeleigated) (as per s17(2)(a) requires unanimity)
18	Making and serving originating application for the Environment Court to declare that any actual or proposed action does or does not require consent under section 13.	PAC or ES or their nominee
19(1)	If the Authority considers that any private land or any interest in or over private land or any interest in a Crown lease should be acquired for the purposes of this Act, the Authority may recommend that such interest in the land be acquired by the contributory local bodies.	PA or AC
20(2)	Giving written approval for land or interest referred to in subsection (1) to be sold or disposed of.	PA or AC
21(3)	Determining any claim for compensation under this section.	PA (undeleigated)
22(1)	The Authority may, at any time within 1 month after the date of an award of compensation under this Act, give notice to the claimant of its intention to withdraw or modify all or any of the provisions of the decision or conditions that gave rise to the claim for compensation.	PA (undeleigated)
23(1)	The Authority may lodge with the Registrar-General a compensation certificate.	ES or their nominee from LSU
28(1)	The Authority may serve on any person who has carried out, or is carrying out, any action contrary to section 12, or on the owner or occupier of the land, a notice requiring the person served, within such reasonable time as is specified in the notice, to restore the land or the structure affected by the action as nearly as may be to its previous condition.	PAC
29	Taking any enforcement or restorative action allowed under s29.	PAC, OSE or ES or their nominee from LSU



34(1)(b)	Appointing a person under s34(1)(b). A charging document for an offence against this Act may be filed in the name of ES or person appointed under this delegation.	PAC
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FINANCIAL DELEGATIONS

Delegation	Terms/Limitations	Delegated to:
To expend the part of the regulatory budget relating to the consideration of applications.	Including, without being limited to, obtaining legal or other professional advice and attendances.	ES or OSE
To expend the part of the regulatory budget relating to the consideration of District Plans or Policy Statements under the RMA.		ES or OSE
To expend the part of the regulatory budget relating to the handling of appeals.	Including, without being limited to, obtaining legal advice and representation.	ES or their nominee from LSU
To expend the part of the regulatory budget relating to the payment of contingencies/compensation for which the Authority is liable under its Act.		ES or OSE
To expend any advice and promotion budget	Discretionary activity	ES or OSE
To expend the part of the Port Hills Management Plan budget relating to making submissions.	Discretionary activity. Including, without being limited to, obtaining legal or other professional advice and attendances.	ES or OSE
To use/contribute/reverse reserve funds with the agreement of the contributory councils for the development of a Port Hills Management Plan or for otherwise advancing a vision for the Summit Road and Port Hills.	Discretionary activity	PA (undelegated)
To expend the general administration budget on administrative, meeting, hearing and site visit expenses, and on legal, accounting or financial services relevant to administering the PA and AC, and on any other operational expenses.	Includes, without being limited to, catering meetings, venue expenses, paying members meeting attendance fees approved by the Authority, and reimbursing members reasonable expenses supported by receipts.	ES
To expend the enforcement budget on matters of enforcement.	Discretion may be exercised in enforcement matters.	ES or their nominee from LSU
To expend the enforcement budget on auditing or restoring protected land.	Discretionary activity	ES or OSE or nominee of either
To expend the general administration budget on the services of ES, OSE, or other officer/expert.	Officers, experts, advisors and contractors may also be engaged under the other budgets under relevant delegation.	PAC
To expend budgets not otherwise delegated, expend unallocated reserve funds or redistribute funds between budgets between annual meetings.	Limited to ensuring projects the PA or AC have resolved to undertake are funded, or where this is reasonably necessary to fulfil the Authority's statutory obligations, or to pay liabilities (incl. compensation) when due.	PAC
To levy the contributory councils between annual meetings.	Limited to where this is reasonably necessary to fulfil the Authority's statutory obligations or to pay liabilities (incl. compensation) when due.	PAC