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## Christchurch City Council SUPPLEMENTARY AGENDA

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### Notice of Meeting:

An ordinary meeting of the Christchurch City Council will be held on:

**Date:** Wednesday 6 November 2024  
**Time:** 9.30 am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

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### Membership

Chairperson	Mayor Phil Mauger
Deputy Chairperson	Deputy Mayor Pauline Cotter
Members	Councillor Kelly Barber
	Councillor Melanie Coker
	Councillor Celeste Donovan
	Councillor Tyrone Fields
	Councillor James Gough
	Councillor Tyla Harrison-Hunt
	Councillor Victoria Henstock
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Andrei Moore
	Councillor Mark Peters
	Councillor Tim Scandrett
	Councillor Sara Templeton

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**11 November 2024**

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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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## 28. Resolution to Include Supplementary Reports Te Whakataunga Whakauru Pūrongo āpiti

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### 1. Background Te Horopaki

- 1.1 Approval is sought to submit the following report to the Council meeting on 06 November 2024:
  29. Access along the Heathcote Expressway MCR (past Scruttons Road level crossing)
- 1.2 The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the report was not included on the main agenda is that it was not available at the time the agenda was prepared.
- 1.3 It is appropriate that the Council receive the report at the current meeting.

### 2. Recommendation Te Tūtohu

- 2.1 That the report be received and considered at the Council meeting on 06 November 2024.
  29. Access along the Heathcote Expressway MCR (past Scruttons Road level crossing)

## 29. Access along the Heathcote Expressway MCR (past Scruttons Road level crossing)

Reference Te Tohutoro: 24/2016530

Responsible Officer(s) Te Elizabeth Neazor, Manager Legal Service Delivery

Pou Matua: Jacob Bradbury, Manager Planning & Delivery Transport

Accountable ELT

Member Pouwhakarae: Brent Smith, Acting General Manager City Infrastructure

### 1. Purpose and Origin of the Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is to provide advice on the option to maintain access along the Heathcote Expressway MCR between Vaila Place and Truscotts Road, past the Scruttons Road level crossing.
- 1.2 The report was requested at the Council meeting of 6 November 2024.
  - 1.2.1 Relevant Item is: 22. Notice of Motion – Scruttons Road Rail Crossing Solution. The resolution provides (in part):
    4. *Request that staff provide advice on keeping the Heathcote Expressway open in time to inform a Council decision ahead of the proposed closure date on 14 November.*
  - 1.2.2 The meeting was adjourned to 12 November to allow time for Officer advice to be gathered ahead of the Council deciding whether to maintain access along this section of the shared path.

### 2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Receives the information in the Access along the Heathcote Expressway MCR (past Scruttons Road level crossing) Report.
2. Notes that the decision in this report is assessed as medium significance based on the Christchurch City Council's Significance and Engagement Policy.
3. Approves the temporary closure of part of the Heathcote Expressway:
  - a. between Vaila Place and Scruttons Road, and
  - b. between Scruttons Road and Truscotts Road.
4. Notes that staff will re-open the cycleway should KiwiRail rescind its request for immediate closure until permanent works are completed.
5. Requests further information before the end of April 2025 to allow the closure to be reviewed.
6. Notes that \$2.5M is available in the current Annual Plan to commence design and pre construction work.
7. Requests that staff instruct KiwiRail to continue design and pre-construction works to enable confirmation of construction costs.
8. Agrees that the construction works will be funded from within the approved Long Term Plan Transport Capital Programme budget.

### 3. Executive Summary Te Whakarāpopoto Matua

- 3.1 KiwiRail has requested that the Council close the Heathcote Expressway cycleway, to mitigate the safety risk associated with the increased cycle and pedestrian users across the Scruttons Road level crossing.
- 3.1.1 This can be re-opened once the level crossing safety upgrade works are completed.
- 3.1.2 Staff are planning to temporarily close the section of cycleway from Vaila Place to Truscotts Road to meet this request and have begun public communications related to this.
- 3.2 The Council considered a Notice of Motion requesting that “*staff provide advice on keeping the Heathcote Expressway open in time to inform a Council decision ahead of the proposed closure date*”
- 3.2.1 This report presents options to:
- temporarily close the cycleway until the level crossing safety works are complete;
  - temporarily close the cycleway in order to provide time for fuller understanding of the legal and safety risks, with staff to report back before the end of April 2025
  - Keep the cycleway open
- 3.2.2 Staff do not recommend keeping the cycleway open, as the legal and safety risk is potentially large, and the ramifications of ignoring a direct request from KiwiRail may be significant.
- 3.2.3 Staff recommend a short initial closure to April 2025, so these risks can be explored in more detail. This will allow the Council to make a more informed decision.
- 3.3 Staff have also provided an option to expedite the permanent level crossing safety works by committing to spend ahead of the additional funding being made available through the Annual Plan.
- 3.3.1 Staff do recommend this option.
- 3.3.2 However, staff advise that it also comes with risks, around the loss of a bargaining position when the Level Crossing Safety Impact Assessment identifies the works as not “Reasonably Practicable”.

### 4. Background/Context Te Horopaki

- 4.1 Staff have been working with KiwiRail for a number of years on an acceptable upgrade of the level crossing at Scruttons Road.
- 4.1.1 The theoretical safety risk on this level crossing has been raised due to the opening of the new Heathcote Expressway major cycleway route, and the increased numbers of cyclists and pedestrians using the crossing.
- 4.1.2 On 30 September 2024, KiwiRail wrote a letter to the Council, requesting that the cycleway be closed by 15 November 2024, in order to mitigate this risk ahead of more permanent safety works. Their letter said:
- “KiwiRail is requesting that the cycleway be closed by 15th November 2024. This date is in line with the original timeframe being confirmed for October 2024, as well as providing sufficient time for Council to plan and implement this activity.”*

*If Council are unwilling to take this action, then KiwiRail will be put in a position where further options will need to be assessed to ensure safety at the level crossing for users. This could include closure of the level crossing if there is no suitable alternative that achieves the required standard of safety.*

*Extending the timeframe in which the current temporary arrangements are in place is not an acceptable option, particularly given the findings of the LCSIA.”*

- 4.2 Further details of the background are available as an attachment to the original Supplementary Agenda of Council for 6 November 2024:  
[https://christchurch.infocouncil.biz/Open/2024/11/CNCL\\_20241106\\_AGN\\_8553\\_AT\\_SUP.PDF](https://christchurch.infocouncil.biz/Open/2024/11/CNCL_20241106_AGN_8553_AT_SUP.PDF).
- 4.3 Advance warning signage, and gates at the closure points, have already been installed in preparation for the closure.
  - 4.3.1 The closure has been communicated to the Mayor, Councillors, and the three Community Boards along the route of the Heathcote Expressway via Memo.
  - 4.3.2 The wider public has been informed via Newsline, social media, and adverts in local papers and geographically limited internet. Notices have also been distributed to directly affected local residents.
  - 4.3.3 As the closure is temporary, pending the completion of the level crossing safety works, this has been instructed by staff under temporary traffic management delegation.
  - 4.3.4 It is intended that the gates will be closed and locked on the 14 November 2024. This infrastructure will be inspected on a weekly basis by the maintenance contractor to ensure it remains secure and in good condition.
  - 4.3.5 Should the closure be cancelled, the cycleway can be re-opened at short notice by unlocking and securing back the gates and removing the signage. Staff would also communicate any re-opening more widely using Council’s standard communications channels: Newsline; social media; etc.
- 4.4 The following related memos/information have been supplied to Councillors:

Date	Subject
25/10/24	Memo - Scruttons Road Level Crossing - Partial closure of Heathcote Expressway MCR

- 4.5 The following related information session/workshops have taken place for Councillors:

Date	Subject
05/11/24	Shovel Ready Agreement Update

### Options Considered Ngā Kōwhiringa Whaiwhakaaro

- 4.6 The following reasonably practicable options were considered and are assessed in this report:
  - 4.6.1 **Option 1:** Temporarily close the Heathcote Expressway Shared Path between Vaila Place and Truscotts Road until safety works have been completed at the Scruttons Road level crossing.
  - 4.6.2 **Option 2:** Temporarily close the Heathcote Expressway Shared Path between Vaila Place and Truscotts Road until end April 2025, to allow staff time to provide more information ahead of the cycleway closure being reconsidered by Council.
  - 4.6.3 **Option 3:** Keep the cycleway open along the Heathcote Expressway Shared Path between Vaila Place and Truscotts Road.

- 4.7 Funding options, which would apply to any of the above options, have also been considered:
- 4.7.1 **Funding Option a:** Allocate additional funding for the level crossing safety works through the normal Annual Plan process, which would mean staff could not commit to works with KiwiRail until July 2025.
- 4.7.2 **Funding Option b:** Bring-back future years funding from a project that has not currently started. This will reduce the timeframes for the level crossing safety works by permitting staff to start making commitments with KiwiRail immediately.
- 4.8 The following options were considered but ruled out:
- 4.8.1 Maintain access along the cycleway by closing the level crossing to normal traffic, but providing special access through lockable gates over the level crossing to the northern end of Scruttons Road to residents and utility providers – This has been ruled out at this time for a number of reasons:
- Any gating system would need to be agreed with KiwiRail, however, this has not currently been discussed so feasibility is unknown
  - It would require a further level crossing safety assessment, which would cost ~\$10k and would likely take 4-8 weeks. Staff believe this would identify a risk of people and/or vehicles stopping on the railway to lock/unlock gates, and also be deemed unacceptable.
  - Emergency access has not been discussed with relevant organisations
  - Likely to still be unpopular, as it still prevents access to the cycleway to residents on the western side of Heathcote Valley
  - May prove challenging, as one of the properties on the northern side of Scruttons Road requires regular third-party vehicle movements. The property owner has not yet been consulted.
- 4.8.2 Maintain access along the cycleway by closing the level crossing, but providing access to the northern end of Scruttons Road to residents and utility providers along the cycleway, likely from Truscotts Road – This has been ruled out at this time for a number of reasons:
- It is not known what types of vehicle would need access, and whether the cycleway has the underlying strength or path widths (particularly at bends) to be appropriate
  - The path is typically 4m wide, meaning there is not space for vehicles to safely pass. Therefore, it is likely that this would require temporary lights between Scruttons Road and Truscotts Road. This would come with a large ongoing cost and create significant delays for all users.
  - May prove challenging, as one of the properties on the northern side of Scruttons Road requires regular third-party vehicle movements. The property owner has not yet been consulted.
  - Emergency access has not been discussed with relevant organisations
  - Likely to still be unpopular, as it still prevents access to the cycleway to residents on the western side of Heathcote Valley

### Options Descriptions Ngā Kōwhiringa

- 4.9 **Preferred Option - Option 2:** Temporarily close part of the Heathcote Expressway Shared Path until end April 2025, to allow staff time to provide more information ahead of the cycleway closure being reconsidered by the Council.



4.9.1 **Option Description:** This would apply to the section of the Heathcote Expressway Shared Path between Vaila Place and Truscotts Road.

- This is mostly in line with all public communications to date.
- Staff would continue to work with KiwiRail on alternative temporary solutions that would allow the cycleway to re-open ahead of the main safety works being completed.
- This would also provide time to gain more clarity on KiwiRail's ability to impose this kind of closure, and for staff to provide a fuller analysis of the legal and actual safety risk to residents and Council of keeping the shared path open.
- The time frame allows for 2 to 3 months to collect legal advice and develop ideas with KiwiRail and 6 weeks to get a decision report prepared and into a Council meeting.

4.9.2 **Option Advantages**

- This fulfils the requirements of the letter from KiwiRail around managing rail safety at Scruttons Road in the short term.
- This will ensure access is maintained to properties, the Orion-owned substation, and the pump station on the northern side of the railway
- This reduces the liability for Council in the event of an accident at the level crossing involving a cyclist
- Provides a formal secondary opportunity for Council to reconsider its position in light of further information and analysis.

4.9.3 **Option Disadvantages**

- An asset built at Council and central Government cost cannot be used during the period of closure
- Appears to be at odds with the views of the local community, especially current users
- There are costs associated with the closure: installation and maintenance of gates, signage, traffic management plans, etc
- Decreases perceived safety for cyclists from Heathcote Valley, due to the nature of the alternative routes: narrow, high-volume roads, high-speed State Highways, higher numbers of heavy goods vehicles and other level crossings with similar or worse levels of protection (e.g. Chapmans Road) (*noting no formal analysis of the comparative safety has been undertaken to date*)
- Would require additional work to be carried out by staff and external advisors ahead of a secondary decision in April 2025. This will have cost and resource implications that are difficult to forecast at this time.
- May raise resident expectations in the community that the cycleway will be re-opened from May 2025, when this may not be the case

4.10 **Option 1:** Temporarily close part of the Heathcote Expressway Shared Path until safety works have been completed at the Scruttons Road level crossing

4.10.1 **Option Description:** This would apply to the section of the Heathcote Expressway Shared Path between Vaila Place and Truscotts Road.

This is in line with all communications to date and meets the requirements of the letter from KiwiRail (30 September 2024).

#### 4.10.2 Option Advantages

- This fulfils the requirements of the letter from KiwiRail around managing safety at Scruttons Road rail crossing.
- This will ensure access is maintained to properties, the Orion-owned substation, and the pump station on the northern side of the railway
- This reduces the liability against Council in the event of an accident at the level crossing involving a cyclist

#### 4.10.3 Option Disadvantages

- An asset built at Council and central Government cost cannot be used during the period of closure.
- Appears to be at odds with the views of the local community
- There are costs associated with the closure: installation and maintenance of gates, signage, traffic management plans, etc
- Decreases perceived safety for cyclists from Heathcote Valley, due to the nature of the alternative routes: narrow and high-volume roads, high-speed State Highways, high numbers of heavy goods vehicles and other level crossings with similar or worse levels of protection (e.g. Chapmans Road) (*noting no formal analysis of the comparative safety has been undertaken to date*)

#### 4.11 **Option 3:** Keep the cycleway open along the Heathcote Expressway Shared Path between Vaila Place and Truscotts Road

##### 4.11.1 **Option Description:** This would apply to the section of the Heathcote Expressway Shared Path between Vaila Place and Truscotts Road.

Staff would continue to work with KiwiRail on alternative temporary solutions that would reduce the risk to users of the level crossing until the level crossing safety works are complete.

However, this does not meet the requirements of the letter from KiwiRail received on 30 September 2024, and means there is a risk that KiwiRail will close the level crossing on Scruttons Road:

*“If Council are unwilling to [close the cycleway], then KiwiRail will be put in a position where further options will need to be assessed to ensure safety at the level crossing for users. This could include closure of the level crossing if there is no suitable alternative that achieves the required standard of safety.”*

##### 4.11.2 Option Advantages

- Appears to meet the views and preferences of the local community and users of the pathway
- Removes the cost of ongoing maintenance of the gates, signage, etc associated with the closure
- It is possible that this is the overall safest situation for cyclists from Heathcote Valley, due to the nature of the alternative routes. This is consistent with the views of users expressed at the Council meeting 06 November 2024.)

##### 4.11.3 Option Disadvantages

- This does not fulfil the requirements of the letter from KiwiRail around managing safety at Scruttons Road level crossing
- There is a risk of KiwiRail closing the level crossing, meaning access is restricted to a few properties, the Orion-owned substation, and the pump station on the northern side of the railway.
- In the event of closure of the level crossing it is likely that Council would need to provide an alternative access to the northern end of Scruttons Road. It is currently unknown what form this would take, or what the cost of this could be either initially or ongoing.
- If the level crossing was not closed and an accident were to occur, there is a risk that Council and Council staff could incur some level of corporate and personal responsibility.

### **Funding Options**

4.12 **Funding Option a:** Request additional funding for the level crossing safety works through the normal Annual Plan process.

4.12.1 **Option Description:** This would mean staff cannot commit to works with KiwiRail until July 2025. This is the basis of public communications to date around the likely timeframes.

#### **4.12.2 Option Advantages**

- Manages the funding and cost risk through the normal Council channels and allows the impacts of additional funding requests to be assessed in the wider context of the overall capital portfolio.

#### **4.12.3 Option Disadvantages**

- Does not provide an opportunity for an expeditious resolution of the safety risk at the level crossing

4.13 **Funding Option b:** Bring-back future years funding from a project that has not currently started. This will reduce the timeframes for the level crossing safety works by permitting staff to start making commitments with KiwiRail immediately.

4.13.1 **Option Description:** Request funding is brought-back from another project that has not started. The future budget requirements for the impacted project will be addressed as part of a future Long Term Plan process.

It is proposed to bring forward \$4.4 million from ID#26605 MCR Opawaho River Route (Section 3).

The current project has around \$2.5m of available budget: staff believe this will be adequate to complete the rail design and place orders for long lead items, and may be enough to allow enabling works to begin.

The further budget that will be made available through the Annual Plan will allow the main construction contract to be placed in FY26, in line with an available Block of Line.

#### **4.13.2 Option Advantages**

- Provides an opportunity for an expeditious resolution of the safety risk at the level crossing.

#### **4.13.3 Option Disadvantages**

- Does not manage the funding and cost risk through the normal Council channels, so the impact of the additional funding requests cannot be assessed in the wider context of the overall capital portfolio.
- Means the project will have a significant “bring-back”: the majority of the budget is in future years. *Noting, while this could mean greater borrowing for Council in the current Financial Year, current Forecasts for the overall Transport & Waste capital portfolio are showing an underspend vs Budget in the current Financial Year, so the overall impact vs that assumed for rating impact will be minimal at most.*
- Commits Council to completing the works, noting that recent precedent on other rail projects shows that there is significant risk of further cost escalation.
- Severely weakens Council’s ability to challenge the suitability of the works, noting the Level Crossing Safety Impact Assessment – using KiwiRail’s agreed methodology – assesses the extent of proposed safety works as not Reasonably Practicable

### Analysis Criteria Ngā Paearu Wetekina

4.14 **The staff recommendation is for Option 2 + Funding Option b:** temporarily close the cycleway until the end April 2025 and review again at that time but give staff authorisation to immediately commit to the full safety works within the budget approved in the Long Term Plan (ahead of the finalisation of the Annual Plan).

4.14.1 This will mitigate the immediate risk against KiwiRail using their powers to close the level crossing

4.14.2 This will provide time for a more thorough and nuanced analysis of the risk to users and Council to be undertaken, and KiwiRail to be engaged, ahead of any potential decision to re-open the cycleway in advance of the full level crossing upgrade works

4.14.3 This will ensure that the full level crossing safety upgrades can progress expeditiously

## 5. Financial Implications Ngā Hīraunga Rauemi

### Capex/Opex Ngā Utu Whakahaere

#### 5.1 Primary options assessment

	<b>Recommended Option 2: Closure, with review in April 25</b>	<b>Option 1: Closure until level crossing works complete</b>	<b>Option 3: Do not close cycleway</b>
Cost to Implement	\$2,436	\$2,436	\$0
Maintenance/Ongoing Costs	\$287/month	\$287/month	BAU
Funding Source	Scruttons Road Rail Crossing capital project	Scruttons Road Rail Crossing capital project	Maintained under City Maintenance budgets
Funding Availability	Available	Available	Available
Impact on Rates	<0.01%	<0.01%	0%

#### 5.2 Funding options assessment

5.2.1 Noting this is assessing the difference between immediate instruction vs delayed, and not the impacts of the additional overall budget requirement which is being dealt with through the Annual Plan process.

	<b>Recommended Option b: Instruct KiwiRail to immediately continue with pre-construction works</b>	<b>Option a: Delay instructing pre-construction works until full budget is available</b>
Cost to Implement	\$7.2m \$6.5m KiwiRail costs	~\$200k in current FY
Maintenance/Ongoing Costs	N/A	N/A
Funding Source	Scruttons Road Rail Crossing capital project, with budget brought back from future years	Scruttons Road Rail Crossing capital project
Funding Availability	Available	Available
Impact on Rates	0.04% * (FY26 and FY27)	<0.01%

\* Noting that this would likely be offset against the forecast underspends in the Financial Year, so the likely overall impact would be negligible

## 6. Considerations Ngā Whai Whakaaro

### Risks and Mitigations Ngā Mōrearea me ngā Whakamātautau

- 6.1 There are ongoing reputational risks associated with the closure of a new, and seemingly well-liked cycleway.
- 6.2 The risks of the individual options are described in section 4.
- 6.3 The legal risks are not well-understood, and there is a lack of clarity around powers as there is no associated case law to define this.
- 6.4 The recommended option (Option 2) is a way to mitigate these risks, by taking a low-risk option, but providing another opportunity for Elected Members to reconsider this decision once more analysis has been undertaken.

### Legal Considerations Ngā Hīraunga ā-Ture

- 6.5 There are significant legal matters to be considered in determining the Council's ability to make a decision to leave the cycleway open.
  - 6.5.1 The Council's internal and external lawyers are not currently in a position to fully advise on these risks, nor to give the advice required to enable the Council to make a decision in accordance with the Local Government Act 2002 (specifically sections 76-81).
  - 6.5.2 All the relevant issues are being identified and advice will be coming as soon as possible.

### Strategy and Policy Considerations Te Whai Kaupapa here

- 6.6 The required decisions:
  - 6.6.1 Are around managing the legal and safety risk at the Scruttons Road level crossing, so are not directly driven by the [Christchurch City Council's Strategic Framework](#).
  - 6.6.2 Are assessed as medium significance based on the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by:
    - High media and community interest and impact on those communities.
    - Reversability of the decision, the low impact on Māori, low potential impact on the function of Council and its strategic assets, and the low potential cost risk.
  - 6.6.3 Are consistent with Council's Plans and Policies.

6.7 This report supports the [Council's Long Term Plan \(2024 - 2034\)](#):

6.8 Transport

6.8.1 Activity: Transport

- Level of Service: 10.5.1 Limit deaths and serious injury crashes per capita for cyclists and pedestrians -  $\leq 12$  crashes per 100,000 residents
- Level of Service: 10.5.2 Improve the perception (resident satisfaction) that Christchurch is a cycling friendly city -  $\geq 67\%$
- Level of Service: 10.5.41 Increase access within 15 minutes to key destination types by walking (to at least four of the five basic services: food shopping, education, employment, health, and open spaces) -  $\geq 49\%$  of residential units with a 15-minute walking access
- Level of Service: 10.5.42 Increase the infrastructure provision for active and public modes -  $\geq 625$  kilometres (total combined length)
- Level of Service: 16.0.10 Maintain the perception (resident satisfaction) that Christchurch is a walking friendly city -  $\geq 85\%$  resident satisfaction

### Community Impacts and Views Ngā Mariu ā-Hāpori

6.9 There has been a strong community desire expressed to maintain access along the cycleway, as evidenced by public forums at Council, letters to Council and the media, social media reaction, and community protests.

6.10 The decision affects the following wards/Community Board areas:

6.10.1 Waihoru Spreydon-Cashmere-Heathcote Community Board

6.11 The Community Board view has not expressed a formal position.

6.11.1 However, the Councillors on the Board covering the area directly affected by any closure have all expressed a desire to keep the cycleway open.

### Impact on Mana Whenua Ngā Whai Take Mana Whenua

6.12 The decision does not involve a significant decision in relation to ancestral land, a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Mana Whenua, their culture, and traditions.

6.13 The decision does not involve a matter of interest to Mana Whenua and will not impact on our agreed partnership priorities with Ngā Papatipu Rūnanga.

### Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

6.14 The decisions in this report are likely to:

6.14.1 Contribute neutrally to adaptation to the impacts of climate change.

6.14.2 Contribute negatively to emissions reductions.

6.15 The decision may discourage potential users of the Heathcote Expressway from cycling, due to the perceived dangers of the alternative routes

## 7. Next Steps Ngā Mahinga ā-muri

7.1 Staff will enact the decision of the Council.

- 7.2 Staff will continue to work with KiwiRail to find solutions that are of mutual benefit. Should this fundamentally change any of the assumptions in this report, then staff will inform the Council so that the decision can be re-considered.

### Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A	Legal Advice - Letter Regarding Cycle Path Closure Report <i>(Under Separate Cover)</i> - <b>CONFIDENTIAL</b>	24/2030577	

In addition to the attached documents, the following background information is available:

Document Name - Location / File Link
Not applicable

### Signatories Ngā Kaiwaitohu

<b>Authors</b>	Jacob Bradbury - Manager Planning & Delivery Transport Elizabeth Neazor - Manager Legal Service Delivery Lynette Ellis - Head of Transport & Waste Management
<b>Approved By</b>	Tony Richardson - Finance Business Partner Lynette Ellis - Head of Transport & Waste Management Brent Smith - Acting General Manager City Infrastructure

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## 23. Resolution to Exclude the Public

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[Section 48, Local Government Official Information and Meetings Act 1987.](#)

**Note:** *The grounds for exclusion are summarised in the following table. The full wording from the Act can be found in [section 6](#) or [section 7](#), depending on the context.*

I move that the public be excluded from the following parts of the proceedings of this meeting, namely the items listed overleaf.

Reason for passing this resolution: a good reason to withhold exists under section 7.

Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

### Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- (a) Shall be available to any member of the public who is present; and
  - (b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:



ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	POTENTIAL RELEASE REVIEW DATE AND CONDITIONS
29.	ACCESS ALONG THE HEATHCOTE EXPRESSWAY MCR (PAST SCRUTTONS ROAD LEVEL CROSSING)				
	ATTACHMENT A - LEGAL ADVICE - LETTER REGARDING CYCLE PATH CLOSURE REPORT	S7(2)(G)	MAINTAIN LEGAL PROFESSIONAL PRIVILEGE	THE ATTACHMENT CONTAINS LEGAL ADVICE REQUIRED FOR THE COUNCILLORS' DISCUSSIONS. THIS ADVICE IS CONFIDENTIAL AND LEGALLY PRIVILEGED, AND SHOULD NOT BE DISCLOSED TO ANY PARTY OTHER THAN THE INTENDED RECIPIENTS.	1 DECEMBER 2025 UPON THE REVIEW AND AGREEMENT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES AND CHIEF EXECUTIVE.