

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

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**Notice of Meeting:**

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

**Date:** Monday 16 March 2020  
**Time:** 10am  
**Venue:** Akaroa Boardroom  
78 Rue Lavaud, Akaroa

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**Membership**

Chairperson	Tori Peden
Deputy Chairperson	Tyrone Fields
Members	Reuben Davidson
	Nigel Harrison
	Howard Needham
	Jamie Stewart
	Andrew Turner
	Scott Winter

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**10 March 2020**

Joan Blatchford  
Manager Community Governance, Banks Peninsula/Lyttelton  
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[joan.blatchford@ccc.govt.nz](mailto:joan.blatchford@ccc.govt.nz)

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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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## Developing Resilience in the 21st Century

Strategic Framework

Whiria ngā whenu o ngā papa,  
honoa ki te maurua tāuiki

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

## Ōtautahi-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

### Principles

Being open,  
transparent and  
democratically  
accountable

Promoting  
equity, valuing  
diversity and  
fostering inclusion

Taking an inter-generational approach  
to sustainable development,  
prioritising the social, economic  
and cultural wellbeing of  
people and communities  
and the quality of the  
environment, now  
and into the  
future

Building on the  
relationship with  
Te Rūnanga o Ngāi Tahu  
and the Te Hononga-Council  
Papatipu Rūnanga partnership,  
reflecting mutual understanding  
and respect

Actively collaborating and  
co-operating with other  
local, regional  
and national  
organisations

Ensuring  
the diversity  
and interests of  
our communities  
across the city and the  
district are reflected in  
decision-making

### Community Outcomes

#### Resilient communities

Strong sense of community  
Active participation in civic life  
Safe and healthy communities  
Celebration of our identity  
through arts, culture, heritage,  
sport and recreation  
Valuing the voices of all cultures  
and ages (including children)

#### Liveable city

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

#### Healthy environment

Healthy water bodies  
High quality drinking water  
Unique landscapes and  
indigenous biodiversity are  
valued and stewardship  
exercised  
Sustainable use of resources  
and minimising waste

#### 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

Enabling active  
and connected  
communities  
to own their future

Meeting the challenge  
of climate change  
through every means  
available

Ensuring a high quality  
drinking water supply  
that is safe and  
sustainable

Accelerating the  
momentum  
the city needs

Ensuring rates are  
affordable and  
sustainable

### Ensuring we get core business done while delivering on our Strategic Priorities and achieving our Community Outcomes

Engagement with  
the community and  
partners

Strategies, Plans and  
Partnerships

Long Term Plan  
and Annual Plan

Our service delivery  
approach

Monitoring and  
reporting on our  
progress

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 / Ngā Whakapāha

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

### 2. Declarations of Interest / Ngā Whakapuaki Aronga

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 / Te Whakaāe o te hui o mua

That the minutes of the Te Pātaka o Rākaihautū/Banks Peninsula Community Board meeting held on [Monday, 2 March 2020](#) be confirmed (refer page 6).

### 4. Public Forum / Te Huinga Whānui

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 Lumiere d'Akaroa Festival 2020

Lynda Wallace will speak on behalf of the Lumiere d'Akaroa Organising Committee regarding their plans to hold another Lumiere d'Akaroa festival in October this year.

#### 4.2 Closed Circuit Television Cameras (CCTVs)

Senior Constable Anita Osborne of the Akaroa Police, will speak regarding CCTV cameras in Akaroa.

#### 4.3 Public Forum – Akaroa Sports Complex Group

Jan Whitehead will provide an update to the Board on the Akaroa Sports Complex Group.

#### 4.4 Public Forum – Akaroa Resource Collective

Kerry Little will speak to the Board on behalf of the Akaroa Resource Collective with an update about the recent Akaroa Hui.

#### 4.5 Public Forum – Destination & Visitor Planning

Victoria Andrews would like to address the Board regarding various issues, including events scheduling, traffic congestion and public toilets.

#### 4.6 Friends of Banks Peninsula – Banks Peninsula Community Board Plan

A representative from Friends of Banks Peninsula will speak to the Board regarding the Banks Peninsula Community Board Plan.



## 5. Deputations by Appointment / Ngā Huinga Whakaritenga

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

### 5.1 Planting at Steadfast Stream, Cass Bay

Karen Banwell, Programme Manager, Whaka-Ora Healthy Harbour Plan will speak on behalf of The Whaka-Ora Community Advisory Group regarding their proposal to carry out riparian planting at Steadfast Stream in Cass Bay. Regional Parks Manager, Paul Devlin, is asking the Board to indicate its support for the proposal.

Refer Item 8.

## 6. Presentation of Petitions / Ngā Pākikitanga

### 6.1 Sharon Jeffrey will present a petition, signed by 45 people, regarding the lime chip on Beach Road in Akaroa.

The petition reads:

*“A petition to the Banks Peninsula Community Board to request the Christchurch City Council to remove the lime chip on the waterfront of Beach Road between Bruce Terrace and Rue Jolie.”*

*“Lime chip creates dust which is then trampled into all the retail premises on Beach Road. We the undersigned request the chip to be removed and replaced with a permanent surface compatible with our stunning marine environment.”*

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## Te Pātaka o Rākaihautū Banks Peninsula Community Board OPEN MINUTES

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**Date:** Monday 2 March 2020  
**Time:** 10am  
**Venue:** Lyttelton Community Boardroom,  
25 Canterbury Street, Lyttelton

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**Present**

Chairperson  
Members

Tori Peden  
Reuben Davidson  
Nigel Harrison  
Howard Needham  
Jamie Stewart  
Andrew Turner  
Scott Winter

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2 March 2020

Joan Blatchford  
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**Part A Matters Requiring a Council Decision**

**Part B Reports for Information**

**Part C Decisions Under Delegation**

**Mihi/Karakia Timatanga:** Tori Peden

The agenda was dealt with in the following order.

**1. Apologies / Ngā Whakapāha**

**Part C**

**Community Board Resolved BKCB/2020/00021**

That the apology for absence received from Tyrone Fields be accepted.

Andrew Turner/Reuben Davidson

Carried

**2. Declarations by Members / Te Ki Taurangi**

**Part B**

Scott Winter completed his oral and written declaration in the presence of Andrew Turner, Deputy Mayor, and Mary Richardson, General Manager Citizens and Community.

**3. Declarations of Interest / Ngā Whakapuaki Aronga**

**Part B**

There were no declarations of interest recorded.

**4. Confirmation of Previous Minutes / Te Whakaāe o te hui o mua**

**Part C**

**Community Board Resolved BKCB/2020/00022**

That the minutes of the Te Pātaka o Rākaihautū/Banks Peninsula Community Board meeting held on Monday, 17 February 2020 be confirmed.

Andrew Turner/Nigel Harrison

Carried

**5. Public Forum / Te Huinga Whānui**

**Part B**

**5.1 Update on Cruise Ships in Lyttelton**

Ruth Targus, Manager of the Lyttelton Harbour Information and Resource Centre Trust, spoke to the Board about ongoing planning for the 2020/21 cruise ship season in Lyttelton.

Ms Targus provided an update on activities since the Trust's last presentation to the Board on 2 December 2019 (**attached**). Ms Targus noted that Council staff have recently provided a progress update (**attached**) on the actions the Trust requested that the Council carry out,

and Environment Canterbury has provided a response (**attached**) to the Trust's request for information about the environmental impact of cruise ships.

Ms Targus also noted that the Trust plans to make a submission to the Council's Annual Plan requesting additional operational funding.

#### Part B

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

1. Thanks Ruth Targus for her presentation.

#### Attachments

- A Lyttelton Harbour Information Centre Proposal - 2 December 2019
- B Lyttelton Harbour Information Centre Proposal - Progress Update from Staff - February 2020
- C Lyttelton Harbour Information Centre Proposal - Reply from Environment Canterbury - February 2020

#### 5.3 Road Safety Issues – Intersection of Reserve Terrace and Sumner Road, Lyttelton

Jill Morrison, resident of Reserve Terrace, Lyttelton, spoke to the Board about road safety issues at the intersection of Reserve Terrace and Sumner Road in Lyttelton.

#### Community Board Resolved BKCB/2020/00023

#### Part B

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

1. Refer the issues raised in the presentation, as listed below, to staff for advice on work that has been carried out, or other options to improve safety, including but not limited to:
  - Driver visibility issues
  - Possible re-instatement of the mirror
  - Signage issues including visibility and appropriateness of signage
  - Possible re-instatement of the streetlight on the intersection
  - Other improvements that could be made at the intersection to make it safer
  - An update on the proposal for traffic counting
  - Review of the speed limit.
2. Thanks Jill Morrison for her presentation.

Andrew Turner/Reuben Davidson

**Carried**

#### 5.2 Lyttelton Reserves Management Committee

Brian Downey, Chairperson, and Wendy Everingham, Deputy Chairperson, of the Lyttelton Reserves Management Committee (RMC) updated the Board on its engagement with the Lyttelton Mountain Bike Club, the RMC's priorities for the 2019-22 term and the RMC's submission on the Council's Draft Annual Plan.

Mr Downey also spoke about unauthorised track activity in Urumau and Whakaraupō Reserves, including barriers being removed from a previously closed track and plantings that have been destroyed.

**Part B**

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

1. Thanks Brian Downey and Wendy Everingham for their presentation.

**Attachments**

- A Banks Peninsula Community Board 2 March 2020 - Public Forum Lyttelton RMC Presentation - Priorities for Term - 2 March 2020.pdf
- B Banks Peninsula Community Board 2 March 2020 Public Forum - Lyttelton RMC Presentation - Annual Plan Submission.pdf
- C Banks Peninsula Community Board 2 March 2020 - Public Forum -Lyttelton Mountain Bike Club priorities and implementation plan.pdf

**6. Deputations by Appointment / Ngā Huinga Whakaritenga**

**Part B**

There were no deputations by appointment.

**7. Presentation of Petitions / Ngā Pākikitanga**

**Part B**

There was no presentation of petitions.

**8. Report of the Electoral Officer - Mt Herbert Community Subdivision  
By-election 18 February 2020**

**Community Board Resolved BKCB/2020/00024**

**[Original officer recommendations accepted without change]**

**Part C**

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

1. Receive the information in the report.

Andrew Turner/Jamie Stewart

**Carried**

**9. Te Pātaka o Rākaihautū/Banks Peninsula Community Board Area Report -  
March 2020**

**Officer Recommendations / Ngā Tūtohu**

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 2020.



2. Approve feedback on the Council's Home Share Accommodation District Plan Review.

**Community Board Resolved BKCB/2020/00025**

**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 2020.
2. Approve feedback on the Council's Home Share Accommodation District Plan Review subject to final review and approval by the Chairperson of the Board.

Nigel Harrison/Scott Winter

Carried

## 10. Elected Members' Information Exchange

**Part B**

Members spoke about the following matters:

- Ongoing planning for cruise ship visitors, including managing buses from Lyttelton to Akaroa
- Community concern with the environmental impact of cruise ships in Lyttelton and Akaroa
- Deteriorating heritage signage on Oxford Street in Lyttelton
- Unexplained bee deaths reported in Lyttelton and Sumner
- Uncertainty about future location of weekly market on the Collett's Corner site after construction starts
- Akaroa Beach Shower – staff will report to the Board then consult community
- Hand sanitiser has been installed in the female toilets in Akaroa, but not in the male toilets
- Rubbish bins not being emptied on the Head to Head Walkway at end of Church Lane in Governors Bay
- Community members would like the Big Belly Bin Wi-Fi network in Akaroa re-named from "Christchurch Wi-Fi" to "Akaroa Wi-Fi"
- Board Actions – concern that there is a three month timeframe for reporting back on actions
- Request for a briefing from the Events Team regarding event provisions specific to Banks Peninsula
- Akaroa School pool closure due to water restrictions caused cancellation of inter-school swimming sports
- Some residents would like to install rainwater tanks for new builds in Akaroa
- Sunday 15 March 2020 - Opening of the refurbished Little River tennis courts.

### 10.1 Three Waters Infrastructure

It was noted that some residents are concerned about ageing three waters infrastructure in the Lyttelton area. For example, a water main recently burst on Bridle Path Road and residents were without running water for a period of time.

**Community Board Resolved BKCB/2020/00026**

**Part B**

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

1. Request an update from staff on the three year work programme and priorities for Three Waters Infrastructure in the Lyttelton area.

Reuben Davidson/Andrew Turner

Carried

## 10.2 Coleridge Terrace Retaining Wall

### Community Board Resolved BKCB/2020/00027

#### Part B

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

1. Request that staff provide an urgent update on the repair or renewal of the retaining wall on Coleridge Terrace between Hawkhurst Road and Dublin Street, above the Lyttelton Top Club.

Andrew Turner/Tori Peden

Carried

## 10.3 Stoddart Point Toilets

### Community Board Resolved BKCB/2020/00028

#### Part B

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

1. Request an urgent update from staff on when the new public toilets will be constructed at Stoddart Point and will be open to the public, including consideration of the appropriateness of any temporary facilities that may be necessary.

Scott Winter/Howard Needham

Carried

## 10.4 Akaroa Water Levels

During Summer 2019/21, Level 4 water restrictions were put in place for Akaroa, Duvauchelle and Takamatua. This immediately followed a period of no water restrictions. It was noted that residents would urgently like information on the process for determining water restriction levels.

### Community Board Resolved BKCB/2020/00029

#### Part B

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

1. Request urgent information from staff to the Board and the community on the process around setting water level restrictions, including timeframes for setting and lifting restrictions, how often water levels are checked and in particular how and why in Akaroa, Duvauchelle and Takamatua this summer, a decision was made to go straight to Level 4 restrictions.

Jamie Stewart/Nigel Harrison

Carried

**Karakia Whakamutunga:** Tori Peden

Meeting concluded at 12.09pm.

CONFIRMED THIS 16<sup>th</sup> DAY OF MARCH 2020

TORI PEDEN  
CHAIRPERSON

Unconfirmed

Item 3 - Minutes of Previous Meeting 2/03/2020

## 7. Correspondence - Public Toilets at Lyttelton Information Centre

Reference / Te Tohutoro: 20/215931

Report of / Te Pou Liz Carter - Community Board Adviser

Matua: liz.carter@ccc.govt.nz

General Manager / Mary Richardson - General Manager Citizens and Community

Pouwhakarae: mary.richardson@ccc.govt.nz

### 1. Purpose of Report / Te Pūtake Pūrongo

Correspondence has been received from:

Name	Subject
E. C. Venes	Public Toilets at Lyttelton Information Centre

### 2. Officer Recommendations / Ngā Tūtohu

That the Banks Peninsula Community Board:

1. Receive the information in the correspondence report dated 16 March 2020.
2. Refer the issues raised in the correspondence report to staff for advice.

### Attachments

No.	Title	Page
A <a href="#">↓</a>	Correspondence - Public Toilets at Lyttelton Information Centre	14

The Chairperson

Banks Peninsular Community Board

P.O. Box 73028

Christchurch 8015

18 Feb 2020

### Public Toilets in Lyttelton

Your Board may recall that in my letter dated 11<sup>th</sup> Feb 2019 I drew attention to the poor condition of the public toilets in Lyttelton, particularly those adjacent to the Information Office in Oxford Street and, following an area survey, you informed me in July that there was no money available for major works but some work would be done to upgrade the Information Office toilets.

My response to the Board then was to urge that the work be done in time to meet the arrival of cruise ships over the summer period.

A year has passed, the summer period is near to ending and, so far as I am aware, nothing has been done suggesting to me that the matter has been overlooked, if so, then I urge that the work be done in time to meet the anticipated increase in cruise ships following the completion in October next of a dedicated berth for them.

Yours faithfully



E.C.Venes 8A Bridle Path Lyttelton 8082



## 8. Correspondence - Whaka-Ora Healthy Harbour Community Advisory Group

Reference / Te Tohutoro: 20/231767

Report of / Te Pou Liz Carter, Community Board Advisor

Matua: liz.carter@ccc.govt.nz

General Manager / Mary Richardson, General Manager Citizens & Community

Pouwhakarae: Mary.Richardson@ccc.govt.nz

### 1. Purpose of Report / Te Pūtake Pūrongo

Correspondence has been received from:

Name	Subject
Whaka-Ora Healthy Harbour Community Advisory Group	Riparian planting at Steadfast Stream in Cass Bay

### 2. Officer Recommendations / Ngā Tūtohu

That the Banks Peninsula Community Board:

1. Receive the information in the correspondence report dated 16 March 2020
2. Support the proposal for the first section of riparian planting on Steadfast Stream in Cass Bay, as outlined in the correspondence.

### Attachments

No.	Title	Page
A <a href="#">↓</a>	Banks Peninsula Community Board 16 March 2020 - Correspondence Whaka-Ora Healthy Harbour Community Advisory Group - Riparian Planting Steadfast Stream Cass Bay	16



Whaka-Ora Healthy Harbour Community Advisory Group

25 February 2020

To the Banks Peninsula Community Board.

The Whaka-Ora Community Advisory Group is seeking permission to carry out riparian planting at Steadfast Stream in Cass Bay on the advice of Regional Parks Manager Paul Devlin. This planting will help deliver the outcomes of the Whaka-Ora Healthy Harbour Catchment Management Plan to reduce sedimentation in Whakaraupō and to improve biodiversity and habitat for indigenous species such as the little banded kokopu.

Paul Devlin also provided guidance on the best way to proceed. This involves the Whaka-Ora Community Advisory Group preparing a management plan that will set out the how this is to be done, the work required to ensure the site is suitable and the land scape planning for planting and maintenance to achieve Whaka-Ora Plan cultural and ecological outcomes.

The first section of Cass Bay Stream Steadfast to be planted starts where the stream goes under Governors Bay Road at the entrance to Steadfast up to the first fence line that crosses within Steadfast. Here the stream has quite steep banks and there are several species of large trees including cracked willow and Lombardy poplars that need a management regime for removal. We request that we have approval to initiate this plan and then to work on this lower section of Cass Bay Stream.

Multiple organisations have an interest in this project, all of who will be able to contribute time and effort to see this initial stage of work through to the end. These organisations include the Navy Cadets, Cass Bay Reserves Management Committee, Cass Bay Residents Association, the Whaka-Ora Community Advisory group and Conservation Volunteers New Zealand.

A plant order has been placed by Environment Canterbury developed on advice from biodiversity officers from both Environment Canterbury and Christchurch City Council. Planting is planned to start this coming winter season with plants ordered for the next three years.

The University of Canterbury School of Earth and Environment is putting in place student projects to help monitoring outcomes, including a proposed programme to monitor aquatic habitat, invertebrates and fish, sediment and water quality. Student service help will also be available for site preparation as well as longer term maintenance and planting.

We will be working to one strategic plan. What has been learnt from this process will be transferred to other streams within the Whakaraupō catchment in the coming years. Jenny Healey (Cass Bay Residents Association / Reserve Management Committee) and I are happy to speak to this at your next Community Board Meeting.

Yours sincerely

Karen Banwell

Programme Manager Whaka-Ora Healthy Harbour Plan

## 9. Reserve Management Committee Meeting Minutes

Reference / Te Tohutoro: 20/204428

Report of / Te Pou  
Matua:

Liz Carter, Community Board Advisor, [liz.carter@ccc.govt.nz](mailto:liz.carter@ccc.govt.nz)

General Manager /  
Pouwhakarae:

Mary Richardson, General Manager Citizens & Community,  
[mary.richardson@ccc.govt.nz](mailto:mary.richardson@ccc.govt.nz)

### 1. Purpose of Report / Te Pūtake Pūrongo

Minutes have been received from the following Reserve Management Committees:

Name	Subject
Le Bons Bay Reserve Management Committee	21 February 2020

### 2. Officer Recommendations / Ngā Tūtohu

That the Banks Peninsula Community Board:

- Receive the minutes of the following Reserve Management Committees:
  - Le Bons Bay Reserve Management Committee – 21 February 2020
- Approve the membership of Harriet Chapman and Doris Peleikis as co-opted members of the Le Bons Bay Reserve Management Committee.

### Attachments

No.	Title	Page
A <a href="#">↓</a>	Le Bons Bay Reserve Management Committee Minutes 21 February 2020	18

**Minutes of the Meeting of the Le Bons Bay Reserve Management Committee held on Friday, 21<sup>st</sup> February 2020, at 5pm at the Domain Hall**

**Present:** Jo Rolley (Chair), Bruce and Jenny Nicholl, Carol Osgood, Ciaran Murray, Doris Peleikis, Robin Burleigh (Treasurer), Charlotte Bleasdale (Secretary).

**Apologies:** Harriet Chapman, Jamie Stewart (Community Board Liaison). **(Bruce/Carol. Carried)**

Jo welcomed Doris to the meeting.

**Minutes** of the 20<sup>th</sup> October 2019 meeting had been previously circulated. **(Jo/Carol. Carried)**

**Matters Arising:**

- **Water-testing:** As agreed previously, the water supply to the Domain will be periodically tested. As this is time-sensitive, Carol will collect a water sample as soon as there is an opportunity for someone to take it into town the same morning for testing.
- **Water easement:** There had been some concern about the long-term future of the 'gentleman's agreement' water supply to the Domain from the Inwood's property. CCC have reached an informal agreement with Jeff Inwood, which should guarantee this supply for the foreseeable future.
- **History Panel:** Carol has managed to source a good selection of photos of construction of the Hall etc from Helen Stuart and together with some others sourced by Charlotte now has enough material to start work on the panel. Bruce reported that the timeline based on RMC minutes had been made available to locals/visitors to amend and add information.

**Correspondence:**

- Letter from David and Lynne Ward re gum trees in the reserve.
- Letter from CCC re proposed zone change to 960 Le Bons Bay Road.

Charlotte to write to Richard Hall to thank him for painting the picket fence by the cricket pitch and to Russell Cross to thank him for his continued work on the domain, clearing around the poplar trees etc.

The Wards have asked that three gum trees on their boundary be removed, as they are a potential fire danger, a hazard to the nearby playground, and the roots may penetrate their septic system and leaves contaminate their rooftop rainwater collection system. It was moved that Charlotte notify CCC that the RMC Board has unanimously agreed that these trees should be removed as a hazard, and ask them to please action this as soon as possible. **(Robin/Carol. Carried)**

A letter has been received from CCC re a proposed zone change to 960 Le Bons Bay Road, adjoining the reserve, which will be rezoned from Open Space Community Parks to Residential Small Settlement. The bach property appears to have been wrongly designated many years ago by the original Akaroa County Council. No issue for the RMC.

Inwards and outwards correspondence received and endorsed **(Jo/Jenny. Carried)**

**Treasurer's Report:**

Robin reported that the RMC's finances currently total \$7,632 with a further contribution of about \$45 yet to be banked and another wedding fee to come.

Robin moved that his report be accepted by the RMC **(Robin/Jo. Carried)**.

**Any other business:**

- **Banks Peninsula Draft Community Board Plan 2020-22:** this was discussed briefly by the RMC.
- **Cleaning of the Domain Hall:** Following the earlier working bee to clean the Hall, the RMC discussed the possibility of periodically employing a contract cleaner. Hall hirers need to be made aware of their responsibility to clean up after use. This is in the booking details document drawn up in 2018. Charlotte will circulate this document to the RMC for further discussion and updates.
- **Priorities for the term:** It was agreed that the following are important items to preserve/enhance the Hall and Domain amenities:
  - New LED lights for the interior of the Hall.
  - Internal painting throughout.
  - A new urinal for the men's lavatory.
  - Grading and metalling of the driveway.
  - Repainting of the lines on the tennis courts.

**(Carol/Bruce. Carried)**

It was noted that the request for new stainless steel benchtops for the kitchen had been included in the current CCC budget; this will make painting of the kitchen a priority.

- **Longer-term goals:**
  - Removal of poplars behind the Hall that were previously topped, in order to develop a native plantation.
  - Re-grassing of the playing field, which is in very poor condition.
- **Tree hazard in the flying-fox area:** Bruce reported that over the summer a visitor using the flying-fox had crashed into one of the pine trees alongside the zip-wire route. This was as a result of misuse of the equipment, but nevertheless the tree is closer to the wire than the other pines and represents a potentially fatal hazard. It was agreed Charlotte should ask CCC to remove this tree as a priority.
- **Rope swing:** The rope is starting to fray and should be replaced as soon as possible. This amenity is very popular with children and the RMC would like to see it replaced, rather than removed. Charlotte to request CCC replace with a safer option.

**Co-option of new RMC committee members:**

Harriet Chapman and Doris Peleikis, having previously agreed to join the committee, were formally co-opted and welcomed. **(Ciaran/Robin. Carried)**

**Date for next RMC meeting:**

It was agreed that a meeting will be held within the next quarter, date to be confirmed, subject to the response from CCC to various of the issues above.

**The meeting closed at 6.05pm**





## 10. Outcome of Property Review Process - 150 Old Sumner Rd and 306 Bayview Rd

Reference / Te Tohutoro: 20/130853

Report of: Justin Sims - Property Consultant  
justin.sims@ccc.govt.nz

General Manager: Leonie Rae – General Manager Corporate Services  
leonie.rae@ccc.govt.nz

### 1. Brief Summary

- 1.1 The purpose of this report is to provide the Board with the outcome of fulfilment of the resolutions contained in Council resolution CNCL/2019/0069 (copy attached) with regard to the properties at 150 Old Sumner Rd and 306 Bayview Rd.
- 1.2 The report has been written to inform the Board of the fulfilment of CNCL/2019/0069.
- 1.3 The property at 150 Old Sumner Rd will be retained for possible future recreation use.
- 1.4 The property at 306 Bayview Rd has no identified alternative public use and is therefore operationally redundant and will be disposed of in accordance with Council's normal practices and policies.
- 1.5 Information and the location of the properties can be found in the attachments to this report.

### 2. Officer Recommendations

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

1. Receive this report

### 3. Context / Background / Te Horopaki

#### Issue or Opportunity / Ngā take, Ngā Whaihua rānei

#### Background

- 3.1 When a property is no longer required for the purpose for which it was originally held it is prudent for Council to make a conscious decision to determine the future use of that property. Holding land with an indeterminate purpose or reason is not prudent and may put the Council at operational risk for example:
  - 3.1.1 Reputational for not proactively and prudently managing and utilising property assets.
  - 3.1.2 Being reactively driven by unilateral unsolicited proposals to outcomes.
  - 3.1.3 Legislative non-compliance e.g. not dealing with offer back obligations (section 40 of the Public Works Act) appropriately.
  - 3.1.4 Not meeting the principles of the Local Government Act.
  - 3.1.5 Inappropriate uses developing e.g. vandalism, unsanctioned occupations.
  - 3.1.6 Poor maintenance and compliance.

- 3.2 Holding property without an agreed reason, purpose or use also comes at a cost in terms of operating / holding, foregone capital, potential social, poor community outcomes and therefore imprudent custodianship of public assets / money.
- 3.3 In general terms the Council only holds land that is:
  - 3.3.1 Required for a public work, either; currently utilised to deliver an activity or service; or held for future delivery of the same; and
  - 3.3.2 Held for strategic purposes e.g. project; and
  - 3.3.3 Held pending a future use decision i.e. under review in terms of future use.
- 3.4 The Council adopted a process in May 2016 that is designed to facilitate and make decisions that support the active and prudent management of the Council's property.
- 3.5 This "Property Review Process" requires community boards to consider a list of properties in their ward that are no longer being utilised for the original intended purpose for which they were purchased and in doing so make future use decisions by categorising them as follows:
  - Held - Recommending on whether any of the properties should be retained for a strategic purpose.
  - Sold - Recommending on whether any of the properties should be declared surplus for disposal.
  - Used - Deciding on which properties the Board and staff will work on over the coming months to identify as having alternative public uses for recommending to the Council for a decision.
- 3.6 With the above in mind, the Manager Property Consultancy held a workshop with the Banks Peninsula Community Board to review the properties located within its ward and a report was then considered at the meeting of the Board on 15<sup>th</sup> April 2019.
- 3.7 At the meeting it recommended to Council, and Council resolved at its meeting of 9<sup>th</sup> May that, amongst other matters:
  - a. The Parks team look at 150 Old Sumner Rd with a view to retaining it for future use.
  - b. 306 Bayview Rd be circularised internally within Council to determine if there was an alternative public use.
- 3.8 With regard to item (a) above, following consultation with the Parks team, whilst there is no currently identified need it was decided that the property should be retained as there may be recreational benefit at some future date.
- 3.9 With regard to item (b) above, no uses were identified and in accordance with the resolution referred to above, the property is declared surplus and will be tendered for sale on the open market.

**Decision Making Authority / Te Mana Whakatau**

- 3.10 There are no decisions to be made as the outcomes following the actions set out in the resolution referred to above are being met under staff delegations set out therein.

## Attachments / Ngā Tāpirihanga

No.	Title	Page
A <a href="#">↓</a>	Attachment to Report CNCL/2019/00069	24
B <a href="#">↓</a>	Property Status Report 150 Old Sumner Road	30
C <a href="#">↓</a>	Property Status Report 306 Bayview Road	32
D <a href="#">↓</a>	Aerial Photo 150 Old Sumner Road	34
E <a href="#">↓</a>	Aerial Photo 306 Bayview Road	35

Item 10

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

Document Name	Location / File Link
Not Applicable	

## Confirmation of Statutory Compliance / Te Whakatūturutanga ā-Ture

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.

**Report from Banks Peninsula Community Board - 15 April 2019**

**13. Banks Peninsula Property Review Process**

**Council Resolved CNCL/2019/00001**

That the Council :

Notes that:

1. The purpose of this report is to determine the future use of land holdings that are no longer required, or being utilised, for the purpose that they were originally purchased. This is to be achieved by categorising them into the following three options for incorporation in a recommended resolution to Council.  
  
Three options:
  - a. Option 1 - Retain for a future strategic purpose.
  - b. Option 2 - 28 surplus for disposal.
  - c. Option3 - Retention to explore an alternative public use.
2. It has received advice through workshops and staff reports (including the public excluded attachment titled "Update January 2019") on the possible future use of the various land holdings in this report.
3. To help inform a final resolution recommendation those workshop outcomes and suggestions were further reviewed and discussed at a workshop on the 28<sup>th</sup> January prior to this report being considered. The outcomes of which are summarised as follows:
  - a. Woodills Milk Store - 55 Woodills Road
    - i. Initial workshop outcome 2018: Option 1 - Retain for a future strategic purpose.
    - ii. Staff suggestion: Option 2 - Declared surplus for disposal (noting the lessee indicated after the workshop that they wish to surrender the lease).
    - iii. Recent workshop outcome 28 January 2019: There was no interest from other Council infrastructure units i.e. Transport, Parks and 3 Waters. The Board requested that staff discuss with St Johns whether this is a suitable site for their requirements.
  - b. BP Meats Development - 67A Rue Lavaud
    - i. Recommendation: Option 1 - Retain for a future strategic purpose (and initiate a process to investigate future development options).
    - ii. Recent workshop outcome 28 January 2019: That this be referred to Development Christchurch Ltd (DCL) to assess and develop viable commercial regeneration options for the Board to consider and develop a future process from.
  - c. Shackleton Reserve - 10 Shackleton Terrace
    - i. Recommendation: Option 2 – Declared surplus for disposal.
    - ii. Recent workshop outcome 28 January 2019: Parks and Transport have no interest in the property. Support declaring the property surplus.



- d. HMNZS Steadfast - 64 & 86 Governors Bay Road
  - i. Initial workshop outcome 2018: Option 1 - Retain for a future strategic purpose.
  - ii. Staff suggestion: Option 3 – Retention and transfer to an alternative public work use. Subject to the criteria below under recommended resolution to Council 5.a being met.
  - iii. Recent workshop outcome 28 January 2019: Support the staff recommendation i.e. retention for incorporation into the Parks portfolio.
- e. Gollans Bay Rubbish Tip - 150 Old Sumner Road
  - i. Recommendation: Option 3 - Retention and transfer an alternative public work use (Subject to the criteria below under Recommended resolution to Council 5(a) being met)
  - ii. Recent workshop outcome 28 January 2019: Parks indicated a preliminary view that this was probably of no interest to include in their portfolio and add to the network. The Board requested That the Council's Parks team further look at this property more closely with the view of retaining it in the Parks portfolio for open space and recreational use, as it currently seems to be actively utilised.
- f. Development Land Ngatea Point – 27 Hunters Road, 5A & 31A Te Papau Crescent, 42 Whero Avenue, 399 Bayview Road
  - i. Recommendation: Option 1 - Retain balance for a future strategic purpose, retain and protect the bush gullies (noting that there is a separate process already underway relating to the protection of the bush gullies).
  - ii. Recent workshop outcome 28 January 2019: Support the recommendation.
- g. Reservoir - 38 Waipapa Avenue
  - i. Recommendation: Option 2 – Declared surplus for disposal.
  - ii. Recent workshop outcome 28 January 2019: That the community Board is not aware of any alternative public uses for the site, but acknowledges the community may desire the property be retained as open space. Parks are therefore requested to reconsider whether this property should be retained for that purpose.
- h. Stoddart Point Reserve - 2H Waipapa Avenue
  - i. Recommendation: Option 2 – Declared surplus for disposal.
  - ii. Recent workshop outcome 28 January 2019: The reason for ownership was not evident and therefore declaring it surplus for disposal is an option. The Community Board wants to further understand adjoining ownership, whether there would be an offer back obligation and what the relationship / arrangement / obligations may or may not be with regards to the postal boxes.
- i. Reservoir – 306 Bayview Road
  - i. Recommendation: Option 2 – Declared surplus for disposal.

- ii. Recent workshop outcome 28 January 2019: That the Community Board is not aware of any alternative public uses for the site, but wants to be assured the property is not required for open space / recreation purposes, particularly walking track purposes. Parks are therefore requested to consider whether this property should be retained for that purpose.
- j. Rural Land (Store Livestock) – 3381 Christchurch-Akaroa Road
  - i. Recommendation: Option 2 – Declared surplus for disposal.
  - ii. Recent workshop outcome 28 January 2019: The Council Senior Policy Planner provided advice that – *“these cliffs have high ecological values, they support a significant biota (flora and fauna). Not least they are classified as a nationally rare ecosystem which are a national priority for protection”* It was discussed and consider that the staff (including the Parks – Team Leader Biodiversity) need to review this property in that context and provide further advice on whether retention or protection mechanisms are required.
- k. Vacant land – 2979 Christchurch-Akaroa Road
  - i. Recommendation: Option 2 – Declared surplus for disposal.
  - ii. Recent workshop outcome 28 January 2019: The Council Senior Policy Planner provided advice that – *“it may have some ecological values on the small cliffs at the base of the property”* It was discussed and consider that the staff (including the Parks – Team Leader Biodiversity) need to review this property in that context and provide further advice on whether retention or protection mechanisms are required.
- l. Former Quarry Freehold - 79 Jones Road
  - i. Workshop outcome: Consider retention and transfer to an alternative public work use.
  - ii. Staff suggestion: Option 2 – Declared surplus for disposal.
  - iii. Recent workshop outcome 28 January 2019: The Council Senior Policy Planner provided advice that – *“this is a dryland site that may support indigenous biota. We already have some serious biodiversity issues in the Kaitorete / Birdlings Flat area so need to be very sure that the site has no values before disposing of it. It may have restoration potential.”* It was discussed and considered that the staff (including the Parks – Team Leader Biodiversity) need to review this property in that context and provide further advice on whether retention or protection mechanisms are required.
- m. Little River Education House – 4421 Christchurch-Akaroa Road
  - i. Workshop outcome: Consider retention and transfer to an alternative public work use.
  - ii. Staff suggestion: Option 2 – Declared surplus for disposal.
  - iii. Recent workshop outcome 28 January 2019: It was determined that the tenancy in the house be terminated and it then be demolished as it is at the end of its economic life. There are no Transport requirements for the land. Parks indicated that they would like to check the value of retaining the land

or a portion for a connection to Little River Esplanade Reserve or potential for a freedom camping site.

**As a result of the above the Community Board recommends to Council that it passes the following resolutions:**

**4. Option 1.**

- a. Approves retention of the following properties for a future strategic purpose.
  - i. BP Meats Development - 67A Rue Lavaud and that this be referred to Development Christchurch Ltd to assess and develop viable commercial regeneration options for the Board to consider and develop a future process from.
  - ii. Development Land Ngatea Point – 27 Hunters Road, 5A & 31A Te Papau Crescent, 42 Whero Avenue, 399 Bayview Road - Retain for a future strategic purpose yet to be determined and protect the bush gullies (noting that there has been a separate report and process underway relating to the protection of the bush gullies).
  - iii. Stoddart Point Reserve - 2H Waipapa Avenue – because it currently has community value due to the provision of postal services operating from one of the buildings on site. The future of the property to be reconsidered if the postal services are relocated.

**5. Option 2.**

- a. Declares the following properties surplus for disposal.
  - i. Shackleton Reserve - 10 Shackleton Terrace
  - ii. Reservoir - 38 Waipapa Ave subject to:
    - The property being circularised internally within Council to determine there is no other alternative public use.
    - Information on the proposal to dispose of the property being circulated via the Diamond Harbour Community Association to the local community.
  - iii. Reservoir – 306 Bayview Road subject to:
    - The property being circularised internally within Council to determine there is no other alternative public use.
  - iv. Vacant land – 2979 Christchurch-Akaroa Road – due to advice from staff that it is not considered to be of any ecological value.
- b. Grants delegated authority to the Property Consultancy Manager to:
  - i. Determine at his discretion satisfaction of the “subject to” conditions.
  - ii. Commence the sale process for the properties set out in the resolution above in accordance with Council’s normal practices and policies (including unilateral dealings where a tender is not practical).
  - iii. Conclude the sale of these properties on the best terms considered available, as supported by valuation advice and in consideration of other

factors including marketing and market dynamics, including if the minimum price is not achievable by tender then the property may be sold by private treaty.

- iv. To do all things and make decisions at his sole discretion that are necessary to give effect to this resolution.

6. **Option 3.**

- a. Supports retention of the following properties to explore an alternative public use subject to the conditions below:
  - i. HMNZS Steadfast - 64 & 86 Governors Bay Road - that this property be retained and transferred into the Parks portfolio.
  - ii. Gollans Bay Rubbish Tip - 150 Old Sumner Road - the Board request That the Council's Parks team further look at this property including discussions with the Board more closely and report back with the view of retaining it in the Parks portfolio for open space and recreational use, as it currently seems to be actively utilised by the public.
  - iii. Rural Land (Store Livestock) – 3381 Christchurch-Akaroa Road – the Board request that staff (including the Parks – Team leader Biodiversity) review this property in the context of the Council's Senior Policy Planner advice that there are high ecological values and report back on whether retention or protection mechanisms are required.
  - iv. Former Quarry Freehold - 79 Jones Road - the Board request that staff (including the Parks – Team Leader Biodiversity) review this property in the context of the Council's Senior Policy Planner advice that there may be ecological values and report back on whether retention or protection mechanisms are required.
  - v. Woodills Milk Store - 55 Woodills Road subject to:
    - The property being circularised to determine there is no other alternative public use.
    - St Johns not being interested in the site. If there was an interest that would be reported back to the Board for consideration.
  - vi. Little River Education House – 4421 Christchurch Akaroa Road – subject to:
    - Termination of the tenancy and demolition of the house.
    - The property being circularised internally within Council to determine there is no other alternative public use.
    - Advice from the Heritage team to establish that there are no heritage values associated with the house.
- b. Retention of the properties is conditional upon staff and the Community Board engaging in a process that identifies an alternative public use that:
  - i. Can be rationalised,
  - ii. Satisfies a clearly identified need,
  - iii. Is supported by a sound and robust business case,

- iv. Supports Council strategies,
  - v. Has established funding in the Council's annual and long term plans,
  - vi. Has an identified sponsor i.e. end asset owner (titular internal owner) / sponsor who supports retention for the alternative public use and holds an appropriate budget provision within the LTP.
- c. The Community Board is delegated authority to make a retention decision for an alternative use so long as all of the conditions set out in resolution 5 above are met to its satisfaction.
7. Notes the property at 40 Rue Jolie was originally included in this process, but has subsequently been considered in a separate heritage buildings process.

Deputy Mayor/Councillor Scandrett

**Carried**



## PROPERTY STATUS REPORT FOR 150 Old Sumner Road



Property Overview	
PROPERTY DESCRIPTION	Fee simple
ADDRESS	150 Old Sumner Road
SITE / LOCALITY DESCRIPTION	This property is situated east of Lyttelton and is an old dump site. It is likely to be contaminated.

Property Overview	
LEGAL DESCRIPTION	Lots 1 & 2 Deposited Plan 23001 and is contained in Computer Freehold Register CB3D/251
AREA (m2)	1.3701ha
ENCUMBRANCES, STATUS AND LEGAL COMMENT	-
ZONING	Rural
RATING VALUATION	\$31,000
EXECUTIVE SUMMARY	This is a former dump site and is likely to contain contamination. All the adjoining land (other than legal road) is owned by Lyttelton Port Company.
ATTACHMENTS	None
PROPERTY ID	Prupi 887000
CLOSING DATE FOR REGISTRATION OF INTEREST	

Your Details	
Your name	
Your position	
Unit / Team	
Your contact details	
Team Manager	

Registration of Interest		
YES	NO	OTHER

Reason for interest i.e proposed use	
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Comment (mandatory field)	
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## PROPERTY STATUS REPORT FOR 306 Bayview Road Diamond Harbour



Property Overview	
PROPERTY DESCRIPTION	Fee Simple land held for the purposes of water works
ADDRESS	306 Bayview Road Diamond Harbour
SITE / LOCALITY DESCRIPTION	Located behind the Diamond Harbour township. Rectangular in shape and north facing. Currently used for grazing under licence.
LEGAL DESCRIPTION	Part Lot 1 Deposited Plan 2476 contained in NZ Gazette 1915 p 953
AREA (m2)	5.0459ha
ENCUMBRANCES, STATUS AND LEGAL COMMENT	No title issued currently as acquired via proclamation.
ZONING	Rural Banks Peninsula Zone
RATING VALUATION	\$440,000
EXECUTIVE SUMMARY	A reasonably large holding behind Diamond Harbour well suited to its current



Property Overview	
	usage.
ATTACHMENTS	None
PROPERTY ID	Prupi 887058
CLOSING DATE FOR REGISTRATION OF INTEREST	

Your Details	
Your name	
Your position	
Unit / Team	
Your contact details	
Team Manager	

Registration of Interest		
YES	NO	OTHER

Reason for interest i.e proposed use	
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Comment (mandatory field)	
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## 11. Little River Coronation Library - Lifting Building Above Flood Level

Reference / Te Tohutoro: 20/156139

Report of:

Russel Wedge - Team Leader Parks Policy and Advisory  
russel.wedge@ccc.govt.nz

General Manager:

Mary Richardson - General Manager Citizens and Community  
mary.richardson@ccc.govt.nz

### 1. Brief Summary

- 1.1 The purpose of this report is to inform the Te Pātaka o Rākaihautū/Banks Peninsula Community Board of the outcomes of an investigation into how high the Little River Coronation Library building will need to be lifted to keep it above a 1 in 50-year flood event.
- 1.2 This report has been written in response to the Te Pātaka o Rākaihautū/Banks Peninsula Community Board resolution **BKCB/2019/00072** item 5, made at its meeting of 24 June 2019:

*Request that staff investigate lifting the building above the one metre flood level before any earthquake repairs are carried out.*

#### Background

- 1.3 At its meeting of 24 June 2019, the Community Board approved the future use of the Coronation Library building for a range of community activities facilitated by the Little River Wairewa Community Trust Board. The earthquake restoration work can commence as the future use of the library building has been determined, however before tender documentation can proceed, staff proposed an investigation into lifting the building above the flood level and reporting this information back to the Community Board.



Little River Coronation Library Flood Waters 12 August 2012



### Result of Investigations

- 1.4 Staff have completed flood-modelling work using the Banks Peninsula Regional Flood Method and 2018 LiDAR data, in compliance with the NZ Building Code for protection in a 1 in 50-year flood event, which recommends lifting the library building 400 mm. The previous staff recommendation to lift the building above the one-metre flood level was an estimate and has been refined with this modelling.

### Contributing Factors to Flooding

- 1.5 The library building is located in a low-lying area of the Awa-iti Domain and has been subject to a number of flood events in past years. The water from the Domain flows towards the library building, which is located in a low part of the Domain, and into a swale. The swale runs across the western end of the Domain, in a north to south direction past the library building to a culvert under State Highway 75 to the Okana River. The swale channels water run-off from the adjoining hills that are to the north-west of the Domain.
- 1.6 During a flood event, the floodwater banks up on the Domain side of State Highway 75 in the low area around the library building as the culvert becomes inundated with water from the Domain and surrounding areas. The culvert outlet on the Okana River side of the Highway also becomes inundated with water run-off from the hills to the southeast of the Highway as well as water banking up from the Okana River.

### Measures to Alleviate Flooding

- 1.7 Investigations into increasing the size of the culvert under the State Highway to alleviate flooding in the Domain have concluded there would be no reduction in the quantity of water moving through the culvert or any reduction in the level of floodwater on the Domain. This is due to the water backing up on the Domain side of the culvert reaching an equilibrium with the level of water backing up on the Okana River side of the culvert. The rising water levels on both sides of the culvert results in no movement of the floodwater from one side of the culvert to the other. The costs and disruption to traffic required to replace the culvert with a larger culvert would not alleviate or expedite the flooding around the library building during a 1 in 50-year event.
- 1.8 The swale and the drain within the vicinity of the library building have been cleared and are being maintained by the Three Waters Unit to provide an unobstructed flow path in a flood event.

### Next Steps

- 1.9 Finalise scope of works for lifting and restoring of building.
- 1.10 Resource Consent to be prepared and submitted.
- 1.11 Tender documents to be finalised and released.
- 1.12 Tender awarded and construction commences.

## 2. Officer Recommendations

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

1. Receive the information in this report.

## Attachments / Ngā Tāpirihanga

There are no appendices to this report.

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

Document Name	Location / File Link
Not Applicable	

## Confirmation of Statutory Compliance / Te Whakatūtutanga ā-Ture

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.





## 12. 38 Waipapa Avenue - Proposed Te Ra Community Park

Reference / Te Tohutoro: 20/109865

Report of:

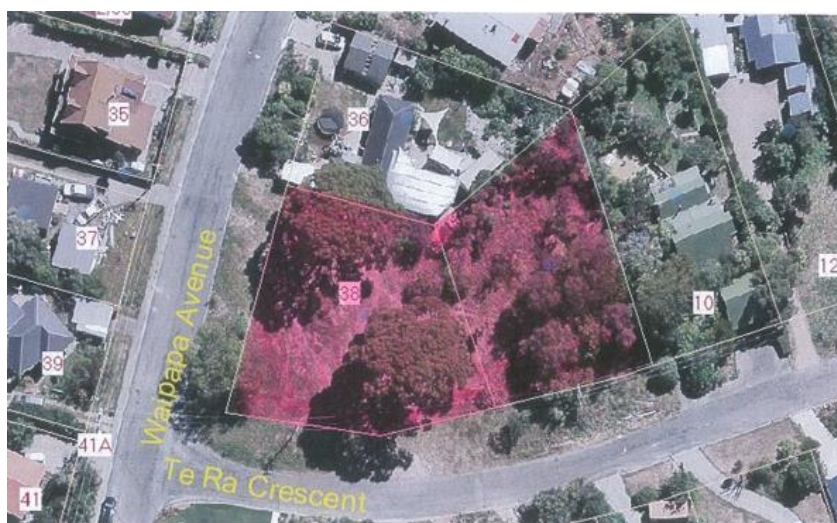
Russel Wedge - Team Leader Parks Policy and Advisory  
Barry Woodland - Property Consultant

General Manager:

Mary Richardson - General Manager Citizens and Community,  
mary.richardson@ccc.govt.nz

### 1. Executive Summary / Te Whakarāpopoto Matua

- 1.1 The purpose of this report is for the Te Pātaka o Rākaihautū/Banks Peninsula Community Board to consider: actions arising from a prior resolution on the future use of the fee simple Council owned property at 38 Waipapa Avenue, Diamond Harbour; a proposal from a local community group (Friends of Te Ra Community Park) to assume responsibility for the future maintenance and development of the site, and; the request from the Friends of Te Ra Community Park to:
  - Acknowledge and accept that the condition precedent of the Council resolution CNCL/2019/00069 (9 May 2019), passed on recommendation from the Community Board resolution BKCB/2019/00036 (15 April 2019), to dispose of the land has not been satisfied in that there is an alternative public use for consideration.
  - Therefore, the resolution to declare the property at 38 Waipapa Avenue, Diamond Harbour surplus for disposal cannot be enacted, and;
  - Consider approving retention of the property and the commencement of unilateral negotiations for a ground lease agreement with the Friends of Te Ra Community Park once they have registered themselves as an Incorporated Society.
- 1.2 The origin of the report is staff generated following a request from the local community who would like to take over the maintenance and development of the land.
- 1.3 The fee simple Council owned land at 38 Waipapa Avenue, Diamond Harbour, (shown shaded pink below) was previously used by the Three Waters Unit for a water reservoir. The reservoir was removed and the land is surplus to the Unit's operational requirements.



- 1.4 As part of a review of Council owned properties the Board resolved to declare the land surplus for disposal subject to: (1) re-circulating the property internally within Council to determine

that there is no other alternative public use and; (2) information on the proposal being circulated via the Diamond Harbour Community Association to the local community.

- 1.5 None of the Council's infrastructure Units expressed a need for the property including the Parks Unit which confirmed the provision of existing parks in the neighbourhood already met the LTP Parks Levels of Service.
- 1.6 However, consultation with the local community in June 2019 demonstrated strong community interest in Council retaining the land as an open space asset.
- 1.7 Staff met with members from the local community and the Diamond Harbour Community Association (DHCA) in November 2019. The local community has formed the Friends of Te Ra Community Park (FOTR) who want to maintain and develop the land. The FOTR is aware the land is not required by the Council and there is no Council funding allocated to the site.
- 1.8 The FOTR made a deputation to the Board in December 2019 outlining its interest in, and proposal for, maintaining and developing the land as 'Te Ra Community Park'.
- 1.9 The Parks Unit have reviewed the FOTR proposal and consider it represents a sustainable and manageable proposal to maintain and develop the land. The staff believe the FOTR is committed to its proposal and the development of the site.
- 1.10 The FOTR intend to form an Incorporated Society to enable them to apply for grants and sponsorship. The FOTR would like to apply for a lease of the land, which it intends to maintain and develop with no funding from the Council. On this basis the Parks Unit is prepared to assume the role as asset owner.
- 1.11 The land will be administered as a park under section 138 of the Local Government Act 2002 (as opposed to a reserve pursuant to the Reserves Act 1977).
- 1.12 This report requires the Board to consider the proposal from FOTR and, if it elects to accept the staff recommendation, resolve to revoke the previous conditional resolution to dispose of the land, agree to deal unilaterally with the FOTR and instruct staff to negotiate a ground lease with FOTR over the land at 38 Waipapa Avenue.
- 1.13 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by;
  - Level of impact to the number of people potentially affected within the city: the significance and engagement of this proposal is of a high level of significance to the immediate residents but of low significance to residents within the greater area of the city.
  - Possible environment, social and cultural impacts: the active management and development of the land by FOTR will deliver positive community benefits.
  - Ownership or function of a strategic asset is affected: the asset will be transferred to the Parks Unit with no impact on Levels of Service or LTP budgets.
- 1.14 The community engagement and consultation outlined in this report reflect the assessment.

## **2. Officer Recommendations / Ngā Tūtohu**

[That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board:](#)

[Notes:](#)

- a) That the condition precedent in the Council resolution CNCL/2019/00069 (9 May 2019) has not been satisfied in that there is an alternative public use for consideration:

*"Declares the following properties surplus for disposal.*

ii. Reservoir - 38 Waipapa Ave subject to:

- The property being circularised internally within Council to determine there is no other alternative public use.
- Information on the proposal to dispose of the property being circulated via the Diamond Harbour Community Association to the local community.”

- b) The resolution to declare the property surplus for disposal cannot therefore be enacted until the alternative public use is considered and resolved either by accepting it as proposed in this report, or rejecting it, in which case alternative resolutions to the below would be required to declare the property surplus.
- c) That retention of the property is justifiable and supported through a public private sector partnership with the incorporated society Friends of the Te Ra Community Park.

Resolves to:

1. Name 38 Waipapa Avenue, Diamond Harbour (Lots 55 & 56 DP 4319 – CB5C/696 and 697) Te Ra Community Park.
2. Hold the land as fee simple in Council ownership.
3. Commence unilateral negotiations for a ground lease agreement for 38 Waipapa Avenue, Diamond Harbour, (Lots 55 & 56 DP 4319 - 905 square metres) with the Friends of the Te Ra Community Park, once they are registered as an Incorporated Society.
4. Receive and approve the ‘Proposed Te Ra Community Park 20 November 2019 Final’ proposal (refer Attachment A)
5. Approve the draft landscape plan entitled “Te Ra InDesign Draft Plan Aug 2019(2)” (refer Attachment B) for the development of Te Ra Community Park and request a planting plan to be prepared and forwarded to the Team Leader Parks and Landscapes Team, Technical Services and Design, for approval before planting commences on site.
6. Authorise the Property Consultancy Manager to manage and conclude all issues and processes associated with the above resolutions.

### 3. Reason for Report Recommendations

- 3.1 The land at 38 Waipapa Avenue is Council owned fee simple land. It was decommissioned as a reservoir site a number of years ago and the Council upon the recommendation of the Community Board agreed to implement the process to dispose of the land, which was surplus to the Council’s requirements.
- 3.2 When the land was publicly notified for disposal the local residents (with the assistance of the Diamond Harbour Community Association) approached Council staff with a proposal to take over the maintenance and development of the land. The residents believe the land can be a focal point for the local community and of benefit to Diamond Harbour.
- 3.3 The residents would like to name the land ‘Te Ra Community Park’ and to apply for Incorporated Societies status under the name ‘Friends of Te Ra Community Park’ (FOTR). When the incorporated society registration has been attained the FOTR would like to enter into a lease agreement with the Council for the land at 38 Waipapa Avenue.
- 3.4 The FOTR have submitted a proposal and a landscape concept plan in support of their request to lease the land. The FOTR intends to maintain the site and apply for funding grants to develop the land as proposed in the landscape concept plan, at no cost to the Council.

- 3.5 Key elements underpinning the report recommendations include:
- 3.5.1 FOTR's proposal represents a strong desire of the local community to retain the land as a community park.
  - 3.5.2 The level of consultation undertaken with the community justifies dealing unilaterally with FOTR.
  - 3.5.3 The criteria for retaining the property for an alternative use has been satisfied (refer paragraph 5.41 below), and;
  - 3.5.4 The Parks Unit is prepared to sponsor the FOTR and their proposal as asset owner.

#### 4. Alternative Options Considered

- 4.1 **Option 2 – Decline the request to grant a lease to FOTR and sell the land (Not preferred)**
- 4.1.1 **Option Description:** Discontinue lease discussions with the FOTR and proceed with the resolution declaring the land surplus to requirements and placing the land up for sale.
  - 4.1.2 **Option Advantages**
    - The Council would receive some net income from the sale of the land.
    - The Council would devolve itself of an asset deemed surplus for disposal.
  - 4.1.3 **Option Disadvantages**
    - The local residents and Community Association who have come together and demonstrated their desire to maintain and develop the land will be significantly disappointed.
    - The community has prepared a proposal and plan for the land, with a way to maintain and develop the site at no cost to the Council.
    - This option would be in conflict with the Council's Community Outcomes particularly Strong Communities, Liveable City and Healthy Environment.
    - This option would likely precipitate strong community objections, which would reflect poorly on the Council.
- 4.2 **Option 3 – Discontinue lease discussions with the FOTR and the Parks Unit takes over the maintenance and development of the land (not preferred)**
- 4.2.1 This option was ruled out as the Parks Unit have assessed this land as being over and above the open space/parks Levels of Service for the local community due to the close proximity of other parks and open spaces. The Parks Unit do not have an operational budget for the maintenance or capital funding for the development of this land.
- 4.3 **Option 4 – Seek formal proposals from any other interested parties via a request for proposal (RFP) (not preferred)**
- 4.3.1 This option was ruled out as potential interest from community groups has been canvassed through the land disposal process. Development of the land for other activities (e.g. residential) would require the land to be sold (as Council does not typically assume the role of developer) which would draw significant opposition from the local community, would involve a time-consuming and costly process and would be unlikely to provide a more sustainable, community focused outcome.

## 5. Detail

### Background

- 5.1 Situated on the corner of Waipapa Avenue and Te Ra Crescent in Diamond Harbour, the Council owned fee simple land at 38 Waipapa Avenue is described as Lots 55 and 56 DP 4319 (CB5C/696 and 697) and comprises a relatively flat section of some 2,010 square metres. There are no buildings on the unfenced site, which forms an open space area with a woodland of mixed exotics and native trees, an understorey of grass with a few flax and other flora and fauna biodiversity values.
- 5.2 The land is not held as a reserve and is not therefore constrained by the provisions of the Reserves Act 1977. Other nearby Council parks include the 6,500 square metre Kirk Park that incorporates two tennis courts and associated building, a petanque court, children's play gym structure and landscaped grounds.
- 5.3 The land (asset) was previously 'owned' and used by the Council's Three Waters and Waste Unit (3WW) as a site for a reservoir. However, it was decommissioned and removed a number of years ago. The site is now surplus to 3WW's operational requirements.
- 5.4 At the 12 May 2016 Council meeting the Council (**CNCL/2016/00242**) resolved to adopt a process for reviewing Council owned properties that are no longer being required or utilised for their intended purpose and to determine their future use (ie retain, declare surplus, sell) in consultation with the relevant Community Board.
- 5.5 Following a series of workshops to consider the future use options for a number of properties within its area, the Banks Peninsula Community Board received a resolution from the Council (**CNCL/2019/00069**) to declare 38 Waipapa Avenue surplus for disposal subject to:
  - *Circulating the property internally within Council to determine that there is no other alternative public use.*
  - *Information on the proposal to dispose of the property being circulated via the Diamond Harbour Community Association (DHCA) to the local community.*
- 5.6 The land was subsequently offered to all Council infrastructure Units in October 2019 but no alternative public works uses were discovered. This included the Parks Unit which confirmed that the land was not required as there is a park and open space within a 500 metre radius of the land that meets the LTP Parks Levels of Service for open space/reserves for the immediate neighbourhood.
- 5.7 The DHCA notified the local community of the Council's intention to sell the land by way of a notice in the June 2019 issue of the Diamond Harbour Herald, in response to which local residents met to discuss the future of the land.
- 5.8 A residents meeting was held on 26 June 2019 supported by the DHCA and attended by 52 residents who opposed the Community Board's decision to dispose of the land. Ninety four percent of attendees supported retaining the land as open space / greenspace, and the proposal to name the land 'Te Ra Community Park'. The remaining 6% of attendees preferred the land be used as a community vegetable garden or for pensioner housing. These two suggestions were not supported by the majority of the residents due to the unsuitability of the land.
- 5.9 With a view to representing the views of the community the 'Friends of Te Ra Community Park' group (FOTR) was formed and a proposal prepared outlining the community's desire to assume responsibility for maintaining and developing the land as an open space park.

### Opportunity – Friends of Te Ra Community Park Incorporated

- 5.10 On 11 November 2019 the FOTR, including a representative from the DHCA, met on-site with Council staff from the Parks Unit and Property Consultancy Team. The purpose of the meeting was to discuss the residents' vision for 38 Waipapa Avenue and how the site could be maintained and developed by the community group without financial assistance from the Parks Unit. The Parks Unit do not have an operational or capital budget for the land.
- 5.11 Council staff stressed to the residents that there is no funding in the Council's LTP to maintain or develop the land. The staff preference is for the FOTR to register as a Charitable Trust or Incorporated Society so they could enter into a ground lease with the Council for the ongoing maintenance and development of the land.
- 5.12 Charitable or Incorporated Society status will enable the community group to apply for external grants and sponsorship to fund the future maintenance and development of the land, such as Council grants, Lotteries, RATA, DHCA.
- 5.13 The FOTR submitted to Council a proposal dated 20 November 2019 outlining its interest in maintaining and developing the land (refer **Attachment A**). Key elements of the proposal include the following:
- The proposed name for the land is 'Te Ra Community Park'.
  - The residents group refer to themselves as 'Friends of Te Ra Community Park' (FOTR) and represent the local community including the Diamond Harbour Community Association.
  - FOTR intend to apply for Incorporated Society status under the name 'Friends of Te Ra Community Park'. As such, the FOTR would abide by the incorporated society rules and regulations in accordance with the Incorporated Societies Act 1908.
  - FOTR would be responsible for raising and managing funds to maintain and develop the land in accordance with their incorporated societies' objectives as outlined in their proposal.
  - FOTR will be responsible for the care, conservation, enhancement and maintenance / development of the land, subject to the satisfaction of its members and management requirements of the Council.
  - FOTR are committed to entering into a lease on terms and conditions required by, and acceptable, to the Council.
  - A request from FOTR to the Board to: acknowledge the history of community interest in the land; recognise the importance of the greenspace and other use values of the land to the recreation, ecology and visitation interests of Te Ra and the wider Diamond Harbour community; recognise FOTR as a viable and durable community group with a genuine interest in retaining and caring for the land, and; remove the site from the schedule of land declared surplus for disposal.
- 5.14 FOTR subsequently made a deputation to the Board in December 2019 outlining its interest in, and proposal for, maintaining and developing the land as 'Te Ra Community Park' (**BKCB/2019/00161**). The Board requested staff to provide further information on proposed planting requirements (refer paragraphs 5.16 to 5.22 below).
- 5.15 The Parks Unit reviewed FOTR's proposal for the site and consider it represents a sustainable and authentic commitment to the future maintenance and development of the land.



### Draft Landscape Plan - Friends of Te Ra Community Park

- 5.16 The stated primary purpose of FOTR is to *'retain the unique woodland greenspace character of the site, without built structures excepting to delineate the proposed park from the road...(and)...to confirm...and enhance the existing use values in accordance with our concept plan'*.
- 5.17 FOTR has proposed a draft landscape plan for the development of the site (refer **Attachment B**). The plan shows the use of different areas of the site, with areas set aside for recreational activities and different types of plantings.
- 5.18 The plan has indicated three main areas for future planting and for each of these areas FOTR have provided an indication of the likely types of suitable plant species, subject to approval by the Council's landscape architects:
- East boundary - native planting such as: Oleria, Coprosma, Griselinia, Flax, Pittosporum, Dodonaea.
  - West boundary - garden bed running parallel to Waipapa Avenue planted with large trees, plants such as: kowhai (Sophora), Southern Rata (Metrosideros), Lacebark (Hoheria), Totara (Podocarpus), Beech (Nothofagus), Field Maple (Acer), Ribbonwood (Plagianthus).
  - Southern boundary – Fruit and Nut Trees, such as: apple, apricot, almond, hazelnut, pear, peaches.
- 5.19 FOTR invited Colin Meurk and Smissen Rob of Landcare Research Lincoln to comment on the draft landscape plan. They suggested:
- A solid area of native bush planting to provide habitat as proposed in the northeast triangular area of the site;
  - A rock garden and possibly an area of lizard habitat, and;
  - The removal of invasive plants (plum tree and cotoneaster) and (two) unhealthy silver birch trees.
- 5.20 These suggestions will be considered further with Council landscape architects as the landscape plan is refined and developed.
- 5.21 A planting plan will be the next stage in the planning for the development of the site. This plan will provide more details on the plants proposed and will need to be approved by the Council's landscape architecture staff to ensure the plant species are appropriate to the site in terms of: locality (soil type, moisture levels, exposure to wind and sun); site (distance from boundaries, suitable for recreation activities) and; function (reason for selecting the plant in relation to shade, attract birds, screen structures, and environment for invertebrates).
- 5.22 The proposed provision of a low height post and wire fencing around the perimeter of the park will prevent the current practice of cars parking on the land and reduce the related fire risk during the drier summer months.

### Asset Ownership

- 5.23 As the property is surplus to the previous asset owners operational requirements (Council's 3WW Unit), temporary 'ownership' of the asset resides with the Property Consultancy Unit who effectively act as a staging post while the future use of the property is resolved, i.e. it is either declared surplus to the Council's public works requirements and sold or an alternative public use is established (i.e. a park) and the property is transferred to an asset owning unit (i.e. the Parks Unit).

- 5.24 The Parks Unit is prepared to assume the role of asset owner as FOTR appear well organised with a sustainable management proposal that provides a positive community benefit. The Parks Unit's commitment is conditional on FOTR registering as an Incorporated Society, entering into a lease with the Council and assuming full responsibility for funding the ongoing maintenance and development of the park.

### Proposed Lease Agreement

- 5.25 The lease to the Friends of Te Ra Community Park is conditional on them first securing Incorporated Society status. The lease will be granted in favour of 'Friends of Te Ra Community Park Incorporated Society' (the Society).
- 5.26 The Council has granted Community Boards the delegated authority to grant leases to voluntary organisations over parks for a maximum term of 35 years (less one day). As the Council will effectively relinquish day-to-day control of the activities on the land it is proposed that the Society is granted an initial lease for 5 years with two 10 years rights of renewal.
- 5.27 The annual rent will be a nominal \$1 per annum with yearly reviews for the purposes of Council monitoring the ongoing activities of the Society with regard to the agreed landscape plan and associated requirements.
- 5.28 The lease agreement will set out the responsibilities of the Society and the Council and will incorporate current legislation including health and safety requirements.
- 5.29 The Society will be responsible for all costs associated with maintenance and development of the land including rates, insurances, fire service charges and so on.
- 5.30 The land is to be considered a park for the purposes of section 138(2) of the Local Government Act 2002 (LGA).
- 5.31 Should the terms of the lease fail to be met, or if the Society wish to relinquish its lease at any time, there is no expectation that the Council will retain the land.
- 5.32 As the community has been widely consulted with regard to the future use of the land it is considered that the consultation requirements of section S138 LGA have been satisfied with regard to the Council's intention to grant a lease to the Society.

### Unilateral Dealing

- 5.33 Where there is only one logical lessee for a property, the Council may deal unilaterally with that entity. This includes leases to not-for-profit organisations on parks.
- 5.34 There are a number of matters that need to be considered when contemplating a unilateral dealing (refer to **Attachment C**).
- 5.35 The granting of a lease to FOTR (the Society) recognises the services that have been offered by the Society and supports the purpose for which the land is to be held.
- 5.36 This proposal does not depart from the considerations as outlined in the attachment to this report and staff believe that it would be appropriate for the Board to approve the lease to the Friends of Te Ra Community Park Incorporated Society.

### Previous Decisions / Ngā Whakatau o mua

- 5.37 A Council resolution of 12 May 2016 (**CNCL/2016/00242**) initiated a process for reviewing with the Community Boards Council properties that are no longer required, or being utilised, for the purpose that they were originally purchased.
- 5.38 Following the 15 April 2019 meeting of the Banks Peninsula Community Board the recommendations to Council (**BKCB/2019/00036**) arising from that meeting were amended prior to the Council meeting dated 9 May 2019. Within that amended report to the Council the



Banks Peninsula Community Board recommended to the Council that it noted the following outcomes arising from several prior workshops with the Board, notably:

- g. *Reservoir - 38 Waipapa Avenue*
  - i. *Recommendation: Option 2 – Declared surplus for disposal.*
  - ii. *Recent workshop outcome 28 January 2019: That the community Board is not aware of any alternative public uses for the site, but acknowledges the community may desire the property be retained as open space. Parks are therefore requested to reconsider whether this property should be retained for that purpose.*

5.39 As a result the Board recommended to the Council that it pass the following resolution:

- a. *Declares the following properties surplus for disposal.*
  - i. *Reservoir – 38 Waipapa Avenue subject to:*
    - *The property being circularised internally within Council to Determine there is no other alternative public use.*
    - *Information on the proposal to dispose of the property being circulated via the Diamond Harbour Community Association to the local community.*
- b. *Grants authority to the Property Consultancy Manager to:*
  - i. *Determine at his discretion satisfaction of the “subject to” conditions.*
  - ii. *Commence the sale process for the properties set out in the resolution above in accordance with Council’s normal practices and policies (including unilateral dealings where a tender is not practical).*
  - iii. *Conclude the sale of these properties on the best terms considered available, as supported by valuation advice and in consideration of other factors including marketing and market dynamics, including if the minimum price is not achievable by tender then the property may be sold by private treaty.*
  - iv. *To do all things and make decisions at his sole discretion that are necessary to give effect to this resolution.*

5.40 The Te Pātaka o Rākaihautū/Banks Peninsula Community Board Report to the Council meeting of 9 May 2019 resolved:

**CNCL/2019/00065** - that the Council:

1. *Receive the Community Board report for April 2019.*
2. *Endorse the Community Board working to achieve a holistic, co-ordinated approach to the Banks Peninsula area including reference to, but not limited to, recreation, ecology and visitation.*

**AND**

**CNCL/2019/00069** - that the Council resolved as per paragraphs 4.42 and 4.43 above.

5.41 The decision affects the following Community Board areas:

5.41.1 Diamond Harbour

### Retaining the Property for an Alternative Use

- 5.42 The decision to revoke the existing resolution declaring the property surplus for disposal is conditional upon staff and the Community Board engaging in a process that identifies an alternative public use that:
- Can be rationalised.
  - Satisfies a clearly identified need.
  - Is supported by a sound and robust business case.
  - Supports Council strategies.
  - Has established funding in the Council's annual and long term plans.
  - Has an identified sponsor, i.e. end asset owner (titular internal owner) / sponsor who supports retention for an alternative public use and holds an appropriate budget provision within the LTP.
- 5.43 The Community Board is delegated the authority to make (and recommend to the Council) a retention decision for an alternative use as long as all of these conditions are met to its satisfaction.
- 5.44 Based on the information detailed in this report it is the view of staff that these conditions have been met in this instance.

## 6. Policy Framework Implications

### Strategic Alignment

- 6.1 The request from FOTR to remove this land from the Council's land disposal list and to enter into a lease agreement with FOTR once they are registered as an Incorporated Society demonstrates the Council's willingness to strengthen community involvement, encourage healthy lifestyles through a healthy environment towards creating a liveable city.
- 6.2 This report supports the [Council's Long Term Plan \(2018 - 2028\)](#):
- 6.2.1 Activity: Parks & Foreshore
- Level of Service: 6.8.1.1 Parks are provided managed and maintained in a clean, tidy, safe, functional and equitable manner- (Provision) - Community Parks:5.9 ha/1000 people

### Policy Consistency

- 6.3 The decision is consistent with the Council's Plans and Policies.

### Impact on Mana Whenua

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

### Climate Change Impact Considerations

- 6.5 The recommendation to retain the land and lease to FOTR assists with maintaining a green canopy for the community and city through the retention of the green open space.

### Accessibility Considerations

- 6.6 There are not anticipated to be any significant changes to access to the land if it is leased to FOTR.

## 7. Resource Implications

### Capex/Opex

- 7.1 Cost to implement the preferred option – limited to the cost to prepare and register the lease (estimated at \$1,500).
- 7.2 Maintenance/Ongoing costs – the lease to FOTR will include their responsibility for maintenance and on-going costs of the leased land.
- 7.3 Funding Source – the implementation of the lease agreement is covered by the Parks Units planning operational budget.
- 7.4 Impact on Rates – neutral (Rent is \$1.00pa). Rates payable by FOTR.

## 8. Legal Implications

### Statutory power to undertake proposals in the report

- 8.1 The following decisions are delegated to the Community Board with reference to the Delegations Register (December 2019) Part D Sub-Part 1 – Community Boards:
  - 8.1.1 Approve and adopt any new landscape development plans for parks and reserves provided the design is within the policy and budget set by the Council.
  - 8.1.2 To determine the name of any reserve and to determine the change of name of any reserve, i.e. 'Te Ra Community Park'.
  - 8.1.3 To grant leases or licences for a maximum term of 35 years to any person or body over parks, and to authorise staff to sign all required documentation.

### Other Legal Implications

- 8.1 The legal consideration is the delegated responsibilities to the Community Board to implement the staff recommendations of the report.
- 8.2 This report has not been reviewed and approved by the Legal Services Unit.
- 8.3 The Legal Services Unit will prepare and register the proposed Deed of Lease to FOTR.

## 9. Risk Management Implications

- 9.1 There are no significant risks with this decision.
- 9.2 There are minor risks, which can be appropriately mitigated within the terms and conditions of the lease agreement, such as failure of the FOTR to maintain and develop the land as per the approved landscape plan.

## Attachments / Ngā Tāpirihanga

No.	Title	Page
A <a href="#">↓</a>	Proposed Te Ra Community Park 20 Nov 2019 Final	53
B <a href="#">↓</a>	Te Ra Indesign Draft Plan Aug 2019(2)	61
C <a href="#">↓</a>	Factors to consider when dealing Unilaterally	63

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

Document Name	Location / File Link
Not Applicable	

## Confirmation of Statutory Compliance / Te Whakatūturutanga ā-Ture

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.

## PROPOSED 'TE RA COMMUNITY PARK' DIAMOND HARBOUR

*Refers to 'the Site', Lots 55 & 56, corner of Te Ra Crescent & Waipapa Avenue, Diamond Harbour*

Our community Te Ra Park proposal has gratefully received guidance and support from Felix Dawson (previous term, Board Councillor) and Christchurch City Council Staff, Barry Woodland (Property Consultant) in collaboration with Russel Wedge, Kate Russell, and Kerri Bowen (all of Parks management).

Said Council staff on 11 November met on Site with three core representatives of our community plus one person from our Diamond Harbour Community Association. The purpose of this meeting was for Council staff to gain a greater sense for the Site, the proposed project, and our Team and community, including how we intend taking durable responsibility for the Site.

We the proposed 'Friends of Te Ra Community Park' therefore come to the Banks Peninsula Community Board/Christchurch City Council with the 'in-principle' backing of Council staff regarding our general intentions and proposals for the Site, and based on certain conditions being met regarding the sustainability and ongoing commitment of the proposed 'Friends of Te Ra Community Park' to the development and maintenance of the Site, which will be subject to subsequent discussion with, and review by, the Parks team.

### Friends of Te Ra Community Park asks the Banks Peninsula Community Board/Christchurch City Council to:

1. Remove the Site from the Schedule of land 'Declared surplus for disposal' as recommended by the Banks Peninsula Community Board, 19 April 2019.
2. Acknowledge the history of community interest in the Site including decisions of the former Banks Peninsula District Council (**Appendix 1**).
3. Recognise the greenspace and other use values of the Site being important to the recreation, ecology, and visitation interests of the Te Ra and greater Diamond Harbour communities, and others.
4. Recognise 'Friends of Te Ra Community Park' as a viable and durable community, with a genuine interest in retaining and caring for the Site.
5. Agree to enter into a lease agreement with the 'Friends of Te Ra Community Park' as an incorporated society to maintain and develop the Site once the sustainability and ongoing commitment of the group has been established to the satisfaction of Council staff and that any required statutory or legislative issues have been considered and resolved.

### 1. Community Process

In the June 2019 Issue of the Diamond Harbour Herald the Diamond Harbour Community Association posted an item informing the community that Lots 55 & 56, corner of Te Ra Crescent and Waipapa Avenue (the Site), had been included in a schedule for disposal of land, but subject to consulting with the community to determine if there are community use values and interest to warrant retaining the Site.

Residents in the immediate area of the Site responded and undertook a door knocking canvass and letterbox drop of a flyer to other residents in Waipapa Avenue and Te Ra Crescent and adjoining street and crescents. An invitation to a meeting was sought to discuss peoples interests and choices, and otherwise some 52 residents had recorded their indication of what they would want for the Site. All such

Friends of Te Ra/A B Daly

Proposed Te Ra Community Park

20 November 2019

indications were further explored at the said meeting, and if appropriate, how we could demonstrate taking responsibility for the Site's care, improvement and maintenance.<sup>1</sup>

Two community meetings have been held to date, attended respectively by 13 and 17 residents.

At our first meeting a strong primary preference (94% of 52 residents) supported not to dispose of the Site, but instead that Council retain it as greenspace, for which there was also a clear further indication of sub-preferences for this greenspace. The remaining primary preferences (6%) for use of the Site were as a community vegetable garden or for pensioner housing, but these were discounted on the grounds of questionable suitability. See *Summary of Site Use-Value Preferences* (**Appendix 2**)

Our meetings have been attended by Cherie Taylor our local Arborist (treekind.nz), and our second meeting was also attended by Ben Cole our local Landscape Architect.

- With Ben's expertise we produced a rough draft concept development plan for the Site, and for which Ben has subsequently considered, consulted, and redrafted to scale, and is here presented as **Attached**.
- Cherie is to undertake a survey and prepare a state of the Site baseline report, identifying features, fauna (e.g birds, skink) and plant numbers, species, and health.

We also discussed how to demonstrate responsibility for the Site, including possible agreement mechanisms with Council, such as a memorandum of understanding, or charitable trust, or covenant, or forming an incorporated society. Charitable trust and Incorporated society choices were given further attention, and subsequently the latter was determined to be the best fit for our community. The main purpose of setting up as an incorporated society is to enable the Council to lease the site to us, as and when a sustainable business model has been approved by Council.

*Ranginui, the sky father, was torn away from Papatūānuku, earth mother, and formed the vault of the heavens. When Māori looked up at the sky they saw the **sun god, Te Rā**, whose journey was slowed by the legendary Māui.*

A name for the Site 'Te Ra Community Park' and for ourselves 'Friends of Te Ra Community Park' were determined.

Community interest in retaining the Site is strong today, as it was in 2008, and has been at least as far back in time as 2004.

## 2. Greenspace and Other Use Values

The following use values and features of the Site have been observed:

- Local children climbing trees, riding their bikes, using a swing from the trees, engaging in safe and unsupervised play.
- Native birds including wood pigeons, bell birds, fantails, grey warbler, and wax eyes, attracted to the Sites sense of habitat including safety and nesting, native trees and other flora.
- Native Common Skink lizards (Threatened species) have in the past been observed basking on rock boulders, although these may no longer be present.

<sup>1</sup> We are mindful that since the Earthquakes and the creation of red zone greenspace, that increased Council responsibility for maintenance of greenspace could be relieved by communities such as ours in Diamond Harbour. As social, economic and environmental concerns increase, ordinary, or communities of, people cannot wait and expect always for governments to act on our behalf, and instead must increasingly need to be empowered and to take responsibility where and when possible



- A significant number of native trees amongst other non-native plantings. Amongst these are two eucalyptus, which being the highest trees in this residential area are a natural stopping off point for birds.
- Provides a greenspace landscape in a suburban area. The heights of the trees form a natural escarpment with other trees close by. The reserve also includes a number of large boulders, which add to the amenity value of the reserve.
- Old steel rimmed and spoked wheel chassis which could be integrated into a greenspace setting, e.g. visitor seating.
- People with dogs walking through; and people preferring to walk through trees rather than on the road, and dwell on route to enjoy the trees, flowers and fungi, and birdsong.
- The trees, especially the two large eucalypts, expand the feeling of space, light, and bush experienced by the people living in properties overlooking and adjacent to them.

New Zealand has a history of substantial modification of our natural environment through development of land and waterways, the result being loss of indigenous flora and fauna habitats and species biodiversity, with numerous species on the national threatened list. And then there is the current climate crisis for which substantial investment in replanting is one of the best tools we could engage to address it. Further, New Zealand is losing some of our finest urban trees, even if impressively large and exotic (e.g. eucalypt), at such a pace that tree advocates are calling it a crisis.

<https://www.stuff.co.nz/environment/112898870/the-aotearoa-chainsaw-massacre?cid=app-iPhone>

In the Christchurch District, we need to do our part to shift the balance in favour of protecting and enhancing our natural environment, where and when we can. Areas of natural values such as this Site in Diamond Harbour need to be protected for the benefit of people and our wildlife while we have them, rather than allowed to be irreversibly developed for private good.

These properties form an important part of local greenspace for us, our children and our native wildlife.

It is therefore our hope on the basis of strong community interest that the Site is conserved for its greenspace and other use values, and that the Council gives attention to a review of its recent decisions as well as being mindful of the decisions of the former BPD Council (**Appendix 1**).

### 3. A Unique Greenspace Site

The proposed Te Ra Community Park or Site is like no other in Diamond Harbour. Essentially it is a flat to gently sloping small area (less than 0.5 acres/2005m<sup>2</sup> plus road reserve ~0.17 acres/~695m<sup>2</sup>; <8m wide verge) woodland of mixed exotic trees (dominated by two mature eucalypts and eleven silver birch) and native trees (Mahoe, Kohuhu, Akeake, Ngaio, Te Kouka, Makomako, Houhere, etc) in an understorey of relatively unmanaged grass and a few native flaxes (Phormium sp).

The nearest reserve to this Site is the Norman Kirk Memorial Park (~1.6 acres/6500m<sup>2</sup>) located further up Waipapa Avenue. This Park is largely gently sloping and consists of groomed grass lawn with four stand-alone European trees of modest height and a relatively modern children's play gym structure. Otherwise the Park is landscaped to near flat ground close to the road where there are structures that have been built (two standard sized tennis courts and associated building, and a Pétanque Court (100 m<sup>2</sup>). In from the Park border with the road are several Kohuhu trees (Pittosporum tenuifolium).

### 4. Our Community Primary Purpose

The proposed 'Friends of Te Ra Community Park' primary purpose is to retain the unique woodland greenspace character of the Site, without built structures (cf. Kirk Park) excepting to delineate the

Friends of Te Ra/A B Daly

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proposed Park from the road using spaced short posts or similar (e.g. rocks). Our further intention would be to conserve the use values as identified (Sections 2 & 3) and to enhance these use values in accordance with our concept development plan as proposed.

## 5. Management & Implementation of the Proposed Development Plan

The following is described on the assumption that the most appropriate mode of management of this proposed community park will be an incorporated society in accordance with the Incorporated Societies Act 1908, and therefore the following preliminary management structure and rules are presented, mindful that if given the confidence of the Council to proceed, these will be more comprehensively and democratically defined:

### Names

The incorporated society name will be 'Friends of Te Ra Community Park' (herein 'the Site').

### Principle/Kaupapa

The Society recognises the Treaty of Waitangi/Te Tiriti o Watangi Partnership in the management of Te Ra Community Park.

### Objectives

In collaboration with the Christchurch City Council the Friends of Te Ra agrees to have responsibility for the care, conservation, and enhancement of Te Ra Community Park to:

- meet the satisfaction of its members, in accordance with the ecological and recreational use values represented in the proposed development plan and described in Sections 2, 3 & 4, and any evolution, enhancement, and or additions to these use values; and
- have regard to the views of the wider Diamond Harbour community.

### Core Membership

Some 53 residents local to the Site are keen to retain it as greenspace. First meetings were attended by up to 18 residents. The Incorporated Societies Act requires a minimum of 15 witnessed signatory members, which is likely to reduce to 10 such members in accordance with the current amendment to the Act due to become enacted and hence operative in late 2020.

The basis for new memberships and the rights of membership would need to be determined by the existing membership.

### Community Meetings

First Meeting held would be a Special General Meeting to determine:

- the date for Annual General Meetings (timely for any required treasury financial and audit reports as needed);
- a management committee from the list of interested members, and powers of this committee;
- the required quorum for general meetings;
- membership rights & annual fee;
- funding, and financial arrangements;
- vision-outcomes-obstacles
- means of communication with members (including social media); and
- frequency and purposes of working bees, and social events.



Second meeting held would be to project manage (materials, labour, costs, and schedule,) and action/implement our Proposed Site Enhancement & Maintenance Plan (see doc *First Steps WP*). The first stage of implementation would be to create a border with the adjacent roading to keep standard vehicles from the Site, but with a dedicated & secure vehicle point of entry and access to undertake maintenance work as required.

Other meetings would be held, as necessary, to plan and arrange for working bees for Site enhancement, and thereafter for Site maintenance.

- Some tasks may require contract outsourcing, such as arborist work, grass cutting, and pest management. The means to control pests would need to be agreed by members and with Council.
- It will be important in dry seasons to have a reliable source of water to sustain Site plant-life, and to support professional actions to extinguish any fire hazard should such arise.

Rules of the Society would include other matters including a common seal, addressing future amendments to the society constitution as required, means to resolve disputes arising, and how to manage the dissolution of the society including allocation of any assets, should this arise. These last two rule requirements are expected to be made mandatory in the 2020 Amendment to the Act. It is expected that no other changes in the Amendment will be relevant to 'Friends of Te Ra Community Park'.

## APPENDIX 1: Council Decisions

### Recent Christchurch City Council Decisions

Christchurch City Council Decision 6 July 2016 (Operative 19 Sept 2016) that Designation C34 (Water Reservoir – decommissioned in 2007-8) to be removed from Planning Maps 59 and R1.

Banks Peninsula Community Board meeting of 15 April 2019, the Board recommended that the Site, be placed on the schedule 'Option 2 – Declared surplus for disposal' on the basis of a workshop, 28 January 2019 which determined that "the Community Board is not aware of any alternative public uses for the site, but acknowledges the community may desire the property be retained as open space. Parks are therefore requested to reconsider whether this property should be retained for that purpose."

Christchurch City Council meeting, 9 May 2019, the Council Resolved, CNCL/2019/00065, that the Council (1) Receive the Community Board report for April 2019; and (2) Endorse the Community Board working to achieve a holistic, co-ordinated approach to the Banks Peninsula area including reference to, but not limited to, recreation, ecology and visitation.

### Former Banks Peninsula District Council Processes, Events, & Decisions

#### 2015 - Christchurch City Replacement District Plan; to include Banks Peninsula

Submission on Stage 2 & 3 Open Spaces Proposal for Christchurch Replacement District Plan 2015

*Submitter: A B Daly*

*Date of Submission: 26 January 2016*

#### 2010 - 2014 Christchurch Earthquakes & Recovery

#### 2008 - Stoddart Point and Coastal Reserves Management Plan

Letter Grant MacLeod, Recreation Planner, City Environment Group, Christchurch City Council 4 April 2008 *Acknowledging submission and referring to the development of the draft management plan.*

Submission (31 March 2008) on the Stoddart Point and Coastal Reserves Management Plan

Submitter: Diamond Harbour sub-community (signed by 42 residents of Te Ra Crescent & Waipapa Avenue and adjoining street and crescents).

#### 2006 - Amalgamation of Banks Peninsula District into the Christchurch City District

#### 20 July 2005 - Banks Peninsula District Council Ordinary Meeting Minutes Item 8.1.2

Chair Jolliffe advised the Council had advised the Lyttelton/Mt Herbert Community Board to review a 2004 Council decision for The Site [Lots 55 & 56] and the need for pensioner housing.

The Board determined that the use of the Site for pensioner housing (1) as a 'need' was questionable and needed further investigation; (2) as 'suitable' was also questionable; and (3) support from locals for the properties [the Site] to be used as reserves was strong, and would be unlikely to support its use for pensioner housing.

Chair Jolliffe further advised that should the Council wish to make this land into a reserve, that it has the Boards support as they believed it would sit well with the reserves already there.

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It was resolved that the Board accept the decision of the Council that [the Site] be made into reserves in terms of the Reserves Act 1977 Section 14.

*Letter 4 July 2005 from B R Gardiner Reserves Manager Banks Peninsula District Council advising that the Council “had decided to take each property [Lots 55 & 56] from the schedule of reserves to be considered for disposal and evaluate each property with the intention of making them into classified reserves for gazettal ...The process for making each property into Recreation Reserves has commenced and Council will be finalising this in the near future.”*

#### **8 June 2005 Ordinary Council Meeting Minutes Item 26**

Council Decision/Resolution that said 5 properties [reserve sites] including the Site be removed from the Reserves Disposal Schedule.

#### **27 April 2005 Banks Peninsula District Council Meeting**

Council Decision/resolution (1) not to dispose of listed reserves/sites including the Site, and revisit the disposal schedule in 2-years' time; and (2) that reserves/sites listed be evaluated by staff for gazetting as reserves and a report prepared for Council (this was cited in said actual Report, by BR Gardiner, to accompany Item 26 in Minutes for Ordinary Council Meeting 8 June 2005).

#### **2005 - Banks Peninsula District Council Rationalisation of Reserves Process**

*Community submissions received including from A B Daly & L J Haslam (10 Te Ra Crescent)*

#### **2004 (no exact date given) - Banks Peninsula District Council meeting**

Council Decision/Resolution to use the site for pensioner housing (reference cited in Ordinary Meeting 20 July 2005 Minutes Item 8.1.2; see below for details and new outcome).

#### **23 March 2004 Letter from B R Gardiner, Reserves Manager, Banks Peninsula District Council to residents in Diamond Harbour**

Letter advising that Council was considering its reserves including a “Water Reservoir Reserve” corner Waipapa Avenue and Te Ra Crescent, in a rationalisation process to dispose or maintain.

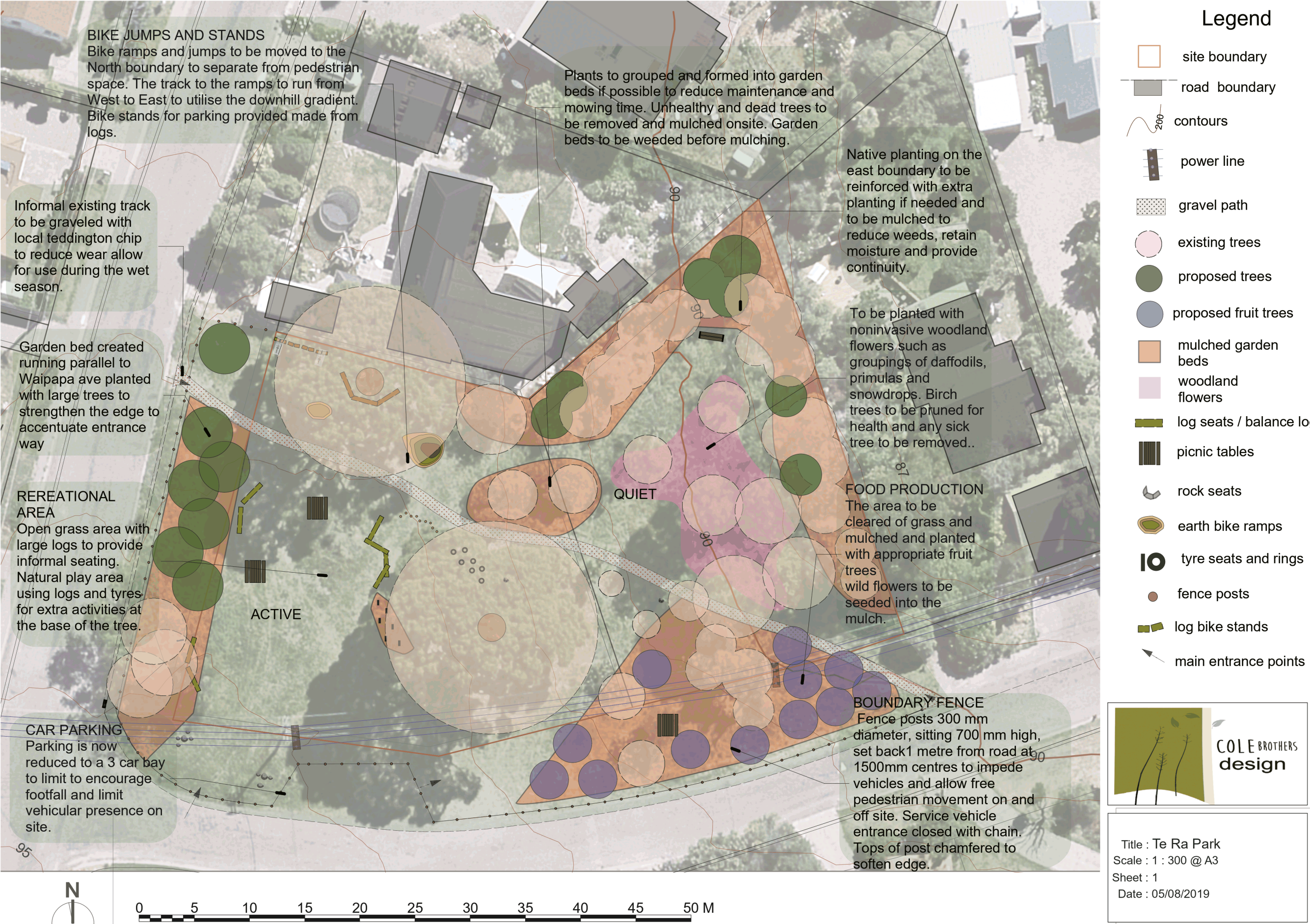
**APPENDIX 2: Summary of Site Use-Value Preferences** (Friends of Te Ra Community Park, Meeting Wed 26 June 2019)

Number of community members at Wed 26 June Meeting	13	<b>The Site</b> <b>Corner Waipapa Ave -Te Ra Cres Diamond Harbour</b>	
Number of residents with a use value interest	48		
<b>Community Primary Preference</b>		<b>Community Secondary or Sub-preference</b>	
Retain as greenspace	39	... and, as open space reserve/public-community use/recreation	18
		... and, as eco wildlife space, nature garden, place to forage	10
		... and, community takes responsibility [maintenance]	5
		... and, leave as is	5
		... and, have natural paths, play space, seats, and for picnicking	3
		... and, maybe plant fruit trees; wild flowers	4
		... and, as a dog park	2
		... and, include a community vegetable garden	1
		... and, is community owned	1
		... and, skate park	1
Retain for community use	6		
Community vegetable garden only	3		
[Retirement single occupancy residence] Whiteboard	[1]		
<b>** There is also another Diamond Harbour community interest group looking to identify a site for a community vegetable garden; six members of this group met on Saturday 29 June to discuss, and were then aware of this Site, and the community consultation process herein.</b>			

**Further Ideas from General Brainstorm Discussion - Whiteboard:**

- Preserve the character of the landscape; eco reserve; significant trees
- Cut through diagonal track; sign-posted to connect with starts of other tracks in the greater area.
- Natural log seating.
- Designed large rock and or log defined boundary; and carpark.
- Reduce the area of grass maintenance.
- Working bee's – fire prevention; removal of unstable tree branches
- Retirement single occupancy residence









0 5 10 15 20 25 30 35 40 45 50 M

Title : Te Ra Park  
Scale : 1 : 300 @ A3  
Sheet :2  
Date : 05/08/2019



3 Waipapa ave entrance way



4 Forest glade



5 Food forest



6 Car park



## RISINGHOLME COMMUNITY CENTRE LEASE

### FACTORS TO CONSIDER WHEN DEALING UNILATERALLY

- 1.1 The Council must consider and meet the requirements of section 14 of the Local Government Act 2002 (LGA) in particular:
  - (1)(a) Conduct its business in an open, transparent, and democratically accountable manner,
  - (1)(f) Undertake any commercial transactions in accordance with sound business practices.
  - (1)(g) Ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including planning effectively for the future management of its assets.
- 1.2 The relevant Council policy as recorded in the Council's Policy Register as Property – Leasing Council Property is "where the Council recognises there is only one logical lessee for a public property, the Council will unilaterally deal with that lessee." This includes facilities linked to contracts including but not limited to buildings on parks and reserves and not for profit organisations.
- 1.3 In addition it is useful and supportive to consider the Ministry of Business, Innovation and Employment 'Unsolicited Unique Proposals - How to deal with uninvited bids'; guidance for government entities dated May 2013 that recommends when evaluating an unsolicited proposal it needs to be ensured that there is a sound business case to support the decision to accept the unique unsolicited proposal.
- 1.4 The purpose of the MBIE Guidance on Unsolicited Proposals is to provide a methodology for considering unsolicited proposals in a way that:
  - is transparent and fair to everyone;
  - encourages the supplier community to put forward good ideas;
  - promotes objectivity; and
  - supports decisions based on sound fact and evidence.
- 1.5 Having given consideration to the above factors, it is felt that this is not an unsolicited proposal but rather a continuation of services offered by the Society established for that purpose. It supports effective and efficient use of resources and the prudent management of the Council's assets.

### **Legal Considerations – Accepting the Proposal and Granting a Lease**

- 1.6 There are a number of relevant legal considerations when making a decision about the proposal received and the future use of the property:
- 1.7 Decision Making sections 76 – 82 LGA
  - Section 76 provides that "Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81 and 82 as are applicable". In summary those sections provide:
  - Section 77 a local authority must, in the course of the decision-making process, seek to identify all reasonably practicable options for the achievement of the objective of a decision and in doing so assess the options in terms of their advantages and disadvantages.
  - Section 78 the views and preferences of persons likely to be affected by, or to have an interest in, the matter must be considered.

- Section 79 provides that in considering how to achieve compliance with sections 77 and 78 they must consider the significance of the matter in accordance with its Significance and Engagement Policy.
- Section 80 sets out the matters that need to be clearly identified when making a decision that is inconsistent i.e. the inconsistency, reason for it and any intention of the local authority to amend the policy or plan to accommodate the decision.
- Section 81 provides contributions to decision making by Maori.
- Section 82 sets out the principles of consultation.

Section 78 does not require the Council to undertake a consultation process of itself but the Council must have some way of identifying the views and preferences of interested and affected persons.

- 1.8 Importantly and specific to this property is Section 97 LGA which provides that if the Council is proposing to transfer the control of a “strategic asset” to or from the Council, the Council must not make that decision, unless:
- The decision is explicitly provided for in its LTP; and
  - The proposal to provide for the decision was included in a consultation documents in accordance with section 93E.
- 1.9 The Significance and Engagement Policy sets out the list of “strategic assets”. In particular, the Policy lists as “strategic assets”, community facilities as follows:

*Community Facilities*

- (i) Christchurch Town Hall;*
- (j) Christchurch Art Gallery and its permanent collection;*
- (k) all land and buildings comprising the Council's social housing portfolio;*
- (l) all public library facilities;*
- (m) all parks and reserves owned by or administered by the Council;*
- (n) all public swimming pools;*
- (o) all waterfront land and facilities owned or operated by the Council, including wharves, jetties, slipways, breakwaters and seawalls;*
- (p) cemeteries and listed heritage buildings and structures.*

*“All” or “its” means the asset as a whole.*

- 1.10 Where a “strategic asset” is a network or has many components, decisions may be made in respect of individual components within the network without those components being regarded as strategic, unless such decisions are considered to significantly alter the level of service provided by the Council.
- 1.11 Paragraph 5.39 (p) does not use the word “all”, and it suggests that cemeteries and listed heritage buildings and structures are not treated as a group but separately. In the opinion of Council’s Legal Services, it would be difficult to argue that listed cemeteries and listed heritage buildings and structures are part of a network or have many components.
- 1.12 Therefore it is considered that section 97 applies; this means that the Council can progress the proposal (where it transfers the control of an asset by way of lease) as the LTP stipulates that Christchurch’s culture and heritage are valued, the city’s heritage is conserved for future generations and the public has access to places of scenic, natural, heritage, culture and educational interest.



- 1.13 The Service Plan for Heritage is to be considered in conjunction with relevant Conservation Plans and the LTP includes levels of service supporting the proposed activity:
- The City's heritage and cultural items are maintained and conserved to acceptable standards for current and future generations.
  - Appropriate use of built facilities and are under constant review to protect and enhance, and provide appropriate business use.
  - Buildings are administered by Trusts to promote the building and provide a range of events and displays to inform, and provide enjoyment to residents and visitors is undertaken.
- Through the Service Plan for Heritage, services are in place to provide and manage heritage buildings and structures. This includes leasing areas to community organisations.
- 1.14 The Council's "Leasing Council Property" policy adopted 10 December 2015 was developed to ensure that the Council was "consistent with the principles of legislation and the behaviours expected to prudently manage public property".



## 13. Community Board Representation on Outside Organisations and Committees

Reference / Te Tohutoro: 20/184093

Report of / Te Pou Liz Carter - Community Board Advisor

Matua: liz.carter@ccc.govt.nz

General Manager / Mary Richardson, General Manager Citizens and Community,  
Pouwhakarae: mary.richardson@ccc.govt.nz

### 1. Brief Summary

- 1.1 The purpose of this report is for the Te Pātaka o Rākaihautū/Banks Peninsula Community Board to consider the appointment of Board representatives and liaison persons, and make appointments on behalf of the Council, to local outside organisations and committees.
- 1.2 The Board considered this matter at its 2 December and 16 December 2019 meetings and made appointments at this time (refer to Clause 1.6).
- 1.3 At its 16 December 2019 meeting, the Board requested that staff re-present this report for the Board to review following the by-election in the Mt Herbert subdivision on 18 February 2020.
- 1.2 Community Boards traditionally appoint members to various outside organisations and committees to be the point of contact for those groups. The role of the Community Board Liaison is to enable free flowing two way information sharing between elected members and community organisations. Members thus appointed should use the Members' Information Exchange part of the agenda to provide relevant feedback to the Board.
- 1.3 Generally the Community Board will appoint a Community Board Liaison person to a group that is considered to represent and/or play a key role in projects and issues, and is included in supporting community engagement of the same, to a wider geographic area or specific sector of the community. These projects and or issues will be significant to the ward and relate back to the Council's Long Term Plan, Annual Plan and Community Board Plan.
- 1.4 The Council has delegated to the Banks Peninsula Community Board the power to appoint a member of the Board, or in some cases another person, to some specific bodies. These are listed under section 1 of the Staff Recommendation.
- 1.5 The community groups and bodies concerned will be advised of the appointment of the Board representative, or liaison person.
- 1.6 When this matter was considered at the 2 December and 16 December 2019 meetings the following appointments were resolved:

Appointments on behalf of Council (doesn't have to be a Board member)	
Diamond Harbour and Districts' Health Support Group	Tori Peden
Lyttelton Historical Museum Board	Reuben Davidson
Halswell River Rating District Committee	Pam Richardson
Okains Bay Maori and Colonial Museum Trust	Andrew Turner
Orton Bradley Park Board (3)	Howard Needham Bill Studholme (Community member to continue until the Board reviews these appointments again.)

Summit Road Protection Authority	Tori Peden
<b>Appointments on behalf of Council</b> (must be a Board member)	
Waitaha Primary Health	Tori Peden
Christchurch and Banks Peninsula Biosecurity Advisory Group	Tyrone Fields
<b>Appointment of a representative</b>	
Akaroa Community Health Trust	Nigel Harrison
Banks Peninsula War Memorial Society	Tori Peden and Andrew Turner
Keep Christchurch Beautiful	Tori Peden
Neighbourhood Support Canterbury	Tori Peden
Lyttelton Port Liaison Committee	Tyrone Fields
Stoddart Cottage Trust	Howard Needham
Whaka-Ora Healthy Harbour Community Advisory Group	Tyrone Fields
Takapuneke Co-governance Group	Nigel Harrison
<b>Appointment of a liaison person - Reserve Management Committees</b>	
Allandale Reserve Management Committee	Howard Needham
Ataahua Reserve Management Committee	Tori Peden
Awa-iti Reserve Management Committee	Tori Peden
Cass Bay Reserve Management Committee	Tyrone Fields
Diamond Harbour Reserve Management Committee	Howard Needham
Duvauchelle Reserve Management Committee	Jamie Stewart
Garden of Tane Reserve Management Committee	Nigel Harrison
Le Bons Bay Reserve Management Committee	Jamie Stewart
Little Akaloa Reserve Management Committee	Jamie Stewart
Lyttelton Recreation Ground Reserve Management Cttee	Tyrone Fields
Lyttelton Reserves Management Committee	Tyrone Fields, Reuben Davidson
Okains Bay Reserve Management Committee	Nigel Harrison
Pigeon Bay Reserve Management Committee	Jamie Stewart
Robinsons Bay Reserve Management Committee	Nigel Harrison
Stanley Park Reserve Management Committee	Nigel Harrison
<b>Appointment of a liaison person – Residents Associations</b>	
Akaroa Residents & Ratepayers Association	Nigel Harrison
Cass Bay Residents Association	Tyrone Fields
Charteris Bay Residents Association	Howard Needham
Church Bay Neighbourhood Association	Howard Needham
Corsair Bay Residents Association	Tyrone Fields
Diamond Harbour Community Association	Howard Needham
Governors Bay Community Association	Howard Needham
Lyttelton Community Association	Tyrone Fields

Port Levy Residents' Association	Howard Needham
Purau Residents Association	Howard Needham
Takamatua Residents Association	Nigel Harrison
Wainui Residents Association	Nigel Harrison
<b>Appointment of a liaison person – Community Groups</b>	
Age Concern Canterbury	Tori Peden
Akaroa District Promotions	Jamie Stewart
Akaroa Community Health Advisory Group	Nigel Harrison
Akaroa Resource Collective Trust	Jamie Stewart & Nigel Harrison
Banks Peninsula Conservation Trust	Andrew Turner
Banks Peninsula Water Management Zone Committee	Andrew Turner
Friends of The Gaiety	Nigel Harrison
Grubb Cottage Trust (2)	Reuben Davidson
Little River Community Centre Committee	Tori Peden
Little River Craft Station Trust	Tori Peden
Little River Rail Trail Trust	Tori Peden
Little River-Wairewa Community Trust	Tori Peden
Lyttelton Harbour Business Association	Tyrone Fields
Lyttelton Harbour Information Centre	Andrew Turner
Lyttelton Community House Trust	Tyrone Fields
Lyttelton Recreation Centre Steering Group	Tyrone Fields
Okuti Hall Committee	Tori Peden
Pigeon Bay Community Hall Committee	Jamie Stewart
Project Lyttelton	Reuben Davidson
Summit Road Society	Tyrone Fields
Summit Road Advisory Committee	Tori Peden

- 1.8 Since this matter was considered by the Board in December 2019, the Little River Railway Station Trust and Robinsons Bay Residents Association have requested that the Board appoint a liaison person. These organisations have been included in the officer recommendations below.

## 2. Officer Recommendations / Ngā Tūtohu

That the Te Pātaka o Rākaihautū/Banks Peninsula Community Board review the following appointments to outside organisations and committees for the 2019/22 term:

- Appointment of a member of the Community Board, or other person, to the following bodies, as the Council's representative (or one of the Council's representatives) on that body, and in the case of the Orton Bradley Park Board, three members:
  - Diamond Harbour and Districts' Health Support Group
  - Lyttelton Historical Museum Board

- Halswell River Rating District Committee
- Okains Bay Maori and Colonial Museum Trust
- Orton Bradley Park Board (3)
- Summit Road Protection Authority

2. Appointment of a representative on the following bodies:

- Akaroa Community Health Trust
- Banks Peninsula War Memorial Society
- Christchurch and Banks Peninsula Biosecurity Advisory Group
- Keep Christchurch Beautiful
- Lyttelton Port Liaison Committee
- Neighbourhood Support Canterbury
- Stoddart Cottage Trust
- Takapuneke Co-Governance Group
- Waitaha Primary Health
- Whaka Ora Healthy Harbour Community Advisory Group

3. Appointment of a liaison person to the following committees and outside organisations:

**Reserve Management Committees**

- Allandale Reserve Management Committee
- Ataahua Reserve Management Committee
- Awa-iti Reserve Management Committee
- Cass Bay Reserve Management Committee
- Diamond Harbour Reserve Management Committee
- Duvauchelle Reserve Management Committee
- Garden of Tane Reserve Management Committee
- Le Bons Bay Reserve Management Committee
- Little Akaloa Reserve Management Committee
- Lyttelton Recreation Ground Reserve Management Committee
- Lyttelton Reserves Management Committee
- Okains Bay Reserve Management Committee
- Pigeon Bay Reserve Management Committee
- Robinsons Bay Reserve Management Committee
- Stanley Park Reserve Management Committee

**Residents Associations**

- Akaroa Residents & Ratepayers Association
- Cass Bay Residents Association
- Charteris Bay Residents Association
- Church Bay Neighbourhood Association



- Corsair Bay Residents Association
- Diamond Harbour Community Association
- Governors Bay Community Association
- Lyttelton Community Association
- Port Levy Residents' Association
- Purau Residents Association
- Robinsons Bay Residents Association
- Takamatua Residents Association
- Wainui Residents Association

**Community Organisations**

- Age Concern Canterbury
- Akaroa District Promotions
- Akaroa Resource Collective Trust
- Akaroa Community Health Advisory Group
- Banks Peninsula Conservation Trust
- Banks Peninsula Water Management Zone Committee
- Friends of the Gaiety
- Grubb Cottage Trust (2)
- Little River Community Centre Committee
- Little River Craft Station Trust
- Little River Rail Trail Trust
- Little River Railway Station Trust
- Little River–Wairewa Community Trust
- Lyttelton Harbour Business Association
- Lyttelton Community House Trust
- Lyttelton Information Centre
- Lyttelton Recreation Centre Steering Group
- Okuti Hall Committee
- Pigeon Bay Community Hall Committee
- Project Lyttelton
- Summit Road Society
- Summit Road Advisory Committee

## Attachments / Ngā Tāpirihanga

There are no appendices to this report.

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

Document Name	Location / File Link
Not Applicable	

## Confirmation of Statutory Compliance / Te Whakatūturutanga ā-Ture

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.

## 14. Community Board Governance Arrangements 2019-2022 Term - Head to Head Walkway Working Party

Reference / Te Tohutoro: 20/184857

Report of / Te Pou Liz Carter - Community Board Advisor. [liz.carter@ccc.govt.nz](mailto:liz.carter@ccc.govt.nz)

Matua: Amy Hart - Support Officer. [amy.hart@ccc.govt.nz](mailto:amy.hart@ccc.govt.nz)

General Manager / Mary Richardson - General Manager Citizens and Community

Pouwhakarae: [mary.richardson@ccc.govt.nz](mailto:mary.richardson@ccc.govt.nz)

### 1. Brief Summary

- 1.1 At its meeting of 3 February 2020, the Board appointed Howard Needham to the Head to Head Walkway Working Party as its representative from the Mt Herbert subdivision.
- 1.2 On 18 February 2020, an additional Board member, Scott Winters, was elected from the Mt Herbert subdivision in a by-election.
- 1.3 The purpose of this report is for the Te Pātaka o Rākaihautū/Banks Peninsula Community Board to review the appointment of a Board member from the Mt Herbert subdivision to the Working Party, following the by-election. If the Board changes this appointment, staff also recommend that the Board review its appointment of Chairperson.

### 2. Officer Recommendations / Ngā Tūtohu

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

1. Review its appointment of a Board member from the Mt Herbert subdivision to the Head to Head Walkway Working Party.
2. If the Board changes its appointment of a Board member from the Mt Herbert subdivision to the Head to Head Walkway Working Party, review its appointment of a Chairperson to the Working Party.

### Legislative Context

- 2.3 Clause 30 of Schedule 7 of the Local Government Act 2002 provides that community boards may appoint committees, subcommittees or other subordinate decision-making bodies and joint committees that it considers appropriate. A community board also has the power to appoint or discharge any member of a committee. Clause 32(3) of the same schedule provides for community boards to delegate powers to a committee.
- 2.4 Committees appointed by a community board are *“subject in all things to the control of the local authority [or read community board], and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body”*.
- 2.5 Some of the rules around appointments of committees and subcommittees are:
  - The minimum number of members of a committee is three, with a quorum being two, one of whom must be an elected member, or the quorum can be a greater number, as determined by the community board.
  - At least one member of a committee must be an elected member (not applicable to subcommittees).

- An employee of the local authority cannot be a member if they are acting in the course of their employment.
- The members of a committee or subcommittee may, but need not be, elected community board members.
- A community board or committee may appoint to a committee or subcommittee a person who is not a member of the community board if, in the opinion of the board, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee.
- A community board may appoint a member of a committee to be the chairperson of the committee, or if a chairperson is not appointed then the power of appointment may be exercised by the committee.

### Head to Head Walkway Working Party

- 2.6 At its 2 December 2019 meeting, the Board re-established the Head to Head Walkway Working Party, including adoption of updated Terms of Reference (**attached**).
- 2.7 Under the Terms of Reference, the Working Party includes the Banks Peninsula Councillor, one Board member from the Lyttelton subdivision and one Board member from the Mt Herbert subdivision, all of which the Board appoints.
- 2.8 On 3 February 2020, the Board appointed Tyrone Fields as the Board member from the Lyttelton subdivision and the Working Party's Chairperson as well as Howard Needham as the Board member from the Mt Herbert subdivision.
- 2.9 The Working Party also includes one representative from each of the following community organisations. Each organisation has appointed the representative below for the 2019-22 term.

<b>Cass Bay Reserves Management Committee</b>	Jenny Healey
<b>Charteris Bay Residents' Association</b>	Howard Buchanan
<b>Church Bay Neighbourhood Association</b>	Tom Kuenning (substitute Pat Pritchett)
<b>Diamond Harbour Community Association</b>	Richard Suggate
<b>Diamond Harbour Reserves Management Committee</b>	Graeme Fraser (substitute Tom Kuenning)
<b>Governors Bay Community Association</b>	Helen Chambers
<b>Lyttelton Harbour Business Association</b>	Julia Fenn
<b>Lyttelton Information Centre</b>	Ruth Targus
<b>Rod Donald Banks Peninsula Trust</b>	Suky Thompson
<b>Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga</b>	Yvette Couch-Lewis
<b>Whaka Ora – Healthy Harbour</b>	Karen Banwell

- 2.10 Following the local body elections in October 2019 there was one vacancy on the Board from the Mt Herbert subdivision. On 18 February 2020 an additional Board member was elected from the Mt Herbert subdivision.
- 2.11 Following the by-election, staff recommend that the Board review the appointment of the Board member from the Mt Herbert subdivision to the Working Party. If the Board changes this appointment, staff recommend that the Board review its appointment of Chairperson.

## Attachments / Ngā Tāpirihanga

No.	Title	Page
A <a href="#">↓</a>	Banks Peninsula Community Board - Head to Head Walkway Working Party - FINAL Terms of Reference - December 2019	76

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

Document Name	Location / File Link
Not Applicable	

## Confirmation of Statutory Compliance / Te Whakatūtutanga ā-Ture

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.

**HEAD TO HEAD WALKWAY WORKING PARTY  
TERMS OF REFERENCE  
December 2019**

**1. Name**

The Working Party will be known as the Head to Head Walkway Working Party.

**2. Status**

The Working Party will be a working party of the Banks Peninsula Community Board (the Board).

**3. Purpose**

The purpose of the Working Party is to support the creation of the Head to Head Walkway (the Walkway), which aims to be a continuous walkway around Whakaraupō / Lyttelton Harbour from Godley Head to Adderley Head.

**4. Role**

The role of the Working Party is to:

- Engage with communities around Whakaraupō / Lyttelton Harbour to identify local views on matters relating to the Walkway;
- Provide advice from a local perspective to the Board and staff on matters relating to the Walkway, such as the route, priority sections for acquisition, upgrade and construction and detailed design;
- Advocate to the Board for funding for the Walkway in the Council's Long Term Plan and Annual Plan;
- Suggest other sources of funding for acquiring access rights, construction and promotion of the Walkway;
- Promote the Walkway.
- Establish partnerships to support the process of forming the Walkway.

**5. Term**

The continuation of the Working Party will be reviewed by the Board at the beginning of each triennial term.

**6. Composition**

- Banks Peninsula Councillor;
- One Board member from the Lyttelton subdivision;



- One Board member from the Mt Herbert subdivision;
- One representative from each of the following community organisations:
  - Cass Bay Reserves Management Committee
  - Charteris Bay Residents' Association
  - Church Bay Neighbourhood Association
  - Diamond Harbour Community Association
  - Diamond Harbour Reserves Management Committee
  - Governors Bay Community Association
  - Lyttelton Harbour Business Association
  - Lyttelton Information Centre
  - Rod Donald Banks Peninsula Trust
  - Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga
  - Whaka Ora – Healthy Harbour

The Working Party may second others to assist for specific issues.

#### **7. Appointment**

The Board will appoint the Banks Peninsula Councillor, one Board member from the Lyttelton subdivision and one Board member from the Mt Herbert subdivision.

Each community organisations will appoint one representative.

The Board will appoint the Chairperson of the Working Party.

#### **8. Resignation**

Any Working Party member may resign by giving written notice to the Working Party and Board. The vacancy will be filled by the process set out in Item 7.

#### **9. Quorum**

The quorum at a meeting will be seven members, including at least one Board member.

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## 15. Elected Members' Information Exchange

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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.