

6. PROPOSED VARIATION - STOPPING OF WORCESTER STREET BETWEEN LATIMER SQUARE

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The purpose of this report is to recommend to the Regulatory and Consents Committee that a Variation to the Plan be notified to show the section of Worcester Street where it runs through Latimer Square as a road to be stopped.

BACKGROUND

Presently the Proposed Plan shows the relevant part of Worcester Street as road and by inference it is classified as a 'local' road. This road bisects Latimer Square and is a two lane road carrying traffic in both directions with parking along both sides. It links to both roads on either side of Latimer Square known as 'Latimer Square', with the eastern road being State Highway 74 carrying traffic in a one way direction north.

Two parties lodged submissions to the notified Proposed Plan in 1995 seeking the stopping of Worcester Street at Latimer Square. The Council took advice from its traffic engineer, Mr Calvert, who recommended that the road stopping not proceed on the basis that it would result in some major changes to traffic flows on the surrounding road network and more particularly on the bus routes that used this part of Worcester Street. Accordingly, the Council rejected the submissions and asked that Council officers carry out a traffic impact assessment to identify the full effects on the road network.

Bus routes no longer use that part of Worcester Street that is the subject of this report. The opening of the Bus Exchange on Lichfield Street has brought about changes in the bus routes in the City, in particular the routes in and out of the central city. In addition, traffic engineers have been involved in looking at traffic effects for the area as part of the Latimer Square Project Team.

The Latimer Square Project Team has been set up to develop plans for the enhancement of Latimer Square and the streets around it as part of the revitalisation of the eastern side of the central city. This team reported on 9 December 2002 to a joint meeting of the Parks, Gardens and Waterways Committee, Arts, Culture and Heritage Committee, Sustainable Transport and Utilities Committee and the Hagley/Ferrymead Community Board regarding progress with this project. Recommendations were adopted at this meeting and reported to the Council meeting on 12 December 2002.

The Council, at its meeting on 12 December 2002, adopted the recommendations in a modified form as set out below:

1. *That the report on the results of the consultation process and the decision of the Subcommittee be received.*
2. *That a road stopping procedure for the part of Worcester Street going through the park in Latimer Square be commenced.*
3. *That detailed design and improvement works for the upgrading of the park in Latimer Square to serve both local and metropolitan needs be undertaken in consultation with interested parties.*
4. *That the Sustainable Transport and Utilities Committee and the Hagley/Ferrymead Community Board be requested to submit to the next Annual Plan process a joint plan and costings for the upgrading of Worcester Street between Latimer Square and Fitzgerald Avenue in accordance with the Latimer NIP and in accordance with the Living Streets principles (emphasising the involvement of the residents of the street).*

The Latimer Square Project Team now requires assistance from the City Plan Team to assist with item two above.

NEED FOR A VARIATION

The proposed variation will:

- Enable the stopping of Worcester Street where it crosses Latimer Square under the Local Government Act 1974.

- Assist in the achievement of the Plan's amenity related environmental outcomes, objectives and policies in respect of Latimer Square.
- Ensure consistent administration of the Plan and reduce the opportunity for legal challenge to its administration.

A full version of the proposed variation and the associated Section 32 assessment are attached as Appendix 1. These should be read to understand the full implications of the proposed variation.

LOCAL GOVERNMENT ACT PROCEDURES

Stopping a road also requires a separate action under the Tenth Schedule of the Local Government Act 1974, the roading provisions of which are still in force. The process is broadly similar to a resource management process, with public notification, call for objections and submissions in support at Council level, Council consideration and the possibility of the matter going on to the Environment Court.

Under the Local Government Act there is no second round of "further submissions" and if any objections are received, the Council must apply to the Environment Court for confirmation of its decision. If the matter goes to the Environment Court that Court will only hear the objections (and not the submissions in support) as the 10th Schedule of the Local Government Act only provides for objections to be heard.

It will be possible to co-ordinate processes under the two Acts so that advertising, Council hearings and Environment Court hearings coincide.

The Local Government Act directs decision-makers to consider the district plan when considering road closures. Failure to notify the intention to close the road through the City Plan might therefore count against the proposal. The variation allows wider resource management issues to be considered in addition to the more narrow issues of landowner access under the Local Government Act. The outcome of both processes can be expected to be the same, ie both would be confirmed or not, as the Court sees fit. The issues are basically the same.

SUMMARY

In conclusion, a variation is needed to make a minor amendment to the Proposed Plan to show the relevant section of Worcester Street as road to be stopped. If this variation is successful, it will then be able to carry out future works in Latimer Square without the consequence of a road classification and zoning over part of it.

Staff

Recommendation: That the Regulatory and Consents Committee recommend that the Council publicly notify Variation 82 pursuant to Clause 16A of the First Schedule of the Resource Management Act 1991.