

1. SANDOWN CRESCENT/CARISBROOKE STREET PEDESTRIAN ACCESSWAY

Officer responsible Community Advocate, Burwood/Pegasus	Author Adrian Carpinter - Community Secretary, DDI 386-0905
Corporate Plan Output: Community Advocacy 6.1.14	

The purpose of this report is to request the approval of the Council to Housing New Zealand Limited vesting ownership of the Sandown Crescent/Carisbrooke Street accessway in the Council pursuant to an Order in Council.

Mr Mike Heslin of 50 Sandown Crescent, Aranui, has requested that the Sandown Crescent/Carisbrooke Street accessway be closed.

The accessway is held as State housing land. By virtue of the Housing Restructuring Act 1992, ownership was vested in Housing New Zealand Limited, although the land is controlled and managed by the Christchurch City Council. As the result of an oversight, ownership was not vested in the Council at the time of the subdivision.

The Board decided at its meeting on 26 February 2001 to request Housing New Zealand Limited to take action immediately to close this accessway. The following response has been received from Bell Gully, acting for Housing New Zealand Limited:

"We act for Housing New Zealand Limited (HNZ). We have been instructed to liaise with you directly on the above matter. We are in receipt of your letter to our client dated 19 March 2001 requesting that HNZ "take action immediately to close the accessway". We are familiar with the issues affecting the accessway described legally as Lot 988 DP 23893, Canterbury Registry (accessway), having previously advised our client on the status of the land.

By virtue of statute the accessway is a road under the Local Government Act 1974. This means it cannot be closed by HNZ; the only entity that can close a road is the Christchurch City Council (Council). Accordingly, we advise our client is unable to meet your request. HNZ is however willing, as it has indicated previously, to arrange for the legal ownership of the accessway to vest in the Council. That would allow the Council to deal with the accessway however it wished: HNZ would cease to have any involvement in it.

Clearly, an irregular situation such as this, where legal ownership rests with one entity while control and management rests with another by virtue of statute, is unsatisfactory and should be remedied. Because the accessway is legal road, the situation can only be permanently resolved by HNZ vesting legal ownership of the accessway in the Council pursuant to an Order in Council. As indicated previously, HNZ is prepared to attend to that vesting at its cost. That offer is conditional on the Council providing written confirmation to HNZ that it will accept the vesting of the accessway pursuant to an Order in Council.

Our client shares your desire to resolve this matter promptly. Accordingly, we await confirmation from the Council that the proposed vesting of the accessway in the Council is acceptable to it in all respects. Upon receipt of that confirmation HNZ will proceed with the vesting process.

Please contact us if you have any queries relating to the above matter."

- Recommendations:**
1. That the Council accept Housing New Zealand Limited vesting legal ownership of the Sandown Crescent/Carisbrooke Street accessway in the Council pursuant to an Order in Council.
 2. That a copy of the letter from Bell Gully be referred to Mr Mike Heslin.
 3. That, before the Council considers any subsequent road stopping procedures for the accessway, the Board host a widely advertised public consultation meeting.