

1. WORCESTER STREET (THROUGH LATIMER SQUARE) - PROPOSED ROAD STOPPING

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The purpose of this report is to seek Council approval to commence the procedure set out in the Local Government Act 1974 to formally stop that section of Worcester Street from Latimer Square west to Madras Street (ie; the section of Worcester Street through Latimer Square).

SCOPE/PROCESS

To legally stop a road in accordance with the provisions of the Local Government Act 1974 and the Tenth Schedule to this Act, a resolution of the full Council is required after a survey of the road to be stopped has been made. The survey has been carried out and the plan of survey (SO 323707) was approved as to survey on 24 June 2003. The Hagley/Ferrymead Community Board considered this report for information at its meeting on 6 August 2003 and decided to note its opposition to the proposed closure of Worcester Street through Latimer Square, to both the road stopping and city plan variation processes.

BACKGROUND

Following a report from the joint meeting of 9 December 2002 of the Arts, Cultural and Heritage Committee, Parks Gardens and Waterways Committee, Sustainable Transport and Utilities Committee and the Hagley/Ferrymead Community Board, the Council resolved on 12 December 2002:

“That a road stopping procedure for that part of Worcester Street going through the park in Latimer Square be commenced.”

This would allow the park to become one large green space with no through traffic or parking, enabling it to be used for recreation or entertainment activities.

As part of the preparation for the road stopping there was a need to establish the effects this would have on the surrounding streets and the roading network within the Central Business District. In February 2003 traffic counts, intersection counts, and pedestrian numbers and through traffic number plate checks were carried out. This information was forwarded to a consultant for analysing by John Falconer, Transport Planner - Network, City Streets. He comments on the report:

“An independent consultant was commissioned to study the traffic impact of the closure. The resulting report ('Analysis of Traffic Count Data undertaken for the Christchurch City Council' - Gabites Porter March 2003) concluded that whilst the closure will result in a reduction of the total road capacity in the area, the roads and intersections in the vicinity will still operate below capacity, with only minor (insignificant) changes in vehicle travel time.”

CITY PLAN

As Worcester Street from Latimer Square West to Madras Street was not shown as a road to be stopped in the City Plan there is a need for a variation to the City Plan. David Campbell, Planner prepared a report to the Regulatory and Consents Committee and the Council recommending that a variation to the City Plan be notified to show the section of Worcester Street through Latimer Square as a road to be stopped.

On 26 June 2003 the Council resolved:

“That the Council publicly notify Variation 82 pursuant to Clause 16A of the First Schedule of the Resource Management Act 1991.”

PRESENT STATUS OF LAND

The historical records show that the Chief Surveyor at Christchurch and the Surveyor General have reached the view that this section of Worcester Street is legal road. The Council's Legal Services Unit has confirmed that view.

ROAD STOPPING PROCESS

Under the Tenth Schedule of the Local Government Act 1974 there is a set procedure that needs to be followed for stopping a road. Steps one and two are now complete and the step three now needs to be undertaken.

1. Resolution of Council in December 2002 - that the road stopping procedure commence.
2. Survey carried out, plan prepared and lodged with LINZ.
3. Council now needs to resolve that the road be stopped.
4. The road stopping is publicly notified.
5. Any objections heard before a Commissioner.
6. If objections cannot be resolved then the objections and Council decision are referred to the Environment Court for determination.

It is proposed to notify the City Plan variation and the road stopping at the same time to avoid any confusion for the public. This will occur in September 2003 if the Council resolves to stop the road.

STOPPED ROAD TO BE HELD AS RECREATION RESERVE

Subject to the road being successfully stopped, it is intended that all the land comprised in the stopped road be declared and formally held by Council as a recreation reserve under Section 17 of the Reserves Act 1977. Latimer Square (on both sides of Worcester Street) is vested in the Council for an estate in fee simple as reserve for the purposes of lawns, ornamental gardens and ornamental buildings under the Christchurch City (Reserves) Empowering Act 1971. Subject to the provisions of this Act the reserve is held and administered subject to the provisions of the Reserves Act 1977 (formerly the Reserves and Domains Act 1953). By holding the stopped road as recreation reserve this land will effectively become part of Latimer Square and able to be administered under the Reserves Act 1977.

RESOLUTION REQUIRED OF COUNCIL

To allow the stopping of the road to proceed, the Council is required to pass the resolution set out in recommendation (1) below.

SCHEDULE

All that parcel of land situated in the City of Christchurch and shown as "Road to be Stopped" and described as follows:

Plan	Shown	Adjoining	Title	Area
SO 323707	Section 1	Reserve (SO 11834)	Lawns, Ornamental Gardens and Ornamental Buildings Section 7 (1) Christchurch City (Reserves) Empowering Act 1971	1643 m ²

- Recommendation:**
1. That pursuant to Section 342(1)(a) of the Local Government Act 1974, and in the manner provided in the Tenth Schedule of this Act, the Christchurch City Council hereby resolves to publicly notify the proposal to stop the road as shown on the plan (attached) and described in the schedule.
 2. That pursuant to Section 345(1)(b) of the Local Government Act 1974 the Council affirm its intention to commence the process under the provisions of Section 14 of the Reserves Act 1977 (subject to the road being successfully stopped), to declare the land (Section 1 SO 323707) to be recreation reserve.

(Note: Councillor Barry Corbett requested that his vote against the above recommendation be recorded.)