

**9. DECLARATION AS RESERVE – STOPPED ROAD (WORCESTER STREET, LATIMER SQUARE)**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Greenspace Manager
<b>Author:</b>	Lewis Burn - Property Consultant

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board’s recommendation that the Council pass a formal resolution to have that portion of Worcester Street through Latimer Square, which has been stopped, declared a recreation reserve subject to the Reserves Act 1977.

**EXECUTIVE SUMMARY**

2. The section of Worcester Street through Latimer Square has been stopped pursuant to the Tenth Schedule of the Local Government Act 1974. The Council’s decision of 28 August 2003 to stop this portion of Worcester Street was confirmed in a decision by the Environment Court dated 9 February 2006. The stopped road is now held by the Council in fee simple and comprised in its own title.
3. The purpose to which the stopped road is to be put ( as publicly notified ) is that it be held by the Council as a recreation reserve under the Reserves Act 1977 so that the land can be managed as part of Latimer Square and able to be administered by the Council under the Reserves Act 1977.
4. As part of the Council’s resolution of 28 August 2003 to initiate the road stopping procedure the Council affirmed 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. It is now appropriate to complete that process so that the stopped road is formally held as a recreation reserve.

**FINANCIAL AND LEGAL CONSIDERATIONS**

5. There are process costs (estimated at \$1,000) associated with having the stopped road declared Recreation reserve (i.e. public notice in the Christchurch Press and the proclamation notice in the New Zealand Gazette).
6. Section 14 (1) of the Reserves Act 1977 provides that any local authority may by resolution declare any land vested in it to be a reserve within the meaning of the Act subject to any conditions specified in the resolution, to be held for any of the purposes specified in sections 17 to 23 of the Act. Section 17 provides that reserves classified as recreation reserves shall be for *“the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside”*. Section 14 (2) requires that at least one month before passing such a resolution public notice of the intention to pass a resolution be given calling for objections. Public notice of the intention to declare the stopped road reserve was given in the Christchurch Press on Saturday 8 July 2006 with the date for submissions or objections closing on 11 August 2006. The effect of a Section 14 declaration is to classify the land as recreation reserve under the Act.
7. The Community Board does not have delegated authority to pass such a resolution which needs to be made by the full Council. The Board has, however, recommendatory powers to the Council.
8. Once the stopped road is formally made reserve, easements are to be created to protect the existing underground services i.e. power, telecommunications, gas and water.

## **STAFF RECOMMENDATION**

That the Hagley/Ferrymead Community Board recommend that the Council pass the following resolution:

### **Resolution**

“That in exercise of the powers conferred on it by section 14 of the Reserves Act 1977, the Christchurch City Council hereby resolves that the piece of land held by it in fee simple and described in the Schedule hereto shall be, and the same is hereby declared to be a recreation reserve within in the meaning of the said Act.”

### **Schedule**

#### **Canterbury Land Registration District – Christchurch City**

Section 1, Survey Office Plan 323707 (**attached**), containing 1643 square metres more or less, being all of the land comprised and described in Computer Freehold Register 279911.

## **CHAIRPERSON’S RECOMMENDATION**

That the staff recommendation be adopted.

**BACKGROUND ON DECLARATION AS RESERVE – STOPPED ROAD (WORCESTER STREET, LATIMER SQUARE)**

9. The portion of road is now shown in the City Plan as “road to be stopped” following the Environment Court decision. This change to the plan has been made formally operative by resolution of Council. Volume 3 of the City Plan , Clause 8-4.3 (c) (page 8/17) states “where a road is formally stopped, the site that was formally within the Special Purpose (Road) zone will revert to the zoning as shown in the planning maps and therefore reverts automatically to the zoning shown on the planning maps which is Conservation 2 Zone.
10. Should any submissions be received in response to the public notice these will be reported to the Council meeting when this item is on the Council agenda (but not before 11 August 2006) It should be noted that the public notification of the Road stopping made it explicitly clear that it was the intention on stopping the road to hold the land as recreation reserve.
11. With the stopping of the road the existing utility operators (Rockgas, Orion, and Telstra Clear) have lost their rights to convey these services which are, along with the water main, now to be protected by registered easements. These easements have been approved by the Reserves Officer Subcommittee and will be created following the formal gazettal of the stopped road as recreation reserve.