

12. OLD WATERFRONT ROAD – ROAD STOPPING

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PURPOSE OF REPORT

1. The purpose of this report is to summarise the feedback that has been received from the initial consultation undertaken with the wider Governors Bay Community and to recommend a way forward in relation to the Old Waterfront Road – Road Stopping project.

EXECUTIVE SUMMARY

2. Following a deputation to the Lyttelton/Mt Herbert Community Board meeting in August 2008, staff investigated and presented four options to address the concerns raised in relation to the status of the Old Waterfront Road (Governors Bay to Allandale) in July 2009. The Community Board resolved that an initial consultation be carried out with the wider Governors Bay Community on Option 1 – Full Road Stopping, and the results of this consultation be reported back to determine a way forward (refer **Attachment 2**).
3. The following is the methodology used for consultation with the wider Governors Bay Community:
 - (a) Approximately 450 consultation leaflets were distributed to the owner/occupier and the other key stakeholders including four wheel drivers club;
 - (b) A copy of the project consultation leaflet was made available on the Council's website at www.ccc.govt.nz/haveyoursay (refer **Attachment 1**);
 - (c) An advertisement about the proposal was placed in the Bay Harbour News newspaper;
 - (d) A Project Information Evening was held on 24 November 2009 at Governors Bay Community Hall to provide further information for the proposal.
4. The consultation period commenced on 15 November 2009 and residents were asked to respond by 4 December 2009.
5. A total of 115 responses were received. In general, the community showed a high interest in the proposal. Their major concerns were to maintain the walking track and to preserve the historic wall.

A brief summary of all responses is summarised in figure 1 below:

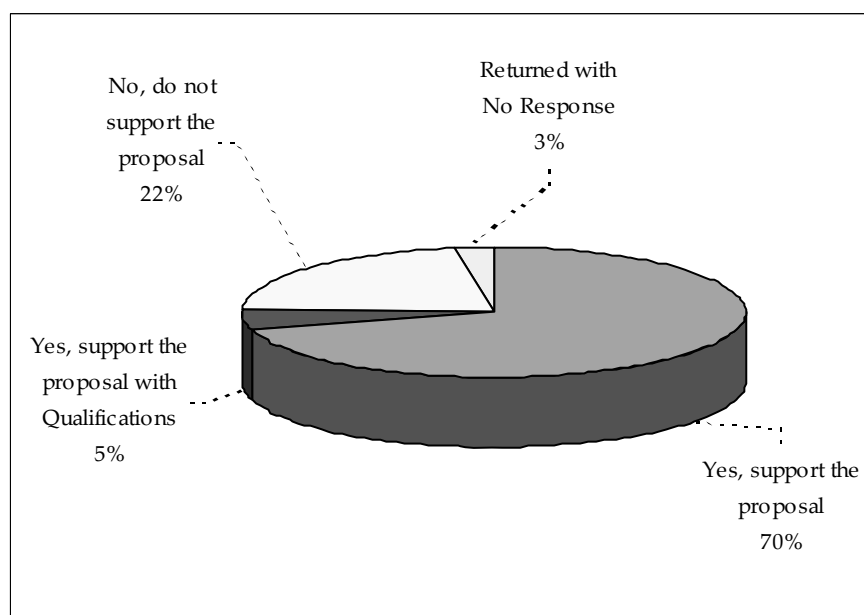


Figure 1 – The Initial Survey Responses

6. The majority of respondents (i.e. 75% of total responses) supported the scheme and almost everyone showed a general appreciation for the road stopping proposal. At the same time, 31 of these responses showed some concerns towards the project. The main concerns raised were:
 - (a) To maintain and upgrade the walking track;
 - (b) To maintain and preserve the historic wall;
 - (c) To redesign the barriers and update signage;
 - (d) To provide an access for emergency vehicles.
7. 22% of total responses (i.e. 25 responses) did not support the scheme. The main issues identified were:
 - (a) The existing road has no issues and they had never seen vehicles travelling on the road;
 - (b) The existing barriers worked fine and a sign – ‘No Campers’ may solve the problem caused by visitors to the area;
 - (c) The amount of money spent on the project could have been better spent on other projects such as maintenance and preservation of the walking track and the historical wall;
 - (d) The problem with camper vans mentioned in the proposal is not factual as they stay overnight at the Jetty area and do not enter the area beyond the barrier that this proposal addresses. Changing legal access would therefore not alter the problem with camper vans;
 - (e) Access through the road is essential for residents as well as for kayak launching and for boat ramp access;
 - (f) The property owners were concerned that if the road is closed then they would never regain their legal road access in future, if this was necessary;
 - (g) Quick and easy access for emergency vehicles is essential.
8. It is evident from the consultation results that the majority of respondents have favoured the proposal to carry out “Road Stopping”, although 12 respondents made a comment that they never or only occasionally observed any vehicles travelling along the road (other than service vehicles to the sewerage pump station) and they believed the existing barrier system is satisfactory and the proposal would not be an improvement to the existing situation.
9. The Old Waterfront Road (Governors Bay to Allandale) serves as legal access for 15 properties and out of that only eight residents and/or property owners had responded to the consultation. Half of these respondents did not support the proposal and the remaining half would only support the proposal if they retained their property access through the Old Waterfront Road. Also, all eight respondents have confirmed that they will take a formal action against the proposal if they do not retain legal property access through the Old Waterfront Road.
10. The road stopping process has to be carried out in accordance with Schedule 10 of Local Government Act 1974. It will also need to follow the Special Consultative Procedure (SCP). Any person may object to the proposal and is entitled to have their objection heard by a Council hearings panel. If an agreement can not be reached or the objection is not withdrawn, it must be referred to the Environment Court for a final decision.
11. There is a considerable legal cost involved, should the Community Board choose to proceed with a road stopping process, which would include the SCP cost, survey work, legal plan preparation and other legal fees. This could also result in an Environment Court Hearing. (Note: No defined estimate can be provided due to the amount of variables as above but the process could easily cost more than \$100,000).
12. To conclude, it is recommended that the road stopping work should not proceed further because:
 - (a) Although the majority of the community support the proposal, the survey results highlight that few of them had ever or only occasionally observed any traffic along the road, and the existing barrier system had proved effective to keep vehicles off this section of the road;

- (b) The residents/property owners who have a legal frontage along the Old Waterfront Road, showed a high concern and wanted to retain their property access from Old Waterfront Road. If the proposal didn't retain legal access, then they have confirmed that they will use the formal process to object to the legal "Road Stopping";
- (c) If the Board chooses to proceed with the road stopping process, then the Council will receive a considerable amount of negative response from the local community and this will inevitably result in the process continuing all the way to the Environment Court;
- (d) Further to this, the Community Board would need to make a submission to the next LTCCP process for the road stopping process funding.

FINANCIAL IMPLICATIONS

- 13. No funding has been allocated to carry out the road stopping work in the current LTCCP. Should the Board wish to proceed with funding this would need to be applied for through the Annual Plan or LTCCP process.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

- 14. Yes. Budget for the road stopping work has not been allocated and therefore the recommendation not to proceed aligns with the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

- 15. Schedule 10 of Local Government Act 1974 provides a process for Council to stop a road.
- 16. Section 345 (3) of the Local Government Act 1974 allows a stopped road to be vested in the Council as an esplanade reserve.

Have you considered the legal implications of the issue under consideration?

- 17. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

- 18. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes – Safety and Community (with Status-quo or Road Stopping), on Page 77 of the 2009-19 LTCCP.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

- 19. As above.

ALIGNMENT WITH STRATEGIES

- 20. The recommendations (with Status-quo or Road Stopping) align with the Council Strategies including the Pedestrian Strategy 2001, Cycle Strategy 2004, Road Safety Strategy 2004 and the Safer Christchurch Strategy 2005.

Do the recommendations align with the Council's strategies?

- 21. As above.

CONSULTATION FULFILMENT

- 22. The initial consultation has been carried out with the wider Governors Bay Community (as outlined in 3 above).

STAFF RECOMMENDATION

It is recommended that:

- (a) The Lyttelton/Mt Herbert Community Board does not proceed any further with Road Stopping work for the Old Waterfront Road – Governors Bay to Allandale and that respondents to the initial consultation be notified of this decision;
- (b) The Council includes provision in their maintenance programme to maintain and preserve the walking track and the historical wall to a better standard as funding allows;
- (c) Council staff investigate possible improvements to the existing barrier system and signage and ensure that these conform with legal requirements and inform the Community Board of any outcomes.