

9. 4. 2009

REPORT BY THE CHAIRPERSON OF THE  
LYTTELTON/MT HERBERT COMMUNITY BOARD

17 MARCH 2009

PART A - REPORTS REQUIRING A COUNCIL DECISION

1. BLACK POINT SUB-DIVISION - ROAD AND RIGHT OF WAY NAMING



<b>General Manager responsible:</b>	General Manager Regulation and Democracy, DDI: 941 8462
<b>Officer responsible:</b>	General Manager Regulation and Democracy
<b>Author:</b>	Peter Mitchell, General Manager Regulation and Democracy

PURPOSE OF REPORT

1. The purpose of this report is to obtain the Council's approval for one new road, and three new right of way names for the new subdivision at Black Point.

EXECUTIVE SUMMARY

2. The Council's power to name roads is derived from the Local Government Act 1974. That Act does not set out any criteria as to how the Council will name roads and for this reason the Council has adopted a Road and Rights of Way Naming Policy which is referred to below (**Attachment A**). Because this decision by the Council to approve road names is a statutory power then the exercise of that decision can be the subject of judicial review proceedings in the High Court if any persons wishes to challenge the decision making process.
3. It has been the Council's practice for many years for the Council to delegate its power to name roads to the Community Boards.

The Council's delegation register also provides:

*'any decision by a Community Board shall be consistent with any policies or standards adopted by the Council.'*

4. In 1993 the Council adopted its Roads and Rights of Way Naming Policy, and a copy of this policy is attached. The Council has followed the provisions of this policy since that time. It will be noted that the process established by the Council policy is that names are submitted by the subdivider together with an application for subdivision consent. The choice of the names can be important to the subdivider in terms of being able to market the subdivision and for this reason the Council has no doubt provided the subdivider with the ability to recommend the names that the subdivider would like to see going into the subdivision.
5. As can be seen in paragraph four of the policy the Council requires that the subdivider submit several names so that the Council has the ability to choose from amongst those names.
6. As part of the road naming process the sub-division officer will check the proposed names against information held with Land Information New Zealand, New Zealand Post and the Fire Service to avoid any potential confusion by the postal authorities or emergency services. That check has been carried out in this instance and no confusion is anticipated with the proposed names.
7. If a Community Board was of a mind to accept a different road name from those put forward by the subdivider then effectively the Community Board is stepping outside of the policy the Council has adopted, and in that situation the Community Board would not have the legal power to make a decision on the road name but would have to make a recommendation to the Council and the Council would then make the decision. This is not an unusual situation and has arisen in other cases where a Board wishes to put forward a recommendation outside an existing Council policy.

## 1 Cont'd

8. Certainly it has been the long standing practice of the Council, and for Community Boards acting under delegated authority, to choose one of the three names that are put forward by the subdivider.
9. At its meeting on 21 October 2008 the Board had before it a report from a Council Subdivision Officer recommending the approval of the following names for the subdivision by Stowe Properties Ltd at 321 Marine Drive, Diamond Harbour. The plan that was before the Board at its 21 October 2008 meeting is attached as **Attachment B**.
10. The recommended road names were:
- Black Rock Place - public road
  - Church Bay Lane - private lane (Right of way A)
  - Port View Lane - private lane (Right of way BC)
  - Hays Bay Lane - private lane (Right of way J)
11. The second and third preferences put forward by the sub-divider were as follows:
- Black Point Place and Black Place
  - Quail View Lane and Quail Island Lane
  - Blue Water Lane and Water View Lane
  - Hays View Lane and Hays Lane
12. At the 21 October 2008 meeting, the Board did not accept any of the names put forward and additional names have also since been put forward for consideration by the Board.
13. Those other names with the comments from the subdivision officer in terms of his checking process are:
- Black Point Road      Acceptable - appropriate but a No Exit sign will also be needed, as "Road" usually indicates a through road and "Place" a cul-de-sac.
- Te Wharau              Acceptable - suitable for use.
- Ohinehau Lane        Acceptable - suitable for use.
- Otamahua Lane        Not acceptable - in use already in Diamond Harbour for about 12 years.
- Kiaoruru Lane         Probably acceptable – there is a Kia Ora Street in Bexley.
- Ollie Hunter            Not acceptable - there is a Hunters Road in Diamond Harbour, possibly named after Ollie Hunter.
14. At a meeting held at Rāpaki Rūnanga on 8 February 2009 there was an expression of support for a better balance between Maori and English names around the Harbour. The table of names from Diamond Harbour shows there to be ten English names and sixteen Maori names.

English and Maori names currently in use in Diamond Harbour:

English names	Maori names	Maori names
Andersons Road	Ngaio Lane	Te Ra Crescent
Castle Peak Road	Takutai Place	Te Papau Crescent
Hunters Road *	Patiki Place	Waipapa Avenue
James Drive	Koromiko Crescent	Purau Avenue
Emerson Crescent	Ranui Crescent	Rawhiti Street
Athol Place	Te Ara Crescent	Otamahua Lane
Marine Drive	Ngatea Road	
Euan Sargison Drive	Marama Terrace	
Jervois Close	Whero Avenue	
Doris Faigan Lane	Kura Lane	

**1 Cont'd**

15. The sub-divisional works have now been completed and the naming of the roads and rights of way is one of the last formal steps that need to occur before the scheme plan for the subdivision can be deposited and titles issued for sale to purchasers. There is an outstanding resource consent issue relating to the subdivision which has yet to be resolved.
16. The Board therefore has before it potential names to choose for the road and the three rights of way involved in this instance.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Consider the three road and right of way name options put forward by the subdivider and the additional names.
- (b) Choose a road name and three right of way names from these options.
- (c) Note that if the Board decides not to choose any of the three names put forward, in accordance with the Council's Road Naming Policy, then other names settled on by the Board will need to be referred to the Council for a decision.

**BOARD CONSIDERATION**

Since its consideration of this issue at the 21 October 2008 meeting, the Board had carried out an informal consultation with community organisations in the Lyttelton Harbour, including Charteris Bay, Rapaki, Diamond Harbour and Church Bay. Whilst the consultation was informal, it showed a general preference for the use of Maori names for this subdivision.

The Board noted that the name Kiaoruru, as mentioned in the report, should actually be spelt Kaioruru.

**BOARD RECOMMENDATION**

The Board **resolved** that the following names be recommended to the Council for the road and rights of way in the Black Point subdivision:

- (a) The new public road to be named Black Rock Road.
- (b) Right of Way A to be named Kaioruru Lane.
- (c) Right of Way BC to be named Ohinehau Lane.
- (d) Right of Way J to be named Te Wharau Lane.

## Policy Register

### Roads and Rights-of-Way Naming

That the following policy be accepted for the naming of roads and rights of way.

1. Proposed names are to be submitted with the application for subdivision consent.
2. Reference is to be made to a current street list of Christchurch when selecting names to avoid duplication.
3. The Developer or Consultant is to consult with the Subdivision Planning Officer (Civic Offices) before submission for an initial check on names.
4. To avoid repeating the whole process, several names should be submitted for each proposed road or right of way in case of rejection. The names to be listed in order of preference.
5. A background to the names, their origins and their link with the area is to be supplied.
6. Where more than one road is being created in a subdivision, a common theme is recommended for the names.
7. Names are to be chosen in proportion to the length of the road. Long names on short culs-de-sac can be very difficult to display on a map.
8. Where a road or right of way name is requested to be changed, a minimum of 85% of residents and owners must give their consent to the change.
9. All new private rights of way are to be called `Lane`.
10. All new residential complexes of sufficient size to warrant the allocation of a name are to be called `Courts`.
11. Where a street nameplate is required, the standard Council nameplate shall be erected.
12. When a development company has erected its own ornamental nameplate, in addition to the Council nameplate, and that ornamental nameplate is damaged or stolen, then the Council shall not be responsible for the repair or replacement of that nameplate.
13. Personal names are to be discouraged unless the name submitted has an historical connection with the property being subdivided, or that of a well known local identity or prominent Cantabrian, or New Zealander.
14. It is the Council's prerogative to name streets and the Council may refuse to approve names considered unsuitable for any other reason.

Council  
2 November 1993

