

11. 3. 2010

**REPORT BY THE CHAIRPERSON OF THE
RICCARTON/WIGRAM COMMUNITY BOARD**

2 MARCH 2010

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. SOCKBURN INDUSTRIAL AREA PROPOSED NIGHT-TIME VEHICLE RESTRICTIONS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace
Author:	Paul Forbes, Assistant Traffic Engineer

PURPOSE OF REPORT

1. The purpose of this report is to seek a resolution from the Council to prohibit motor vehicles weighing less than 3,500 kilograms from entering and/or being used on Ballarat Way, Hammersmith Drive, Wigram Close, Kotzikas Place and Michelle Road from 9pm to 5am on the following day, on Thursdays, Fridays, Saturdays, Sundays and days immediately preceding statutory holidays, and to install a night time parking ban on these sections of Wigram, Hayton and Treffers Roads (**Attachment 1**).

EXECUTIVE SUMMARY

2. Business proprietors and owners have informed Council staff and the Police of damage and littering (broken glass etc) to business properties within the Sockburn Industrial Area. The damage which is occurring on a weekly basis, includes:
 - (a) Diesel being poured on the road surface and motorists doing “burn outs”, resulting in road surface damage.
 - (b) Rubbish being deposited on the roadway and adjoining landscaped areas.
 - (c) Glass bottles being broken on roadway and adjacent properties.
 - (d) Vehicles being driven into properties causing damage.
 - (e) Bottles and other objects being thrown at buildings.
 - (f) General damage to buildings, windows and fittings.
3. Ballarat Way, Hammersmith Drive, Wigram Close, Kotzikas Place and Michelle Road are all zoned “General Industrial” which attracts this sort of behaviour at night because it is unlikely that there will be any independent witnesses to these activities occurring.
4. The Police have also been to this area in response to numerous callouts from the public following illegal activities as detailed in paragraph 2 above (**Attachment 2**).
5. The Police have powers to deal with offences relating to the lack of traction of vehicles and the speed of vehicles. However, this behaviour will usually have stopped by the time the Police arrived on the scene. It can start up again minutes after the Police leave. Prohibiting both the spectators and the participants from taking their cars on the road allows the Police to deal with the undesirable behaviour. The most effective way to achieve this is to prohibit those vehicles from using or parking on the road unless they are bona fide visitors of properties in that road.

11. 3. 2010

1 Cont'd

6. Treffers, Parkhouse and Wigram Roads are all classified as Collector Roads and should not be included on the Prohibited Times on Roads Register as these roads are designated traffic routes and therefore the 'New Zealand Bill Of Rights' issues have to be weighed up. It is therefore more appropriate to install a night time parking restriction on these roads. The Police will have the power to stop motorists from gathering on these roads at night which is an effective method of dealing with the problem.

FINANCIAL IMPLICATIONS

7. An estimated cost for this work is \$5,000.

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

8. The installation of road signs and markings are within the LTCCP Transport and Greenspace operational budgets.

LEGAL CONSIDERATIONS

9. Complies with the provisions of the New Zealand Bill of Rights Act 1990.
10. Clause 15 (1) of the Christchurch City Council Traffic and Parking Bylaw 2008 provides that "The Council may by resolution specify any road or part of a road and the days and times during which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on the road or part of that road or roads".
11. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

12. As noted in paragraphs 8, 9 and 10.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Aligns with the Transport and Greenspace activities by contributing to the Council's Community outcomes Safety and Community.

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

14. This contributes to improve the level of service for safety and access.

ALIGNMENT WITH STRATEGIES

15. The recommendations align with the Council's Safer Christchurch Strategy and Litter Strategy.

Do the recommendations align with the Council's strategies?

16. As noted in paragraph 15.

CONSULTATION FULFILMENT

17. The Police support the staff recommendation.
18. The request for the prohibition on access and use of the roadway has come from a meeting with a number of business proprietors, from Ballarat Way and Hammersmith Drive, the Police, elected members and Council staff, which was initiated to resolve littering and vandalism problems in the area. The meeting resolved to request the Council to approve the recommendations.
19. There is no Residents Association representing this area.

11. 3. 2010

1 Cont'd

STAFF RECOMMENDATION

That the Board recommend to the Council:

- (a) That pursuant to the Christchurch City Council Traffic and Parking By Law 2008, Part 2, clause 15, motor vehicles weighing less than 3,500 kilograms are prohibited from being operated on Ballarat Way, Hammersmith Drive, Wigram Close, Kotzikas Place and Michelle Road:
 - (i) from 9pm on Thursdays to 5am the next morning (Friday)
 - (ii) from 9pm on Fridays to 5am the next morning (Saturday)
 - (iii) from 9pm on Saturdays to 5am the next morning (Sunday)
 - (iv) from 9pm on Sundays to 5am the next morning (Monday)
 - (v) from 9pm on any statutory holiday to 5am the next morning
 - (vi) from 9pm on any day which immediately precedes a statutory holiday to 5am on the statutory holiday.
- (b) That the parking of vehicles be prohibited on Wigram Road between its intersection with Treffers Road, to its intersection with Hayton Road between the hours of 11pm to 5am seven days per week.
- (c) That the parking of vehicles be prohibited on the entire length of Treffers Road between the hours of 11pm to 5am seven days per week.
- (d) That the parking of vehicles be prohibited on the Hayton Road commencing at its intersection with Wigram Road and extending to its intersection with Parkhouse Road between the hours of 11pm to 5am seven days per week.

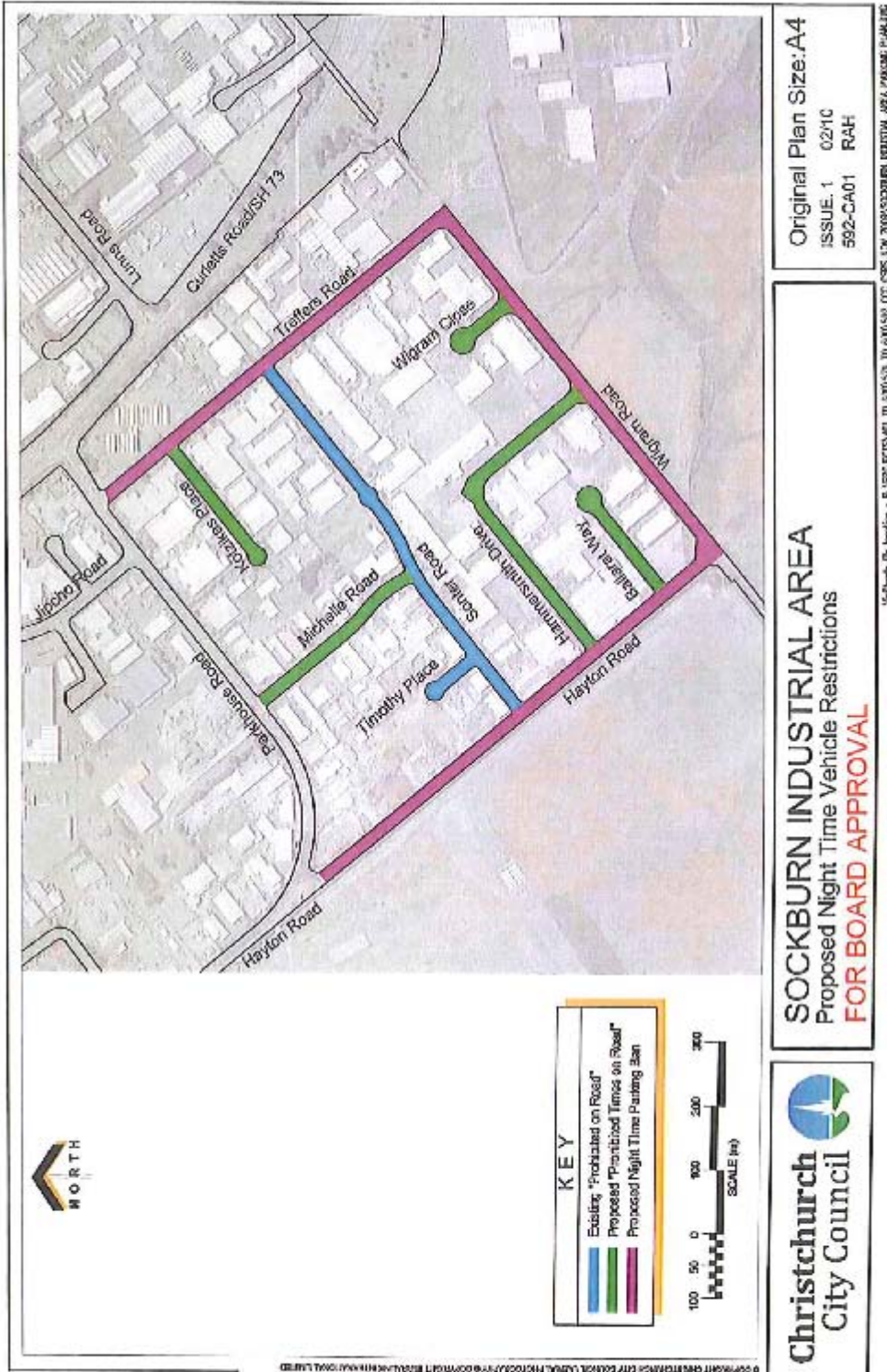
BOARD CONSIDERATION

The Board considered the request from the Police District Commander Canterbury for every night the roads are closed from 10pm to 5am (including statutory holidays) and agreed with the Commander's statement that limiting the closure to certain days of the week may simply result in displacing the anti-social behaviour to earlier in the week. The Board also recommend that the prohibition commence at 9pm each night.

BOARD RECOMMENDATION

That the Council:

- (a) That pursuant to the Christchurch City Council Traffic and Parking By Law 2008, Part 2, clause 15, motor vehicles weighing less than 3,500 kilograms are prohibited from being operated on Ballarat Way, Hammersmith Drive, Wigram Close, Kotzikas Place and Michelle Road from 9pm to 5am the next morning seven days a week.
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11. 3. 2010

Clause 1 Attachment 2



09 February 2010

His Worship the Mayor
 Mr Bob Parker
 Christchurch City Council
 PO Box 237
 CHRISTCHURCH



Dear Bob

CONSULTATION PURSUANT TO THE 10TH SCHEDULE OF THE LOCAL GOVERNMENT ACT 1974, CLAUSE 11

This letter is to confirm the current anti-social road user activity in the Wigram industrial area and request that the Christchurch City Council consider using the 10th Schedule of the Local Government Act 1974, Clause 11, to close the roads and cul-de-sacs specified in the Appendix ('the roads').

Over the past year there have been significant levels of public disorder and wilful damage occurring in the Wigram area. Police are satisfied that this is being caused directly by anti-social road users.

The activity of these anti-social road users at these locations has included not only offences against the Land Transport Act 1998, but also against the Crimes Act 1961, the Summary Offences Act 1981 and other legislation. Offences and disorder reported over the past 12 months includes;

- arson
- burglary
- theft
- illegal street racing
- sustained loss of traction
- damage to business property
- pouring of diesel on roads which is ignited through friction
- intimidation
- disorderly behaviour

The most serious of these offences is arson, which has seen large rubbish skips pulled from the business properties into the roadway and set on fire. Any such fire poses a huge risk to the local businesses and Police are concerned that failure to address this issue could result in an escalation of this offending.

Safer Communities Together

CANTERBURY DISTRICT HEADQUARTERS

Cnr Hereford St & Cambridge Tce, DX Mail WX10057, Christchurch, New Zealand
 Telephone: (03) 383 7400 Facsimile: (03) 363 5619 www.police.govt.nz

11. 3. 2010

2

Business owners and their staff working in the area late at night or on the weekends have felt intimidated by the actions of these anti-social road users.

Police have been actively policing this area and have had some success in locating anti-social road users, charging the drivers and seizing their vehicles, however the behaviour continues.

It is our submission that invoking your emergency powers to restrict access to this area will assist in reducing the current high level of offending in this area.

Exceptions

This anticipated offending could be mitigated by the closure of the roads in the attached schedule to vehicles weighing less than 3,500 kg in the following manner and subject to the following exceptions.

- Every night the roads are closed from 10.00 pm to 5.00 am (including statutory holidays).


Consideration was given to limit the closure to certain days of the week but it is our submission that this would simply result in displacing the anti-social behaviour to earlier in the week.

The restrictions should not apply to:

- (a) the owner or occupier of any land having a frontage to any road listed in the Appendix, or to his or her bona fide visitors;
- (b) any fire appliance, ambulance, police or medical vehicle;
- (c) any trade or service authority vehicle for the provision of the maintenance of a utility on the road or on the land having a frontage to the roads;
- (d) any vehicle owned by the Council on council business;
- (e) any vehicle operated by a security service, servicing clients on the roads.

This letter is written as part of the consultative process with the Christchurch City Council in terms of Clause 11 of the 10th Schedule of the Local Government Act 1974 for your consideration.

Yours sincerely



Superintendent Dave Cliff
District Commander
Canterbury

11. 3. 2010

APPENDIX

Wigram Roads ('the roads') subject to the request by Police for Council to close access every day between 10.00 pm and 5.00 am, under Clause 11, Schedule 10 of the Local Government Act 1974.

- Ballarat Way
- Hammersmith Drive
- Wigram Close
- Michelle Road
- Kotzikas Place