

10. 11. 2011

**LYTTELTON/MT HERBERT COMMUNITY BOARD
5 OCTOBER 2011**

**Minutes of an Extraordinary meeting of the Lyttelton/Mt Herbert Community Board
held on Wednesday 5 October 2011 at 9.39am at the Lyttelton Recreation Centre,
25 Winchester Street, Lyttelton.**

PRESENT: Paula Smith (Chairperson), Jeremy Agar, Ann Jolliffe, Adrian Te Patu and Andrew Turner.


APOLOGIES: An apology for absence was received and accepted from Claudia Reid and an apology for lateness was received from Adrian Te Patu who was not present for apologies.

KARAKIA: Paula Smith gave the opening karakia.

The Board reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. ROAD STOPPING – CYRUS WILLIAMS QUAY / GEORGE SEYMOUR QUAY

 The Board considered a report on the proposed road stopping at Cyrus Williams Quay and George Seymour Quay, and to reconsider the application from the Lyttelton Port Company to stop part of Cyrus Williams and George Seymour Quays as shown on the plans attached to the agenda . Refer to Clause 2 for decisions made under delegated authority.

BOARD CONSIDERATION

Board members believed it was important to ask the Council to consider applying the funds from the sale of the road to purchase of land in the vicinity, so that the community recreational facilities in the area could be increased. Members were concerned that public use of the slipway in that area could be restricted by the owner or lessee at any time, and that currently the public could only use the slipway through the good graces of those parties.

BOARD RECOMMENDATION

That the Council enter into negotiations with the Lyttelton Port Company Limited to secure an alternative permanent slipway for the public within the inner harbour.

PART C – DELEGATED DECISIONS

2. ROAD STOPPING – CYRUS WILLIAMS QUAY / GEORGE SEYMOUR QUAY

The Board considered a report on the proposed road stopping at Cyrus Williams Quay and George Seymour Quay, and to reconsider the application from the Lyttelton Port Company to stop part of Cyrus Williams and George Seymour Quays. Refer to Clause 1 for the Board's recommendation to the Council on this matter.

STAFF RECOMMENDATION

It is recommended that the Board:

- (a) Reconsider its resolution of 17 May 2011 concerning the road stopping of Cyrus Williams Quay and George Seymour Quay, and revoke that resolution if necessary;
- (b) Consider whether the statutory process to be employed in relation to the proposed stopping of Cyrus Williams Quay and George Seymour Quay should be the Local Government Act 1974 road-stopping procedure;
- (c) Subject to (b) above, resolve that pursuant to sections 319(h) and 342(1)(a) of the Local Government Act 1974 the road stopping procedure contained in Schedule 10 of that Act be

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commenced in respect of that part of Cyrus Williams Quay and George Seymour Quay as is specified on the plan attached to this report (attachment 1).

- (d) Subject to such road stopping procedures being successfully completed, pursuant to clause 32(3) of Schedule 10 of the Local Government Act 2002, resolve to sub-delegate to the Corporate Support Manager the power under section 345 of the Local Government Act to dispose of the parcel of land created by such road stopping to Lyttelton Port Company Limited on such terms and conditions as he shall consider appropriate (including any requirement under section 345(2) and (2A) that it be amalgamated with such other parcels of land as he shall consider appropriate).

BOARD CONSIDERATION

Consideration was given to which road stopping procedure was the appropriate one in these circumstances. It was suggested that if a smaller portion of road was to be stopped, it would remove any controversy around this issue, as the community accepted the need to build a new cool-store to protect local employment and contribute to the economic recovery of the town, but they did not agree that it was necessary to stop such a large portion of road.

It was noted that only a portion of Cyrus Williams Quay was within the footprint of the proposed cool-store. By stopping only that smaller portion of road, the Board believed that there would be no removal or limitation of public access to any part of the public space in that area. Board members were also confident that stopping only that portion of road would not be controversial, and therefore could proceed through the Public Works Act process.

BOARD DECISIONS

The Board **resolved**:

- (a) To revoke its resolution of 17 May 2011 concerning the road stopping of Cyrus Williams Quay and George Seymour Quay.

Paula Smith moved, seconded by Andrew Turner, that the Board **resolve**:

- (b) To approve the road stopping of the portion of Cyrus Williams Quay identified on attached plan.
- (c) To recommend to the Minister of Lands that part of Cyrus Williams Quay identified on the attached plan be declared and be stopped by consent pursuant to Section 116 (2) (b) (i) and (ii) of the Public Works Act 1981.

On being put to the meeting motions (b) and (c) were declared **carried** on Division No. 1 by 4 votes to 1 abstention, the voting being as follows:

For (4): Paula Smith, Andrew Turner, Adrian Te Patu and Jeremy Agar.

Abstained (1): Ann Jolliffe.

- (d) The Board resolved, subject to such road stopping procedure being successfully completed, to sub-delegate to the Corporate Support Manager the power under section 345 of the Local Government Act to dispose of the parcel of land created by such road stopping to the Lyttelton Port Company Limited on such terms and conditions as he shall consider appropriate (including any requirement under section 345(2) and (2A) that it be amalgamated with such other parcels of land as he shall consider appropriate), and that the Council be requested to apply the proceeds of sale to the purchase of land in the vicinity.

The meeting closed at 11am.

CONFIRMED THIS 1ST DAY OF NOVEMBER 2011.

**PAULA SMITH
CHAIRPERSON**

