
NAMING OF A NEW ROAD AT MOIKI ROAD, GREYTOWN

Purpose of Report

To advise the Community Board about the process for naming new roads and next steps for progressing the naming of a new road at Moiki Road, Greytown.

Recommendations

Officers recommend that the Community Board:

1. *Receive the Naming of a New Road at Moiki Road, Greytown Report.*
2. *Considers the applicant's preferred option "Archers Way" for the name of the proposed private road at Moiki Road, Greytown.*
3. *Notes that the Policy on Naming Public Roads, Private Roads and Rights-of-Way will be reviewed by council.*

1. Background

At the meeting on 28 October 2020, the Board considered an officers' report proposing three names for a new private road at Moiki Road, Greytown. There was some urgency around the application as the addressing for the subdivision is dependent on the private road being named and there had been some confusion with an address on Moiki Road.

The applicant's preferred option "Archers Way" was supported by an explanation of the significance of the name but two other names "Olivers Way" and "Hunters Way" did not have such an explanation, contrary to the council's Policy on Naming Public Roads, Private Roads and Rights-of-Way. This was accepted by officers given the urgency and the fact that the applicant was overseas. Officers considered that the preferred name complied with the policy and reported the name to the Board for approval.

The Board did not consider that the proposed names had significant local meaning and resolved as follows:

1. To receive the proposed naming of the proposed private road at Moiki Road Greytown report.
2. To delegate to the Chair and Simone Baker the ability to approve a name for the proposed private road at Moiki Road Greytown.

The Chair and Simone Baker liaised with some owners of lots within the subdivision who had expressed concern about the proposed name and other parties and subsequently agreed a new name for the road; Kowhai Lane. This name was communicated to the applicant who did not accept the name and requested that Council reconsider the names provided in the initial application.

Following a presentation in public forum at the meeting on 25 November from a lot owner at the subdivision, Council asked officers to provide a report to the Board on the matter.

2. Legislative and policy framework for naming roads

2.1 Local Government Act 1974

Council has general powers in respect of roads under section 319 of the Local Government Act 1974. Section 319(1)(j) provides Council with the power:

to name and to alter the name of any road and to place on any building or erection on or abutting on any road a plate bearing the name of the road

Section 319A provides:

If the council names any road for the first time, or alters the name of a road, the council must as soon as practicable send a copy of the relevant resolution to the Registrar-General of Land and the Surveyor-General.

2.2 Policy on naming of roads

Council has adopted a policy on the Naming of Public Roads, Private Roads and Rights-of-Way. The policy sets out the procedure for naming roads, guidelines for the selection of new road names and for changing existing road names, and for the provision of signage. The relevant provisions are discussed below.

2.2.1. Process

Paragraph 4.2.1 requires that applications for naming all roads created or extended as part of a subdivision to be submitted as part of the resource consent process.

Paragraph 4.2.2 provides:

To assist Council in assigning a name, an application for subdivision consent where a road is proposed to be named shall include three possible road names to Council for consideration and approval... The names should be listed in order of preference with a brief statement of their significance...

Paragraphs 4.2.3 to 4.2.5 state that Council will check the suitability of the preferred and alternative names against its policy. The application will then be submitted to the relevant Community Board for a recommendation prior to consideration and decision by Council. The final decision to approve the name shall remain at the discretion of Council. The Council will approve, amend or decline the name by way of a formal resolution adopted by Council.

2.2.2. Guidelines for selection of a new name

Paragraph 4.3.1 states that there must not be another road with the same name in the South Wairarapa District emergency services area; this includes the same road names with a different suffix.

Paragraph 4.3.3 requires that the name should have significant local content or meaning. The policy does not provide guidance on what may constitute “significant local content or meaning” or otherwise on the appropriateness of proposed names.

Paragraph 4.3.8 provides that names are entirely at the discretion of Council, whether for policy reasons or for other considerations.

2.3 Pre-approved road names

At its meeting on 19 February 2020, the Board approved a list of road names for new roads in the Greytown Ward. The purpose of the preapproved list is to expedite the process of road naming. Applicants are not required to select a name from the preapproved list but if they do, approval is deemed to have been given for the use of that name. However, if an applicant selects a Māori family name, approval for its use will be requested from the Māori Standing Committee.

2.4 Delegation of power to name roads

In previous electoral terms, Council delegated the power to the relevant Community Board to make a recommendation on the naming of roads for consideration and decision by Council. This is reflected in paragraph 4.2.4 of the policy. In the current electoral term, Council has delegated the power to name and alter the name of any road to Community Boards.¹ The power to delegate the naming of roads to Community Boards is consistent with Clause 32, Schedule 7 of the Local Government Act 2002.

The policy must therefore be read alongside the delegation and references to any consideration, decision-making and action being undertaken by the Council (i.e. the elected members) must be substituted with references to the Community Board.

3. Discussion

3.1 Significance of Archers Way

As detailed in the 28 October report, the applicant provided the following explanation as to the significance of the name Archers Way:

Major Archer Hosking (1870-1956) was a doctor with the New Zealand Medical Corps and served during World War I. His father, DR William Hosking, was the first doctor in Masterton and was a pioneer of the use of x-rays and hypnosis in New Zealand.

Major Hosking was a Medical Officer for the New Zealand Rifles and with No. 4 Field Ambulance before becoming a general practitioner at Masterton Hospital.

¹ See Terms of Reference for the Greytown Community Board adopted by Council at the meeting on 3 June 2020. Note that there is a typographical error in the delegation in the Terms of Reference as it refers to the power to name a road under section 319A whereas the general power is in section 319.

From 1917 to 1919 he was based at several WWI camps and a military hospital in England before returning to New Zealand to resume his duties as Superintendent of Masterton Hospital.

Officers considered that the name therefore met the policy as it had specific local content and meaning. The reason is that Major Hosking has an historical connection to the Wairarapa. Due to the status and position of Major Hosking and the point in time in Wairarapa's history, it is likely that his reputation and renown would extend across the Wairarapa, including the local area covering Moiki.

Further information can be found on the Surrey County Council Heritage Project page [here](#).

3.2 Substitution of name of road by the Community Board

The scheme of the policy is that the applicant is responsible for proposing names for consideration and approval. The purpose of proposing three names is to avoid repeating the application process if the decision-maker does not approve a preferred name. Although names are entirely at the discretion of the Board, the Board's actions are restricted under the policy to approving, amending or declining the name. "Amending" must be construed consistently with the scheme of the policy and would not extend to substantive revision or proposing a new name.

3.3 Delegation to Community Board members

The delegation to the Board members operates as a sub-delegation of the primary delegation to the Community Board. Clause 32(3) of Schedule 7 to the LGA 2002 provides that the power to sub-delegate is subject to any conditions, limitations or prohibitions imposed in connection with the primary delegation. There is no prohibition on sub-delegation in the delegation to the Board as outlined in the Terms of Reference. However, the naming of a road and approval of the name must be by resolution, by virtue of Section 319A of the LGA 1974 and paragraph 4.2.5 of the policy. The Board are not, therefore, able to delegate the naming of the road or approval of a name to Board members as Board members cannot individually pass resolutions. Board members would need to recommend a name to the Board for approval.

3.4 Temporary approval of road name

The Board discussed approving a name on a temporary basis. This is not anticipated in the LGA 1974 or in the policy. The strict provisions for altering an existing road name in paragraph 4.4 of the policy make it clear that changing names should be exceptional and is subject to the approval of residents and owners. Temporary approval of road names is also impractical for residents and affected organisations and is administratively onerous.

3.5 Consultation with owners of lots

The policy does not provide for consultation for the naming of new roads. This reflects the policy approach that the naming of new roads as part of a subdivision is the responsibility of the developer as a commercial decision. Community input is provided through the Community Board's local knowledge and expertise. The Māori Standing Committee and community may also input into the pre-approved names list.

This policy approach contrasts with the policy's provisions for changing existing road names which requires the residents and owners along the road to be consulted and a "significant majority" of those to support the proposed change. Those persons will be particularly affected by a decision to change the name as they will have greater association with the name and there will be practical implications for changing their address.

The policy is read alongside the council's Significance and Engagement Policy which determines the extent the council will carry out public engagement and the nature of the engagement.

It is also important to note that where consultation is undertaken, it does not mean that a decision is delegated to those involved in the consultation process. Rather, consultation gives the public the opportunity to express an opinion which the council considers when making a decision. Delegating a decision on the naming of the road to lot owners would be inconsistent with this general principle. It would also be outside of the requirements of the LGA 1974, the primary delegation from Council and the Community Board's sub-delegation.

3.6 Kowhai Lane

The Board has not provided a statement of the significance of the name Kowhai Lane and so it is not clear whether the name has significant local content or meaning under paragraph 4.3.3. However, there is already a Kowhai Grove in Featherston, which is in the South Wairarapa District emergency services area. The proposed name Kowhai Lane does not therefore comply with paragraph 4.3.1 of the policy and cannot be approved.

4. Next Steps

4.1 Naming the road

As discussed, there is a degree of urgency in naming the new road at Moiki Road, Greytown. The Board should reconsider the preferred name Archers Way in light of the explanation of local significance provided by officers discussed at paragraph 4.1 above.

The Board may resolve to decline the name, in which case officers will advise the applicant and will invite a new application. The applicant may wish to resubmit the names "Olivers Way" and "Hunters Way" with an explanation of the significance of those names or submit new names. While not required to do so, the applicant may wish to consult with historians, iwi, and members of the public in choosing names not on the pre-approved list and should advise council in the application if it has done so.

4.2 Review of policy

The policy was amended in November 2018 and was due for review in November 2019. Note that this is not a statutorily required review. However, officers consider it timely to review the policy in order that Council can consider the policy approach regarding road and open space names, consultation requirements with mana whenua and the community, and the extent that Te Reo Māori is to be adopted.

4.3 Consultation requirements

The consultation requirements associated with this decision are described in paragraph 3.5 above. Council will consult with the community on a revised policy.

4.4 Financial implications

There are no financial implications associated with this decision outside of officers' time.

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