

21 December, 2000

**APPENDIX 3
INITIATION REPORT**

Report to: Trevor Garnett

Subject: PROPOSED ROAD STOPPING – PART OF UPLAND ROAD ADJACENT
TO No. 41 UPLAND ROAD
WCC SERVICE REQUEST No. 58804

Site Information and Proposal:

Mr B Hesp, who is part-owner of the property at 41 Upland Road, has approached the Council regarding the possibility of purchasing an area of legal road adjoining that property. The subject area is located adjacent to the north-western boundary of the applicants' land and is part of the legal road just to the north of the intersection of Upland Road and Grove Road, Kelburn.

In this area the width of legal road is about 27 metres and the carriageway itself is about 14 metres wide. There is a one metre wide footpath on the both sides of the road, and the part of the road outside the carriageway on the south-western side slopes moderately steeply up to the south-west and to the front boundary of the applicants' land and is vegetated with a number of significant pohutukawa. This section of the legal road is also occupied by a triple concreted garage the front wall of which abuts the footpath. From the garages a several flights of stairs rise up the slope and lead to the two storey house within the applicant's site which is about 8 metres above the road level.

The part of road to be stopped is almost rectangular within dimensions of about 7 by 15 metres and has an area of about 102 square metres. The adjacent land owned by the applicant is described as Lot 12 DP 1197 which is 458 square metres in area and held in CT 272/277.

This area of road encompasses the triple garages (with the new proposed front boundary corresponding with the north-western wall of the garage), and also the pedestrian stairs. A small section of the pathway leading up to the property at No. 39 Upland Road is also proposed to be included in the area of road to be stopped but a right-of-way is proposed in this respect.

District Plan:

The land is within the Outer Residential activity area under the District Plan.

Purpose of the Report:

This report seeks the Council's approval to initiate the road stopping procedure for the above proposal all in terms of the Tenth Schedule of the Local Government Act 1974.

Reason For Road Stopping and Subsequent Use:

The applicants first approached the Council in September 1999 about the prospect of stopping the subject land, and were advised of the process and likely costs.

The application does not provide any reason for wanting to stop the road, but it is reasonable to assume that the owners of the adjoining land wish to acquire the land in order to formalise the existing use they make of it for access and parking purposes.

Background:

As indicated above, the applicants initially approached the Council in September 1999, and in November 2000 this was followed by responses from the utility authorities which had been consulted and also a plan of the proposed area.

A preliminary site visit was undertaken by ECBU staff in October 1999. At the same time Mr P Sumbly of 'Roading, Traffic and Transportation' advised that there is no objection to it being stopped and suggested that the new boundary be aligned along the front wall of the garages. Public drainage also expressed no opposition as there are no public drains located within the area.

A property valuation for area of land was provided by Richard A Schrama and Associates in January 2000, and at the same time the Council considered and signed-off under section 40 of the Public Works Act 1981.

Consultation:

The Council's, as the relevant drainage authority, confirmed on 22 October 1999 that there are no public drains located within the subject area.

Unconditional consent from other service authorities has been obtained:

- WCC Public Service Drainage - dated 25 July 2000
- Alstom Networks - dated 18 July 2000
- Clear Communications - dated 14 July 2000
- Saturn Communications - dated 12 July 2000

Conditional consent has been obtained from:

- Wellington Regional Council - dated 13 July 2000 (subject to water toby being located outside the area to be stopped)
- United Networks (elect.) - dated 12 July 2000 (subject to poles and overhead lines remaining within the road, and if not meeting all costs associated with relocation).
- Orion Network (gas) - dated 24 March 2000 (subject to a 'mark-out' if any excavations are planned within the area and in relation to gas plant in the area, and subject to permanent access being provided to its plant which appears to be located within the area.)

Neighbours' consent:

Approval from the owners of adjoining and adjacent properties has not been sought to this proposal.

Evaluation and Assessment of Effects:

In the vicinity all the residential land is developed for that purpose with dwellings erected in the early 1900's.

The area of land to be stopped is not currently used as public road, and due to topographical separation from the carriageway and its vegetated state represents a piece of land which for all purposes appears to be already held in private ownership. To a large extent the proposal formalises current usage of the land which due to topography will result in no reduction in the public's use of the road, and no direct change in terms of street-scape.

The road stopping can be conditional upon the stopped area being amalgamated with the adjoining applicant's land, and the registration of the required easement for access to No. 39 Upland Road and for utility servicing in respect of Orion Network. Such conditional approval will ensure the current situation will continue, and that the stopped land is not used for an independent use.

The legal width of the road will be reduced from 27 to a minimum of about 19.5 metres. Front yard issues for properties on the other side of the street are therefore negligible.

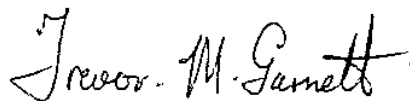
Recommendation:

Pursuant to the Tenth Schedule of the Local Government Act 1974, the Undersigned Officer acting under delegated authority, AGREES TO INITIATE the road stopping procedure for part of Upland Road adjoining the properties at No. 41 Upland Road (being Lot 12 DP 1197) and generally as shown on Peter A. Maunder plan no. 3942/1 dated November 2000 submitted with the application (SR 58804) with the following conditions:

- a) The north-western boundary of the area of road to be stopped is to correspond to the north-western wall of the existing triple encroachment garage.
- b) That the title for the area of stopped road is to be amalgamated with the adjoining land being Lot 12 DP 1197 held in CT 272/277.
- c) Compliance with all requirements of utility operators in respect of services facilities which may be located in or near the area of road to be stopped and potential affected by subsequent use of the land, and in particular registration of easements in respect of United Networks gas plant which is located in the subject area.
- d) Prior to the amalgamation of the stopped road with the title of the adjoining land, an easement for rights-of-way is to be registered in favour of the adjoining property at No. 39 Upland Road and in respect of the part of the pedestrian access to that property which will be located within the stopped road.
- e) That all costs associated with the compliance of the above conditions be met by the applicant, including all survey, administration and legal costs involved in this application.



Brian Warburton
Delegated Officer



Trevor Garnett
Delegated Officer

Delegated Authority Code: (xxvi)