
2. General Business

PROPOSED ROAD STOPPING - LAND ADJOINING 2 MILITARY ROAD AND 55 GARDEN ROAD, NORTHLAND

Purpose

1. The purpose of this report is to recommend that the Council stops approximately 50m² (subject to survey) of unformed legal road adjoining 2 Military Road and 55 Garden Road, Northland (shown in attachment 1).

Summary

2. The owner of 2 Military Road and 55 Garden Road, Northland, has applied to stop part of the unformed legal road (the Land) along the Orangi Kaupapa frontage of both properties.
3. The residential properties at 2 Military Road and 55 Garden Road are located at the intersection of Military / Orangi Kaupapa / Garden Roads. Attachment 1 shows the Land, outlined in red, situated at the corner of Military and Orangi Kaupapa Roads.
4. Utility providers, and the Council's internal business units, have been consulted. All support the proposal subject to standard conditions (where applicable).
5. Initial consultation letters have been sent to four adjacent neighbours of the road stopping. At the time of writing this report no replies have been received.
6. If the Council agrees with the recommendation of the Regulatory Processes Committee officers will commence public notification. Neighbours and any other member of the public will then have the opportunity to make a submission.

Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to the Council that it:
 - a) Declares that approximately 50m² of unformed legal road land at the intersection of Military / Orangi Kaupapa / Garden Roads, Northland, shown outlined red on Attachment 1 (the Land), and adjoining 2 Military Road (being Lot 1 DP 310281 CFR 40460) and 55 Garden Road (Lot 2 DP 310281 CFR 40461) is not required for a public work and surplus to Council's requirements.
 - b) Agrees to dispose of the Land.
 - c) Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.
3. Notes that if objections are received to the road stopping, and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee for consideration.

Background

7. The Land is subject to an encroachment licence. It rises upwards from the formed carriageway, containing grass and small shrubs/trees in front of both 2 Military Road and 55 Garden Road, and driveway to 2 Military Road, (Attachment 2).
8. Should the road stopping proposal be successful approximately 40m² of the Land would be amalgamated with 2 Military Road and 10m² with 55 Garden Road.
9. The applicant has indicated they have plans to further develop their property, increasing the area of both lots increases their options.

Discussion

10. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1074 (LGA).
11. The Council, under section 40 of the Public Works Act 1981 (PWA), 'shall endeavour' to dispose of any land not required for the public work for which it was taken, and which is not required for any other public work.
12. Advisors from Council's Transport Team have confirmed the Land is not required for future road widening or public access purposes. They supported the proposal subject to retention of a minimum road area of two metres from the kerb face in front of the applicant's properties.
13. Relevant Council business units have been consulted with and none wish to retain the Land.
14. If Council approves the above, officers will establish whether any offerback obligations under section 40 of the Public Works Act 1981 exist.

Options

15. The alternative to undertaking the road stopping is to retain the Land as unformed legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires.

Next Actions

16. Conclude an investigation in accordance with s40 PWA.
17. Initiate the public notification process.
18. Prepare a survey plan and Sale and Purchase contract.

Attachments

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| Attachment 1. | Aerial | Page 11 |
| Attachment 2. | View of road land proposed to be stopped | Page 12 |

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SUPPORTING INFORMATION

Consultation and Engagement

Community

In March 2016 letters were sent to four adjacent neighbours of the land proposed to be stopped. At the time of writing this report no replies had been received.

Utility Provider and Council Business Units

The applicant is obliged to obtain comments from utility providers prior to submission of the application. None have objected to the road stopping nor have provided conditional support to the creation of relevant easements if necessary.

Public Drainage/Building Consent & Licensing required:

1. That a 4m wide access to the existing stormwater culvert be retained by Council.
2. Extend an existing drainage easement over the legal road land proposed to be stopped.
3. A public stormwater drain is located within the area of the proposed road stopping, building over or near these drains would be subject to prior approval of the Public Drainage Engineer, Drainage team, Wellington Water.

Wellington Water advised:

There are three tobys supplying 2 Military Road and 55 Garden Road. It is a requirement that the proposed road stopping boundary is 500mm clear of them. The existing position of the three tobys relative to the proposed new legal boundary will be confirmed when the survey office plan is prepared.

Several relevant Council business units were consulted in addition to Transport Planning: Parks, Sport and Recreation, Transport, District Plan Policy, Planning, Vehicle Access, Urban Design and Heritage. None objected to the road stopping.

Treaty of Waitangi considerations

Iwi groups have not been consulted. The land is not located in a Māori Precinct, or other area identified as significant to Māori. The land is not being disposed on the open market, and will not become a standalone allotment (amalgamation is proposed).

Financial implications

There are no significant financial considerations related to this recommendation. Any costs associated with the disposal of the Land are borne by the applicant or subtracted from sale proceeds per the 2011 cost sharing initiative.

In August 2011 a new cost sharing incentives for road stoppings were approved by Council. The rebate amount is determined at the end of the road stopping process when all of the costs are known.

Policy and legislative implications

The recommendations of this report are consistent with policies of the Council; the road stopping is also being undertaken in accordance with legislative requirements.

This is not a significant decision. This report sets out the Council's options under the 2011

Road Encroachment and Sale Policy.

This proposed road stopping has no significant impact on the Long Term Plan.

Risks / legal

The road stopping process is consistent with legislative, and the Council's requirements.

Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

Climate Change impact and considerations

There are no climate change implications for this road stopping.

Communications Plan

Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process.



View of road land proposed to be stopped

