
PROPOSED ROAD STOPPING – LAND ADJOINING 1 ARANUI STREET, MIRAMAR

Purpose

1. The purpose of this report is to recommend that the Council disposes of approximately 191m² of unformed legal road adjoining 1 Aranui Street, Miramar (refer Attachments 1 and 2)

Summary

2. The owners of 1 Aranui Street, Miramar have applied to purchase part of the unformed legal road adjoining the frontage of their property.
3. The approximately 191m² of legal road to be purchased (the Land) is shown bordered red on the plan in Attachment 2.
4. Utility providers, and the Council's internal business units, have been consulted. All support the proposal subject to standard conditions (where relevant).
5. Initial consultation letters were sent to adjacent neighbours. 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 and proceeds with the disposal then it will be publicly notified. At that time neighbours, and any other member of the public, will 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. Agrees that approximately 191m² of unformed legal road land in Aranui Street, Miramar, shown as the land bordered red on the plan in Attachment 2 (the Land), and adjoining 1 Aranui Street, Miramar (being Lot 1 DP 22784 CFR WNA4/488) is not required for a public work and surplus to Council 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 elevated above the adjoining public footpath (refer Attachment 3 for views at street level).
8. A substation is shown in one of the street level photographs in Attachment 3. For clarity, the Land excludes the substation and the substation will remain in legal road.
9. Should the road stopping proposal be successful the Land would be amalgamated with 1 Aranui Street, Miramar.
10. The applicant is seeking to purchase the Land to provide car parking and storage in the short term, and to increase future development options.

Discussion

11. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (**LGA**).
12. 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.
13. The Transport Network Team has confirmed the Land is not required for road or access purposes. No other relevant Council business unit is seeking to retain the Land. The section 40 PWA report will determine whether any offer back obligation exists.

Options

14. 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 or intends to use.

Next Actions

15. Conclude a section 40 PWA investigation.
16. Prepare a survey legalisation plan and Sale and Purchase agreement.
17. Initiate the public notification process.

Attachments

- Attachment 1. Location Plan
Attachment 2. Aerial
Attachment 3. Views at street level

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SUPPORTING INFORMATION

Engagement and Consultation

Community

In March 2017 letters were sent to adjacent neighbours of the Land. 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 objected to the road stopping and/or have provided conditional support subject to the creation of relevant easements.

Several business units of the Council were consulted: Transport Networks, Planning, Parks, Sport and Recreation, District Plan Policy, Vehicle Access, and Urban Design. None objected to the road stopping or provided conditional support.

Conditions such as kerb setbacks, the inclusion of isolation strips, amalgamation of parcels and neighbour consultation, have been adopted where applicable.

Treaty of Waitangi considerations

Iwi groups have not been consulted. The land is not located within a Māori Precinct, or other area identified as significant to Māori. As amalgamation is a condition of the stopping it is likely only to be disposed of to the adjacent neighbour, and not be available for purchase by iwi or the public in general.

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 and the proceeds are directed toward the general fund.

As of August 2011 a new cost sharing incentive for road stoppings was approved by Council. The rebate amount is determined at the end of the process 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 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 will be undertaken in accordance with legislative and Council 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 arising from this road stopping.

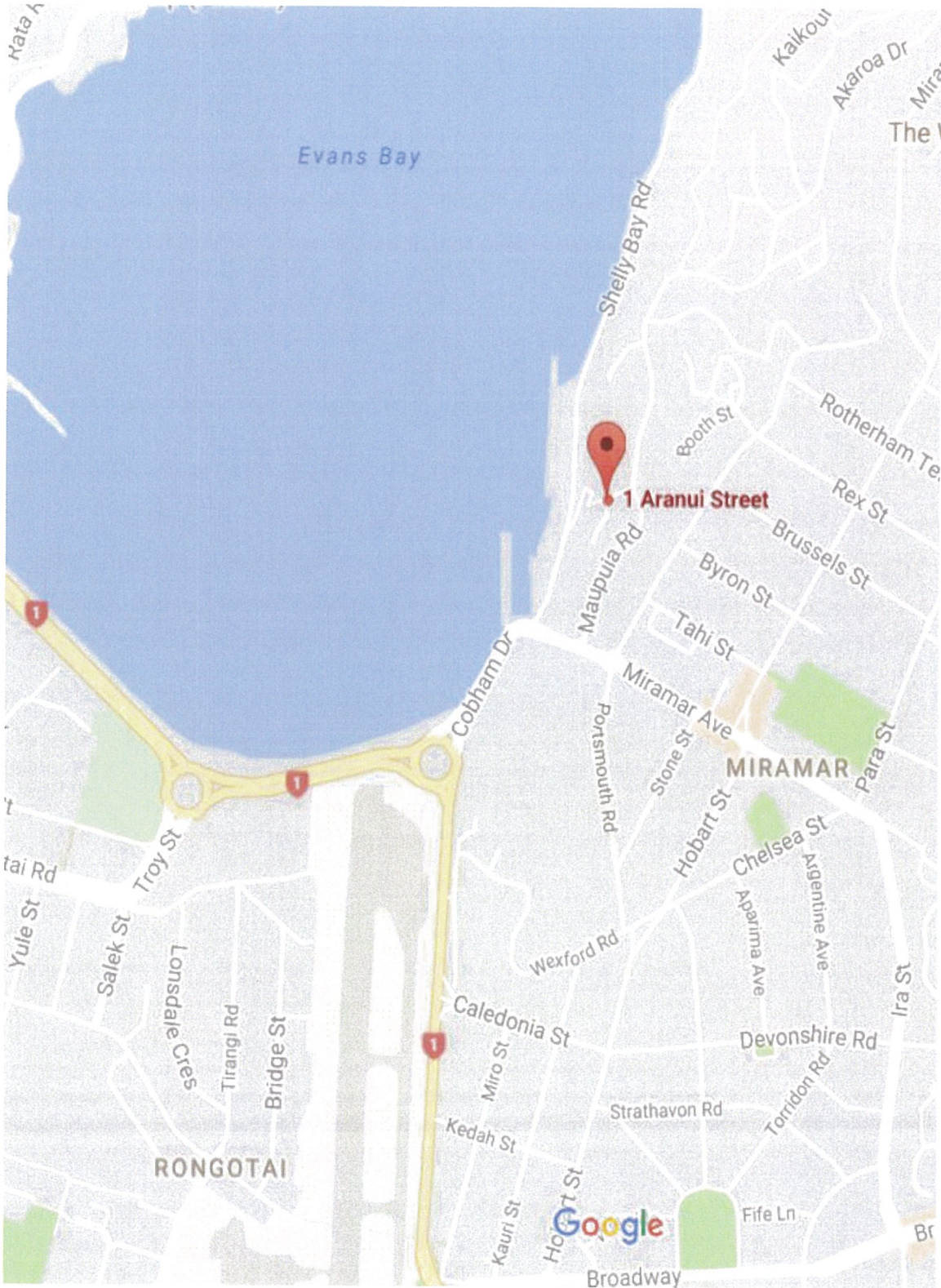
Communications Plan

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

Health and Safety Impact considered

Officers are not aware of any negative health and safety impacts relating to this proposal.

Location plan





View of 1 Aranui Street from Ropa Lane intersection



View of 1 Aranui Street from Maupuia Road intersection



