
PROPOSED ROAD STOPPING - LAND ADJOINING 82 NEWLANDS ROAD, NEWLANDS

Purpose

1. The purpose of this report is to recommend that the Council disposes of approximately 185m² of unformed legal road adjoining 82 Newlands Road, Newlands (refer Attachments 1 and 2).

Summary

2. The owners of 82 Newlands Road, Newlands, have applied to purchase part of the unformed legal road abutting the frontage of their property.
3. The approximately 185m² of legal road to be purchased (the **Land**) is shown bordered red on the plan in Attachment 2.
4. Utility providers and relevant Council business units have been consulted. All support the proposal, subject to standard conditions (where relevant).
5. Initial consultation letters were sent to adjacent neighbours and, at time of writing of the report, no replies had 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 members 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 185m² of unformed legal road land on Newlands Road, Newlands, shown as the land bordered red on the plan in Attachment 2 (the **Land**) and adjoining 82 Newlands Road, Newlands (being Lot 17 DP14870, CFR WN825/86) is not required for a public work and surplus to 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. Newlands Road (previously Horokiwi Road) has existed since 1913. The subdivision creating 82 Newlands Road was completed in 1950.

8. In 1964/65 Newlands Road was straightened and widened to accommodate the expansion of the eponymous suburb. The realignment created the wide legal road corridor existing today.
9. 82 Newlands Road is occupied by a single storey, c.1950, weatherboard dwelling. The remainder of the site is covered in grassed lawn (road frontage) or gorse and scrub (bank to rear).
10. The Land is occupied by a sealed driveway, footpath and grassed lawn.

Discussion

11. Road stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (the **LGA**)
12. Council, under section 40 of the Public Works Act 1981 (the **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 business unit of the Council seeks to retain the Land. The section 40 PWA report will, otherwise, 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.
15. An encroachment licence could be issued for the Land if it is not stopped. Such a licence provides less certain tenure for the occupier and limits the scope for better utilisation of the land by these owners.

Next Actions

16. Conclude a section 40 PWA investigation.
17. Prepare a survey legalisation plan and Sale and Purchase agreement for the Land.
18. Initiate the public consultation process.

Attachments

Attachment 1.	82 Newlands Road - Location Plan	Page 21
Attachment 2.	82 Newlands Road - Aerial Plan	Page 22
Attachment 3.	Photo looking south east from road	Page 23
Attachment 4.	Photo looking east (showing approximate extent of area to be stopped)	Page 24

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SUPPORTING INFORMATION

Engagement and Consultation

Community

In February 2017 letters were sent to adjacent neighbours of the Land. At time of writing no replied had been received.

Utility Provider and Council Business Units

The applicant is obliged to obtain comment from utility providers prior to submission of the application. None objected to the road stopping and/or have provided condition support subject to the creation of relevant easements.

Several business units of the Council were consulted: Transport Networks, Planning, Parks, Sport & 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 financial considerations relating to this recommendation. Any costs associated with the disposal of the Land are borne by the applicant and the proceeds of sale are directed towards the general fund.

As of August 2011 a new cost sharing incentive for road stoppings was approved by the Council. The rebate amount is a percentage of the sale price, so is determined at the end of the process when these costs are known.

Policy and legislative implications

The recommendations of this report are consistent with the 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 relevant legislation and under the Council's Road Encroachment and Sale Policy 2011.

The 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

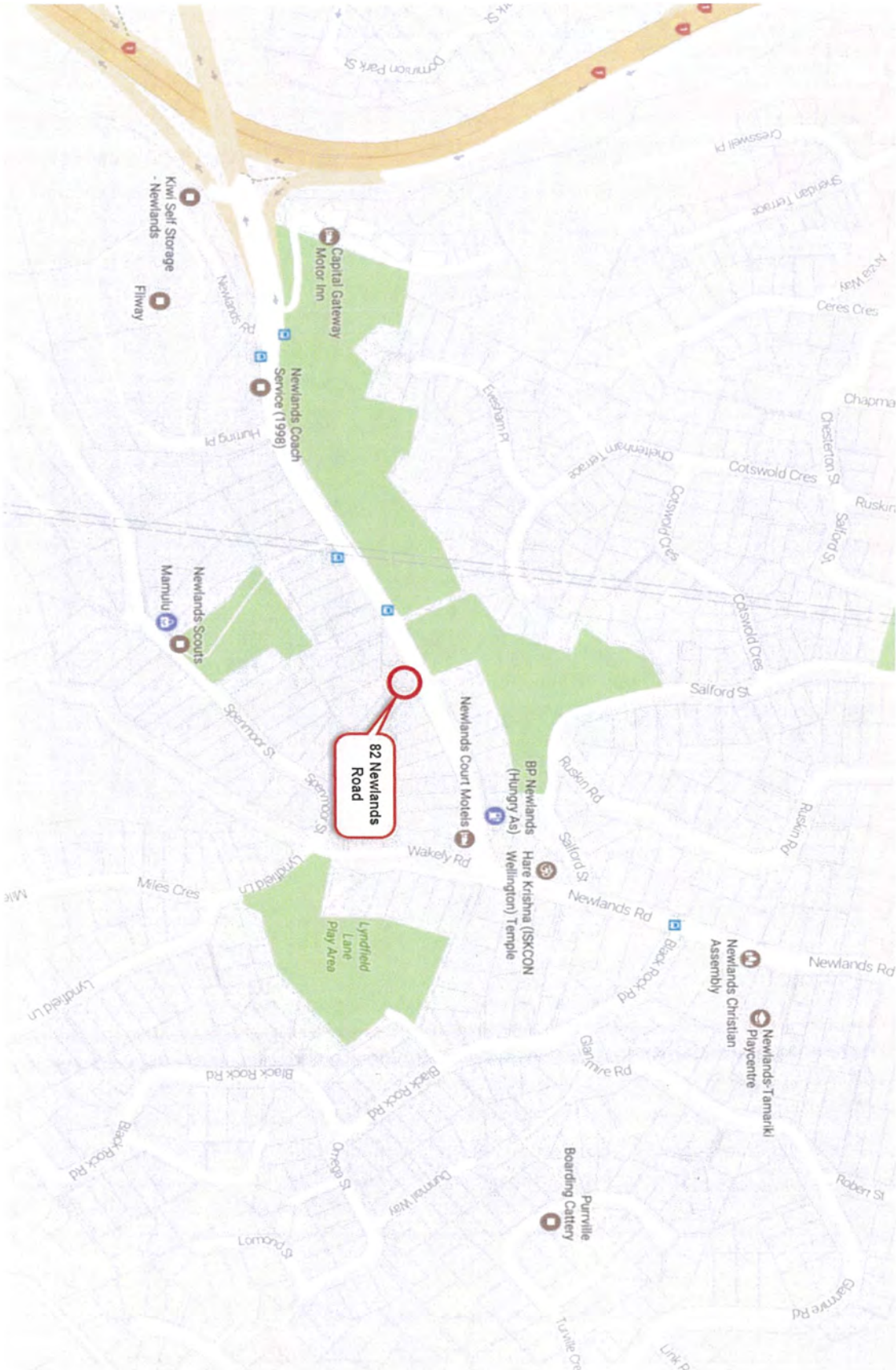
There are no climate change implications arising from this road stopping.

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

The land exchange is a minimal risk to health and safety. The work is entirely administrative and is a normal operational function of Council Officers.







Item 2.2 Attachment 3

Item 2.2 Attachment 4

