
PROPOSED ROAD STOPPING - LAND ADJACENT TO 105 JUBILEE ROAD, KHANDALLAH

Purpose

1. The purpose of this report is to recommend that the Council stops a section of unformed legal road; being part of Jubilee Road, Khandallah (refer Attachments 1 and 2).

Summary

2. The owners of 105 Jubilee Road, Khandallah, currently have an encroachment licence for a carpad on legal road in front of their property. Additionally, the owners have a pedestrian accessway from the carpad to their dwelling.
3. In order to gain greater control over the area, the owners have made an application to purchase approximately 95m² of unformed legal road, situated immediately in front of their property on Jubilee Road (refer Attachment 2). Due to infrastructure requirements, this will not incorporate the carpad, which will remain on an encroachment licence for the time being.
4. The Council needs to determine if the land is surplus to requirement (for a public work) before considering disposal.
5. The Council's internal business units, and external utility providers, have been consulted and all support the proposal subject to standard conditions.
6. Immediately-adjacent neighbours of the proposed road stopping area have been consulted and, at time of writing, none have expressed concerns.
7. If the Council agrees to initiate the road stopping then these neighbours, along with the wider public, will have the opportunity to make a formal submission.

Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to the Council that it:
 - a. Agrees that approximately 95m² of unformed legal road land on Jubilee Road, Khandallah (the **Land**), adjoining 105 Jubilee Road, Khandallah (being Lot 2 DP 10359, CFR WN523/85) is not required for a public work.
 - b. Authorises Council officers to initiate the road stopping process for the Land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974 (**LGA**).
 - c. Authorises Council officers to undertake a section 40 Public Works Act 1981 (**PWA**) report to identify whether the Land must be offered back to its former owner or their successors, or whether exemptions from offer back apply.
 - d. Delegates to the Chief Executive Officer the power to either offer the Land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA (if appropriate).

- e. Delegates to the Chief Executive Officer the power to formally approve the road stopping, issue all relevant public notices, declare the Land stopped, negotiate the terms of sale or exchange, impose any reasonable covenants, enter into an agreement in respect of the Land, and conclude all matters in relation to this transaction.
3. Notes that if objections are received to the road stopping and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.

Background

8. In October 2014 the Council received an application from the owner of 105 Jubilee Road, Richard Barrington, seeking to stop and purchase 95m² of unformed legal road abutting his property.
9. The Land consists of ground predominantly covered in grass, with some larger established trees and vegetation in the northwest corner. A zig-zag concrete path, bounded by wooden and stone retaining walls, also bisects the site.

Discussion

10. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the LGA.
11. The Council, under section 40 of 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.
12. The Transport Team has confirmed the land is not required for road or access purposes. No other relevant business units of the Council seek to retain the land. The section 40 PWA report will, otherwise, determine whether an offer back obligation exists.

Options

13. The alternative to undertaking the road stopping is to retain the status quo; the Land will remain in its current condition (unformed legal road). If the road stopping did not proceed I would recommend that an encroachment licence be applied and granted for the portion of land that 105 Jubilee Road currently informally occupies.

Next Actions

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

Attachments

- Attachment 1. 105 Jubilee Road Location Plan Page 43
Attachment 2. 105 Jubilee Road Aerial Plan Page 44

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SUPPORTING INFORMATION

Consultation and Engagement

Community

In November 2014 letters were sent to the 5 immediately-adjacent neighbours of the Jubilee Road road stopping site. At time of writing no comments were received in return from these parties.

Council Business Units

Wellington Water:	No objection to road stopping, or conditions requested.
Parks, Sport & Recreation:	No objection to road stopping, or conditions requested.
District Plan Policy:	No objection to road stopping, or conditions requested.
Planning:	No objection to road stopping. Recommend amalgamation condition be imposed, and that consultation be undertaken with neighbouring properties due to changes in development potential arising from the change in road width.
Transport:	No objection to road stopping, or conditions requested.
Vehicle Access:	No objection to road stopping, or conditions requested.

Utility Providers

Telecom (c/- Downer):	No objection to road stopping, or conditions requested.
Vodafone:	No objection to road stopping, or conditions requested.
Powerco Ltd (gas):	No objection to road stopping, or conditions requested.
NovaEnergy:	No objection to road stopping, or conditions requested.
Wellington Electricity Ltd:	Noted that overhead and underground electricity lines are located close to, but outside of, road stopping area. No objection provided that: <ol style="list-style-type: none">1. All activities near the lines must be carried out in accordance with the NZ Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001)2. Northpower are contacted to obtain plans of the lines.3. Any relocation of the lines will be at applicant's expense; contact Northpower to arrange.4. If any Wellington Electricity lines are to be located on private land, an easement must be granted to Wellington Electricity.5. No buildings, fences, or structures to be placed on top of the electricity lines.6. If any underground electricity cables are noticed or an electricity outage is caused, construction must be halted immediately and Wellington Electricity contacted.

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 of on the open market, and will not become a standalone allotment (amalgamation is proposed).

Financial implications

There are no financial considerations related to this recommendation. Any costs associated with the disposal of the Land are borne by the applicant.

In August 2011 a new cost sharing incentive for road stoppings was approved by the Council. The rebate amount will be 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 relevant legislation and under the Council's 2011 Road Encroachment and Sale Policy.

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

Risks / legal

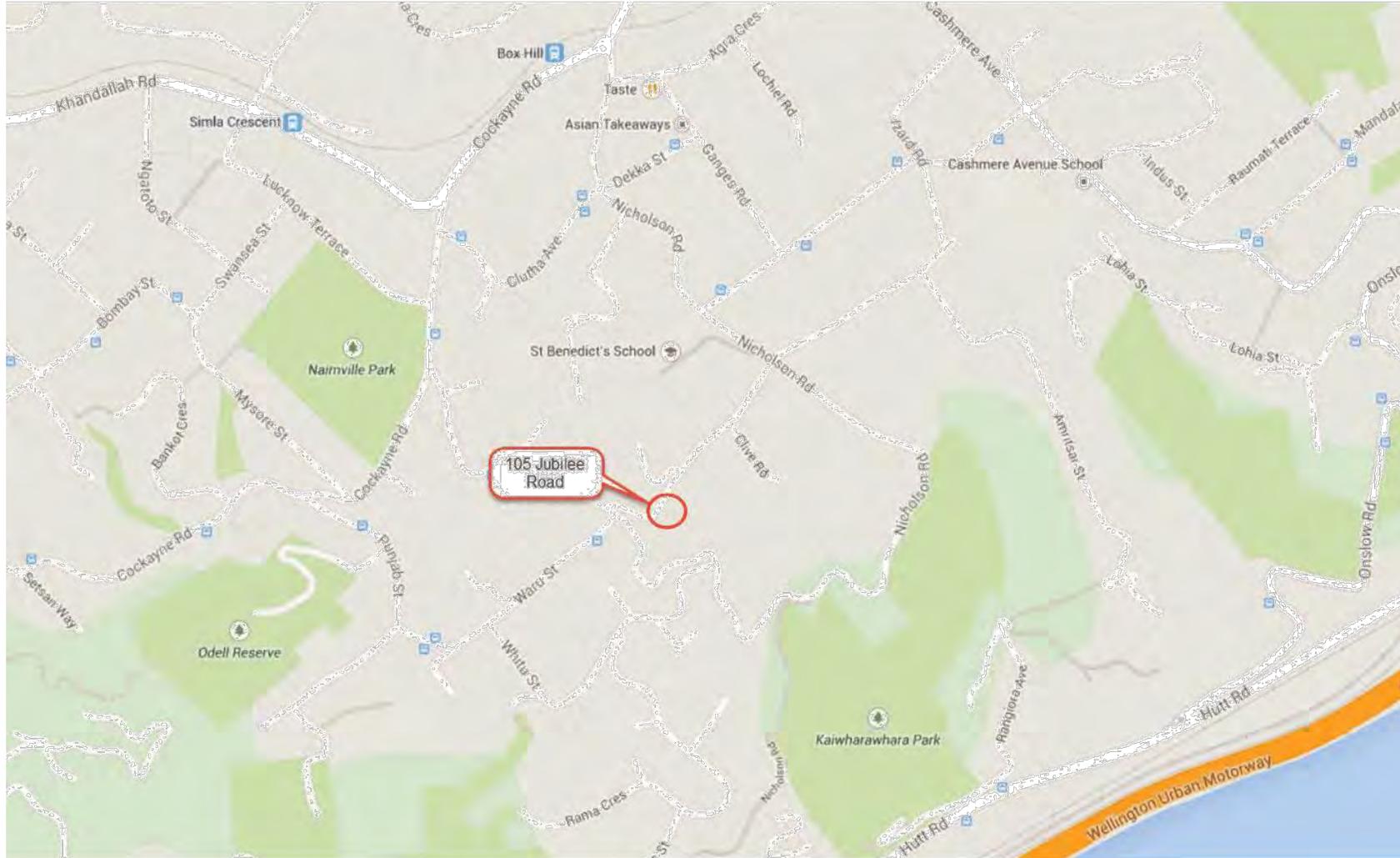
The road stopping process is consistent with legislative, and the Council's, requirements. Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

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.



Item 2.2 Attachment 2

