
PROPOSED ROAD STOPPING - LAND ADJOINING 12 ESSEX STREET, ARO VALLEY

Purpose

1. To recommend that the Council stops and sells approximately 50m² (subject to survey) of unformed legal road adjoining 12 Essex Street, Aro Valley (shown outlined red in Attachment 1).

Summary

2. The owner of 12 Essex Street, Aro Valley has applied to purchase the area outlined in red in Attachment 1 (the Land).
3. This residential property is located near the end of Essex Street, being a short cul-de-sac.
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 five immediate neighbours. At the time of writing this report no replies have been received.
6. If the Council approves officers' recommendation then public notification will commence. 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 (subject to survey) of unformed legal road land in Essex Street, Aro Valley, shown outlined red on Attachment 1 (the Land), and adjoining 12 Essex Street (being Lot 3 DP 1178 CFR WN469/274) is not required for a public work and surplus to Council requirements.
 - b) Agrees to stop the legal road and dispose of the Land referred to above.
 - c) Declares that approximately 1m² (subject to survey) of unformed legal road land in Essex Street, Aro Valley, highlighted blue on Attachment 1 and adjoining 12 Essex Street (being Lot 3 DP 1178 CFR WN469/274) is not required for road.
 - d) Agrees to stop approximately 1m² (subject to survey) of unformed legal road (highlighted blue on Attachment 1) for use as an isolation strip.
 - e) 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 slopes upwards from the formed carriageway lying between a public footpath raised above Essex Street and the applicant's property. It contains trees, vegetation and a fence constructed of masonry and timber. (View from Essex Street in Attachment 2).
8. Should the road stopping proposal be successful the Land would be amalgamated with 12 Essex Street.
9. The applicant is interested in purchasing the Land as they intend to extend their existing house and create off-street parking.

Discussion

10. Road Stopping is provided for under Sections 319(h) and 342(1)(a) of the Local Government Act 1974 (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 support the proposal subject to legal road width of 12 metres being retained. This width is consistent with the remainder of the street. An isolation strip would be required on the extension of the 12/14 Essex Street side boundary as shown blue on the attached aerial.
13. Relevant Council business units have been consulted and none wish to retain the Land.
14. As is normal practice in the early stages of the road stopping process Officers have written to the owners of five nearby properties notifying them that Council had received this road stopping application. At the time of preparing this report no response had been received, these owners will be consulted again when the formal public consultation is carried out later in the road stopping process.
15. If Council approves the above, officers will establish whether any offerback obligations under section 40 of the Public Works Act 1981 exist.

Options

16. 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 for operational purposes.

Next Actions

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

Attachments

- Attachment 1. Aerial
Attachment 2. View from street

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SUPPORTING INFORMATION

Engagement and Consultation

Community

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

Utility Providers and Council Business Units

The applicant is obliged to obtain comments from utility providers prior to submission of the application. This has taken place and none have objected to the road stopping or have imposed any conditions relating to creating easements.

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.

City Planning and Design supported on the condition that the approximately 50m² parcel of road to be stopped adjoining 12 Essex Street is to be amalgamated with that property.

Officers have written to the owners of nearby properties. At the time of writing this report no response had been received. These owners will be consulted again when the formal public consultation is carried out later in the road stopping process.

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.

Health and Safety Impact considered

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

Proposed road stopping area



View of 12 Essex Street from Essex Street

