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## **PROPOSED ROAD STOPPING - LAND ADJOINING 43 HUNTINGDON STREET, NORTHLAND**

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### **Purpose**

1. To recommend that the Council stops and sells approximately 70m<sup>2</sup> (subject to survey) of unformed legal road adjoining 43 Huntingdon Street, Northland (shown in attachment 1).

### **Summary**

2. The owner of 43 Huntingdon Street, Northland, has applied to purchase the area outlined in red in Attachment 1 (the Land).
3. This residential property is located in the middle of Huntingdon Street, being a long 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 adjacent neighbours of the road stopping.
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 70m<sup>2</sup> (subject to survey) of unformed legal road land in Huntingdon Street, Northland, shown outlined red on Attachment 1 (the Land), and adjoining 43 Huntingdon Street (being Lot 109 DP 20263 CFR WNWNE2/261) is not required for a public work and surplus to Council's requirements.
  - b) Agrees to stop the legal road and dispose of the Land referred to above.
  - c) Declares that approximately 1m<sup>2</sup> (subject to survey) of unformed legal road land in Huntingdon Street Northland, highlighted blue on Attachment 1 and adjoining 43 Huntingdon Street (being Lot 109 DP 20263 CFR WNWNE2/261) is not required for road.
  - d) Agrees to stop approximately 1m<sup>2</sup> (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.

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## **Background**

7. The Land is not currently subject to an encroachment licence. It slopes down from the formed carriageway, containing grass, small shrubs and trees (attachment 2).
8. Should the road stopping proposal be successful the Land would be amalgamated with 43 Huntingdon Street.
9. The applicant is interested in purchasing the Land to increase subdivision options.

## **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 have supported the proposal subject to retention of a minimum road area of eighteen metres in front of the applicant's property, with an isolation strip on the extension of the 43/45 Huntingdon Street side boundary.
13. Relevant Council business units have been consulted with 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 writing this report only one reply had been received with that party having no issue with the proposal. These five 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.

## **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**

In July 2016 letters were sent to five adjacent neighbours of the land proposed to be stopped. At the time of writing this report only one reply had been received with that party having no issue with the proposal.

### **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 or have imposed any conditions relating to creating easements.

Several relevant Council business units were consulted in addition to Transport Planning: None objected to the road stopping. City Planning and Design advised the proposal would result in new front yard setback requirements being introduced on the applicant's property, and on 36 and 38 Huntingdon St due to the introduction of a front yard set back of between 1.5m and 0 situated on the opposite side of the road. Officers have written to the owners of these properties. At the time of preparing this report one owner had responded and officers had subsequently met with them. They have no issue with the proposal and 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**

There are health and safety implications for this road stopping.

Proposed road stopping area



View of 43 Huntingdon Street from Huntingdon Street

