
PROPOSED ROAD STOPPING - LAND ADJOINING 26 AND 28 RAROA ROAD

Purpose

1. The purpose of this report is to recommend that the Council stops 42m² of unformed legal road adjoining 26 and 28 Raroa Road, Kelburn (refer Attachment 1).

Summary

2. The owners of 26 and 28 Raroa Road, Kelburn have applied to stop part of the unformed legal road along the frontage of their property.
3. The approximately 42m² of legal road to be stopped (the Land) is shown bordered blue on the plan in Attachment 1.
4. Utility providers, and the Council's internal business units, have been consulted on the road stopping. All support the proposal subject to standard conditions (where required).
5. Initial consultation letters have been sent to one adjacent and two adjoining neighbours of the road stopping. At the time of writing this report, no replies had been received.
6. If the Council agrees with the recommendation of the Regulatory Processes Committee, and proceeds with the road stopping, then the proposal will be publicly notified. Neighbours and any other member of the public 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 42m² of unformed legal road land on Raroa Road, Kelburn, shown as land bordered blue on Attachment 1 (the Land) and adjoining 26 and 28 Raroa Road, Kelburn (being Lot 2 DP 1946 CFR WN47C/100 and Lot 3 DP 1946 CFR WN166/42) 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. The properties at 26 and 28 Raroa Road rise steeply from the road to the rear boundary where their respective dwellings are located. The houses are approached by extended walk up access or cable car access from the road frontage.
8. The Land is predominantly level and sealed to the boundaries of the properties. It contains car parking and a cable car platform (Attachment 2).
9. There is a current encroachment licence for the parking and cable car platform. Due to minimum width requirements, if the road stopping is successful, an encroachment licence (albeit for a smaller area) will be necessary.

Discussion

10. Road Stopping is provided for under Sections 319(1)(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. 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 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

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

Attachments

- Attachment 1. Proposed Road Stopping - 26 & 28 Raroa Road Page 30
Attachment 2. Photo - 26 and 28 Raroa Road Page 31

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SUPPORTING INFORMATION

Consultation and Engagement

Community

In January 2015 letters were sent to two adjacent neighbours of the Newlands Road Land. At time of writing no replies 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 conditional support subject to the creation of relevant easements.

Several relevant Council business units were consulted: Parks, Sport & Recreation, Transport, District Plan Policy, Planning, Vehicle Access, Urban Design & Heritage, and Wellington Water. None objected to the road stopping.

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 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 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

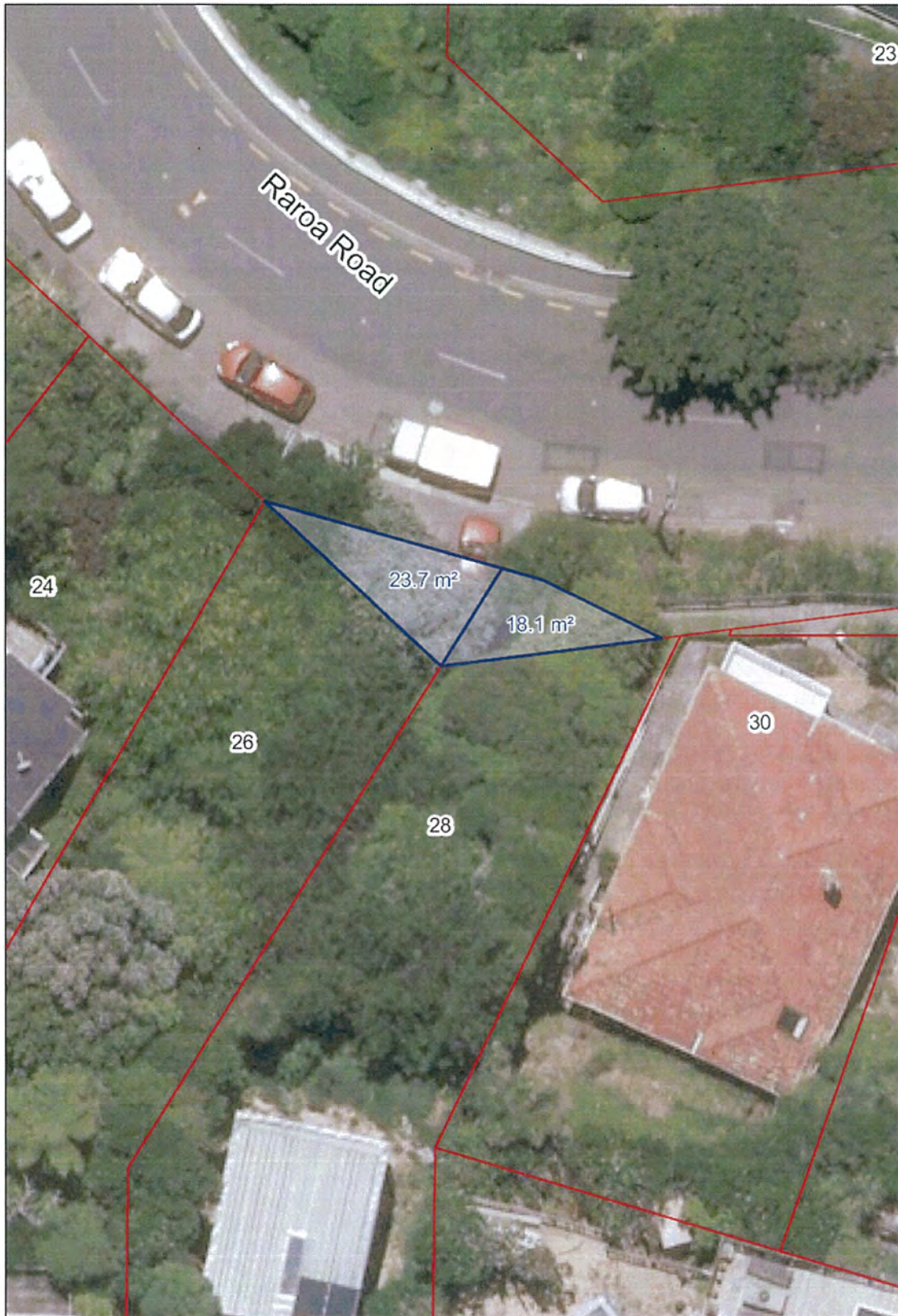
The road stopping process is consistent with legislative, and the Council's, requirements. Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

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.



Photos of 26 and 28 Raroa Road stopping proposal area



