

ROAD STOPPING AND EXCHANGE - LEGAL ROAD IN CRIEFF STREET ADJOINING 130 GLENMORE STREET

Purpose

1. To recommend that the Council:
 - a. Stops and sells approximately 20m² of Council-owned unformed legal road (Crieff Street) adjoining 130 Glenmore Street, Northland, Wellington (the Land); and
 - b. Acquires approximately 20m² of the applicants' land for the purposes of road (refer land exchange plan shown in **Attachment 1**).

Summary

2. The owners of 130 Glenmore Street have applied to purchase part of the unformed legal road adjoining their property. This proposed road stopping area of 20m² is shown outlined red in **Attachment 1**.
3. Council's transport planners have taken the opportunity to rectify a small area of the Crieff Street pavement and road which is currently on private property, by acquiring part of the owners' property (the Applicants' Land) in exchange for the above.
4. The Applicants' Land measures approximately 20m² and is shown outlined green in **Attachment 1**.
5. Utility providers and relevant Council business units have been consulted. All support the proposal subject to standard conditions (where applicable).
6. Initial consultation has been undertaken with neighbours on the opposite side of Crieff Street. No objections have been received.
7. If the Council approves officers' recommendations then public notification will commence. At that time neighbours, and any other member of the public, will have an opportunity to make a submission.

Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to Council that it:
 - a) Agrees that approximately 20m² (subject to survey) of unformed road land in Crieff Street, Northland, shown outlined red on **Attachment 1** (the Land), and adjoining 130 Glenmore Street, Northland (Lots 228-230 DP 1087 CFR WN207/96 and WN133/23) is not required for a public work and is surplus to Council requirements.
 - b) Agrees to dispose of the Land either by sale or exchange for approximately 20m² of the owners adjoining land currently part of 130 Glenmore Street (Lot 228-230 DP 1087 CFR WN207/96 and WN133/23) shown outlined green in attachment 1 (the Applicant's Land).
 - c) Agrees to acquire the Applicant's Land.
 - d) Delegates to the Chief Executive Officer all powers necessary to conclude this transaction including all legislative matters, issuing relevant public notices,

- declaring the road stopped, negotiating the terms of sale and exchange, imposing any reasonable covenants, and anything else necessary.
- e) 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. The owners of 130 Glenmore Street, Northland have applied to acquire an area of legal but unformed road in Crieff Street. This is shown outlined red in **Attachment 1** (the Land).
9. The Land is proposed to be amalgamated with 130 Glenmore Street and measures approximately 20m². The legal description of 130 Glenmore Street is Lots 228-230 DP 1087 CFR WN133/23 and WN207/96.
10. In exchange for the Land, the owners have agreed to sell 20m² of land to Council. This is for the purposes of legalising the existing road and pavement and is outlined green on **Attachments 1 and 2** (the Applicant's Land).
11. The Applicant's Land contains parts of Council's footpath, kerb and channel and road carriageway on the Crieff Street frontage. Refer to **Attachment 2** for views of both areas at street level.

Discussion

12. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (LGA).
13. 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.
14. As part of the road stopping, officers consult with service authorities and affected internal business units. All have granted consent with only standard conditions applying.
15. The neighbours immediately opposite have been consulted and do not object to the road stopping proposal. There is clearly benefit seen in acquiring land for road where it currently occupies part of 130 Glenmore Street.
16. Advisors from Council's Transport Team have confirmed the Land is not required for future road widening or public access purposes, and support the proposal. The proposal addresses the current situation of formed road and footpath occupying part of 130 Glenmore Street.
17. Acquiring the Applicant's Land would serve to protect the existing road carriageway and footpath located on private land.
18. If Council approves the above, officers will establish whether any offerback obligations under section 40 PWA exist although exclusions are likely to apply.

Options

19. The alternative to undertaking the road stopping is to retain the Land as legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires.

20. The alternative to acquiring the Applicant's Land is that Council would have to try and relocate the road which would be difficult on this tight bend of Crieff Street approaching the intersection with Glenmore Street.

Next Actions

21. Conclude an investigation in accordance with s40 PWA.
22. Initiate the public notification process.
23. Prepare a survey plan and conclude a land exchange agreement.

Attachments

Attachment 1.	Aerial of Land Exchange area 130 Glenmore Street	Page 35
Attachment 2.	Views at street level	Page 36
Attachment 3.	Location Plan	Page 37

Author	John Vriens, Senior Property Advisor
Authoriser	Tracy Morrah, Property Services Manager David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

Community

Initial consultation has been undertaken with the neighbours opposite the land proposed to be stopped and they have advised they have no concerns.

Utility Provider and Council Business Units

All relevant utility providers and Council business units have been consulted. None have assets in the subject road land, or objected to the road stopping.

Treaty of Waitangi considerations

Iwi groups have not been consulted. The subject road 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. Given this is an exchange proposal Transport Planning have agreed to share costs with the applicant. Council's contribution to the processing costs will be funded from the Service Lane Improvements project funds.

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 and exchange 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 and exchange.

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 no Health and Safety Impact considerations for this proposed road stopping and exchange.

Attachment 1 road stopping land exchange plan – 130 Glenmore Street







