
PROPOSED ROAD STOPPING – LAND ADJOINING 42 MAUPUIA ROAD, MIRAMAR

Purpose

1. The purpose of this report is to recommend that the Council disposes of approximately 95m² of unformed legal road adjoining 42 Maupuia Road, Miramar (refer attachments 1 and 2)

Summary

2. The owners of 42 Maupuia Road, Miramar, have applied to purchase part of the unformed legal road adjoining the road frontage of their property.
3. The approximately 95m² of legal road to be purchased (the **Land**) is shown bordered red on the plan in Attachment 2.
4. Utility providers and relevant Council business units have been consulted. All support the proposal, subject to conditions (where relevant).
5. Initial consultation letters were sent to adjacent neighbours and, at time of writing of the report, no replies had been received.
6. If the Council agrees with the recommendation of the Regulatory Processes Committee the road stopping will then be publicly notified. At that time any neighbours, organisations, or any other member of the public will 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 95m² of unformed legal road on Maupuia Road, Miramar, shown as the land bordered red on the plan in Attachment 2 (the **Land**) and abutting 42 Maupuia Road, Miramar (being Lot 2 DP 315384, CFR 60645), is not required for a public work and is 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 roads stopping and disposal of the Land, including all legislative matters, issuing of relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, imposing any reasonable covenants and anything else necessary.
3. Notes that if objections are received to the road stopping, and the applicant wishes to continue with the process, a further report will be presented to the Regulatory Processes Committee for consideration.

Background

7. Maupuia Road was originally set out in 1906 (DP2221) while 42 Maupuia Road is the result of a more recent subdivision completed 2003 (DP315384).

8. 42 Maupuia Road comprises vacant land covered predominantly by established trees and scrub. The topography slopes steeply down from the Maupuia Road carriageway towards the east.
9. The Land forms part of this same vegetated and sloping bank (refer Attachment 3).
10. The applicant is seeking to purchase the Land to increase the available development potential of the existing site and improve the ability to access Maupuia Road.

Discussion

11. Road stopping is provided for under sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (the **LGA**).
12. Council, under section 40 of the Public Works Act 1981 (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.
13. The Transport Network Team has confirmed the Land is not required for road or access purposes in the foreseeable future. No other relevant business units of the Council seek to retain the Land for other purposes.
14. The section 40 PWA report will, otherwise, determine whether any offer back obligations exist.

Options

15. The alternative to undertaking the road stopping is to retain the Land in Council ownership as unformed legal road. In the long term this will incur maintenance and retaining costs on land that Council no longer requires or intends to use.
16. An encroachment licence could be issued for the Land if it is not stopped. Such a licence provides less certainty of tenure for the adjacent landowner and limits the scope for better utilisation of the land by these owners.

Next Actions

17. Conclude a section 40 PWA acquisition history investigation.
18. Prepare a survey legalisation plan and agreement for the Land.
19. Initiate the public notification process.

Attachments

Attachment 1.	42 Maupuia Road - Location Plan	Page 53
Attachment 2.	42 Maupuia Road - Aerial Plan	Page 54
Attachment 3.	Photo looking south over road stopping area, from footpath outside 46 Maupuia Rd	Page 54

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SUPPORTING INFORMATION

Engagement and Consultation

Community

In July 2017 letters were sent to adjacent neighbours of the 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 business units of the Council were consulted: specifically Transport Networks (including Vehicle Access), Planning, District Plan Policy and Parks, Sport & Recreation. None objected to the road stopping or provided conditional support.

Conditions such as carriageway setbacks, the inclusion of an isolation strip, amalgamation of parcels, CFR encumbrances and compensation payments have been adopted where applicable and agreed by the applicant.

Treaty of Waitangi considerations

Iwi groups have not been consulted. The proposal does not conflict with the principles of the Treaty of Waitangi nor is the land located within a Māori Precinct or an area identified as significant to Māori.

As sale to, and amalgamation with, the adjacent parcel is a condition of the stopping the Land is unlikely to be made available for purchase by iwi or the public in general.

Financial implications

Costs associated with the disposal of the Land will be recovered from the applicant, and the proceeds of the sale are directed towards the general fund.

As of August 2011 a new cost sharing initiative for road stoppings was approved by the Council. The rebate amount is a percentage of the sale price, so is determined at the end of the process when these costs are known.

Policy and legislative implications

The recommendations of this report are consistent with the policies of the Council. The road stopping is also undertaken in accordance with relevant legislation.

This is not a significant decision. This report sets out the Council's options under the relevant legislation and under the Council's Road Encroachment and Sale Policy 2011.

Risks / legal

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

Climate Change impact and considerations

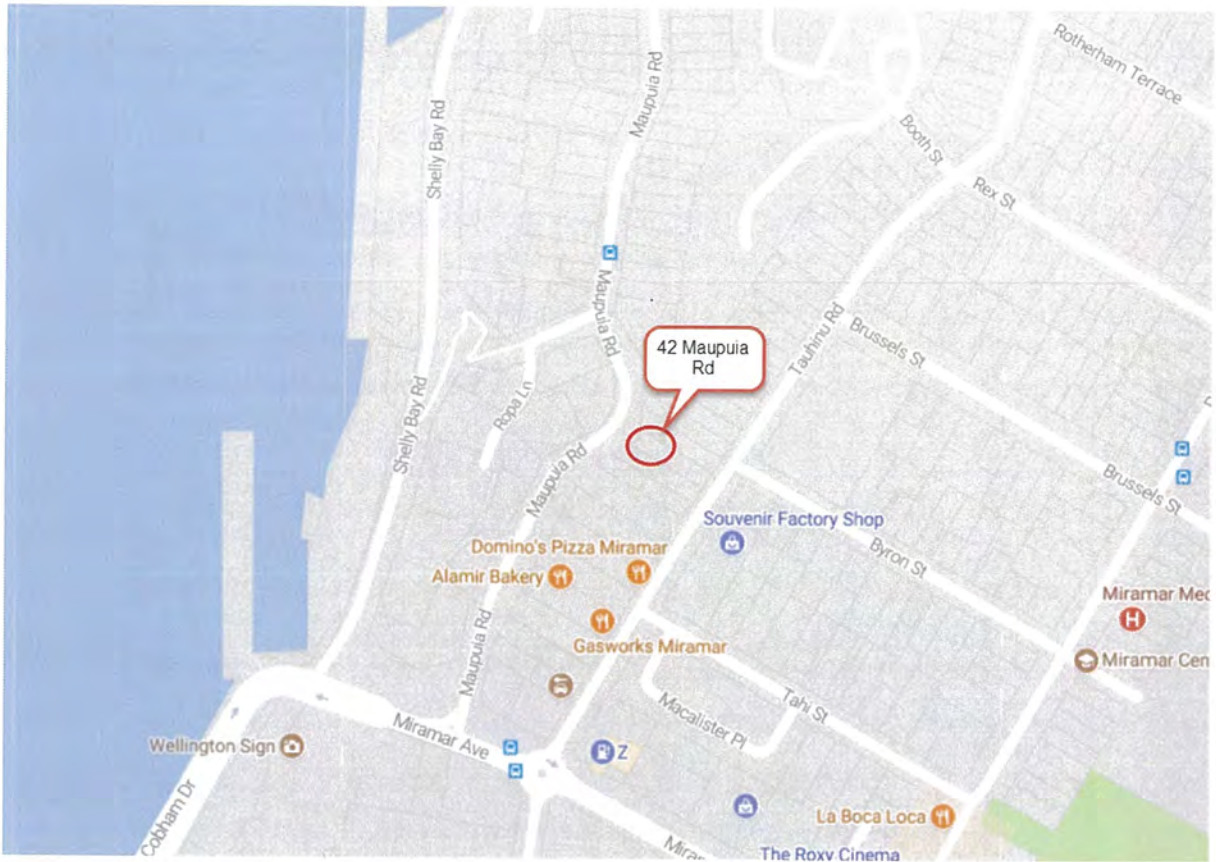
There are no climate change implications arising from this road stopping.

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

The road stopping is a minimal risk to health and safety. The work is almost entirely administrative and a normal operational function of Council Officers.





4. **Supports** the appointment of Councillor David Lee and Councillor Peter Gilbert (as alternate) as Climate Change Action Leader members of the Wellington Region Climate Change Working Group.
5. **Agrees** that seismic/earthquake related issues should not be part of the Terms of Reference for the Regional Climate Change Working Group.
6. **Agrees** that Councillors Lee and Gilbert will report back to Council as necessary.
7. **Notes** that recommended Terms of Reference for the Wellington Region Climate Change Working Group will be brought back to the Council for agreement prior to the Working Group proceeding.

Carried

3. Committee Reports

3.1 Report of the City Strategy Committee Meeting of 21 September 2017

POLHILL RESERVE TRACK PROPOSALS

Moved Councillor Gilbert, seconded Councillor Day

Resolved

That the Council:

1. Agree that the following tracks in Polhill Reserve be added to the schedules in the Open Space Access Plan 2016:
 - a) Mountain bike priority descending trail (Proposal 1) be added to Schedule B, and
 - b) Walking only connector track (Proposal 2) and walking only track from Ashton Fitchett Drive to Transient (Proposal 5) be added to Schedule A.
2. Agree that the Open Space Access Plan be amended to reflect that upon completion of the tracks proposed in 1.a) and 1.b), no further tracks will be constructed in Polhill Reserve.

Carried

3.2 Report of the Regulatory Processes Committee Meeting of 13 September 2017

PROPOSED ROAD STOPPING – LAND ADJOINING 42 MAUPUIA ROAD, MIRAMAR

Moved Councillor Sparrow, seconded Councillor Lee

Resolved

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not required for a public work and is surplus to requirements.

- b. Agrees to dispose of the land.
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Carried

3.3 Report of the City Strategy Committee Meeting of 27 September 2017

B. Island Bay Cycleway Recommendations

Moved Councillor Free, seconded Councillor Calvert

Resolved

That the Council:

1. Receive the information.
2. Note the Morrison Low report, "Review of Island Bay Cycleway Re-engagement – August 2017".
3. Note the Research and Evaluation Team report, "Love the Bay – Delivering on the Cycleway, 2017. Analysis of Submissions".
4. As a result of engagement feedback and technical design, agree to adopt the design as indicated in Attachment One, p. 25 to 29 and Appendix B made up of the following elements:
 - a. Provision of a 1.5m wide separated kerbside cycleway, with the cycleway above road level on each side of The Parade. Colour options are to be investigated for marking the cycleway surface. A vertical kerb is proposed to separate parked vehicles from the cycleway, with a car door buffer zone of 900mm width adjacent to parallel parked vehicles.
 - b. Vertical separation between the cycleway and road, and the cycleway and pedestrian footpath is recommended to clearly define the separation of user facilities, and to discourage inadvertent pedestrian encroachment into the cycleway.
 - c. The kerb between the cycleway and pedestrian footpath is recommended to be well delineated with appropriate height, colour and material contrast to assist the visually and mobility impaired and reduce or remove any tripping hazard to pedestrians. The design of the kerb face is also recommended to be forgiving to ensure the safety of cyclists in the event a cyclist has to mount the kerb to avoid a hazard.
 - d. Traffic lanes increase to 3.5m wide in the residential areas, 3.0m wide in the business area, and no flush median is proposed.
 - e. A minimum footpath width of 2.0m is recommended.