
PROPOSED ROAD STOPPING - LAND ADJOINING 87 RUSKIN ROAD, NEWLANDS

Purpose

1. The purpose of this report is to recommend that the Council disposes of approximately 65m² of unformed legal road adjoining 87 Ruskin Road, Newlands (refer Attachments 1 and 2).

Summary

2. The owners of 87 Ruskin Road, Newlands, have applied to purchase part of the unformed legal road adjoining the road frontage of their property.
3. The approximately 65m² 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 65m² of unformed legal road on Ruskin Road, Newlands, shown as the land bordered red on the plan in Attachment 2 (the **Land**) and abutting 87 Ruskin Road, Newlands (being Lot 7 DP 29289, CFR WN5D/1007), 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. Ruskin Road was originally set out in 1921 (DP5259) while 42 Maupuia Road is the result of a more recent subdivision completed in the late 1960s (DP29289).

8. 87 Ruskin Road comprises a 1970s bungalow situated well below the road on a part sloping but generally level section with established trees, gardens and landscaped.
9. The Land is set back approximately 5 metres from the kerb face and is a sloping bank with established trees. It falls moderately steeply down from the Ruskin Road carriageway towards the northeast.
10. The applicant is seeking to purchase the Land to stabilise it above their house, further establish the garden on the slope, and create an off street car deck and landscaped seating areas.

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.	Location Plan	Page 23
Attachment 2.	Aerial	Page 24
Attachment 3.	Views at street level	Page 25

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

SUPPORTING INFORMATION

Engagement and Consultation

Community

In December 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, and neighbour consultation 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

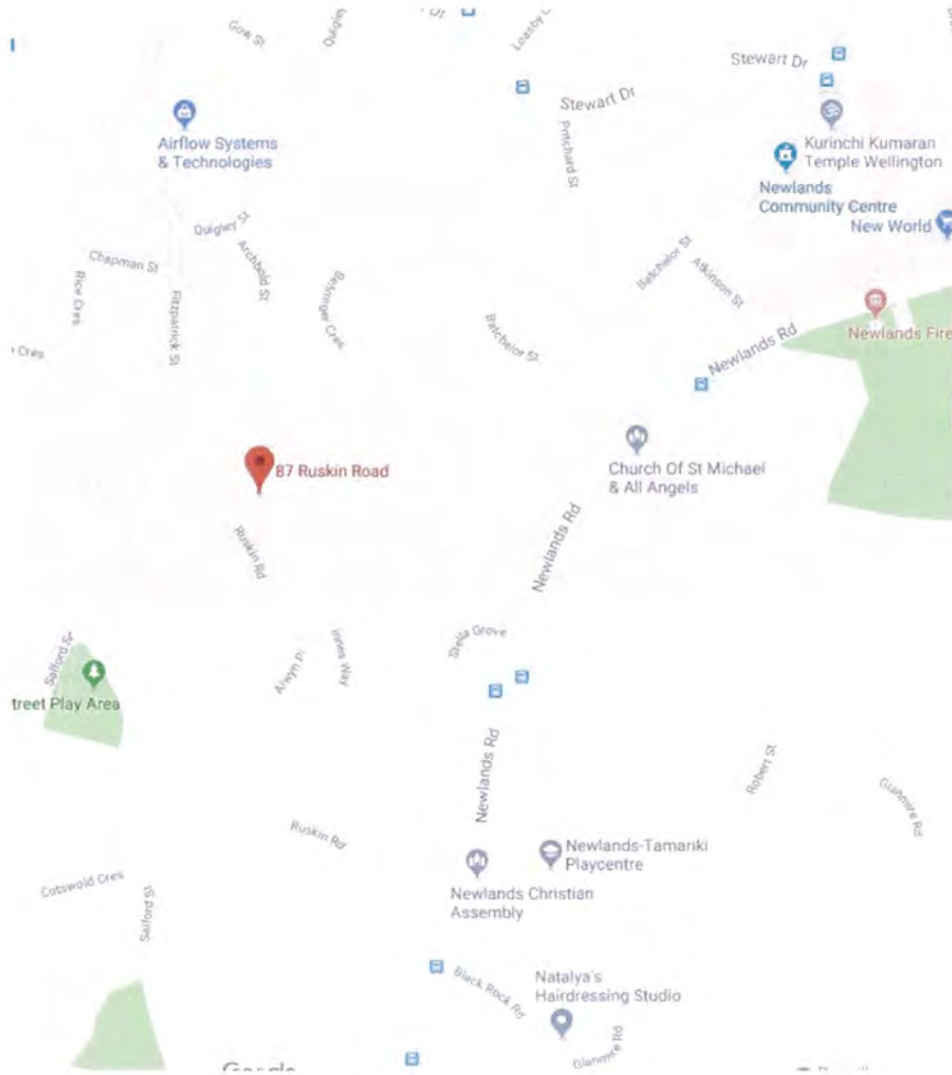
There are no climate change implications arising from this road stopping.

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.

Locality Plan for 87 Ruskin Road, Newlands



Aerial plan of 87 Ruskin Road, Newlands



87 Ruskin Road, Newlands - views from street level



