

ROAD STOPPING AND LAND EXCHANGE - LEGAL ROAD IN MANCHESTER STREET ADJOINING 1 MANCHESTER STREET

Purpose

1. To recommend that the Council:
 - a. Stops and sells approximately 110m² of Council-owned unformed legal road adjoining 1 Manchester Street, Melrose, Wellington (the Land); and
 - b. Acquires approximately 1m² of the applicants' land for the purposes of road (refer to the land exchange plan shown in **Attachment 1**).

Summary

2. The owners of 1 Manchester Street have applied to purchase part of the unformed legal road adjoining their property. This proposed road stopping area of 110m² is shown outlined red in **Attachment 1**.
3. Council's transport planners have taken this opportunity to acquire a small part of the owners' property (the Applicants' Land) in partial exchange for the above for future road improvement.
4. The Applicants' Land measures approximately 1m² 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 and at the time of writing this report no replies 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. Receive the information.
2. Recommends to Council that it:
 - a) Agrees that approximately 110m² (subject to survey) of unformed road land in Manchester Street, Melrose, shown outlined red on **Attachment 1** (the Land), and adjoining 1 Manchester Street, Melrose (Part Lot D DP 145 CFR WN155/213) is not required for a public work and is surplus to Council requirements.
 - b) Agrees to dispose of the Land by partial exchange and/or sale for approximately 1m² of the owners adjoining land currently part of 1 Manchester Street (Part Lot D DP 145 CFR WN155/213) 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.

3. 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 1 Manchester Street, Melrose have applied to acquire an area of legal but unformed road in Manchester Street to secure tenure of their decking, part house and retaining encroachments. This is shown outlined red in **Attachment 1** (the Land).
9. The Land is proposed to be amalgamated with 1 Manchester Street and measures approximately 110m². The legal description of 1 Manchester Street, Melrose is Part Lot D DP 145 CFR WN155/213.
10. In partial exchange for the Land, the owners have agreed to sell 1m² of land to Council. This is for the purposes of future road realignment and is outlined green on **Attachments 1 and 2** (the Applicant's Land).
11. The Applicant's Land is near a tight bend on Manchester Street and the Transport Network team have taken this opportunity to acquire 1m² for long term improvement of the road alignment and visibility on this bend in Manchester Street. 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 have been consulted and at the time of writing no reply have been received from the one immediately adjoining property.
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 also addresses long term road alignment improvement on a tight bend in Manchester Street.
17. If Council approves the above, officers will establish whether any offerback obligations under section 40 PWA exist although exclusions are likely to apply.

Options

18. 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

Next Actions

19. Conclude an investigation in accordance with s40 PWA.

20. Initiate the public notification process.
21. Prepare a survey plan and conclude a land exchange agreement.

Attachments

- Attachment 1. Aerial Plan of land exchange
- Attachment 2. Views at street level
- Attachment 3. Location plan

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SUPPORTING INFORMATION

Engagement and Consultation

Community

Initial consultation has been undertaken with the neighbours and the time of writing no replies have been received.

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 financial considerations related to this recommendation. Any 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 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.