

---

## **PROPOSED ROAD STOPPING - LAND ADJOINING 24 CAVE ROAD, HOUGHTON BAY**

---

### **Purpose**

1. This report asks the Regulatory Processes Committee to recommend to Council that it stops and sells approximately 133m<sup>2</sup> (subject to survey) of unformed legal road adjoining 24 Cave Road, Houghton Bay. Refer to Attachment 1 for the location plan.

### **Summary**

2. The owners of 24 Cave Road, Houghton Bay have applied to purchase unformed legal road land adjoining the front boundary of their property.
3. The approximately 133m<sup>2</sup> of unformed legal road proposed to be stopped and sold (the Land) is shown outlined red on 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 three adjoining or adjacent neighbours. At the time of writing of this report one response has 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.

### **Recommendation/s**

That the Regulatory Processes Committee:

1. Receive the information.
2. Recommend to Council that it:
  - a) Declare that approximately 133m<sup>2</sup> (subject to survey) of unformed legal road land in Cave Road, Houghton Bay adjoining 24 Cave Road (being Lot 74 DP 1467 held on ROT WN500/6, the Land) is not required for a public work and is surplus to Council's operational requirements.
  - b) Agree to dispose of the Land.
  - c) Delegate 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, imposing any reasonable covenants, and anything else necessary.
3. Note that if objections are received to the road stopping, and the applicant wished to continue, a further report will be presented to the Regulatory Processes Committee for consideration.

---

**Discussion**

7. 24 Cave Road is a rectangular shaped corner lot. It is situated slightly below the formed carriageway having vehicle access from the eastern boundary. It contains a two-storey dwelling. Refer to Attachment 3 for street views.
8. The applicant currently has an encroachment licence for 10 m<sup>2</sup> of the road land that is proposed to be stopped. Should the road stopping proposal be successful this licence would be cancelled, and the Land amalgamated with 24 Cave Road.
9. Road stopping is provided for under Sections 319(1)(h) and 342(1)(a) and the Tenth Schedule of the Local Government Act 1974 (LGA).
10. 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 public work. Section 345(1)(a)(i) of the LGA provides Council with the statutory power to dispose of stopped road.
11. Advisors from Council's Transport Network Team have confirmed that the Land is not required for future road widening or public access purposes. They supported the proposal subject to 15m of legal road land being retained (measured from the opposite boundary), with a corner splay. An isolation strip is required on the extension of the 24/26 Cave Road side boundary. Refer to Attachment 2 for the isolation strip shown in green.
12. Relevant Council business units have been consulted and none wish to retain the land.
13. Officers recently commenced giving the Walking Access Commission the opportunity to comment on road stopping proposals early in the process. The Commission supports the proposal by 24 Cave Road, without condition.
14. As is normal practise in the early stages of the road stopping process, officers have written to the adjoining and adjacent neighbours notifying them that Council had received this road stopping application. All of these owners will be consulted again when formal public consultation is carried out later in the road stopping process.
15. If Council approves the above, officers will establish whether any offer back obligations under Section 40 of the PWA exist.

**Options**

16. The alternative is to continue with the current situation and manage any needs through Council encroachment licence and procedures.

**Next Actions**

17. Conclude a Section 40 PWA investigation.
18. Prepare Survey Office plan.
19. Prepare Sale and Purchase agreement.
20. Begin public notification process.

---

### **Attachments**

Attachment 1.	Location Plan	Page 19
Attachment 2.	Aerial	Page 20
Attachment 3.	View from street	Page 21

Author	Paul Davidson, Property Advisor
Authoriser	Leah Hearn, Manager Property Siobhan Procter, Manager, Transport and Infrastructure Sara Hay, Chief Financial Officer

---

## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

In June 2020 letters were sent to the three adjoining and adjacent neighbours notifying them that Council had received this road stopping application.

At the time of preparing this report one response had been received, with that party wanting more information on the new front yard setback requirements triggered on their property. Advice from the Resource Consent team was that this neighbour's property already had resource consent triggers for other reasons.

The neighbouring owners will be consulted again when the formal public consultation is carried out later in the road stopping process and they will have an opportunity to enter a written submission if they so choose.

### **Treaty of Waitangi considerations**

Iwi groups have not been consulted. The proposal does not conflict with the principles of the Treaty of Waitangi as the land is not located within a Maori Precinct or an area identified as significant to Maori. The land is not being disposed of 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. 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.

In August 2011 new cost sharing incentives for road stopping were approved by Council. The rebate amount is 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 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.

### **Climate Change impact and considerations**

There are no climate change implications for this road stopping.

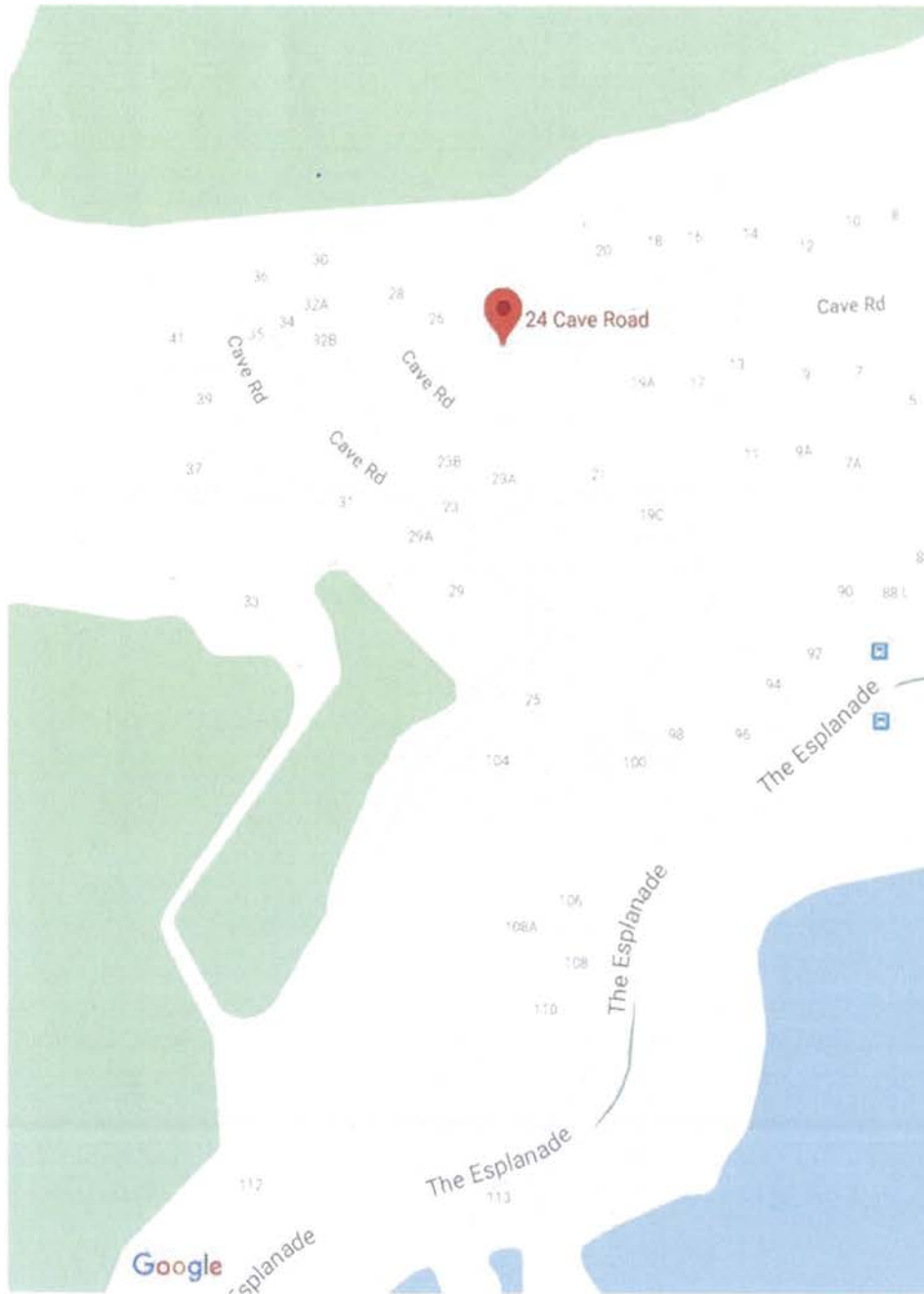
### **Communications Plan**

Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process.

### **Health and Safety Impact considered**

Officers are not aware of any negative health and safety impacts relating to this proposal.

Location plan



Aerial



Views from street

