

ORDINARY MEETING

OF

REGULATORY PROCESSES COMMITTEE

AGENDA

Time: 9:30am
Date: Wednesday, 19 June 2019
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

MEMBERSHIP

Mayor Lester
Councillor Calvert
Councillor Calvi-Freeman
Councillor Lee
Councillor Sparrow (Chair)

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8334, emailing public.participation@wcc.govt.nz or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about.

2. General Business

PROPOSED ROAD STOPPING - LAND ADJOINING 6 GREENVIEW WAY, MIRAMAR

Purpose

1. This report asks the Regulatory Processes Committee to recommend that the Council stops and sells approximately 126m² (subject to survey) of unformed legal road adjoining 6 Greenview Way, Miramar. Refer to Attachment 1 for location plan.

Summary

2. The owners of 6 Greenview Way, Miramar have applied to purchase the area outlined in red on Attachment 2 (the Land).
3. Utility providers and relevant Council business units have been consulted. All support the proposal, subject to conditions (where relevant).
4. Initial consultation letters were sent to adjoining and adjacent neighbours and, at the time of writing the report, one reply had been received by phone but no details of the concern were provided.
5. If the Council agrees with the recommendations of the Regulatory Processes Committee the road stopping will then be publically notified. At that time any neighbours, organisations, or any other members of the public will have the opportunity to make a submission.

Recommendation/s

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to the Council that it:
 - a) Agrees that approximately 126m² of unformed legal road on Totara Road, Miramar, shown as the land bordered red on the plan in Attachment 2 (the Land) and abutting 6 Greenview Way, Miramar (being Lot 2 DP 10332, ROT WN431/57), 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 road 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

1. 6 Greenview Way comprises a circa 1930s residence on land of mixed levels.
2. The Land is set back approximately six meters from the kerbface and is moderate in the front rising steeply at the rear to the formed carriageway and footpath. The Land contains mixed plantings and scrub, and established trees. Refer to Attachment 3 for street views.
3. Should the road stopping proposal be successful the Land would be amalgamated with 6 Greenview Way.
4. The applicant is interested in purchasing the Land to increase their options for future subdivision and development.

Discussion

6. Road stopping is provided for under sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (the **LGA**).
7. 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.
8. The Transport Network Team has confirmed the Land is not required for road or access purposes in the foreseeable future. Isolation strips would be required on the extensions of the 121 Totara Road /6 Greenview Way and 6 Greenview Way/133 Totara Road side boundaries as shown in green on Attachment 2.
9. No other relevant business units of the Council seek to retain the Land for other purposes.
10. As is normal practise in the early stages of the road stopping process officers have written to the five immediate neighbours notifying them that Council had received this road stopping application. At the time of preparing this report one reply had been received, with that party noting they had concerns but they were not given when asked for in writing, these owners will be consulted again when the formal public consultation is carried out later in the road stopping process.
11. The section 40 PWA report will, otherwise, determine whether any offer back obligations exist.

Options

12. 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.
13. 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

14. Conclude a section 40 PWA acquisition history investigation.
15. Prepare a survey legalisation plan and agreement for the Land.
16. Initiate the public notification process.

Attachments

| | | |
|---------------|---------------|---------|
| Attachment 1. | Location Plan | Page 11 |
| Attachment 2. | Aerial | Page 12 |
| Attachment 3. | Street View | Page 13 |

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|------------|---|
| Author | Sarah-Jane Still, Property Advisor |
| Authoriser | Wendy O'Neill, Property Services Manager Siobhan Procter, Manager, Transport and Infrastructure Moana Mackey, Acting Chief City Planner |

SUPPORTING INFORMATION

Engagement and Consultation

In March 2019 letters were sent to five immediate neighbours of the land proposed to be stopped. At the time of writing this report only one reply had been received, with that party noting they had concerns but they were not given when asked for in writing.

These owners will be consulted again when the formal public consultation is carried out later in the road stopping process.

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.

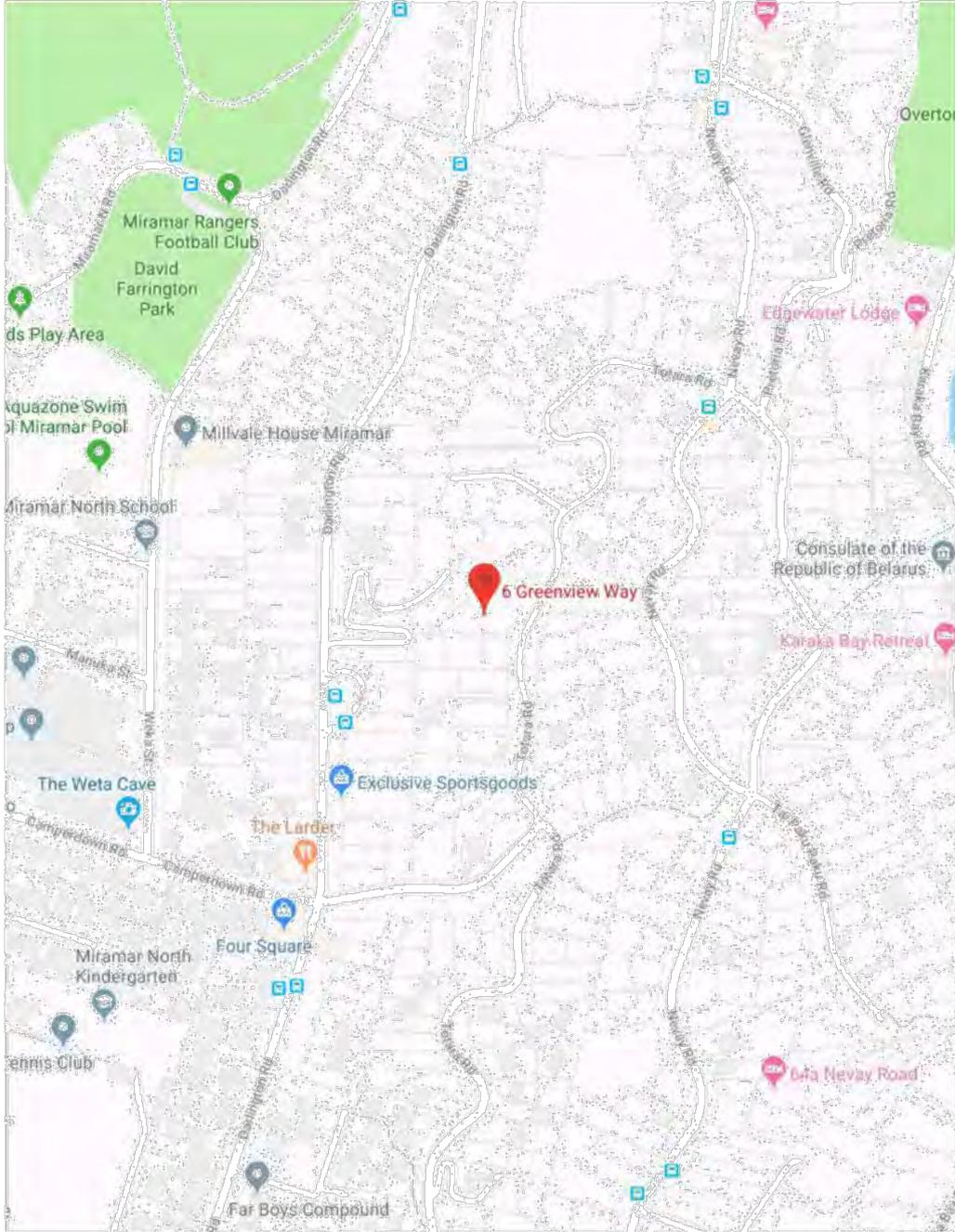
Communications Plan

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

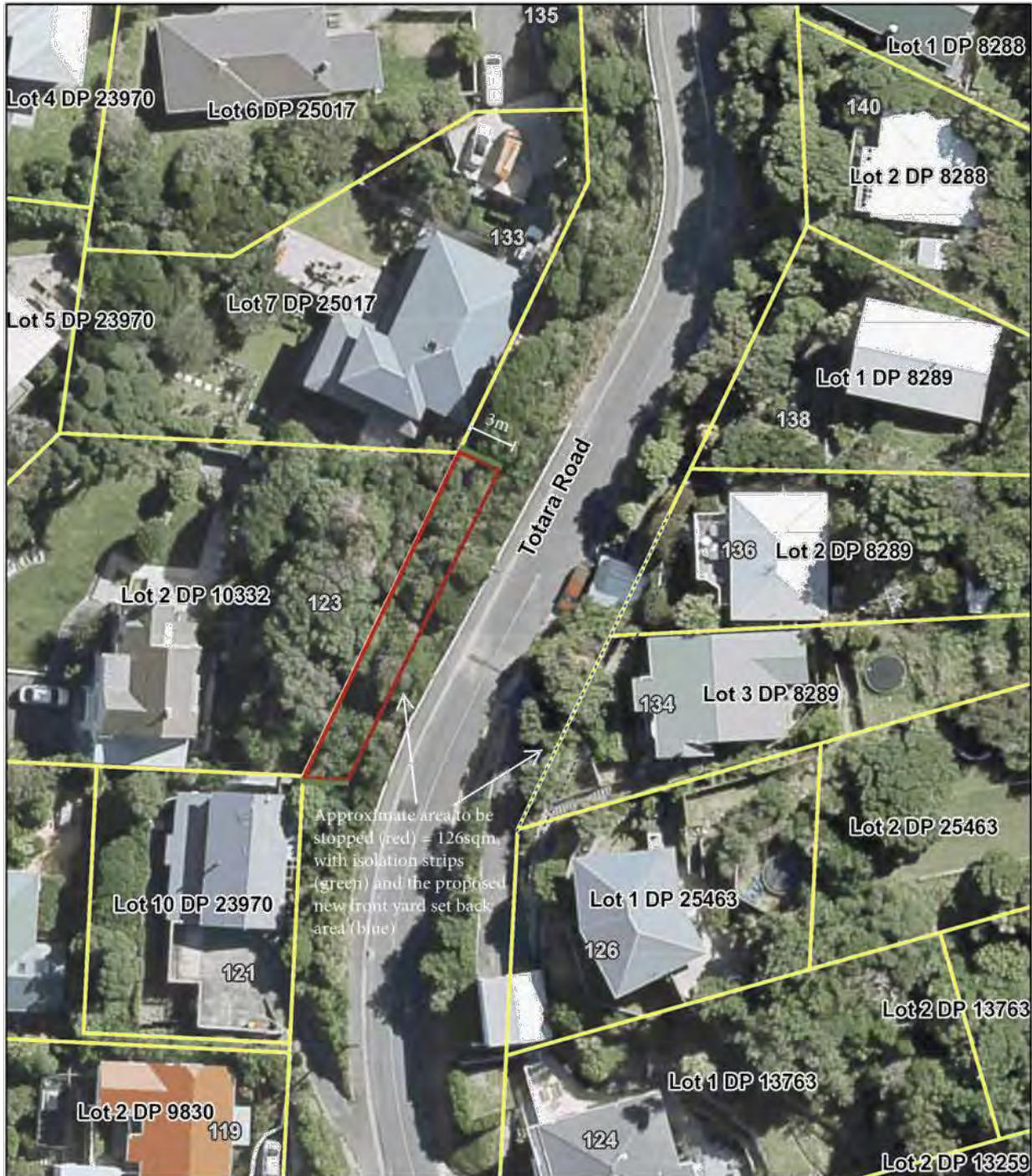
Health and Safety Impact considered

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.

Location Plan



LocalMaps Print



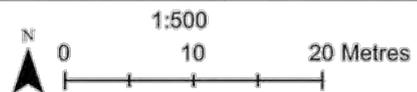
December 20, 2018

Disclaimer:
The use of any land or property information in OneMap is entirely at the user's own risk and discretion. Wellington City Council does not give any warranty that any information contained is accurate or complete. The Council does not accept any responsibility or liability for any action taken, or omission made, in reliance on information obtained from OneMap.

Data Statement:
Property boundaries, 20m Contours, road names, rail line, address & title points-sourced from Land Information NZ. Assets, contours, water and drainage information shown is approximate and must not be used for detailed engineering design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m. Crown Copyright reserved.

Property Boundaries Accuracy:
+/-1m in urban areas
+/-30m in rural areas

Data Source:
Census data - Statistics NZ.
Postcodes - NZ Post.



Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Street View

