

## ROAD STOPPING – LAND ADJOINING 3 LIFFEY STREET, ISLAND BAY

### Kōrero taunaki | Summary of considerations

#### Purpose

1. This report to Te Kaunihera o Pōneke | Council asks that Council stop and sell approximately 23 m<sup>2</sup> (subject to survey) of unformed legal-road land adjoining 3 Liffey Street, Island Bay (the Land). Refer to Attachment 1 for the location plan.

#### Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy

#### Strategic alignment with priority objective areas from Long-term Plan 2021–2031

- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

#### Relevant Previous decisions

N/A

#### Significance

The decision is **rated low significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy.

- Affects a limited number of individuals, to a low degree
- Has very little public interest.
- Low consequence for Wellington City
- Low impact on the Council being able to perform its role.

#### Financial considerations

- Nil       Budgetary provision in Annual Plan / Long-term Plan       Unbudgeted \$X

2. There is no significant financial consideration related to this proposal. Any costs associated with the disposal of the Land will be recovered from the applicant.

#### Risk

- Low       Medium       High       Extreme

3. Overall, the road stopping process is considered to be low risk.

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## **Taunakitanga | Officers' Recommendations**

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

- 1) Receive the information.
- 2) Declare that the approximately 23 m<sup>2</sup> (subject to survey) of unformed legal-road land (the Land) adjoining 3 Liffey Street (Part Lot 3 DP 1911, held on ROT WNB1/687) is not required for a public work and is surplus to Council's operational requirements.
- 3) Agree to dispose of the Land.
- 4) 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 the sale or exchange, imposing any reasonable covenants, and anything else necessary.
- 5) Note that if objections to the road stopping process are received and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee and Council for consideration.

## **Whakarāpopoto | Executive Summary**

4. The owner of 3 Liffey Street, Island Bay (the Owner), has applied to purchase legal-road land adjoining their property.
5. The approximately 23 m<sup>2</sup> of legal-road land (the Land) proposed to be stopped and sold is shown outlined in red on Attachment 2.
6. Relevant Council business units have been consulted. All support the proposal subject to standard conditions (where applicable).
7. Utility plans have been acquired and examined. The utility services shown on these plans do not appear to conflict with the proposed stopping.
8. Initial consultation letters were sent to the adjoining neighbours; and at the time of writing of this report, no responses have been received.
9. If the Council agrees with the recommendations, the road stopping will then be publicly notified. At that time, any neighbours, organisations, or any other members of the public will have the opportunity to make a submission.

## **Takenga mai | Background**

10. 3 Liffey Street, located on the south side of Liffey Street, is the second house in from Melbourne Road to the east. The property is relatively flat and contains a single-story dwelling set back 2.5 metres from the footpath.
11. The legal description for 3 Liffey Street is Part Lot 3 DP 1911, held on Record of Title WNB1/687.
12. The Land is currently used by the Owner under an encroachment licence for fenced land and a car pad. The road stopping will also resolve the need for a building encroachment where the Owner's house has been built slightly over the front boundary.

## **Kōrerorero | Discussion**

13. The Land spans the entire width of the 3 Liffey Street frontage. The Land's northern (top) boundary aligns with the existing frontage boundary of 5 Liffey Street to the west, and its side boundaries are an extension of 3 Liffey Street's existing side boundaries.
14. Advisors from Council's Transport Network Team have confirmed the Land is not required for future road widening or public access purposes. They supported the proposal by specifying the exact stopping area. An isolation strip (shown in green on Attachment 2) will be required on the Land's eastern side boundary with 1 Liffey Street.
15. Should the road stopping proposal be successful, the Land will be amalgamated with 3 Liffey Street, with its current use not proposed to change.
16. Road stopping is provided for under Sections 319 and 342 and the Tenth Schedule of the Local Government Act 1974 (LGA).
17. 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.
18. Disposal of the Land to any other party but the Owner would result in road access issues for the Owner. Therefore, the Owner is considered to be the only appropriate purchaser of the Land. Section 345 of the LGA provides Council with the statutory power to dispose of stopped road to the adjoining owner. This will be further considered and confirmed as part of the Section 40 PWA offer-back investigation officers will undertake should this proposal be approved (see Next Actions).
19. Relevant Council business units have been consulted, and none wish to retain the Land.
20. Council officers are giving Herenga ā Nuku | Outdoor Access Commission the opportunity to comment on road stopping proposals early in the process. The Commission raised no public-access issues relating to the proposal for this road stopping adjoining 3 Liffey Street, Island Bay.
21. As is normal practice in the early stages of the road stopping process, officers have written to the adjoining property owners to notify them that Council has received the road stopping application. All adjoining owners will be consulted again when formal public consultation is carried out later in the road stopping process.

## **Kōwhiringa | Options**

22. Approve the recommended option.
23. The alternative to the recommended option is to continue with the current situation and manage any appropriate needs through encroachment licence procedures.

## **Whai whakaaro ki ngā whakataunga | Considerations for decision-making**

### **Alignment with Council's strategies and policies**

24. The recommendations of this report are consistent with the Council's Road Encroachment and Sale Policy 2011.

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### **Engagement and Consultation**

25. Letters were sent to the relevant adjoining property owners, notifying them that Council had received this road stopping application. At the time of preparing this report, no response has been received.
26. These 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.

### **Implications for Māori**

27. Due to the legal restrictions on the Land, the adjoining owner is the only possible purchaser. No other parties, including our Tākai Here partners, are able to purchase the Land.
28. This road stopping proposal was sent to our partners for their information and for comment in July 2023.
29. We note that the Land is not in the Operative or Proposed District Plan as being located on or near any current identified Sites and Areas of Significance to Māori. Should a site or area of significance to Māori be identified in the future, we will re-engage with our partners to ensure that the appropriate tikanga and protocols are upheld.
30. Given the nature of this road stopping proposal and all the information gathered and examined, officers believe that disposal of the Land to the adjoining owner has no known implication for Māori.

### **Financial implications**

31. 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 toward the general fund.

### **Legal considerations**

32. The road stopping process is consistent with both legislative and Council requirements.

### **Risks and mitigations**

33. Overall, this proposal is rated low on Council's risk framework.

### **Disability and accessibility impact**

34. There are no known accessibility impacts for this road stopping.

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

35. There are no known climate change implications for this road stopping.

### **Communications Plan**

36. Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process. At this time, we will also advise the local residents association.

**Health and Safety Impact considered**

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

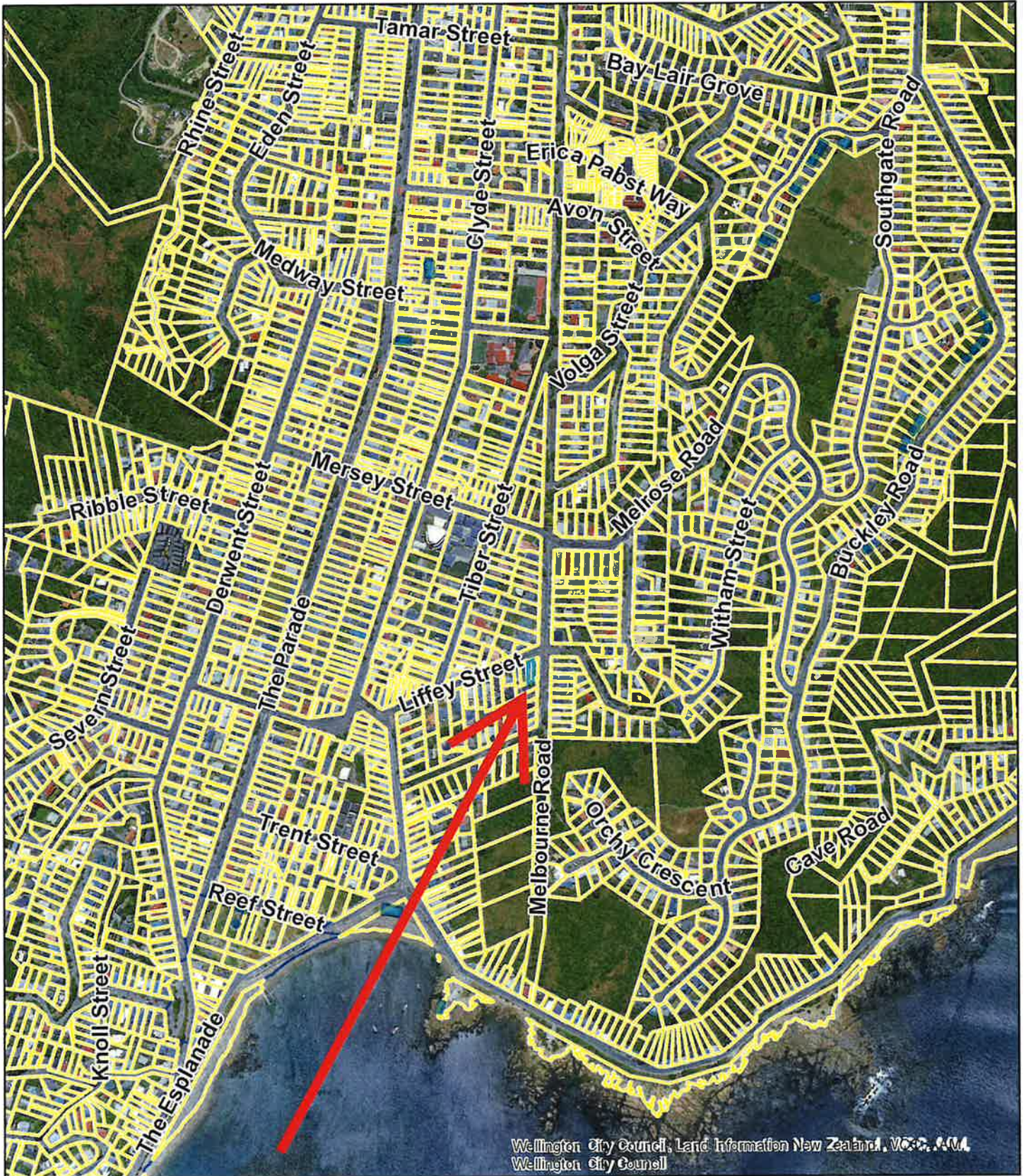
**Ngā mahinga e whai ake nei | Next actions**

38. The proposed next steps, subject to the Council's approval of the recommended option, are to:
- a) Conclude a Section 40 PWA investigation.
  - b) Prepare a Survey Office Plan.
  - c) Prepare a Sale and Purchase Agreement.
  - d) Begin the public-notification process.

**Attachments**

- Attachment 1. Location Plan  
Attachment 2. Aerial  
Attachment 3. Street Views

# Local Maps Print



Wellington City Council, Land Information New Zealand, V.C.C. I.C.C.  
Wellington City Council

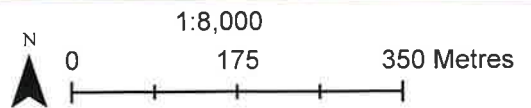
September 22, 2023

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**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 Pōwhiri









**Street views – 3 Liffey Street proposed road stopping**



