

REPORT 1

PROPOSED ROAD STOPPING – 51 FORTIFICATION ROAD

1. Purpose of report

The purpose of this report is to seek approval from the Council for the stopping of a section of unformed legal road; being part of Fortification Road, Karaka Bays.

2. Executive summary

As part of the 'Underperforming Assets Project' (2006), a review of areas of unformed legal road and other Council-owned properties, the subject site was identified for potential disposal to, and amalgamation with, an adjacent site; 51 Fortification Road. The owners of this site were approached and agreed to undertake the road stopping process.

Initial consultation with utility providers, Council business units, and immediately-adjacent neighbours identified no parties who were opposed to the road stopping, and those who were conditionally supportive.

The area of the proposed road stopping comprises some 210m² of land occupied by a driveway, established vegetation, and a small water reservoir which was decommissioned by Capacity in late 2013.

3. Recommendations

Officers recommend that the Regulatory Process Committee:

1. *Receive the information.*
2. *Recommend to the Council that it agrees, pursuant to Sections 319(1)(h) and 342(1)(a) of the Local Government Act (LGA) 1974, to declare surplus and stop the section of the unformed part of Fortification Road (**Road Land**), Karaka Bays (being approximately 210m² of land bordered red as shown on the plan in Appendix 1) and adjoining 51 Fortification Road, Karaka Bays.*
 - (a) *Note that, if successfully stopped, the area may be amalgamated with 51 Fortification Road, Karaka Bays (being Section 77 Watts Peninsula District, comprising some 795m² under Computer Freehold Register WN33B/696).*

(b) Note that all costs associated with the relocation of any services currently existing within the unformed road will be borne by the applicant.

3. *Authorise Council officers to commission a section 40 Public Works Act 1981 (PWA) report, from suitably qualified consultants, to identify whether the area of unformed legal road land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
4. *Delegate to the Chief Executive Officer the power to either offer the Road Land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA (if appropriate).*
5. *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the Road Land stopped as road, subject to all statutory and requirements of the Council being met with no objections being received.*

(a) Note 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.

4. Background

In 2005/06 an investigation into the Council's land portfolio began with the intent of identifying 'underperforming' assets, or those providing an inadequate return on investment. The 'Underperforming Land Project' was the result; three broad categories of land were highlighted:

- Unformed legal road - Land that is legal road but has never been occupied or used for this purpose.
- Reservoir sites – Land containing water reservoirs but which are overly large for the purpose, or for which the reservoir is soon to be decommissioned.
- Land which Council holds that is favourably zoned that has not been identified for any future public works.

The Road Land contained a small reservoir and pump station. This was identified for decommissioning in Capacity's 2004 'Reservoir and Pump Station Rationalisation' report. The decommissioning was completed in late 2013.

The land was, therefore, identified as a potentially 'underperforming' asset – unformed legal road with no current or future use for access, and for which another public work purpose (water reservoir) had also recently ceased.

In late 2013 the neighbours of the Road Land were approached to gauge interest in a potential purchase of the site. Interest was shown, and the road stopping process was initiated.

5. Discussion

Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the LGA 1974.

5.1 Consultation and Engagement

Consultation was undertaken with the relevant Service Authorities and the Council's Business Units, the following comments were received:

Service Provider / Business Unit	Condition
Wellington Electricity Ltd	Has no objection provided that: <ol style="list-style-type: none"> 1. All activities near the lines must be carried out in accordance with the NZ Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) 2. Northpower are contacted to obtain plans of the lines. 3. Any relocation of the lines will be at applicant's expense; contact Northpower to arrange. 4. If any Wellington Electricity lines are to be located on private land, an easement must be granted to Wellington Electricity. 5. If any underground electricity cables are noticed or an electricity outage is caused, construction must be halted immediately and Wellington Electricity contacted.
Vodafone New Zealand Ltd	No objection.
Telecom (c/- Downer)	No objection.
Powerco Ltd (gas)	No objection.
Nova Gas Ltd	No objection.
Capacity (WCC Water Supply)	No requirements once site is decommissioned.
Public Drainage (WCC)	No objection.
City Networks (WCC Lighting)	No objection.

Parks, Sport & Recreation (WCC)	Requests a vegetation protection covenant over a portion of the site.
District Plan (WCC)	No objection.
Spatial Planning (WCC)	No objection.
Vehicle Access (WCC)	No objection.
Planning (WCC)	No objection. Recommend amalgamation condition be imposed, and that consultation be undertaken with Parks, Sport and Recreation and the Vehicle Access Teams.
Transport (WCC)	No objection. Require standard road width setback and footpath offset – reflected in current Road Land shape.

5.1.1 Adjoining Landowners Consultation/ Public Notification

Letters were sent to the five immediately adjacent neighbours of 51 Fortification Road, being 1/49 and 2/49, 49, 52 and 52A Fortification Road, in November 2013. At time of writing no comments were received in return from these parties.

5.2 Financial considerations

There are no financial considerations related to this recommendation. Any costs associated with the disposal of the Road Land are borne by the applicant.

In August 2011 new cost sharing incentives for road stoppings were approved by the Council. The rebate amount will be determined at the end of the road stopping process, when all of the costs are known.

5.3 Climate change impacts and considerations

There are no climate change impacts.

5.4 Long-term plan considerations

This proposed road stopping has no significant impact on the Long Term Plan. The disposal of surplus land, however, will assist the Council's financial position by gaining the proceeds of sale while reducing holding and maintenance costs.

6. Conclusion

Council Officers believe that the 210m² area of unformed legal road land in Fortification Road is no longer needed for Council's operational requirements and should be declared surplus, stopped and sold to the adjoining owners; 51 Fortification Road.

It is therefore recommended that the Regulatory Processes Committee recommends to the Council that the 210m² of unformed legal road adjoining 51

Fortification Road be declared surplus, and that officers can initiate the road stopping procedure, and eventual sale.

Contact Officer: Brett Smith, Property Advisor

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

In line with the Council's financial principles, assets that are declared surplus to strategic or operational requirements are sold.

The sale of legal road, where surplus to strategic requirements, is mandated under the Council's 2011 Road Encroachment and Sale Policy.

2) LTP/Annual Plan reference and long term financial impact

Provision for undertaking this work is contained within the overall organisational budget. There are no adverse financial implications imposed on the Council arising from this road stopping proposal. This proposal will benefit the Council in financial terms as the applicant will purchase the stopped road from the Council at market value, and will then pay rates on it in the future.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

This is not a significant decision. This report sets out the Council's options under the relevant legislation and under the Council's 2011 Road Encroachment and Sale Policy.

5) Consultation

a) General consultation

Consultation with service authorities, relevant internal business units, and the immediate neighbours, has been carried out.

All service authorities gave their consent; some with standard conditions.

All internal business units gave their consent, with typical conditions imposed.

b) Consultation with Maori

Iwi have not been consulted with; the land is not to be disposed on the open market.

6) Legal implications

There are no significant legal implications arising from this matter. Compliance with the LGA and Section 40 PWA considerations will address relevant issues.

7) Consistency with existing policy

The recommendations of this report are consistent with the Council's policies

Appendix 1: Aerial Map

