
Proposed Road Stopping - Land Adjoining 105 Hornsey Road, Melrose

Moved Councillor Sparrow, seconded Councillor Calvi-Freeman

Resolved

That the Council:

1. a. Agrees that approximately 69m² of unformed legal road on Hornsey Road, Melrose shown as the land bordered red on the plan in attachment 3 (the Land), and adjoining 105 Hornsey Road, Melrose (being Lots 1 and 2 DP 8089 CFR WN54C/525), 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 relevant public notices, declaring the road stopped, negotiating, the terms of sale or exchange, imposing any reasonable covenants and anything else necessary.
2. Notes that if objections are received to the road stopping, and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee for consideration.

Carried

3.2 Report of the City Strategy Committee Meeting of 17 August 2017

Wellington Region Waste Management and Minimisation Plan 2017-2023 adoption report

Moved Councillor Pannett, seconded Councillor Woolf

Resolved

That the Council:

1. Agree to revoke the current Wellington Region Waste Minimisation and Management Plan 2011-2017.
2. Agree to adopt the Wellington Region Waste Management and Minimisation Plan 2017- 2023.

Carried

PROPOSED ROAD STOPPING - LAND ADJOINING 105 HORNSEY ROAD, MELROSE

Purpose

1. The purpose of this report is to recommend that the Council disposes of approximately 69m² of unformed legal road adjoining 105 Hornsey Road (refer Attachments 1 and 2).

Summary

2. The owners of 105 Hornsey Road have applied to purchase part of the unformed legal road adjoining the frontage of their property.
3. The approximately 69m² of legal road land to be purchased (the **Land**) is shown bordered red on the plan in 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 adjacent neighbours and all have replied.
6. Four neighbours have no issues but one is concerned about any future redevelopment occurring on the applicant's property. This is beyond the scope of the legal road stopping process and can be addressed as part of any future resource consent application.
7. If the Council agrees with the recommendation of the Regulatory Processes Committee, and resolves to dispose of the Land, then it will be publicly notified. At that time neighbours, organisations and any other member of the public will have an opportunity to make formal submissions.

Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to the Council that it:
 - a. Agrees that approximately 69m² of unformed legal road on Hornsey Road, Melrose shown as the land bordered red on the plan in attachment 2 (the Land), and adjoining 105 Hornsey Road, Melrose (being Lots 1 and 2 DP 8089 CFR WN54C/525), 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 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, a further report will be presented to the Regulatory Processes Committee for consideration.

Background

8. Hornsey Road and the surrounding properties were originally set out in 1887 (DP's 171 and 173). Other than successive road improvements and housing developments this basic layout still exists today.
9. The Land is situated between the property at 105 Hornsey Road and the owner's car deck (with integrated garage). The car-deck / garage will remain within the legal road corridor under an encroachment licence.
10. The Land falls steeply below the road and contains a timber walkway, stairs, decking, a small area of the applicant's porch, and soft landscaping.
11. A number of site photographs are included as attachment 3 showing the various elements. Attachment 3 also includes views from the opposite side of the street looking north to Evans Bay.
12. Should the road stopping proposal be successful the Land would be amalgamated with 105 Hornsey Road, Melrose.
13. The applicant is seeking to purchase the Land to:
 - legalise the current porch encroachment, access, garden and decking areas,
 - allow for future development options, and
 - rectify ongoing annual encroachment costs.

Discussion

14. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (**LGA**).
15. 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.
16. The Transport Network team has confirmed the Land is not required for road or public access purposes. No other relevant business unit of the Council is seeking to retain the Land.
17. A report conducted under section 40 PWA report will determine whether any offer back obligation exists.

Options

18. The alternative to undertaking the road stopping is to retain the Land as unformed legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires or intends to use.
19. 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

20. Conclude a section 40 PWA investigation.
21. Prepare a survey legalisation plan and sale and purchase agreement for the Land.
22. Initiate the public notification process.

Attachments

Attachment 1.	105 Hornsey Road - Location Plan	Page 70
Attachment 2.	105 Hornsey Road - Aerial Plans	Page 71
Attachment 3.	Photos of the Land and the encroachment licence area in front - not being stopped	Page 73

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Authoriser	Tracy Morrah, Property Services Manager David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

In March 2017 letters were sent to adjacent neighbours of the Land. All neighbour replies have been received. Four neighbours have no concerns about the road stopping but one neighbour is concerned about any future redevelopment at 105 Hornsey Road. We have consulted with City Planning and confirmed that this would be managed through any future District Plan process. While this does not prevent any objection at the public notice stage of the road stopping we would be looking to mitigate any concerns.

Utility Provider and Council Business Units

The applicant is obliged to obtain comments from utility providers prior to submission of the application. None objected to the road stopping and/or have provided conditional support subject to the creation of relevant easements.

Several business units of the Council were consulted: Transport Networks, Planning, Parks, Sport and Recreation, District Plan Policy, and Vehicle Access. None objected to the road stopping or provided conditional support.

Conditions such as kerb setbacks, the inclusion of isolation strips, amalgamation of parcels and neighbour consultation, have been adopted where applicable.

Treaty of Waitangi considerations

Iwi groups have not been consulted. The land is not located in a Māori Precinct, or other area identified as significant to Māori. As amalgamation is a condition of the stopping it is likely only to be disposed of to the adjacent neighbour, and not be available for purchase by iwi or the public in general.

Financial implications

There are no significant financial considerations related to this recommendation. Any costs associated with the disposal of the Land are borne by the applicant and the proceeds are directed toward the general fund.

As of August 2011 a new cost sharing incentives for road stoppings was approved by Council. The rebate amount is determined at the end of the process 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 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 has no significant impact on the Long Term Plan.

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.

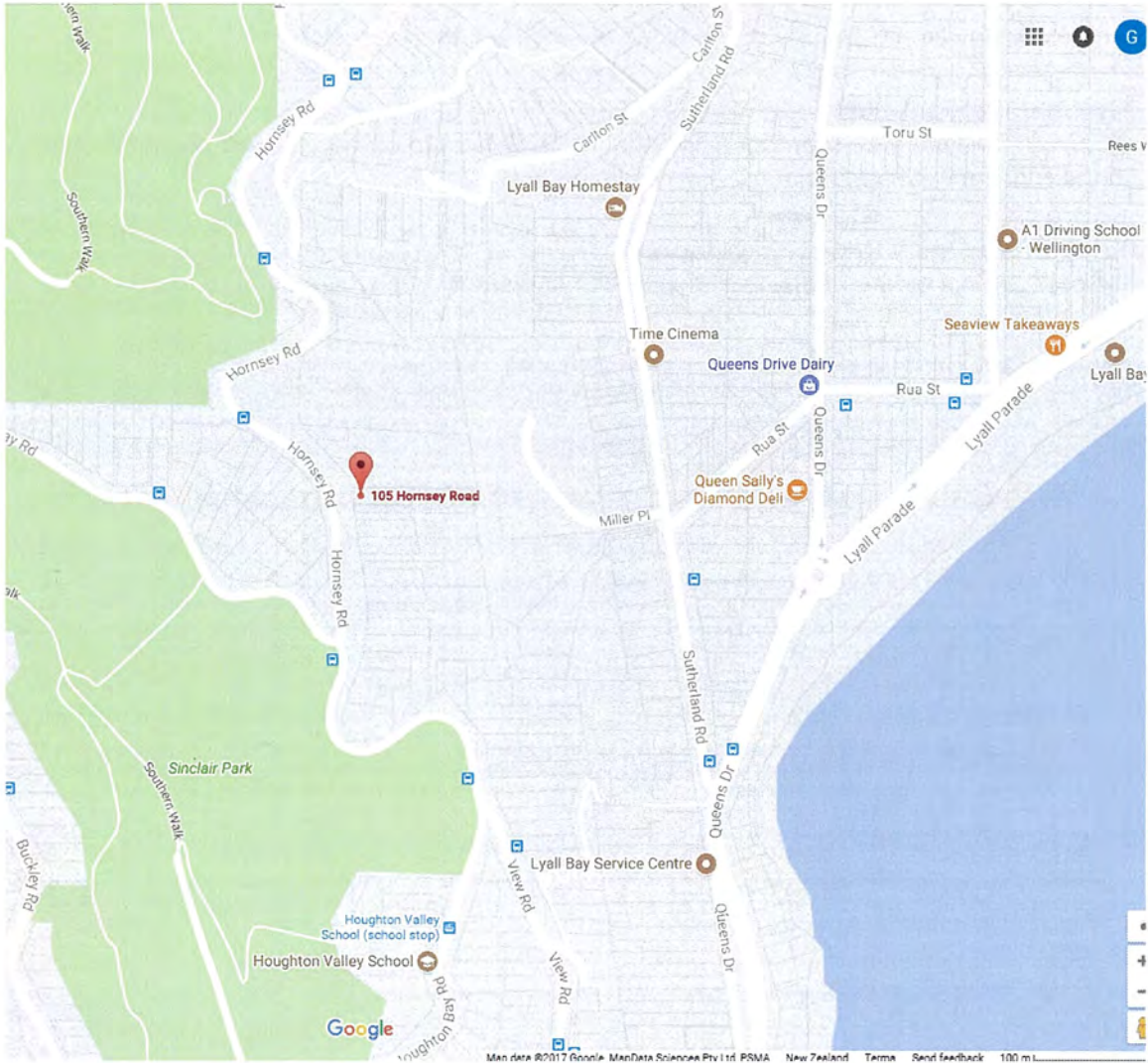
Communications Plan

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

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

105 Hornsey Road – Location Plan.







105 Hornsey Road – Photo of encroachment area (not being stopped) from opposite side of the street which is elevated above the road level.

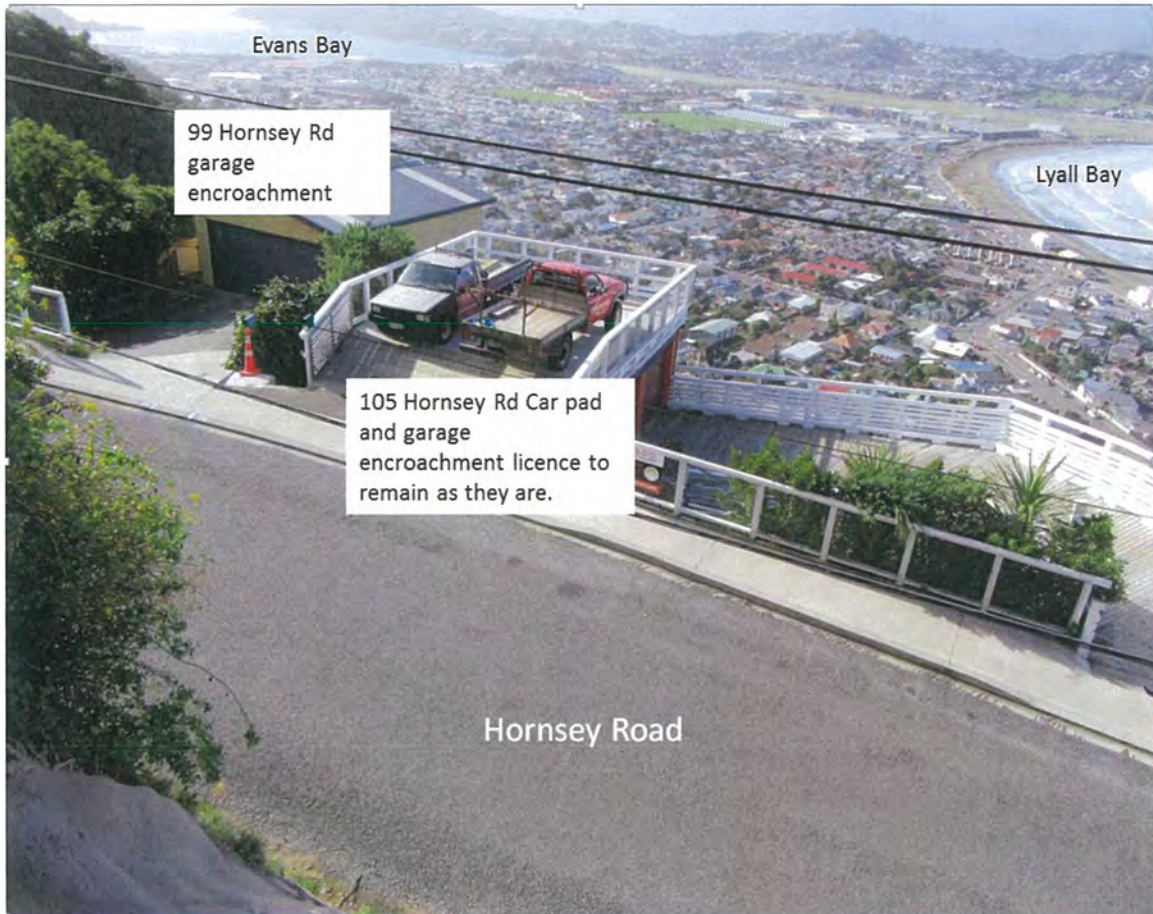


Photo of 105 Hornsey Road showing relative level between car deck and ramp at street level and dwelling below – looking north towards Evans Bay.





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