
PROPOSED ROAD STOPPING - LAND ADJOINING 146 COCKAYNE ROAD, KHANDALLAH

Purpose

1. This report asks the Regulatory Processes Committee to recommend that the Council stops and sells approximately 130m² (subject to survey) of unformed legal road adjoining 146 Cockayne Road, Khandallah. Refer Attachment 1 for location plan.

Summary

2. The owner of 146 Cockayne Road, Khandallah has applied to purchase the area outlined in red in Attachment 2 (the Land).
3. Utility providers and the Council's internal business units have been consulted. All support the proposal subject to standard conditions (where applicable).
4. Initial consultation letters have been sent to ten immediate neighbours. At the time of writing this report only one reply had been received, with that party not opposing the proposed stopping.
5. If the Council approves officers' recommendation then public notification will commence. Neighbours and any other member of the public will then 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) Declares that approximately 130m² (subject to survey) of unformed legal road land in Cockayne Road, Khandallah, shown outlined red on Attachment 2 (the Land), and adjoining 146 Cockayne Road (being Lot 23 DP 16298 CFR WN45C/673) is not required for a public work and is surplus to Council requirements.
 - b) Agrees to stop the legal road and dispose of the Land referred to above.
 - c) Declares that approximately 1m² (subject to survey) of unformed legal road land in Cockayne Road, Khandallah, highlighted blue on Attachment 1 and adjoining 146 Cockayne Road (being Lot 23 DP 16298 CFR WN45C/673) is not required for road.
 - d) Agrees to stop approximately 2m² (subject to survey) of unformed legal road (shown blue on Attachment 2) for use as two isolation strips.
 - e) 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, impose 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

6. The Land is level with the the formed carraigeway and footpath, containing lawn, vegetation and small trees. It also contains the applicant's single garage under encroachment licence. (View from Cockayne Road in Attachment 3).
7. Should the road stopping proposal be successful the Land would be amalgamated with 146 Cockayne Road.
8. The applicant is interested in purchasing the Land to increase their options for future subdivision and development.

Discussion

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 other public work. Section 345(1)(a)(i) of the Local Government Act 1974 provides council with the statutory power to dispose of stopped road.
11. Advisors from Council's Transport Team have confirmed the Land is not required for future road widening or public access purposes. They supported the proposal subject to legal road width of 20m being retained which is consistent with the remainder of the street. Isolation strips would be required on the extensions of the 142/146 and 146/148 Cockayne Road side boundaries as shown blue on Attachment 2.
12. Relevant Council business units have been consulted and none wish to retain the Land.
13. As is normal practise in the early stages of the road stopping process officers have written to the ten immediate neighbours notifying them that Council had received this road stopping application. At the time of preparing this report no response had been received, these owners will be consulted again when the formal public consultation is carried out later in the road stopping process.
14. If Council approves the above, officers will establish whether any offer back obligations under section 40 of the Public Works Act 1981 exist.

Options

15. 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.

Next Actions

16. Conclude an investigation in accordance with s40 PWA.
17. Initiate the public notification process.
18. Prepare a survey plan and Sale and Purchase contract.

Attachments

- Attachment 1. Location Plan
- Attachment 2. Aerial
- Attachment 3. Views from street

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SUPPORTING INFORMATION

Engagement and Consultation

Community

In December 2017 letters were sent to ten 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 not opposing.

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

Utility Provider and Council Business Units

The applicant is obliged to obtain comments from utility providers prior to submission of the application. None have objected to the road stopping. Vodafone, Wellington Electricity Lines Limited, and WCC Street Lighting advised they had assets in the vicinity. Exact location relative to the Land will be confirmed by survey, and if they are located in the Land in question, the assets will either be relocated or an easement registered on the title (at the expense of the new owner).

Several relevant Council business units were consulted in addition to Transport Planning: i.e. Parks, Sport and Recreation, Transport, District Plan Policy, Planning, Vehicle Access, Urban Design and Heritage. None objected to the road stopping.

City Planning and Design supported on the condition that the approximately 130m² parcel of road to be stopped adjoining 146 Cockayne Road is to be amalgamated with that property. Also if the proposal is successful it would result in the site area of 146 Cockayne Road increasing to being more than 800m², which would change how the District Plan infill rule 5.6.2.7.1 would be applied to the combined site. Accordingly the owners of all properties adjoining 146 Cockayne Road would need to be consulted with.

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. The land is not being disposed 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 are borne by the applicant or subtracted from sale proceeds per the 2011 cost sharing initiative.

In August 2011 a new cost sharing incentives for road stoppings 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 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 is consistent with legislative, and the Council's 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 for this road stopping.

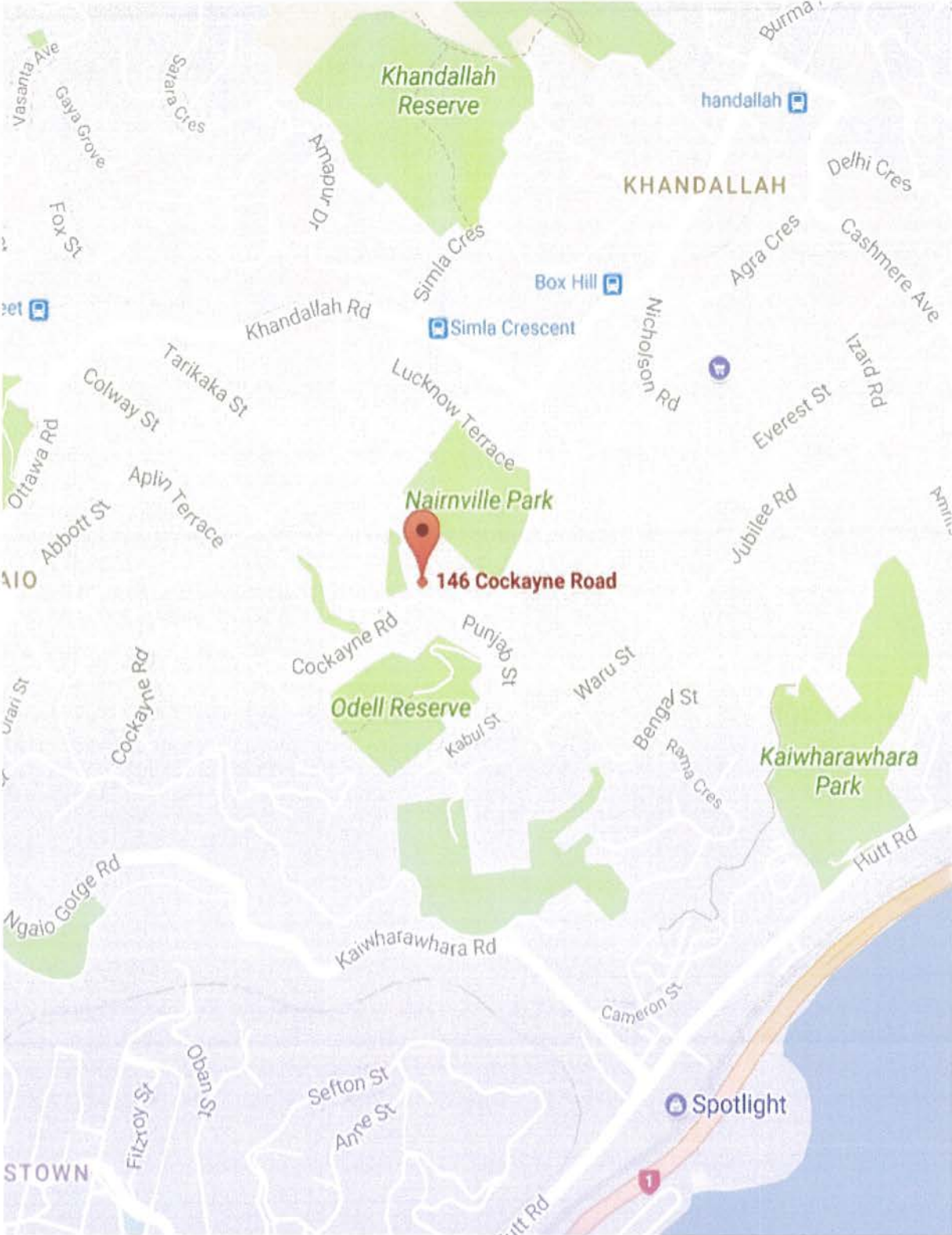
Communications Plan

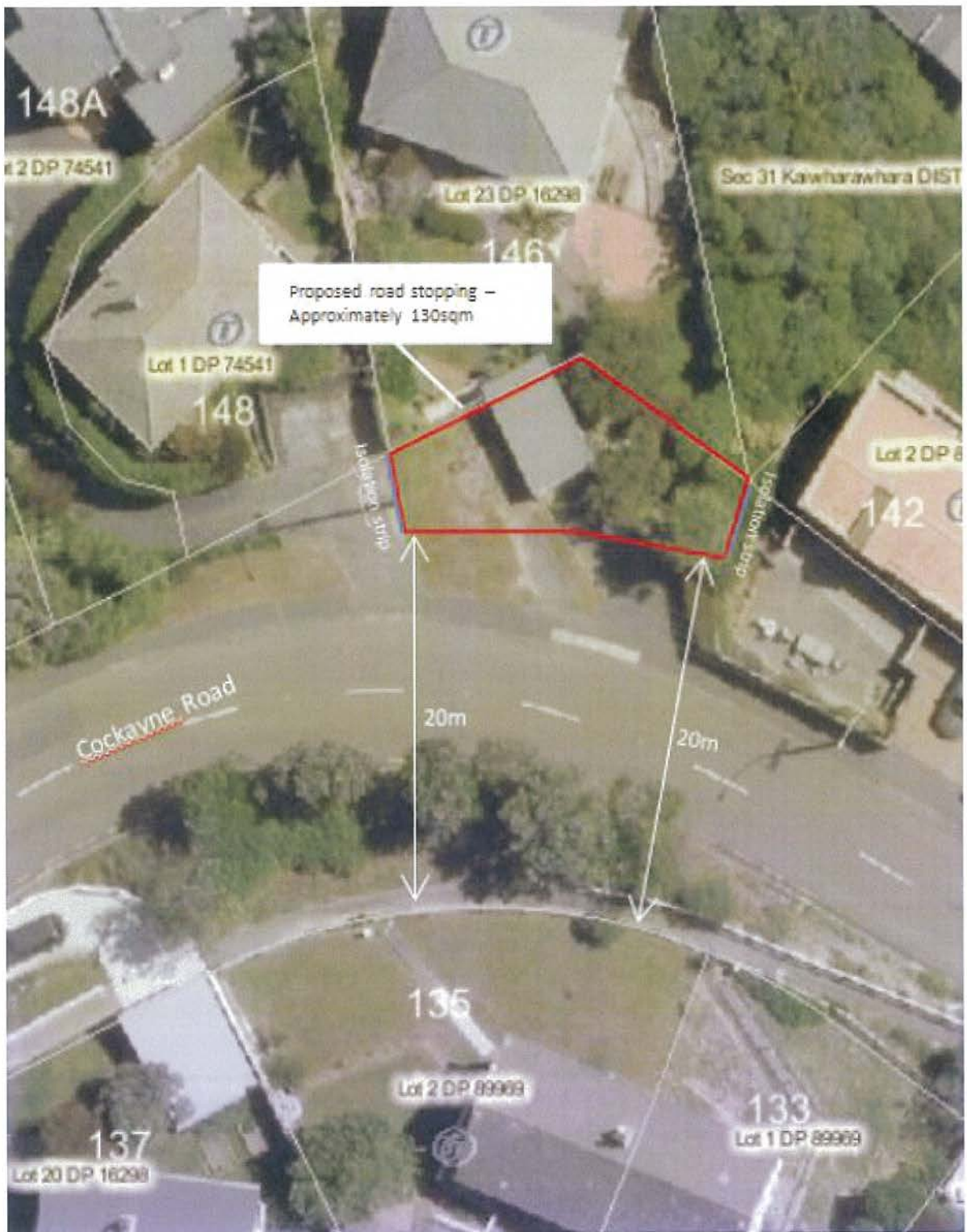
Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process.

Health and Safety Impact considered

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

Location Plan





Views from street

