
REPORT 5
(1215/53/IM)

**ROAD STOPPING AND DISPOSAL - LEGAL ROAD
ADJOINING 50 AND 52 MCKINLEY CRESCENT,
BROOKLYN**

1. Purpose of Report

The purpose of this report is to seek the Committee's recommendation to Council that approximately 94m² (subject to survey) of unformed legal road land (the Land) in McKinley Crescent, Brooklyn is no longer required for operational requirements, and that it be 'stopped'. Approximately 82m² will be amalgamated with the adjoining Council owned property at 52 McKinley Crescent. The remaining approximately 12m² will be sold and amalgamated with the neighbouring 50 McKinley Crescent. This is to ensure a continuous and aligned front road boundary.

2. Executive Summary

The Council owns 52 McKinley Crescent and the asset owner is City Housing.

A current encroachment licence is in place for the house that is built partially over the Land. This situation is not ideal. Legalising this situation and increasing the land area of 52 McKinley Crescent will increase its value.

Refer to Appendix 1 for an aerial view showing the Land proposed to be stopped coloured green. 52 McKinley Crescent is coloured blue and 50 McKinley Crescent is coloured red.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that approximately 94m² (subject to survey) area of unformed legal road land adjoining 50 and 52 McKinley Crescent, Brooklyn, is not required for a Public Work.*

- (b) *Approve the disposal of approximately 12m² (subject to survey) area of unformed legal road land adjoining 50 McKinley Crescent, Brooklyn, to the owner of that property for amalgamation with their existing title,*
 - (c) *Authorise Council officers to commission a section 40 report to identify whether approximately 94m² (subject to survey) area of Road Land, must be offered back to the former owner(s) or their successor(s), or whether exemptions from offer back applies under section 40(2), 40(3), or 40(4).*
 - (d) *Delegate to the Chief Executive Officer the power to either offer approximately 12m² (subject to survey) area of unformed legal 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).*
 - (e) *Authorise Council officers to initiate the road stopping process for approximately 94m² (subject to survey) area of Road Land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (f) *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 Council requirements being met with no objections being received.*
 - (g) *Approve the stopping and amalgamation of approximately 82m² (subject to survey) of Road Land with the adjoining property at 52 McKinley Crescent.*
 - (h) *Delegate to the Chief Executive Office the power to negotiate the terms of sale of approximately 12m² (subject to survey) area of Road Land to 50 McKinley Crescent, Brooklyn, provided any such agreement is conditional upon the road land being stopped.*
3. *Note that if objections are received to the road stopping public notice, a further report will be presented to the Committee for consideration.*

4. Background

4.1 Acquisition History

52 McKinley Crescent was acquired by Council in 1922 from Mr Edward Johnson to create a new bus route. The proposed bus route never eventuated. In the early 1950's a house was built and used to house Council staff. More recently the property became part of City Housing's portfolio.

4.2 Property Details

52 McKinley Crescent is a 401m² section and is zoned outer residential. The legal description is Lot 2 DP 54798 being held on CFR WN40C/100.

The section is generally flat with a good sized backyard that gently slopes away at the rear. There is off street parking but no garage.

5. Discussion

5.1 Internal and External Consultation on road stopping proposal

As part of the road stopping process immediate neighbours, service authorities, and internal business units were consulted with.

The immediate neighbours 55 and 57 McKinley Crescent have been advised of the road stopping, and are affected by the front yard rule requirements. Officers will ensure that these property owners fully understand what these affects mean and obtain their consent. They will have the opportunity to comment when the public consultation is carried out later in the road stopping process.

All service authorities have given their consent with standard conditions applying.

All internal business units have given their unconditional consent with the exception of the following:

1. Road and Traffic Maintenance require legal road width of approximately 16.3 metres to be retained. An additional 12m² area of unformed legal road land adjoining the neighbouring 50 McKinley Crescent also be stopped and amalgamated with that property.
2. Development Planning and Compliance require consultation with the owners of 55 and 57 McKinley Crescent. If the road stopping proposal is successful the front yard rule set back requirements of 1.85 m would be imposed on these properties.

5.2 Financial Considerations

The Council will incur costs associated with this proposed road stopping of approximately \$12,000 excl GST. These costs include legal, survey and public notification. These costs will be offset by the income that Council will receive from selling approximately 12m² of unformed legal road to 50 McKinley Crescent, Brooklyn.

5.3 Climate Change Impacts and Considerations

There are no climate change impacts.

5.4 Long-Term Council Community Plan Considerations

This proposed road stopping and disposal of 12m² of road land to 50 McKinley Crescent has no overall impact on the LTCCP.

5.5 Significance Policy/ Strategic Assets

Under Council's Significance Policy, the proposed road stopping would not be deemed significant.

5.6 Next steps

If the recommendations of this report are accepted the next steps would be:

- Obtain a Section 40 PWA report and the Chief Executive Officer's approval of the section 40 report recommendations
- Undertake survey
- Offer back to former owner or successor (if required)
- Public notification of the intent to stop the road
- Receive objections (if any), negotiate and refer back to the Regulatory Processes Committee / full Council and to the Environment Court hearing (if required)

If the road stopping proposal is still in effect, then:

- Undertake public notification that the road is stopped, amalgamate 82m² of stopped road with 52 McKinley Crescent and attend to settlement and transfer of approximately 12m² of stopped road to 50 McKinley Crescent.

6. Conclusion

Council officers believe that approximately 94m² (subject to survey) of Council owned unformed legal road adjoining 50 and 52 McKinley Crescent, is no longer required for the Council's operational (Roading) requirements and should be stopped.

Once stopped approximately 82m² would be amalgamated with 52 McKinley Crescent which will remain in the City Housing portfolio. The remaining 12m² of stopped road adjoining 50 McKinley Crescent would be sold to the owners of that property.

It is therefore recommended that the Regulatory Processes Committee recommends to Council that the approximately 94m² area of road land adjoining numbers 50 and 52 McKinley Crescent be stopped.

Contact Officer: Paul Davidson, Property Advisor, Property Services

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) LTCCP/Annual Plan reference and long term financial impact

Provision for undertaking this work is contained within the overall organisational budget.

This report is a step towards the stopping and possible sale of the legal road. At this stage, the expected income from the sale has not been quantified as valuations are carried out at a later stage.

There are no adverse financial implications imposed on the Council arising from this proposal. Costs associated with this proposal will be met by the proceeds of sale. This proposal will benefit the Council in financial term with the income obtained from the sale of some road land, and an increase in value to the Council property.

3) Treaty of Waitangi considerations

Local iwi have been consulted, and have no concerns.

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 the relevant internal business units has been carried out as part of this application. They have all advised that they have no objection to the proposed road stopping, with Roding and Urban Design consent subject to certain conditions. Service Authorities have been consulted.

b) Consultation with Maori

As per section 3 Treaty of Waitangi considerations above.

6) Legal Implications

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

7) Consistency with existing policy

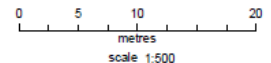
This recommendations of this report are consistent with WCC policy.

APPENDIX 1



Proposed Road Stopping
52 McKinley Cres, Brooklyn

- Road land to be stopped
- 50 McKinley Crescent
- 52 McKinley Crescent



Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas. Census data sourced from Statistics NZ. Postcodes sourced from NZ Post. 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.

MAP PRODUCED BY:
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