

Chairperson and Community Board Members
WAIKANAE COMMUNITY BOARD

17 JUNE 2014

Meeting Status: **Public**

Purpose of Report: For Decision

**ROAD STOPPING AND DISPOSAL - LEGAL ROAD ADJOINING
201 RANGIORA ROAD REIKORANGI**

PURPOSE OF REPORT

- 1 The purpose of this report is to seek a recommendation from the Waikanae Community Board to the Kāpiti Coast District Council ('the Council') on the proposed road-stopping and eventual sale of approximately 1.3478 hectares of Council owned unformed legal road adjoining 201 Rangiora Road, Reikorangi.

Refer to Appendix 1 for an aerial plan showing the area of road to be stopped.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy.

BACKGROUND

- 3 The Council has received a road stopping application to 'stop' unformed legal road adjoining 201 Rangiora Road, Reikorangi, from the owners of the property. The legal description of 201 Rangiora Road is Lot 2 DP77455, Lot 2 DP81237 Pt Sec 65 and Pt Sec 66 Block X Kaitawa SD.
- 4 The total area of unformed legal road adjoining the property is approximately 1.3478 ha (subject to survey). The land is currently in pasture and scrub and used contiguously with the adjoining property. The road appears to have been surveyed in 1949 on S.O. plan 21916 but was never formed, fenced off, or used separately from the adjoining properties.

CONSIDERATIONS

Issues

- 5 The road stopping process is undertaken under the Local Government Act 1974 and as such follows a specifically prescribed process. See Appendix 2 for the Road-stopping process timetable and information sheet.
- 6 As part of the road stopping process service authorities and internal business units are given an opportunity to provide comments.
- 7 All relevant service authorities and internal business units have given their unconditional consent.
- 8 Due to the fact that the unformed road is completely surrounded by the applicant's property there are no immediate neighbours disadvantaged by the road stopping. Neighbours in the surrounding area will have the opportunity to comment when full public consultation is carried out later in the process.

Next steps

- 9 The next steps in the road-stopping process are as follows:
- Report to Council for conditional approval
 - Obtain a Section 40 Public Works Act 1981 report
 - Obtain a valuation and prepare a sale and purchase agreement
 - Undertake a survey and carry out public notification of the intent to stop the road
 - Receive objections (if any) and attend to the Environment Court hearing (if required)
 - Undertake public notification that the road is stopped
 - Attend to settlement and transfer of the stopped road

Financial Considerations

- 10 All costs associated with this road-stopping will be met by the applicant including officer time. If the application is successful the Council will benefit in financial terms as the applicant will purchase the stopped road at current market value and will then pay rates on it in the future.

Legal Considerations

- 11 There are no significant legal implications arising from this matter. Compliance with the Local Government Act 1974 and Section 40 of the Public Works Act considerations will address relevant issues. Council's solicitors will be involved at the appropriate steps in the process.

Delegation

- 12 The Waikanae Community Board has the delegation to recommend the following (under the Governance Structure and Delegations 2013 – 2016 Triennium):
- 10.19 Authority to recommend to the Regulatory Management Committee on the need to permanently diminish or stop roads (i.e. permanently change the size of or permanently close a road).*
- 13 If the Waikanae Community Board supports the road-stopping proposal the recommendation will go directly to Council instead of the Regulatory Management Committee. This is due to the timeframes of future committee and Council meeting dates and the urgency to obtain an outcome for the applicant.

Consultation

- 14 Following the approval of this report and adoption of its recommendations by the Council a formal road-stopping public consultation process will be undertaken. This will involve erecting signs on both ends of the unformed legal road, two notices advertising the proposal in a local paper at least one week apart and completing a mail out to surrounding neighbours and property owners.

Policy Implications

15 This report has no policy implications.

Tāngata Whenua Considerations

16 There have been no specific issues identified relating to Iwi but the public consultation process will provide the opportunity for any issues to be raised.

RECOMMENDATIONS

The Waikanae Community Board recommends to Council:

17 That the unformed legal road adjoining 201 Rangiora Road, Reikorangi approximately 1.3478ha (subject to survey), be stopped and a road-stopping process be initiated.

Report prepared by:

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ATTACHMENTS:

Appendix 1 Plan of area of road to be stopped

Appendix 2 Road-stopping Process Timetable and Information Sheet