

SOUTH WAIRARAPA DISTRICT COUNCIL

22 JULY 2020

AGENDA ITEM C2

ROAD STOPPING 110 EAST STREET GREYTOWN

Purpose of Report

To inform Councillors of the stopping of a portion of East Street Greytown as legal road and a subsequent sale of land to the adjacent landowner of 110 east Street

Recommendations

Officers recommend that the Council:

- 1. Receives the Road Stopping 110 East Street Greytown Report.*
- 2. Approve the sale of the land as shown on Survey Office plan SO 523726 to the adjacent landowners for the total of \$5,000 plus survey and legal costs.*
- 3. Delegates to the Chief Executive the authority to take the necessary steps to proceed with the process to stop the formed legal road (comprising approximately 102m²) as shown on Survey Office Plan (SO 523726) in accordance with Section 342 and Schedule 10 of the Local Government Act 1974 (subject to Council approval to sell the land).*

1. Executive Summary

The owner of 110 East Street Greytown entered into discussions with the Chief Executive Officer and agreement was reached to sell the section of road adjoining the frontage of 110 East Street Greytown. The proposed purchase of approximately 102 square meters would allow the owners to own the portion of land where the existing house structure encroaches the legal road.

2. Background

The land owner of 110 East Street approached the Council with a proposal to stop and purchase approximately 102 m² section of legal road on east Street Greytown at the frontage of their property. The applicants purpose to use the land for consolidating into their existing title.

This proposal to purchase the land arose out of the negotiation for a Licence to Occupy. The applicants considered options to enter into a licence to occupy, or an encumbrance with Council. Neither of these options was considered suitable to them as, in their opinion, they had no control or ownership over the land. Their preference

was to acquire this portion and consolidate it into their existing title. The stopped portion reflects the current situation with regard to encroaching fence-lines.

The 102m² area proposed for purchase will allow the applicants to have ownership of the front of their dwelling and reflects the status quo.

This proposal applies to 110 East Street which is situated on the west side between Church Street and Papawai Road.

3. Discussion

3.1 Options

3.1.1. Option 1

Stop the portion of East Street and sell the portion of road to the adjoining owner

3.1.2. Option 2

Reject the offer and enter into a licence to occupy agreement.

3.1.3. Option 1 Proposal

Stop the portion of East Street and sell the portion of road to the adjoining owner.

Section 1 comprising 102m² will be sold to the owner of the adjoining property and amalgamated with Lot 3 DP 53441, comprised in Certificate of Title 24A/743. This will allow the dwelling at 110 East Street to be wholly contained within the property boundaries (see diagram below). The original building consent for the dwelling was issued in 1919.



A survey Office Plan (SO 523726) has been commissioned by the applicant and is attached as Appendix 1.

The applicant and Chief Executive Officer agreed on 18 February 2018 a cost of \$5,000.00 to purchase the 102m² plus survey and legal costs of the land.

This purchase is estimated to cost a total of approximately \$15,000 (land valuation and associated costs). A requirement of the road stopping is for the applicants to

undertake the work associated for surveying the portion of proposed land, public notification, LINZ and legal costs for the title adjustment.

Infrastructure

- East street has several properties with frontage boundary lines offset to the same as the proposed readjustment.
- The road stopping will reconfirm the new boundary is on the existing fence-line.
- The 110m² portion has no public water, wastewater, storm water, power or telephone services within it, only private property connections
- Council officers advise this portion can be stopped without affecting future upgrades.
- There will not be any notable impact on the surrounding transport environment.
- No safety issues have been identified with the proposed road closure and on that basis, it is a supported project from a traffic engineering perspective.

3.2 Consultation

Public Consultation was carried out in terms of Schedule 10 Local Government Act 1974 Section 342.

2. Council to at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plan may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof. The council shall also forthwith after that first publication serve a notice in the same form on the occupiers of all land adjoining the road proposed to be stopped or any new road proposed to be made in lieu thereof, and, in the case of any such land of which the occupier is not also the owner, on the owner of the land also, so far as they can be ascertained.
3. A notice of the proposed stoppage shall, during the period between the first publication of the notice and the expiration of the last day for lodging objections as aforesaid, be kept fixed in a conspicuous place at each end of the road proposed to be stopped:
provided that the council shall not be deemed to have failed to comply with the provisions of this clause in any case where any such notice is removed without the authority of the council, but in any such case the council shall, as soon as conveniently may be after being informed of the unauthorised removal of the notice, cause a new notice complying with the provisions of this clause to be affixed in place of the notice so removed and to be kept so affixed for the period aforesaid.

3.3 Legal Implications

Local Government Act 1974 Section 342 allows for road stopping.

342 Stopping and closing of roads

The council may, in the manner provided in [Schedule 10](#),—

- (a) stop any road or part thereof in the district:
provided that the council shall not proceed to stop any road or part thereof in a rural area unless the prior consent of the Minister of Lands has been obtained;
or
- (b) close any road to traffic or any specified type of traffic (including pedestrian traffic) on a temporary basis in accordance with that schedule and impose or permit the imposition of charges as provided for in that schedule.

4. Conclusion

There is no compelling reason for the Council to retain ownership of this section of road. The applicants would take on full responsibility for the land once the portion of road was stopped.

Accepting the applicant's proposal would provide sale proceeds for the Council.

Stopping and selling 102m² portion of East Street proposal is recommended.

5. Appendices

Appendix 1 – Survey Office Plan (SO 5237256)

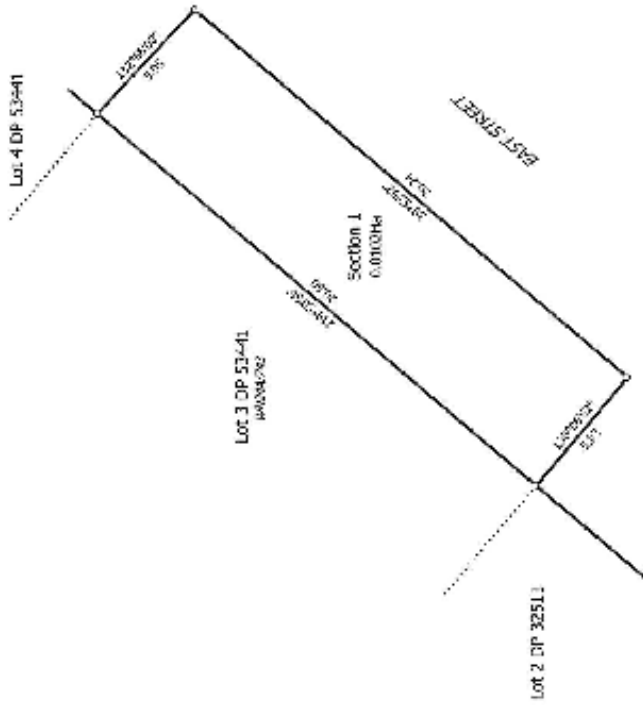
Contact Officer: Tim Langley, Roading Manager

Reviewed By: Euan Stitt, Group Manager Partnership and

Appendix 1 – Survey Office Plan (SO 5237256)



Diag. A



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Title Plan
SO 523726
DRAFT

Surveyor: John Buller Corahera
Firm: Tomlinson and Quantina Surveyors

SECTION 1

48852

Land District: VIC (Rg. 60)
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