

## 8. BROAD OAKS SUBDIVISION STAGE XI – ROAD LEGALISATION AND INITIATING ROAD STOPPING TO A PARCEL OF SURPLUS LAND



<b>General Manager responsible:</b>	General Manager, City Environment
<b>Officer responsible:</b>	Don Munro, Transport and City Streets Manager
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### PURPOSE OF REPORT

1. This purpose of this report is to seek the Board's recommendation to the Council to:
  - (a) Dedicate a parcel of road reserve land contained in Lot 16, DP52030 as Road pursuant to Section 111 Reserve Act 1977. The area of land is 33m<sup>2</sup> and is as shown on the **attached** plan.
  - (b) Declare a small parcel of unformed legal road contained in S.O. 365373, as surplus to Council's requirements and to obtain a resolution pursuant to Public Works Act 1981 to commence road stopping procedures. This parcel of road to be stopped is as shown on the **attached** plan.

### EXECUTIVE SUMMARY

2. Fulton Hogan Ltd, the developer for Broad Oaks has an approved resource consent for Stage XI RC20017303 which includes:
  - (a) Eight properties having access onto Vista Place. These accesses will be constructed over a strip of road reserve adjacent to the existing Vista Place.
  - (b) A parcel of road land included in one of the building lot.
3. In order for this subdivision to proceed, the Council's approval is required for:
  - (a) to dedicate the Council owned road reserve land contained in Lot 16, DP52030 as "road".
  - (b) to declare the parcel of road land as surplus to the Council's requirement and the Council initiating road stopping procedure for its disposal.
4. The road reserve land Lot 16, DP 52030 along Vista Place was created in 1987 when subdivision took place with the formation of Vista Place. This road reserve lot was created enabling the Council to collect roading contribution (on behalf of Dun's Ltd which was the developer of Vista Place), in the event when frontage to the road is required. This road has been built to the required standard and is capable of serving the additional developments by Fulton Hogan Ltd. This practice of collecting on behalf of previous developers is not uncommon for the subdivision approval process. Fulton Hogan Ltd in this instance has agreed to pay the required cash contribution.
5. The intersection design for the new road at Huntsbury Avenue following the existing legal road boundary is undesirable, and staff have instead approved a "T" intersection. This design provides a good outcome and is consistent with good engineering practices.
6. The "T" intersection design results in the developer vesting an additional 182m<sup>2</sup> of land for road and renders an area of 262m<sup>2</sup> of land similar area road land surplus to roading requirements. Hence it is appropriate for the Council to declare the road land surplus to Council's requirements and commence road stopping procedures.

### FINANCIAL AND LEGAL CONSIDERATIONS

7. The developer has agreed to pay \$23,250 plus GST for its share of road contributions of Vista Place. On receipt of this contribution the Council will reimburse the same amount to the previous developer of Vista Place.

8. The Council appointed valuer, Ford Baker, has valued the surplus road land at \$29,000 and the additional land required at \$25,000. The land exchange will provide a return of \$3,500 plus GST to the Council.
9. The procedural process to vest road reserve as road and the road stopping process will be recovered from Fulton Hogan Ltd.
10. Section 111, Reserve Act 1977 – Road Reserve may be dedicated as road:

This section states that where any land is vested in any local authority for the purpose of a road reserve and the land is required for the purpose of a road, the land may be dedicated as road by resolution of the local authority. In this instance it is appropriate that dedication occurs.

11. Section 116 Public Works Act 1981 – Stopping Road:

This section states that subject to the consent of the territorial authority and the owner(s) of the land adjoining the road in writing to the stopping, then the road can be declared formally stopped by notice in the Gazette. There will be no loss of public access onto Huntsbury Avenue from the new development and in fact the outcome creates a safer access for the roading network.

#### **STAFF RECOMMENDATIONS**

It is recommended that the Board recommends to the Council:

- (a) That pursuant to Section 111 Reserve Act 1977 the Christchurch City Council hereby resolves to dedicate that part of the existing road reserve Lot 16, DP 52030 as road.
- (b) To declare the parcel of road land as surplus to road requirement pursuant to Section 116 of the Public Works Act 1981 the Christchurch City Council hereby resolves to stop that parcel of road shown as S.O. 365373 and dispose to the adjoining land owner.

#### **CHAIRPERSON'S RECOMMENDATION**

That the staff recommendations be supported.