

7. DISPOSAL OF REDUNDANT SERVICE LANE – CLYDE ROAD SERVICE LANE

General Manager responsible:	Jane Parfitt General Manager City Environment, DDI 9418656
Officer responsible:	Michael Aitken Transport & Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to Council to declare the existing service land an area of 158m² surplus to roading requirements and to proceed by way of consent to stop a portion of service lane as shown in Attachment 1 pursuant to the provisions of section 6, 117 (1) and 120 (3) of the Public Works Act 1981.

EXECUTIVE SUMMARY

2. The redevelopment carried out to Fendalton Village Shopping Centre in 1995 has rendered the service lane redundant for access to the site.
3. The only access onto the site from Clyde Road permitted for the development was approximately 20m south of the service lane and the area designated as service lane was included in the carpark layout. The development site is shown on Attachment 2.
4. The design of the parking layout and access onto Clyde Road has worked satisfactorily and there is no requirement for the Council to continue allowing public space to be used for the development.
5. The Council as owner of the land has not formally resolved to declare this area of the service lane as surplus to roading requirements and commence road stopping procedure.
6. Staff have concluded the negotiation with Rock Kwon Ltd (owner of the shopping centre), for the sale of the redundant service lane subject to the Council's decision to commence the road stopping procedure.

FINANCIAL IMPLICATIONS

7. The Council will incur costs associated with the road stopping procedure. This cost is estimated to be \$5,000 and is budgeted for in the Capital Programme Subdivision Code 542/137.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Yes see above.

LEGAL CONSIDERATIONS

9. Staff have recommended the use of Public Works Act 1981 for the road stopping procedure.
10. Section 116 Public Works Act 1981 – stopping roads states:
“Subject to the written consent of the territorial authority and the owner(s) of the land adjoining the road, then the road can be declared formally stopped by notice in the gazette.”
11. There will be no loss of public access to this section of service lane.
12. Section 117 (1) Public Works Act 1981 – dealing with stopped roads states:
“The Council may deal with road stopped under the Act in the same manner as if the road has been stopped pursuant to the Local Government Act 1974.”
13. The parcel of “stopped road” in this case “service lane” will be transferred to Rock Kwon Ltd (owner of Fendalton Village Shopping Centre).

Have you considered the legal implications of the issue under consideration?

14. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

- 15. LTCCP page 152 “Streets and Transport Objectives” – to provide a sustainable network of streets connecting the main traffic routes with properties while contributing to the liveable environment.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

- 16. Yes.

ALIGNMENT WITH STRATEGIES

- 17. This action is consistent with the Traffic Objectives stated in the City Plan.

Do the recommendations align with the Council’s strategies?

- 18. Yes.

CONSULTATION FULFILMENT

- 19. Not required.

STAFF RECOMMENDATION

That the Board recommends that the Council:

- (a) Declare the existing service lane as shown in Attachment 1 surplus to the Council’s requirements.
- (b) Pursuant to Sections 116 (1), 117 (3) (b) and 120 (3) of the Public Works Act 1981 resolves to stop that parcel of service lane as described in the schedule (Attachment 2) and to amalgamate that parcel with the adjoining property.

Schedule:

<u>Being</u>	<u>Adjoining</u>	<u>Title Reference</u>	<u>Area</u>
Section 1	Lot 2 DP 23933	CB 9B/1407	158m ²

BACKGROUND (THE ISSUES)

20. Prior to 1995, this service lane served a neighbourhood shopping strip along Clyde Road. This was typical in many of the city neighbourhood shopping strips developed prior to 1970.
21. In October 1995 a resource consent was granted for the redevelopment of the entire Business 2 zone at the southeast corner of the intersection of Ilam and Clyde Roads. This Resource Consent approved the access from Clyde Road 20m south of the service lane and hence rendered the service lane redundant. The developed site is as shown on Attachment 2.
22. The redundant service lane was incorporated into the design of the carpark layout. This service lane has no impact on the roading network. The carpark has served the development well and no legal issue of the right of access from the service lane to Clyde Road has been raised. There was also no requirement for the Council to provide carparking for this development.
23. The Council land ownership for this parcel of service lane was raised with owners of the shopping centre but due to the ownership changes over the years, this matter did not progress.
24. Negotiation with the current owner of the shopping centre has been completed and based on the assessment by the Council's appointed valuer; the land is valued at \$71,000 + GST.