

11. UNFORMED HAREWOOD ROAD - ROAD STOPPING

General Manager responsible:	General Manager, City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Asset and Network Planning
Author:	Weng-Kei Chen, Asset Policy Engineer

PURPOSE OF REPORT

1. To consider the application from Christchurch International Airport Limited (CIAL) to stop the portion of unformed Harewood Road approximately 2928 metre squared as shown on the **attached** plans (**Attachments 1 and 2**).

EXECUTIVE SUMMARY

2. The location of the 'Unformed Harewood Road' is north west of the intersection of Orchard Road and is approximately 150 metres in length serving parcels of land owned by CIAL. It is also an access onto the secured area of the airport operation.
3. A similar request to stop this portion of Harewood Road was approved by the Council in 1996, however the road stopping procedure was not initiated and it is therefore appropriate for the Council to consider the application as a new application.
4. The unformed road has been used for vehicle parking and access to the hard fill area for future airport development.
5. This short section of Unformed Road is surplus to the City Road network requirement as it only serves as a destination to airport businesses. The stopping of this road will complement the future airport development in the vicinity.
6. This road stopping application complies with the Council's Road Policy and it is also appropriate that it be stopped pursuant to Public Works Act 1981.

FINANCIAL IMPLICATIONS

7. If the road stopping proceeds as recommended pursuant to Public Works Act 1981, CIAL will meet all the Council's costs associated with undertaking that process in accordance with Council's Road Stopping Policy. CIAL has also agreed to purchase the land which is valued by Council's appointed valuer at a value of \$290,000 plus GST.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. Not applicable.

LEGAL CONSIDERATIONS

9. Both the Local Government Act 2002 and the Public Works Act 1981 allow for the stopping of legal roads. In addition to these statutory provisions, the process of stopping roads by the Council is governed by the Christchurch City Council Road Stopping Policy 2009 ("the Policy") and the related delegations adopted by the Council on 9 April 2009 ("Delegations").
10. Under the Delegations the Corporate Support Manager has the power to accept or decline a road stopping application where:
 - (a) The area of the road to be stopped will not constitute a complying lot under the City Plan in its own account nor will its amalgamation with the adjoining lot create a new potential for the adjoining lot to be subdivided; and
 - (b) It will be necessary for the stopped road to be amalgamated with the certificate of title to an adjoining property; and
 - (c) The owner of an adjoining property is the logical purchaser of the stopped road; and

- (d) That the proposed road stopping complies with the Council's Road Stopping Policy; and
 - (e) The area of road to be stopped is not adjoining a reserve or waterway.
11. In all other circumstances the power to accept or decline a road stopping application, and which statutory procedure to use, sits with the Community Board of the ward in which the road in question is situated. Those powers must be exercised in accordance with the Policy.
12. There are two statutory processes available for road stopping and the Policy articulates the circumstances when each is to be used.
13. The Local Government Act 1974 road-stopping procedure must be adopted if one or more of the following circumstances shall apply:
- (a) Where any public right of access to any public space could be removed or materially limited or extinguished as a result of the road being stopped; or
 - (b) The road stopping could injuriously affect or have a negative or adverse impact on any other property; or
 - (c) The road stopping is, in the judgment of the Council, likely to be controversial; or
 - (d) If there is any doubt or uncertainty as to which procedure should be used to stop the road.
14. The Public Works Act 1981 road stopping procedure may be adopted if all of the following circumstances shall apply:
- (a) Where there is only one property adjoining the road proposed to be stopped; and
 - (b) Where the written consent to the proposed road stopping of all adjoining landowners by proposed road-stopping is obtained; and
 - (c) Where the use of the Public Works Act 1981 procedure is approved (where necessary) by the relevant Government department or Minister; and
 - (d) Where no other persons, including the public generally, are considered by the Council in its judgment to be adversely affected by the proposed road stopping; and
 - (e) Where the road is to be amalgamated with the adjoining property; and
 - (f) Where other reasonable access exists or will be provided to replace the access previously provided by the stopped road (i.e. by the construction of a new road).
- PROVIDED THAT if any one of the above circumstances shall not apply, then the Local Government Act 1974 procedure shall be used.
15. The Public Works Act road stopping procedure is essentially an administrative process intended to be used in non-controversial circumstances involving trivial parcels of land where the consent of the neighbouring owners is available. For all other road stoppings, the Policy requires that the Local Government Act process is used.

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

16. The staff consider that it is more appropriate that the Public Works Act 1981 be used.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. The road is not required for the roading network.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

18. The road asset is redundant to Council's needs.

ALIGNMENT WITH STRATEGIES

19. Yes, as part of the rationalisation of road assets the road is used as access to airport activity.

Do the recommendations align with the Council's strategies?

20. Yes.

CONSULTATION FULFILMENT

21. This is not required with a single land ownership on both sides of the road.

STAFF RECOMMENDATION

It is recommended that the Board:

- (a) Approves the road stopping of the portion of Harewood Road identified on attached plan S.O 19807.
- (b) Recommends to the Minister of Land that part of Harewood Road identified on the attached plan (S.O 19807) be declared and stopped by consent pursuant to section 116 (2) (b) (i) and (ii) of the Public Works Act 1981.
- (c) That pursuant to Section 345 (1) (a) (i) of the Local Government Act 1974 the land be sold to CIAL at a price of \$290,000 plus GST, plus all costs associated with the road stopping.