

15. 12. 2005

**REPORT BY THE CHAIRPERSON OF THE
SHIRLEY/PAPANUI COMMUNITY BOARD**



PART A – MATTERS REQUIRING A COUNCIL DECISION

1. 51 CORNWALL STREET - PROPOSED ROAD STOPPING

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	David Rowland, Property Consultant, DDI 941-8053

PURPOSE OF REPORT

1. The purpose of this report is to request the Council to approve the stopping of an area of legal road pursuant to Section 116 of the Public Works Act 1981, adjoining the property at 51 Cornwall Street, more particularly shown as Section 1 on Scheme Plan SM 1266-02, and when stopped to sell the land to the adjoining private land owner.

EXECUTIVE SUMMARY

2. The legal road, shown as Section 1 on Scheme Plan SM 1266-02 (attached), comprises an area of 104 m² and is situated on the southern boundary of 51 Cornwall Street close to Cranford Street.
3. The owners of 51 Cornwall Street, Maranatha Homes Association Inc, have applied to the Council to purchase Section 1 for amalgamation with their adjoining property as they propose to construct additional elderly persons' units on this and other adjoining land. They have agreed to pay the assessed market value of the area of road as well as the road stopping costs.
4. Staff are satisfied that the area of road involved will not be required by the Council for road widening purposes at any point in the future and therefore support the road stopping proposal.
5. The area of road land to be stopped is effectively a wide berm laid off in grass. It also accommodates some illegal off street car parking. Situated on the boundary between the Maranatha Homes Association site and the legal road is an Orion substation. The Association has concluded negotiations with Orion to purchase this small area of land and the substation is to be removed and replaced with a new multi box.
6. It is proposed to facilitate the stopping pursuant to the Public Works Act 1981 and amalgamate that part with the property at 51 Cornwall Street. Interestingly, this area of road was vested in the Council back in 1992 as a condition of subdivision.

FINANCIAL AND LEGAL CONSIDERATIONS

Financial

7. The applicants were advised from the outset that they would be required to pay:
 - (a) the market value of the 104m² area as assessed by an independent registered valuer; and
 - (b) associated costs, these costs in this instance have been assessed as \$1,250.This has been accepted by the applicants.
8. George Anderson & Co assessed a current market value of the road to be stopped at \$16,000 including GST.

1 Cont'd

Legal

9. The Community Board does not have authority to resolve to declare road stopped nor to approve the sale of stopped road, such decisions need to be made by the full Council. The Board does however have recommendatory powers to the Council.
10. The Council has the ability to stop roads pursuant to the Public Works Act 1981 and also the Local Government Act 1974. The latter Act requires the Council to publicly notify the proposed road stopping and to call for objections or submissions. Conversely, the Public Works Act process does not require public submission, although the Council and adjoining landowner(s) must consent in writing to the proposal.
11. It is proposed to process this application pursuant to the Public Works Act 1981 because:
 - (i) the staff are confident that the subject area of road will not be required by the Council in the future for road purposes; and
 - (ii) the adjoining landowner, the owners of 51 Cornwall Street are the only logical purchasers of the subject area.

12. For clarity:

Section 116 Public Works Act 1981 – Stopping Roads-

This Section says that, subject to the consent of the territorial authority and the owner(s) of the land adjoining the road to the stopping, then the road can be declared formally stopped by notice in the Gazette.

13. Section 345(1)(i)(a) Local Government Act 1974 – Disposal of land not required for road-

In relation to stopped road that is no longer required by the local authority, this Section says that the Council may sell that part of the stopped road to the owner(s) of any adjoining land.

This Section goes on further to say that the price for the stopped road can be fixed by a competent valuer appointed by the Council to value that part or if the owner(s) is not prepared to pay the fixed price, the Council may sell the land by public auction or private tender.

14. Section 345(2) – Amalgamation of stopped road with adjoining land-

This Section enables the Council to require the amalgamation of stopped road with adjoining land.

STAFF RECOMMENDATION

It is recommended that the Council resolve that the area of legal road adjoining 51 Cornwall Street and described as Section 1 on Scheme Plan SM 1266-02 comprising 104m² be declared stopped pursuant to Section 116 of the Public Works Act 1981 and when stopped be sold to the adjoining private land owner for a total sum of \$17,250 including GST.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

2. VEITCHES ROAD - SCHOOL PATROL AT CASEBROOK INTERMEDIATE SCHOOL

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport & City Streets Manager
Author:	Michael Thomson, Transport Planner DDI 941-8950

PURPOSE OF REPORT

1. The purpose of this report, being a follow-on report from the Board's 16 November 2005 meeting, is to seek approval for a school patrol on Veitches Road at Casebrook Intermediate School.

BACKGROUND

2. A report to the last Board meeting outlined the background to the safety improvements to the Grampian/Veitches intersection. Staff met with the school Board of Trustees, who agreed to the installation of a school patrol in the form of a "kea crossing" just to the east of Grampian Street. The Police Education Officer is satisfied with the proposal for a school patrol. Adjoining residents have been advised via the consultation leaflet distributed as part of the safety work at Casebrook Intermediate School.

PROPOSAL

3. The school patrol will be located at the new extended kerbs (refer attached plan). Visibility will be greatly enhanced, and the crossing distance will be shortened for school children. Issues with left turning traffic, and turning at the intersection will be reduced with the new kerb alignments which will slow motorists. Consultation feedback indicated concern about traffic speed.

STAFF RECOMMENDATION

It is recommended that pursuant to the powers vested in it by Section 8.3(1) of the Land Transport Rule-Traffic Control Devices 2004 (Rule 54002) and the Local Government Act 2002, the Christchurch City Council hereby authorise the head teacher of Casebrook Intermediate School to appoint appropriately trained persons to act as school patrols at the school crossing point as specified at the following location:

Veitches Road, located at a point, more or less 10 metres easterly generally of Grampian Street.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

3. CLEARBROOK STREET - ROAD RESERVE REVOCATION

General Manager responsible:	General Manager Corporate Services
Officer responsible:	Corporate Services Manager
Author:	Felix Dawson, DDI 941-8477

PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the revocation of the Road Reserve classification for No. 12 Clearbrook Street.

EXECUTIVE SUMMARY

2. The Council owns two adjoining sections at 10-12 Clearbrook Street (the property). This property is no longer required for its previous use. It carries no strategic value in terms of retention for operational purposes and disposal is likely on completion of steps 3-5 below. Before disposal can be undertaken or a decision to use it for another purpose is made, the section at No. 12 requires processing in terms of the Reserves Act 1977 and this report recommends revocation of its Road Reserve status.

1	Property identified as no longer required for original use
2.	Availability of property notified internally - no expression of interest expressed by any Unit.
3.	Reserves Act public notification of road reserve revocation
4.	Consideration of any objections and Ministerial approval
5.	Council to consider options for the future of the property. Either retain or sell including offer back issues under the Public Works Act.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The section at No. 12 is held as Road Reserve pursuant to the Reserves Act 1977. It is no longer required for use as a road and therefore revocation of the road reserve status pursuant to s24 of the Reserves Act 1977 is required.
4. The administrative cost associated with revocation of the reserve status is estimated at not more than \$1,000. The property is part of a total budgeted revenue of \$500,000 for the sale of surplus property for 2004/05

STAFF RECOMMENDATIONS

It is recommended that the Council resolve:

- (a) That the section described in the schedule below be processed for road reserve revocation in terms of s24 of the Reserves Act 1977
- (b) That following the revocation process a further report be submitted to the Council to decide on the future of the property

Schedule

All that parcel of land containing 627m² or thereabouts being Lot 5 DP 20518 and being all the land contained and described in Certificate of Title 2B/667

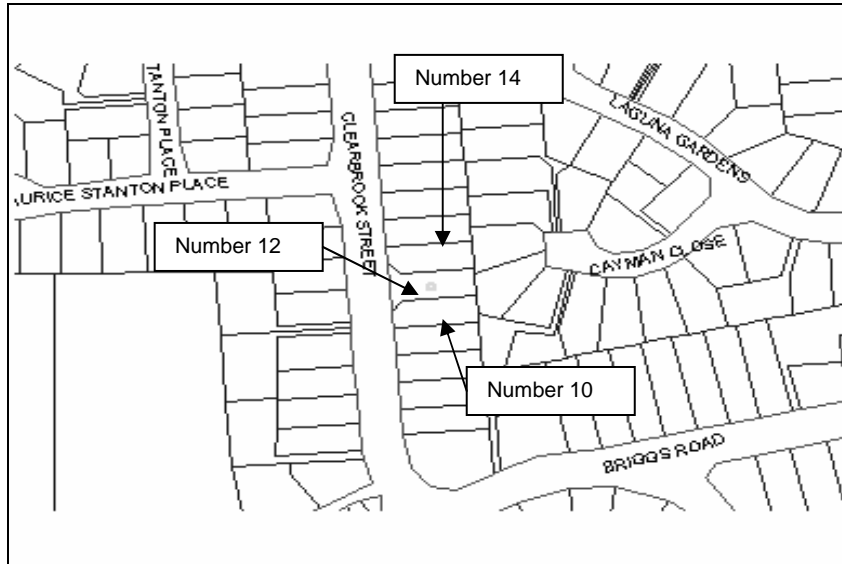
BOARD RECOMMENDATION

That the staff recommendations be adopted.

3 Cont'd

BACKGROUND ON CLEARBROOK STREET ROAD RESERVE REVOCATION

5. The property is sited in the L-1 zone of Mairehau and is made up of two sections at numbers 10 and 12 Clearbrook Street (see map below)



6. **Number 10**

This section was originally purchased for the purpose of establishing a stormwater pipe along the boundary of the site. This has long since been completed and the site is affected by a five metre wide easement down the south boundary. An Orion kiosk is sited on the front of the section. In May 2000 a resolution to sell the section was made by Council. A subsequent legal opinion in regard to the Public Works Act requirements advised that offer back to the previous owner is not required. A further resolution to that effect is necessary. Sale of the section was not undertaken because Council staff became aware that the neighbouring section at No. 12 would probably not be required for road and that disposal of both sites together should be considered.

7. **Number 12**

This section vested in the Council from the Crown as Road Reserve pursuant to s44 of the Counties Amendment Act 1960. It vested as Road Reserve for the purpose of providing a road link for the land to the north east of Clearbrook Street when subdivision of the area was undertaken. In 2002 subdivision of the block was completed with houses built to the rear of No. 12. A road link is therefore not required and the road is not to be formed. The adjoining privately owned property at No. 14 has a garage sited at the rear of the section. Building consent was granted on the basis that formal access would be gained when the road was formed. The Council has a legal obligation to guarantee access to the garage and any future use other than a road will require specific provision in this regard.

8. If the section at No. 12 is to be used for a purpose other than a road then a change of purpose pursuant to s24 of the Reserves Act 1977 is required. If the section is to be sold then revocation of the reserve status is required pursuant to the Reserves Act statutory process. We have also been advised in relation to possible sale, that pursuant to s40 of the Public Works Act 1981, the section should be offered in the first instance to the neighbour at No. 14.

3 Cont'd

9. The property was processed internally in October 2004 by the Property Consultancy Team in terms of the property decision making flow chart. There was no interest in retaining the property expressed by any Unit. The property has been considered by a valuer in terms of potential sale. He has advised that given the encumbrances on both sections, that a successful sale and maximising return would best be achieved if the two sections were sold as one. This would also enable a better outcome in terms of urban design. To enable sale as one property, it is first necessary to clear the issues associated with the section at No. 12. This means that first the road reserve classification requires revocation in accordance with the Reserves Act 1977. Secondly following successful revocation it needs to be established whether the neighbour wishes to purchase No. 12.

OPTIONS

10. The following options have been considered:
- (a) Do nothing and retain property for an undetermined purpose
 - (b) Revoke the road reserve status as a first step in determining its future use

PREFERRED OPTION

11. The Council is incurring a small but ongoing maintenance cost associated with holding the property and there is no strategic reason to hold it for operational purposes. The Council is also exposed to risk under the Public Works Act 1981 in holding No. 12 without a specific purpose. It is likely that the property will be considered for disposal but before that can be undertaken, or if the property is to be used for some other purpose then the road reserve status requires revocation and option (b) is therefore recommended. It is important to note that this is not a final decision as to the future use of the property but a step in the process to determining the future use. Following successful revocation a further report will be brought to the Council for that purpose.
12. **Process Moving Forward**

Step	To Do	Timeframe-
1	Property identified as no longer required for original purpose.	2000/2002
2.	Availability of property notified internally - no expression of interest expressed by any Unit.	October 2004
3..	Reserves Act public notification- 5 weeks	February- 2006
4.	Consideration of any objections and Ministerial approval- 2-4 months	July- 2006
5.	Council to consider options for the future of the property. Either retain or sell including offer back issues under the Public Works Act.	August- 2006