

**Item: 1. – Rata Road, Makarora: Realignment of legal road boundaries****Purpose – Decision Making**

- 1 To amend a resolution passed at the Wanaka Community Board meeting on 16 April 2013 relating to the acquisition of land for a road and stopping of road for a proposed realignment of road boundaries at Rata Road, Makarora.

**Executive Summary**

- 2 The Wanaka Community Board at their meeting on 16 April 2013 passed a recommendation for a road stopping/land exchange intended to address an existing physical situation whereby a private dwelling was located on legal road and a formed road was located on private property outside the legal road boundaries located at Rata Road, Makarora.
- 3 The recommendation for approval was passed by the Board but an administrative oversight omitted two components of the resolution integral for the purpose of establishing the Council's position with Land Information New Zealand and ensuring that additional titles are not created as a result of the land exchange. The matter is now urgent and is being presented to the full Council to expedite the outcome for the applicants.
- 4 The recommendation noted below is the complete wording required to advance the legalisation proceedings.

**Recommendation**

1. ***That the Council resolves:***
  - a. ***That the land to be acquired and road to be stopped, as shown on Brian Weedon Land Surveying Ltd's plan Sheet 2 of 2 dated November 2010 (Attachment A), be exchanged at nil consideration;***
  - b. ***That Brian Weedon Land Surveying Ltd undertake the legalisation survey at Makarora Tourist Centre Ltd's cost;***
  - c. ***That the Council undertake the procedures of sections 114, 116, 117 & 120 of the Public Works Act 1981 to effect the exchange; and***
  - d. ***That the road, when stopped, amalgamates with the adjoining land held in the ownership of Makarora Tourist Centre Ltd.***

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## Discussion

- 5 In August 2006, it was identified that a dwelling belonging to the Makarora Tourist Centre Limited was located partially on the Rata Road Legal alignment and an application was made to Council to stop this portion of road.
- 6 Further investigation of the matter identified that a portion of Council's formed road was not within legal road reserve.
- 7 A proposal for road stopping and land exchange to remedy this situation was tabled at the Wanaka Community Board in April 2013.
- 8 The recommendation in the report proposed Council acquire a 473 m<sup>2</sup> of the school site in exchange for stopping a 224 m<sup>2</sup> area of road for amalgamation with the adjoining land. This recommendation was accepted by the Board.
- 9 The recommendation from the Board was as displayed in this report with the omission of components (c) and (d).
- 10 This report seeks to remedy this omission of parts (c) and (d) as the legalisation cannot be advanced via survey at Land information New Zealand with these components missing.

## Local Government Act 2002 Purpose

The author has reviewed Section 10 of the LGA. This matter gives effect to the purpose of local government because:

Activity (local democracy, infrastructure, local public services, or performance of regulatory functions)	The proposed land exchange/road stopping will be undertaken as a regulatory activity under the Public Works Act 1981 and seeks to re-legalise a portion of Council's physical formed road so it is located within legal boundaries.
Quality (efficient, effective and appropriate to present and future circumstances)	The revised recommendation must be accepted by Council for the legalisation to proceed.
Economic (most cost-effective for households and businesses)	The recommendation in the report will enable Council to acquire a 473 m <sup>2</sup> of the school site in exchange for stopping a 224 m <sup>2</sup> area of road (containing the dwelling) for amalgamation with the adjoining land. This will remedy an existing legal discrepancy involving both Council formed road and private property.

## Significance of Decision

- 11 The report author has reviewed the Significance Policy. The report recommendation is not significant under the Council's Policy on Significance, which includes the following thresholds:

- Moderately affects a large number of ratepayers;

- Substantially affects small number of ratepayers;
- History of generating wide public interest in district;
- Involves more than \$2 million of budgeted or \$200,000 of unbudgeted expenditure;
- Involves ownership, control, construction, replacement or abandonment of a strategic asset (as defined in the Act and/or Policy);
- Involves Council's shareholding in CCTO or CCO;
- Affect's capacity to carry out, or the cost of carrying out, activity identified in the LTP.

### **Consultation - Interested or Affected Persons**

- 12 The original application was forwarded to QLDC Departments, Aurora Energy and APL Property. No objections were raised.
- 13 The Ministry of Education has also provided its consent to the proposal.
- 14 The original report was tabled at the Wanaka Community Board meeting on 16 April 2013 where the recommendation to initiate the legalisation procedures was accepted.

### **Relevant Council Policies and Plans**

- 15 Nil.

### **Delegations**

- 16 The Full Council has the delegation to accept this recommendation. (Delegations Register July 2013, Section 3.41 Public Works Act 1981)

### **Risk Management**

- 17 The decision to accepted the revision to the recommendation for the realignment of legal road boundaries (Rata Road) will not impact on any strategic risks noted within the Council's risk register

### **Attachments**

- A Legalisation Plan included with the Agenda item to the Wanaka Community Board at their meeting on 16 April 2013

