

CONFIDENTIAL

Road Stoppings

For decision:

For noting:

Ngā tūhunga / Recommendations

That the Auckland Transport Board (Board):

- a) Approves the commencement of road stopping procedures under the Public Works Act 1981 (PWA) and subject to no Mana Whenua objections being received, and the approval of the Minister of Land Information, notification to Auckland Council (AC) of the following sections of legal road for disposal:
 - i. Part Elam Street, Parnell adjoining 25 Elam Street, Parnell being an area of approximately 117 sqm (subject to survey) as shown on GeoMaps plan outlined in red (**Attachment 1**).
 - ii. Part Kaipara Hills Road, Kaipara Hills adjoining 584 Kaipara Hills Road, Kaipara Hills being an area of approximately 1.71 ha (subject to survey) as shown on GeoMaps plan outlined in red (**Attachment 1**).
 - iii. Part Kauri Road, Greenhithe adjoining 194 Kauri Road, Greenhithe being an area of approximately 197 sqm shown as Section 1 on SO plan 551200 and the GeoMaps plan outlined in red (**Attachment 2**).
 - iv. Part Fitzgerald Road, Drury adjoining 319, 377, 395 and 411 Fitzgerald Road, Drury and 296 Quarry Road, Drury (Fitzgerald Road) being an area of approximately 1.6919 ha shown as Section 1 on SO 543175 and the GeoMaps plan outlined in red (**Attachment 3**).
 - v. Part Kowhai Road, Millwater adjoining 101, 117, 120 and 138 Kowhai Road, Millwater (Kowhai Road) at two locations being areas of approximately 0.1665 ha and 0.0995 ha shown as Section 2 and 3 on SO 537746 and the GeoMaps plan outlined in red (**Attachment 4**).
- b) Approves the commencement of road stopping procedures under the Local Government Act 1974 (LGA) and subject to no objections being received, then notification to AC of the following sections of legal road for disposal:
 - i. Part Goatley Road and Clayden Road, Warkworth adjoining 26 State Highway 1, Warkworth (Goatley Road) being an area of approximately 5853 sqm (subject to survey) as shown on GeoMaps plan outlined in red and as Section 1 on the Maven Associates Proposed Road Stopping Plan (**Attachment 5**).
 - ii. Part Clayden Road, Warkworth adjoining 122 Goatley Road, Warkworth and (unnumbered) Clayden Road, Warkworth (Clayden Road) being an area of approximately 5892 sqm (subject to survey) as shown on GeoMaps plan outlined in red and as Section 1 on the Maven Associates Proposed Road Stopping Plan (**Attachment 6**).

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Te whakarāpopototanga matua / Executive summary

1. This report seeks Board approval to commence road stopping procedures for:
 - a. 5 road stopping applications under the PWA and the subsequent disposal of the stopped road land by AC to the adjoining owner; and
 - b. 2 road stopping applications from Warkworth Land Company Limited (WLCL) under the LGA and the subsequent disposal of the stopped road land by AC.

PWA Road Stopping Applications

2. Road land adjoining 25 Elam Street, Parnell
 - a. The section of road adjoining 25 Elam Street, Parnell to be stopped will resolve an historic encroachment dating back to around 1929.
 - b. The land outlined in red on the GeoMaps aerial image will be amalgamated with the adjoining property owned by the applicants, Gerald Noel Siddall and Janice Moira Fleck Siddall.
3. Road land adjoining 584 Kaipara Hills Road, Kaipara Hills
 - a. The section of road adjoining 584 Kaipara Hills Road, Kaipara Hills to be stopped will correct the historical road layout and create a better stock flow for general farming and provide safer gateway access.
 - b. The land outlined in red on the GeoMaps aerial image will be amalgamated with the adjoining property owned by the applicants, Peter Michael Anich and Sioux Anich.
4. Road land adjoining 194 Kauri Road, Greenhithe
 - a. The section of road adjoining 194 Kauri Road, Greenhithe to be stopped will resolve an historic encroachment and provide greater side access for the dwelling located on the property
 - b. The land outlined in red on the GeoMaps aerial image and shown as Section 1 on Survey Office Plan 551200 will be amalgamated with the adjoining property owned by the applicant, David Sutich Trustee Limited.
5. Road land adjoining Fitzgerald Road
 - a. The section of unformed road adjoining Fitzgerald Road, Drury to be stopped is required to enable the development of a new roading layout to facilitate the industrial and mixed use development being undertaken by Drury South Limited (DSL).
 - b. The land outlined in red on the GeoMaps aerial image and shown as Section 1 on Survey Office Plan 543175 will be amalgamated with the adjoining property owned by the applicant, DSL. Following the amalgamation of the stopped road land with DSL's adjoining property, DSL proposes to undertake earthworks on the land to facilitate the Drury South Crossing development.
6. Road land adjoining Kowhai Road

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- a. The 2 sections of road adjoining 136 Kowhai Road to be stopped are required for residential development being undertaken by the adjoining owner WFH Properties Limited. Re-alignment of Kowhai Road will be undertaken with land currently held by WFH Properties Limited being vested in AC in future stages of the residential development.
- b. The land outlined in red on the GeoMaps aerial image and shown as Section 2 and 3 SO 537746 will be amalgamated with the adjoining property owned by applicant, WFH Properties Limited.

LGA Road Stopping Applications

7. Road land adjoining Goatley Road

- a. A section of unformed road adjoining Goatley Road to be stopped is required for the facilitation of a proposed by Warkworth Land Company Limited (WLCL).
- b. The land outlined in red on the GeoMaps aerial image and shown as Section 1 on the Maven Associates Proposed Road Stopping Plan will be amalgamated with the adjoining property owned by the applicant, WLCL.

8. Road land adjoining Clayden Road

- a. A section of unformed road adjoining Clayden Road, Warkworth to be stopped is required for the facilitation of an agreement for sale and purchase between WLCL and the prior owner of the unnumbered property at Clayden Road (which is now owned by WLCL).
- b. The land outlined in red on the GeoMaps aerial image and shown as Section 1 on the Maven Associates Proposed Road Stopping Plan will be amalgamated with an adjoining property at 122 Goatley Road, Warkworth owned by Bruce Alan Stevenson, Donal Hugh Stevenson, Gregor John Stevenson, Shona Elizabeth Tuke and Roly Linstrom Trustee Limited.

9. The road stopping applications have been considered by Auckland Transport (AT) staff and there is no requirement for the road land by AT.

Ngā tuhinga ō mua / Previous deliberations

10. Fitzgerald Road forms part of the Drury South Industrial and Residential Precincts development (**Drury South**). The section of Fitzgerald Road to be stopped is in stage 3 of the Drury South development. The Board approved DSL's Drury South development proposal on 1 August 2017. Stage 1 of the Drury South development was approved by the Board on 24 October 2017. Stage 2 of the Drury South development was approved by the Board on 2 October 2018.

11. There have been no previous Board deliberations regarding the other matters in this paper.

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Te horopaki me te tīaroaro rautaki / Context and strategic alignment

12. AT as manager of the road corridor is required to consider applications for the stopping of roads or sections of roads. Prior to proceeding to publicly notify an application under the Local Government Act or to recommend to the Minister of Land that the road be stopped under the PWA consultation is undertaken with AT internal technical teams. This includes Development Consents, Network Operations and Safety, Road Corridor Delivery, Road Corridor Access, Planning and Investment, Property and Planning, Asset Management Planning and Policy, Maori Policy and Engagement and Elected Member Liaison (who advise Local Boards of the proposal).
13. The road stopping at Fitzgerald Road forms part of an agreement for the development, exchange and realignment of road – Drury South dated 8 November 2018 (Land Exchange Agreement) between AC and DSL the developer and adjoining land owner.

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

14. The applicants for each of the road stopping applications at Fitzgerald Road, Kowhai Road and 194 Kauri Road, Greenhithe have procured the written consent of all owners immediately adjoining the road land to be stopped. The road stoppings at 584 Kaipara Hills Road, Kaipara Hills and 25 Elam Street, Parnell were requested by the owners immediately adjoining the road land to be stopped and there are no other adjoining owners.
15. As there are either no adjoining owners or all adjoining owners have given their approval, it is recommended that the PWA process be used to stop the sections of road at 25 Elam Street, Parnell, 584 Kaipara Hills Road, Kaipara Hills, 194 Kauri Road, Greenhithe, Fitzgerald Road and Kowhai Road.
16. Several different parties' own properties adjoining the sections of road to be stopped on both Clayden Road and Goatley Road. WLCL was not able to contact all adjoining owners to obtain their consent to the proposed road stopping. While all adjoining owners would retain legal and practical access to their property, the proposed road stoppings could potentially deprive several properties of a secondary alternative access. Accordingly, it is appropriate to utilise the LGA road stopping process to stop sections of Clayden Road and Goatley Road which will allow public notification of the road stopping and includes advising all adjoining owners.
17. Except for Fitzgerald Road, the market value of the stopped road land will be determined by an AT appointed valuer, as required by the LGA and PWA. The value of the road land can be approved by the Group Manager, Property and Planning as per the board's delegated authority provided in April 2018. The value of the road land at Fitzgerald Road, Drury will be assessed in accordance with the Land Exchange Agreement.
18. The road stopping applications include:
 - a. **Road land adjoining 25 Elam Street, Parnell**

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The approximate 117 sqm area of legal road proposed to be stopped adjacent to 25 Elam Street, is to remedy an historic encroachment dating back to around 1929. In 2019 a new coastal path was completed which runs beside the encroaching fences and hedge. The proposed road stopping will not impact the path or prevent access to the coast.

b. Road land adjoining 584 Kaipara Hills Road, Kaipara Hills

The approximate 1.71 ha (subject to survey) of legal road adjoining 584 Kaipara Hills Road, Kaipara Hills proposed to be stopped will correct the historical road layout and enable the adjoining owners Peter Michael Anich and Sioux Anich to create a better stock flow for general farming and provide safer gateway access.

c. Road land adjoining 194 Kauri Road, Greenhithe

The approximate 197 sqm area of legal road adjoining 194 Kauri Road, Greenhithe proposed to be stopped is to remedy an historic encroachment by the current owner David Sutich Trustee Limited. The proposed road stopping will not impact future transport use or prevent access to the coast.

d. Road land adjoining Fitzgerald Road

The approximate 1.6919 ha of unformed legal road at Fitzgerald Road, Drury to be stopped is required for development of an industrial park and housing to support the Southern growth area being undertaken DSL which owns all of the adjoining land. The road stopping forms part of a Land Exchange Agreement with AC. A small portion of land adjoining the south western border on SO 543175 is required to re-surveyed to define a setback from the Maketu stream. The re-survey will have no effect on the road stopping process.

e. Road land adjoining Kowhai Road

Two sections of legal road at 136 Kowhai Road, Millwater to be stopped are required for residential development by the adjoining owner WFH Properties Limited. The road stopping will also allow for the realignment of Kowhai Road.

f. Road land adjoining Goatley Road

The approximate 5853 sqm of unformed legal road at Goatley Road to be stopped is required for the facilitation of a proposed subdivision layout by WLCL.

g. Road land adjoining Clayden Road

The approximate 5892 sqm of unformed legal road at Clayden Road to be stopped is required for the facilitation of an agreement for sale and purchase between WLCL and the prior owner of the unnumbered property at Clayden Road (which is now owned by WLCL).

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Ngā tūraru matua / Key risks and mitigations

Key risk	Mitigation
Mana Whenua consultation may identify issues with stopping the roads.	There are no currently identified cultural or Maori Land issues related to the road stopping applications, a kanohi ki te kanohi meeting with mana whenua will be facilitated through AT Maori Engagement Team to discuss any issues which may arise through consultation.

Ngā ritenga-ā-pūtea me ngā rauemi / Financial and resource impacts

19. All costs involved to stop the sections of road are the responsibility of the respective applicants and will be recovered on settlement.
20. Other than Fitzgerald Road, the road stopped land will be sold to the adjoining owners for market value. The consideration for the road land for Fitzgerald Avenue has been agreed as provided in the Land Exchange Agreement.

Ngā whaiwhakaaro ō te taiao me te panonitanga o te āhuarangi / Environment and climate change considerations

21. There are no environmental or climate change considerations with this paper.

Ngā reo o mana whenua rātou ko ngā mema pooti, ko ngā roopu kei raro i te maru o te Kaunihera, ko ngā hāpori katoa / Voice of mana whenua, elected members, Council Controlled Organisations, customer and community

22. Direct consultation with Mana Whenua is currently in progress with assistance from AT Maori Engagement team.
23. The AT Elected Member Relationship team (who advise Local Boards) and AC have been advised of the road stopping applications. No objections or comments were received.
24. Internal consultation has been completed and any comments received from AT technical staff have been addressed. There are no outstanding issues with the sections of road being stopped and sold to the adjoining owners.

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Ngā whaiwhakaaro haumarū me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations

25. These are statutory road stoppings. There are no health, safety or wellbeing considerations.

Ā muri ake nei / Next steps

26. In accordance with the statutory process under the PWA for road stoppings, the next steps include:

- Complete Mana Whenua consultation.
- Obtain Survey Office Plan (where relevant).
- Obtain a valuation report for the land.
- Apply to the Minister of Land Information to stop the relevant section or sections of road.

27. In accordance with the statutory process under the LGA for road stoppings, the next steps for road land adjoining Goatley Road and Clayden Road are:

- Complete Mana Whenua consultation
- Obtain Survey Office Plan (where relevant).
- Obtain a valuation report for the land.
- Public notification of road stopping.

28. Following Board approval and the above steps, subject to no objections being received from mana whenua, or from the public in respect of the LGA road stopping applications, AT will advise AC of the outcomes of the road stopping applications and will request AC to execute the relevant sale and purchase agreement. As noted above, Fitzgerald Road is subject to a Land Exchange Agreement.




Ngā whakapiringa / Attachments

Attachment number	Description
1	25 Elam Street, Parnell - GeoMaps aerial image – road stopping area of approximately 117sqm 584 Kaipara Hills Road, Kaipara Hills - GeoMaps aerial image and LINZ spatial map – road stopping area of approximately 1.71 ha

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Attachment number	Description
2	194 Kauri Road, Whenuapai - Section 1 on Survey Office Plan 551200 and GeoMaps aerial image – road stopping area of approximately 197 sqm
3	Fitzgerald Road - Section 1 on Survey Office Plan 543175 and GeoMaps aerial image – road stopping area of approximately 1.6919 ha
4	Kowhai Road - Section 2 and Section 3 on Survey Office Plan 537746 and the GeoMaps aerial image - two road stopping areas of approximately 0.1665 ha and 0.0995 ha
5	Goatley Road - GeoMaps aerial image and Maven Associates Proposed Road Stopping Plan - road stopping area of approximately 5853 sqm
6	Clayden Road – GeoMaps aerial image and Maven Associates Proposed Road Stopping Plan – road stopping area of approximately 5892 sqm

Te pou whenua tuhinga / Document ownership

Submitted by	Jane Small Group Manager Property and Planning	
Recommended by	Mark Lambert Executive General Manager Integrated Networks	
Approved for submission	Shane Ellison Chief Executive	

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Glossary

Acronym	Description
AC	Auckland Council
AT	Auckland Transport
Drury South	Drury South Industrial and Residential Precincts development
DSL	Drury South Limited
Clayden Road	Part Clayden Road, Warkworth adjoining 122 Goatley Road, Warkworth and (unnumbered) Clayden Road, Warkworth
Fitzgerald Road	Part Fitzgerald Road, Drury adjoining 319, 377, 395 and 411 Fitzgerald Road, Drury and 296 Quarry Road, Drury
Goatley Road	Part Goatley Road and Clayden Road, Warkworth adjoining 26 State Highway 1, Warkworth
Kowhai Road	Part Kowhai Road adjoining 101, 117, 120 and 138 Kowhai Road, Millwater
Land Exchange Agreement	Agreement for the development, exchange and realignment of road – Drury South – dated 8 November 2018 between AC and DSL
LGA	Local Government Act 1974
PWA	Public Works Act 1981
WLCL	Warkworth Land Company Limited