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# Road Stoppings

For decision:

For noting:

## Te tūtohunga / Recommendation

That the Auckland Transport Board (board):

1. 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:
  - a. Part Bellgrove Place, Avondale adjoining 5, 7, 8, 12, 12A, 15A, 16 - 20, 23, 26 - 30, 35 & 36 Bellgrove Place, Avondale (Bellgrove Place) being an area of approximately 0.1803 ha shown as sections 23 - 28 and shaded blue on the attached Scheme Plan (**Attachment 1**).
  - b. Part Fulmen Place, Papakura adjoining 8 Redcrest Avenue and 2 - 10 & 12 - 19 Fulmen Place, Papakura (Fulmen Place) being an area of approximately 0.0319 ha shown as Sections 1 - 6 and shaded blue on the attached Scheme Plan (**Attachment 2a**),
  - c. Part unformed legal road adjoining 16 - 18 Game Place, Papakura, (Unformed Road) being an area of approximately 0.1395 ha shown shaded tan on the attached Scheme Plan (**Attachment 2b**).
2. Approves the commencement of road stopping procedures under the PWA subject to obtaining the adjoining owner's consent to the road stopping and if that consent is not obtained, under the Local Government Act 1974 (LGA), and subject to no objections being received, notification to AC of the following section of legal road for disposal:
  - a. Part Game Place, Papakura adjoining 2 - 4 & 11 - 13 Game Place, Papakura (Game Place) being an area of approximately 0.0623 ha shown as Sections 8-9 and 11 -17 and shaded blue on the attached Scheme Plan (**Attachment 2c**).

## Te whakarāpopototanga matua / Executive summary

3. This report seeks board approval to commence road stopping procedures for:
  - a. A road stopping application in respect of Bellgrove Place to proceed under the PWA and the subsequent disposal of the stopped road land by AC to the adjoining owner; and

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- b. A road stopping application in respect of Fulmen Place, and Unformed Road to proceed under the PWA, and the subsequent disposal of the stopped road land by AC.
- c. A road stopping application in respect of Game Place to also proceed under the PWA unless adjoining owner consent is not received, in which case it would proceed under the LGA, and the subsequent disposal of the stopped road land by AC.

**Road stopping applications**

**4. Bellgrove Place**

- a. The section of formed legal road adjoining 5, 7, 8, 12, 12A, 15A, 16 - 20, 23, 26 - 30, 35 & 36 Bellgrove Place, Avondale to be stopped is required to enable the owner of the adjoining land (Kainga Ora – Homes and Communities (KO)) to realign the roading network to enable a new layout that will improve the connectivity and permeability of the neighbourhood. The stopped road will be acquired by KO and incorporated into a master planned superlot subdivision creating approximately 221 new dwellings.
- b. The land shaded blue on the Scheme Plan will be amalgamated with the adjoining properties owned by the applicant, KO. The master planned superlot development involves the creation of new roads to vest of approximately 8,186m<sup>2</sup> in area, connecting through to Riversdale Road and Wairau Avenue, Avondale.

**5. Fulmen Place, Game Place and Unformed Road**

- a. The sections of road adjoining Fulmen Place, Game Place and Unformed Road to be stopped form one road stopping application and are required to enable the owner of the adjoining land to facilitate the extension of Game Place and Fulmen Place to connect to a new roading network. The stopped road will be acquired by KO and incorporated into a master planned superlot subdivision for new housing.
- b. The land shaded blue on the Scheme Plan for Fulmen Place and Game Place along with the land shaded tan on the Scheme Plan for Unformed Road will be amalgamated with the adjoining property owned by the applicant, KO. The master planned superlot development involves the creation of new roads to vest of approximately 5,068m<sup>2</sup> in area which will improve the connectivity and permeability of the roading network.

6. 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**

7. 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

8. 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 LGA 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).
9. The road stoppings applications have been progressed on the basis that AC has agreed to a land exchange with KO and both applications would be documented by way of a land exchange agreement between AC and KO.

## Ngā matapakinga me ngā tātaritanga / Discussion and analysis

10. The road stopping at Bellgrove Place was requested by KO as the owner immediately adjoining the road land to be stopped. AC is the only other adjoining land owner. KO will procure the written consent of AC as an adjoining land owner to the Bellgrove Place road stopping. As both AC and KO will be parties to the land exchange agreement and there are no other adjoining owners, it is recommended that the PWA process be used to stop the sections of road at Bellgrove Place.
11. KO is the only adjoining land owner for the road stopping at Fulmen Place. As there are no other adjoining owners it is recommended that the PWA process be used to stop the sections of road at Fulmen Place.
12. KO and AC are the only adjoining land owners for the road stopping at Unformed Road. KO will procure the written consent of AC as an adjoining land owner to the road stopping at Unformed Road. As all adjoining owners will give their approval, it is recommended that the PWA process be used to stop the sections of road at Unformed Road.
13. Two separate parties own land adjoining the sections of road to be stopped at Game Place. KO is undertaking discussions with the adjoining owners to procure their respective consent to the road stopping at Game Place. If KO is not able to obtain the adjoining owners consent to the proposed road stopping on Game Place, then it would be appropriate to utilise the LGA road stopping process for the stopping of part of Game Place which will allow public notification of the road stopping and includes advising the adjoining owners.
14. AT will ask KO to separate the applications if the adjoining owners' consent is not obtained to the Game place road stopping and this will proceed under the LGA rather than the PWA.
15. The value of the road to be stopped at Bellgrove Place and Fulmen Place, Game Place and Unformed Road will be assessed in accordance with the respective land exchange agreements for each of the developments.

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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 currently no 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 Māori Engagement Team to discuss any issues which may arise through consultation.
Adjoining owner consent is not obtained for the Game Place road stopping application	If adjoining owner consent is not obtained, AT will ask KO to separate the application and will process the application for stopping part of Game Place under the LGA.

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

16. All costs involved to stop the sections of road are the responsibility of the respective applicants and will be recovered on settlement.
17. The consideration for the road land for Bellgrove Place and Fulmen Place, Game Place and Unformed Road will be as provided in the respective land exchange agreements for the two developments.

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

18. There are no environmental or climate change considerations identified.

## 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

19. Direct consultation with mana whenua is currently in progress with assistance from AT Māori Engagement team.
20. 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.

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21. Internal consultation has been completed for Fulmen Place, Game Place and Unformed Road 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 owner.
22. Internal consultation has been completed for section 25 of the Bellgrove Place road stopping and any comments received from AT technical staff have been addressed. There are no outstanding issues with section 25 of Bellgrove Place being stopped and sold to the adjoining owner. Internal consultation for sections 23-24 and 26-28 of the Bellgrove Place road stopping is in progress and any comments received from AT technical staff will be addressed.

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

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

## **Ā muri ake nei / Next steps**

24. In accordance with the statutory process under the PWA for road stoppings, the next steps include:
  - Complete internal consultation for Bellgrove Place.
  - Complete mana whenua consultation.
  - Obtain Survey Office Plan (where relevant).
  - Obtain a valuation report for the land.
  - Apply to the Minister for Land Information to stop the relevant section or sections of road.
25. If the adjoining owner consent is not obtained for Game Place, then in accordance with the statutory process under the LGA for road stoppings the next steps include:
  - Advise KO to separate the application from Unformed Road and Fulmen Place
  - Complete mana whenua consultation
  - Obtain Survey Office Plan (where relevant).
  - Obtain a valuation report for the land.
  - Public notification of road stopping.



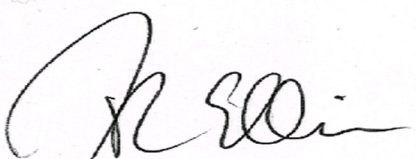
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26. Following Board approval and the above steps, subject to no objections being received from mana whenua, or from the public if Game Place is progressed under the LGA, AT will advise AC of the outcomes of the road stopping applications and assist AC if required with the execution and completion of the land exchange agreements for Bellgrove Place and Fulmen Place, Game Place and Unformed Road.

## Ngā whakapiringa / Attachments

Attachment number	Description
1	Part Bellgrove Place, Avondale – Scheme Plan – road stopping area of approximately 0.1803 ha
2A	Part Fulmen Place, Papakura – Scheme Plan – road stopping area of approximately 0.0319 ha
2B	Part Unformed Road, Papakura – Scheme Plan – road stopping area of approximately 0.1395 ha
2C	Part Game Place, Papakura – Scheme Plan – road stopping area of approximately 0.0623 ha

## Te pou whenua tuhinga / Document ownership

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

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## Glossary

Acronym	Description
AC	Auckland Council
AT	Auckland Transport
Bellgrove Place	Part Bellgrove Place, Avondale adjoining 12, 12A, 15A, 16, 17, 19, 23, 27, 29, 30, 35 & 36 Bellgrove Place, Avondale
Fulmen Place	Part Fulmen Place, Papakura adjoining 8 Redcrest Avenue and 2 - 10 & 12 - 19 Fulmen Place, Papakura
Game Place	Part Game Place, Papakura adjoining 2 - 4 & 11 - 13 Game Place, Papakura
KO	Kainga Ora – Homes and Communities
LGA	Local Government Act 1974
PWA	Public Works Act 1981
Unformed Road	Part unformed legal road adjoining 16-18 Game Place, Papakura