

Road Stoppings

For decision:

For noting:

Te tūhunga / Recommendation

That the Auckland Transport (AT) 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 Argent Lane, Upper Orewa adjoining 95, 101 and 110 Argent Lane, Upper Orewa being an area of approximately 0.3311 ha shown as Section 1 on SO 547623 and on the GeoMaps plan outlined in red (**Attachment 1**).
 - b) Part Hodges Road, Totara Park adjoining 29 Hodges Road, Totara Park being an area of approximately 0.5110 ha shown as Sections 1-6 on the Scheme Plan and on the GeoMaps plan outlined in red (**Attachment 2**).
 - c) Part Quarry Road, Drury adjoining 529 and 539 Fitzgerald Road, Drury, 390 Quarry Road, Drury and 60 Ramarama Road, Drury (Quarry Road) being an area of approximately 1.0916 ha shown as Section 111 on SO 548519 and on the GeoMaps plan outlined in red (**Attachment 3**).
2. Approves the commencement of road stopping procedures under the Local Government Act 1974 (LGA), and subject to no objections being received, notification to AC of seven sections of unnamed and unformed legal road for disposal at Wayby Valley, Wellsford, being a combined area of approximately 6.9135 ha (subject to survey) as shown on the Scheme Plan outlined in red (**Attachment 4**).
3. Delegates to the Group Manager Property and Planning, the decision to commence the stopping of the sections of unnamed and unformed road near Wilson road, Wayby Valley under the PWA instead of the LGA if the applicant, Waste Management New Zealand Limited (WMNZ), obtains the adjoining owners' consent to the sections of road being stopped and continues to provide public connectivity for recreational purpose.

Te whakarāpopototanga matua / Executive summary

4. This report seeks board approval to commence road stopping procedures for:

- a. Three road stopping applications under the PWA and the subsequent disposal of the stopped road land by AC to the adjoining owner; and
- b. One road stopping application by WMNZ under the LGA and the subsequent disposal of the stopped road land by AC, unless the applicant is able to obtain the adjoining land owners consent, in which case, a delegation is sought to the Group Manager Property and Planning to approve the road stopping under the PWA.

Ngā tuhinga ō mua / Previous deliberations

5. Quarry Road forms part of the Drury South Industrial and Residential Precincts development (Drury South). The section of Quarry Road to be stopped is stage 3 of the Drury South road stoppings. The road stoppings have been undertaken sequentially as the sections are released and new sections of road are constructed. The board has made the following decisions in respect of the Drury South development:
 - a. On 1 August 2017 it approved DSL's Drury South development proposal.
 - b. On 24 October 2017, Stage 1 of the Drury South road stoppings was approved.
 - c. On 2 October 2018, Stage 2 of the Drury South road stoppings was approved by the board
 - d. Stage 2A of the Drury South road stoppings, being part Fitzgerald Road, Drury, was considered by the board on 29 October 2020.
6. There have been no previous board deliberations regarding the other matters in this paper.

Te horopaki me te tīaroaro rautaki / Context and strategic alignment

7. 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, Māori Policy and Engagement and Elected Member Liaison (who advise local boards of the proposal).
8. The road stopping at Quarry Road, Drury 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

9. The road stopping applications are as follows:

Road land adjoining 95, 101 and 110 Argent Lane, Upper Orewa

- a. The approximate 0.3311 ha of legal road adjoining 95, 101 and 110 Argent Lane, Upper Orewa is proposed to be stopped to enable the development of a new roading layout to facilitate an urban development being undertaken by Fulton Hogan Land Development Limited (FHLD).
- b. The land outlined in red on the GeoMaps aerial image and shown as Section 1 on Survey Office Plan 547623 will be amalgamated with the adjoining property owned by the applicant, FHLD.

Road land adjoining 29 Hodges Road, Totara Park

- c. The approximate 0.5110 ha (subject to survey) of legal road adjoining 29 Hodges Road, Totara Park, outlined in red on the GeoMaps aerial image and shown as Sections 1-6 on the Scheme Plan is proposed to be stopped to support the re-alignment of roading for an urban subdivision by the owner Vista Estate LP (VELP)
- d. The land will be amalgamated with the adjoining property owned by the applicant, VELP.

Road land adjoining Quarry Road, Drury

- e. The approximate 1.0916 ha of legal road at Quarry Road, Drury proposed to be stopped is required for development of an industrial park and housing to support the Southern growth area being undertaken by Drury South Limited (DSL) which owns all of the adjoining land. The road stopping forms part of a Land Exchange Agreement with AC.
- f. The land outlined in red on the GeoMaps aerial image and shown as Section 111 on Survey Office Plan 548519 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.

Road land near Wilson Road, Wayby Valley, Wellsford

- g. Seven sections of unnamed and unformed road near Wilson Road, Wayby Valley are proposed to be stopped by WMNZ. The approximate 6.9135 ha (subject to survey) of legal road at Wayby Valley, Wellsford to be stopped is required for development of a solid waste management and disposal facility. WMNZ are waiting on Resource Consent for the overall project.
- h. The land outlined in red on the Scheme Plan aerial image and shown as areas A, B, C, D, E, F and G will be amalgamated with the adjoining property currently owned and proposed to be purchased by the applicant, WMNZ.

10. The road stoppings at Argent Lane, Upper Orewa, Hodges Road, Totara Park and Quarry Road, Drury, were requested by the owners immediately adjoining the road land to be stopped and there are no other adjoining owners.
11. As there are no adjoining owners, it is recommended that the PWA process be used to stop the sections of road at Argent Lane, Upper Orewa, Hodges Road, Totara Park and Quarry Road, Drury.

12. The application for the stopping of seven sections of unformed road at Wayby Valley is proposed to be processed under the provisions of the LGA unless WMNZ obtains adjoining landowner consent and providing alternative access for the severed road connections as follows:
13. WMNZ are the only adjoining landowner for two of the seven sections of road proposed to be stopped and are in negotiation to purchase land from Matariki Forests which is the adjoining owner for the other five sections of road proposed to be stopped. However, the purchase is not yet complete and the portion of road to be stopped currently provides a secondary alternative legal access for Matariki Forests.
14. WMNZ is in the process of seeking consent from Matariki Forests but at the time of writing this report that consent has not been obtained. To meet its development programme, WMNZ seeks to proceed with the road stopping application as soon as possible and so board approval is sought for commencement of the Road stopping under the LGA if consent is not provided. However, if the adjoining land owner's consent is obtained and public connectivity for recreational purposes is maintained, then it is proposed to use the PWA statutory process.
15. Some sections of the sections of unformed roads to be stopped are utilised for limited recreational use. WMNZ proposes to provide public access (by easement or vesting) across its land to the remaining unformed road network to preserve ongoing public connectivity.
16. The market value of the road land for each road stopping application will be determined by an AT appointed valuer, as required under the legislation. The final value of the road land will be approved by the Group Manager, Property and Planning as per the board's delegated authority provided in April 2018. Except the value of the road land at Quarry Road, Drury which will be assessed in accordance with the Land Exchange Agreement.

Ngā tūraru matua / Key risks and mitigations

Key risk	Mitigation
<p>Mana whenua consultation may identify issues with stopping the roads.</p>	<p>There are no currently identified cultural or Māori 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.</p>

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

17. All costs involved to stop the sections of road are the responsibility of the respective applicants and will be recovered on settlement.
18. Other than Quarry Road, the road land will be sold to the adjoining owners for market value. The consideration for the road land for Quarry Road has been agreed in the Land Exchange Agreement entered into earlier by AC.

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

19. There are no environmental or climate change considerations.

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

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

21. 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.

22. Internal consultation has been undertaken for all of the applications except for Wayby Valley and there are no outstanding issues with the sections of road being stopped and sold to the adjoining owners. Internal consultation is in progress for Wayby Valley if any issues are raised these will be addressed before the road stopping is commenced.

23. Walking Access Commission is being consulted directly regarding the ongoing public connectivity for recreational purposes for Wayby Valley.

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

24. The potential removal of access tracks as a result of the application to stop sections of road by WMNZ is to be mitigated through alternative safer and more accessible walking and cycling tracks being provided as mitigation of the effects of the new waste disposal facility.

Ā muri ake nei / Next steps

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

- Complete internal consultation for Quarry Road and Wayby Valley.
- Complete mana whenua consultation.
- Obtain adjoining owner consent for Wayby Valley.

- Obtain Survey Office Plan (where relevant).
- Other than Quarry Road, obtain a valuation report for the land. The consideration for the road land for Quarry Road has been agreed in the Land Exchange Agreement.
- Apply to the Minister for Land Information to stop the relevant section or sections of road.

26. If the adjoining owner consent is not obtained for Wayby Valley, then in accordance with the statutory process under the LGA for road stoppings the next steps include:

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

27. Following board approval and the above steps, subject to no objections being received from mana whenua, or from the public if Wayby Valley is progressed under the LGA , 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, Quarry Road is subject to a Land Exchange Agreement.

Ngā whakapiringa / Attachments

Attachment number	Description
1	Part Argent Lane, Upper Orewa - Survey Office Plan 547623 and GeoMaps aerial image – road stopping area of approximately 0.3311 ha
2	Part Hodges Road, Totara Park – Scheme Plan and GeoMaps aerial image – six road stopping areas with a total land area of approximately 0.5110 ha
3	Part Quarry Road, Drury - Survey Office Plan 548519 and GeoMaps aerial image – road stopping area of approximately 1.0916 ha
4	Near Wilson Road, Wayby Valley, Wellsford – Scheme Plan - seven road stopping areas shown in red of approximately 6.9135 ha (subject to survey)

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	

Glossary

Acronym	Description
AC	Auckland Council
AT	Auckland Transport
Drury South	Drury South Industrial and Residential Precincts development
DSL	Drury South Limited
FHLD	Fulton Hogan Land Development Limited
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
Quarry Road	Part Quarry Road, Drury adjoining 529 and 539 Fitzgerald Road, Drury, 390 Quarry Road, Drury and 60 Ramarama Road, Drury
VELP	Vista Estate LP
Wayby Valley	Seven sections of unnamed and unformed legal road near Wilson Road, Wayby Valley, Wellsford
WMNZ	Waste Management New Zealand Limited