

# PROPOSED ROAD-STOPPING - 1B CONNAUGHT TERRACE, BROOKLYN

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## Kōrero taunaki | Summary of considerations

### Purpose

1. This report to the Koata Hātepe | Regulatory Processes Committee asks the committee to recommend to Council that it stop and sell approximately 71 m<sup>2</sup> (subject to survey) of unformed legal-road land adjoining 1B Connaught Terrace (the Land). Refer to **Attachment 1** for the location plan.

### Strategic alignment

2. This report concerns an operation, rather than strategic, matter.

### Relevant previous decisions

3. Council previously approved the disposal of 1B Connaught Terrace at an Ordinary Meeting held on 1 May 2019.

[Link to applicable meeting agenda.](#)

[Link to applicable meeting minutes.](#)

### Significance

4. The decision is rated low significance in accordance with schedule 1 of the Council's Significance and Engagement Policy.

### Financial considerations

Nil       Budgetary provision in Annual Plan / Long-term Plan       Unbudgeted \$X

5. There are no significant financial considerations related to this recommendation. Any costs associated with the road-stopping and disposal of the Land will be recovered from the sale of the property.

### Risk

Low       Medium       High       Extreme

6. Overall, the road stopping process is considered to be low risk.

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### **Taunakitanga | Officers' Recommendations**

Officers recommend the following motion:

That the Koata Hātepe | Regulatory Processes Committee:

- 1) Receive the information.
- 2) Recommend to Council that it:
  - a. Declare that the approximately 71 m<sup>2</sup> (subject to survey) of unformed legal-road land (the Land) adjoining 1B Connaught Terrace (Lot 3 DP 10337, held on ROT 742999) is not required for a public work and is surplus to Council's operational requirements.
  - b. Agree to dispose of the Land.
  - c. Delegate to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.
- 3) Note that if objections to the road stopping process are received, a further report will be presented to the Regulatory Processes Committee for consideration.

### **Whakarāpopoto | Executive Summary**

7. Wellington City Council (Council) is looking to stop and sell legal-road land adjoining 1B Connaught Terrace. The approximately 71 m<sup>2</sup> of legal-road land (the Land) proposed to be stopped and sold is shown outlined in red on **Attachment 2**.
8. Relevant Council business units have been consulted. All support the proposal subject to standard conditions (where applicable).
9. Utility plans have been acquired and examined. The utility services shown on these plans do not appear to conflict with the proposed stopping.
10. Initial consultation letters were sent to the adjoining neighbours.
11. If the Council agrees with the recommendations of the Regulatory Processes Committee, the road stopping will then be publicly notified. At that time, any neighbours, organisations, or any other members of the public will have the opportunity to make a submission.

### **Takenga mai | Background**

12. The legal description for 1B Connaught Terrace is Part Lot 3 DP 10337, held on Record of Title 742999.
13. 1B Connaught Terrace is located on the southern side Connaught Terrace and rises steeply from the edge of the formed carriageway. It contains vegetation and small trees at the street edge. Refer **Attachment 3** for views at street level.
14. The adjoining land at 1B Connaught Terrace was approved for disposal by Council in 2019 and was placed on the open market in September 2023, however no tender offers received were accepted, and the site remained in Council ownership.

15. By road-stopping the Land and amalgamating it with the adjoining 1B Connaught Terrace, it is believed that this will increase the appeal and value of the whole site and increase the likelihood of the site being successfully disposed of.

### **Kōrerorero | Discussion**

16. The Land spans the entire width of the 1B Connaught Terrace frontage. The Land's northern (top) boundary aligns with the existing frontage boundary of 1 Connaught Terrace to the northwest, running down to the current boundary with 32 Pearce Street to the south.
17. Advisors from Council's Transport Network Team have confirmed the Land is not required for future road widening or public access purposes. They supported the proposal by specifying the exact stopping area.
18. Should the road stopping proposal be successful, the Land will be amalgamated on the same title of the adjoining 1B Connaught Terrace.
19. Road stopping is provided for under Sections 319 and 342 and the Tenth Schedule of the Local Government Act 1974 (LGA).
20. The Council, under Section 40 of the Public Works Act 1981 (PWA), "shall endeavour" to dispose of any land not required for the public work for which it was taken, and which is not required for any public work.
21. The Council is the owner of the adjacent land at the 1B Connaught Terrace. Disposal of the Land to any other party but Council would be unrealistic as it would result in road access issues to 1B Connaught Terrace. Therefore, the Council is considered to be the only appropriate owner of the Land. Section 345 of the LGA provides Council with the statutory power to dispose of stopped road to the adjoining owner. This will be further considered and confirmed as part of the Section 40 PWA offer-back investigation officers will undertake should this proposal be approved (see Next Actions).
22. Relevant Council business units have been consulted, and none wish to retain the Land.
23. Council officers consulted with Herenga ā Nuku | Outdoor Access Commission and gave them the opportunity to comment on road stopping proposal early in the process. The Commission raised no public-access issues relating to the proposal for this road stopping adjoining 1B Connaught Terrace, Brooklyn.
24. As is normal practice in the early stages of the road stopping process, officers have written to the adjoining property owners to notify them that Council is considering proceeding with a road stopping on a neighbouring site. All adjoining owners will be consulted again when formal public consultation is carried out later in the road stopping process.

### **Kōwhiringa | Options**

25. Approve the recommended option.
26. Reject the recommended option. The land at 1B Connaught Terrace would remain in Council ownership and would be taken to market as is, potentially resulting in lower offers on the property.

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## **Whai whakaaro ki ngā whakataunga | Considerations for decision-making**

### **Alignment with Council's strategies and policies**

27. The recommendations of this report are consistent with the Council's Road Encroachment and Sale Policy 2011.
28. Council's Financial and Infrastructure Strategy 2021-2051 contemplates the sale of surplus land to repay borrowings, unless specified by a Council resolution.

### **Engagement and Consultation**

29. Letters were sent in October 2023 to the relevant adjoining property owners, notifying them that Council was beginning the process to stop an area of legal-road land adjoining the property.
30. These neighbouring owners will be consulted again when the formal public consultation is carried out later in the road stopping process, and they will have an opportunity to enter a written submission if they so choose.

### **Māori Impact Statement**

31. This road stopping proposal was sent to our Tākai Here partners for their information and comment in November 2023. Both partners were also communicated with in mid-2023 in relation to Council disposing of the land on the open market. There has been no response to date but when consulted in 2017 on the same property, Taranaki Whānui had no objection to the proposed disposal.
32. The land is located within proximity of the Waitangi Stream, which is identified in the District Plan as a Site of Significance for Taranaki Whānui and is located approximately 20m from the Land, on the opposite side of the street in the Wellington Town Belt. The District Plan did not identify any nearby Site of Significance for Ngāti Toa. Should a site or area of significance be identified in the future, we will re-engage with our partners to ensure that the appropriate tikanga and protocols are upheld.
33. There will be additional opportunity for iwi to provide comment on the proposed road-stopping during the public notice period.
34. Given the nature of this road stopping proposal, all the information gathered and examined officers believe that this road-stopping will have limited to no impact on Māori.
35. Further opportunity for comment or opposition to the road-stopping will be available during the public notification phase of the process.

### **Financial implications**

36. There are no significant financial considerations related to this recommendation. Any costs associated with the road-stopping and disposal of the Land will be recovered from the sale of the property.
37. The proceeds of the disposal will be used to reduce or offset Council's borrowings.

### **Legal considerations**

38. The road stopping process is consistent with both legislative and Council requirements.

### **Risks and mitigations**

39. Overall, this proposal is rated low on Council's risk framework.

### **Disability and accessibility impact**

40. There are no known accessibility impacts for this road stopping.

### **Climate Change impact and considerations**

41. There are no known climate change implications for this road stopping.

### **Communications Plan**

42. Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process. At this time, we will also advise the residents' association.


### **Health and Safety Impact considered**

43. Officers are not aware of any negative health and safety impacts relating to the proposal.

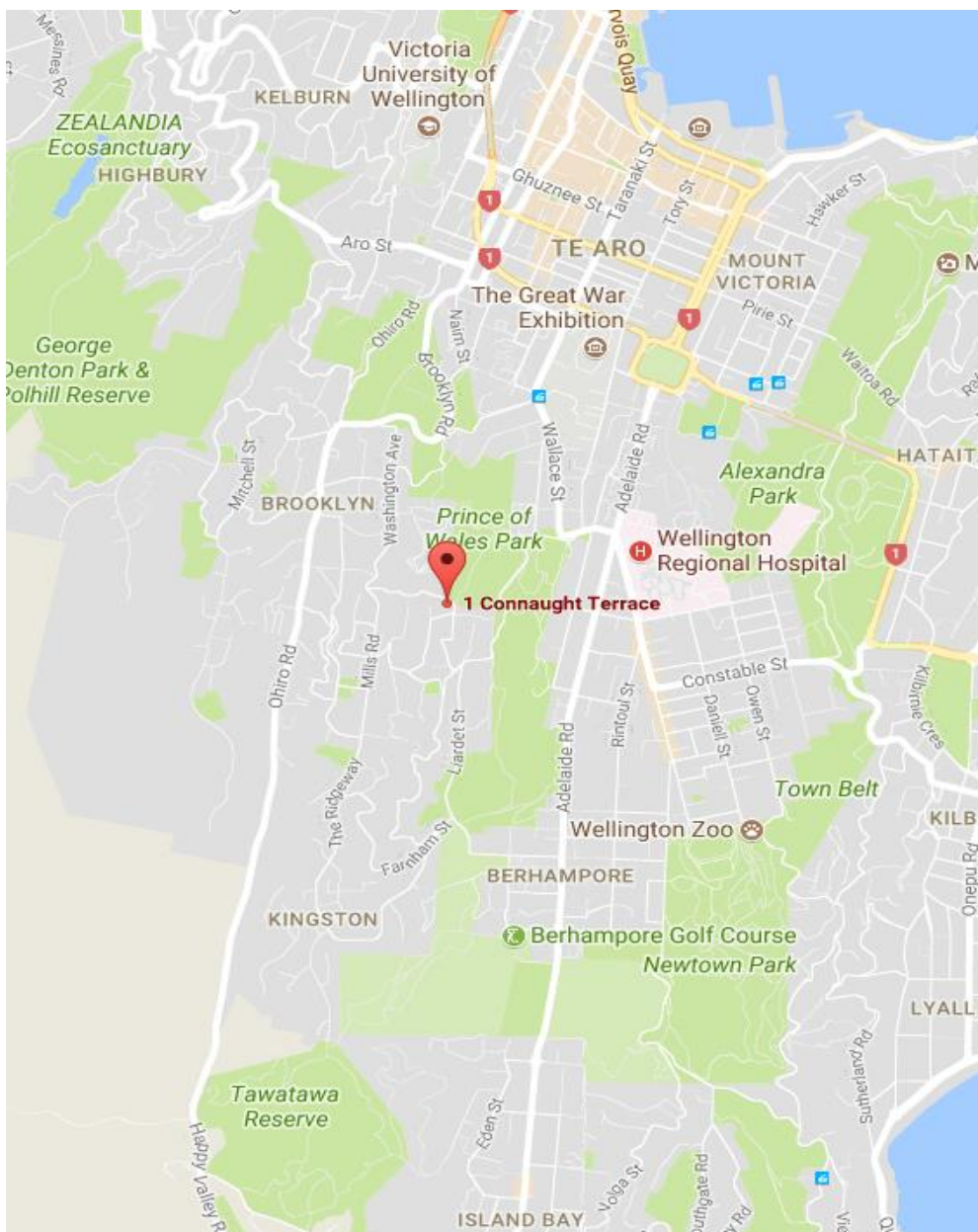
### **Ngā mahinga e whai ake nei | Next actions**

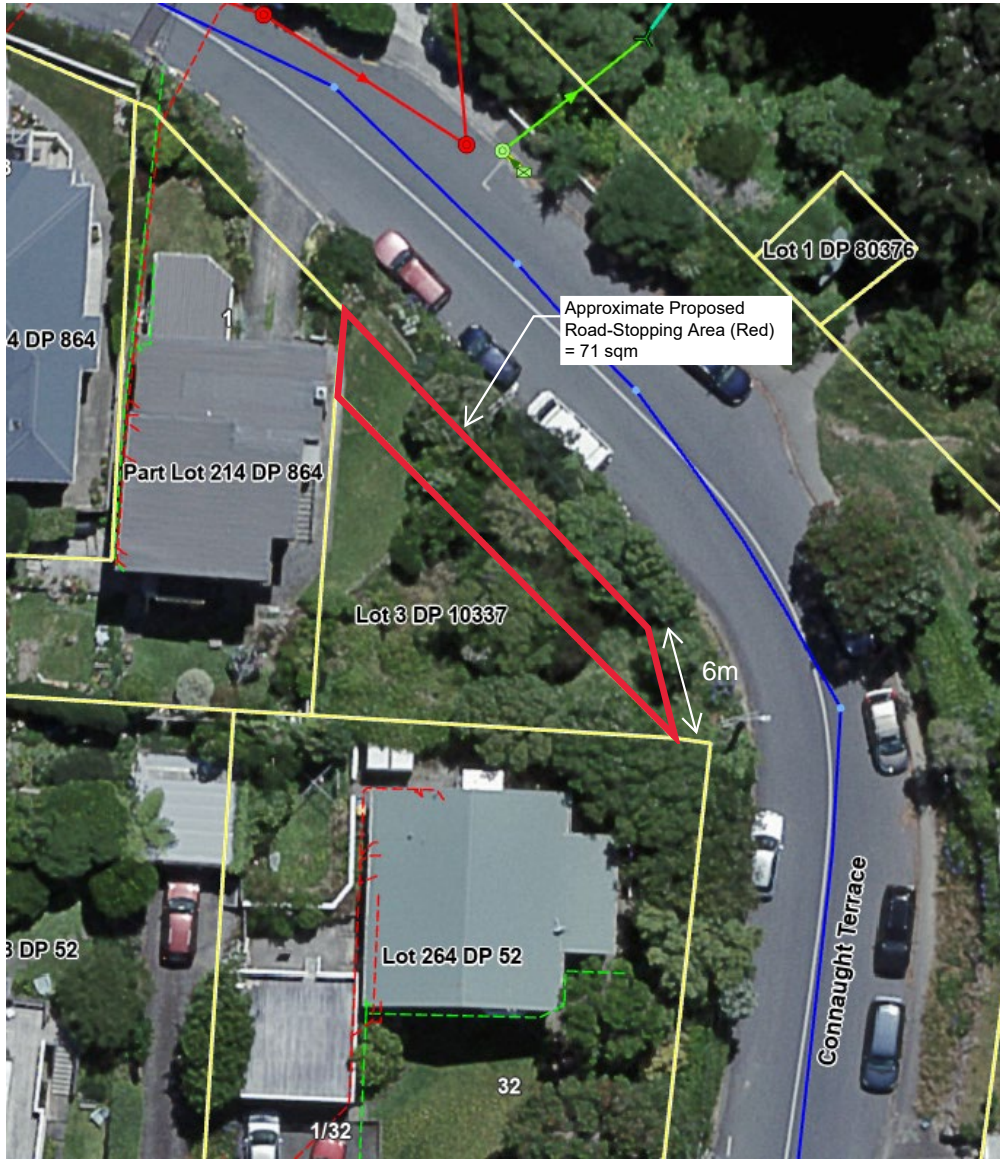
44. The proposed next steps, subject to the Council's approval of the recommended option, are to:
- a) Conclude a Section 40 PWA investigation.
  - b) Prepare a Survey Office Plan.
  - c) Begin the public-notification process.

### **Attachments**

Attachment 1.	Location Plan <a href="#">↓</a> 	Page 324
Attachment 2.	Aerial - Proposed Road-Stopping Area <a href="#">↓</a> 	Page 325
Attachment 3.	Road Frontage - 1B Connaught Terrace <a href="#">↓</a> 	Page 326

**Location plan**







Road frontage of 1B Connaught Terrace, Brooklyn – facing south.



Road frontage of 1B Connaught Terrace, Brooklyn – facing west.