
REPORT 3
(1215/53/IM)

ROAD STOPPING - LEGAL ROAD MAKARA PEAK MOUNTAIN BIKE CARPARK – SOUTH KARORI ROAD, KARORI

1. Purpose of Report

The purpose of this report is to obtain agreement that approximately 3,300 m² of Council owned legal road land in South Karori Road, Karori Wellington, be stopped, and amalgamated with adjoining reserve land.

Refer Appendix 1 for an aerial plan with the area of unformed legal road land concerned shown outlined yellow.

2. Executive Summary

Most of the subject legal road land is currently used as car park for the Makara Peak Mountain Bike Park.

If the road stopping is successful the use of the land would not change, it would be amalgamated with adjoining reserve land, and would still remain in Council ownership. Given that the use of the land is not proposed to change the road stopping is being carried out under section 116 of the Public Works Act 1981 (PWA).

Internal Council business units and external service authorities have been consulted. All support the proposal with no significant conditions.

While the PWA road stopping process does not require public consultation, immediate neighbours have been sent letters advising them of the proposal.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

- 1. Receive the information.*

2. *Recommend to Council that it:*

- (a) *Agree that the approximate 3,300m² (subject to survey) area of unformed legal road land in South Karori Road, Karori be stopped and amalgamated with adjoining reserve land.*
- (b) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 116 of the Public Works Act 1981.*
- (c) *Delegate to the Chief Executive Officer the power to formally approve and conclude the road stopping process, subject to all statutory and Council requirements being met.*

3. *Note that if the proposed road stopping is successful, Council officers will proceed with the reserve classification process pursuant to the Reserves Act 1977.*

4. Background

Parks and Gardens currently manage approximately 3,300m² of legal road land in South Karori Road, Karori as part of the car park for Makara Peak Mountain Bike Park. The car parking area is an integral part of the park in terms of providing a parking facility, visitor information, toilets, bike washdown, and a flat area for festivals and events and possible future commercial concession activities (e.g. coffee carts etc).

Parks and Gardens have instructed Property Services to progress this road stopping proposal in the interests of better protecting the long term future of this area and aligning the area with the reserve status of the mountain bike park.

The 230 hectare Makara Peak Mountain Bike Park – listed by an international travel website as one of the top 10 places in the world to bike – is part of Wellington City Council's Outer Green Belt reserves network. Since 1998 the reserve has been developed in partnership between the Council and the Makara Peak Supporters.

5. Discussion

5.1 Consultation and Engagement

As part of the road stopping process external service authorities and internal business units are given an opportunity to provide preliminary comments.

External service authorities all support the proposal conditional on their standard conditions where they have services in the vicinity.

All internal business units gave their unconditional approval, with the exception of Road and Traffic Maintenance who required that a road reserve width of 20

metres be retained, and Public Drainage noting that a public sewer pipe ran through the subject land, and access to that would continue to be needed.

The PWA road stopping process does not require public consultation, however letters have been sent to the immediate neighbours notifying them of the proposal. This was done out of courtesy, and also because historical legal advice has been that when the application is made to Land Information New Zealand to stop the road at the end of the process, they still view the neighbours being notified favourably to ensure that there are no issues. No correspondence in response has been received from any of the immediate neighbours who were sent letters.

Officers are satisfied that the above Service Authority, and Council requirements can be met, and that the subject area of legal road land in South Karori Road, Karori can be stopped and amalgamated with the adjoining reserve land.

5.2 Financial Considerations

The costs associated with road stopping will be met by Parks and Gardens budget through the Town Belts and Reserves Management project - project code PGC524.

5.3 Climate Change Impacts and Considerations

Makara Peak Mountain Bike Park is one of the Council's registered Permanent Forest Sink Initiative covenanted area. The road stopping will have no impacts to this or any other climate change considerations.

5.4 Long-Term Council Community Plan Considerations

This proposed road stopping has no overall impact on the LTCCP.

5.5 Significance Policy/ Strategic Assets

The proposal does not affect Council's Significance Policy, and the land is not proposed to be sold.

6. Conclusion

Officers believe that the approximately 3,300 m² area of legal road land in South Karori Road, Karori, mainly used as the car park for the Makara Peak Mountain Bike Park should be stopped and amalgamated with the adjoining reserve land, subject to the conditions contained in the report.

It is therefore recommended that the Regulatory Processes Committee recommends to Council that the subject road land be stopped.

Contact Officer: *Paul Davidson, Property Advisor, Property Services and Amber Bill, Manager Community Engagement & Reserves*

Supporting Information
<p>1) Strategic Fit / Strategic Outcome <i>The proposal is in line with the Council's financial principles and strategic requirements.</i></p>
<p>2) LTCCP/Annual Plan reference and long term financial impact <i>Provision for undertaking this work is contained within the overall organisational budget.</i> <i>There are no adverse financial implications imposed on the Council arising from this road stopping proposal. The costs associated with this proposal will be met by Parks and Gardens budget for Town Belts and Reserves Management project – code PGC524.</i></p>
<p>3) Treaty of Waitangi considerations <i>There are no Treaty of Waitangi implications.</i></p>
<p>4) Decision-Making <i>This is not a significant decision, and there are no considerations needed in relation to the Council's 2011 Road Encroachment and Sale Policy.</i></p>
<p>5) Consultation a) General Consultation <i>Consultation with the relevant internal business units has been carried out as part of this application. All have given their consent, with Road and Traffic Maintenance requesting that a 20m road reserve width be retained.</i> b) Consultation with Maori <i>Local IWI have been consulted with and have given unconditional consent.</i></p>
<p>6) Legal Implications <i>There are no significant legal implications arising from this matter.</i></p>
<p>7) Consistency with existing policy <i>The recommendations of this report are consistent with WCC policy.</i></p>

APPENDIX 2

APPENDIX 1



AXIS SURVEY CONSULTANTS LTD



P.O. Box 1074, Wellington
Level 6, Axon House
1 Wakefield Street, Wellington
Tel: 04 499 3309
Email: mike@axisurvey.co.nz

Project:
**Makara Peak mountain
bike carpark.**

Result to be stopped and added to reserve on opposite side of Karori Stream

Client:
Property Services
Wellington City Council
P.O. Box 2199

131 Wakefield Street
Wellington, New Zealand
Phone: +64 4 499 4444

**PROPOSED ROAD
STOPPING**

DATE: 20 May 2011
DRAWN: MDW

SCALE: 1:250 (approx)
ORIGINAL: A4

Drawing No:
11006-1

Revision:
A

MINUTES

TUESDAY 14 FEBRUARY 2012

**2.31PM - 3.26PM
3.35PM - 4.13PM
(3.40PM - 4.13PM - PUBLIC EXCLUDED)**

**Council Chamber
First Floor, Town Hall
Wakefield Street
Wellington**

PRESENT:

Councillor Gill (Chair)	(2.31pm - 3.26pm, 3.35pm - 4.13pm)
Councillor Best	(2.31pm - 3.26pm, 3.35pm - 4.13pm)
Councillor Foster	(2.31pm - 3.26pm, 3.35pm - 4.13pm)
Councillor Lester	(2.31pm - 3.26pm, 3.35pm - 4.13pm)
Councillor Morrison	(2.33pm - 3.26pm, 3.51pm - 4.13pm)
Councillor Pepperell	(2.31pm - 3.26pm, 3.35pm - 4.13pm)

APOLOGIES:

Mayor Wade-Brown
Councillor Morrison (for lateness)

IN ATTENDANCE:

Councillor Coughlan (2.31pm - 2.59pm)
Councillor Pannett (3.35pm - 4.13pm)

DEMOCRATIC SERVICES OFFICERS IN ATTENDANCE:

Fiona Dunlop - Committee Advisor

- (b) *Authorises Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road Land must be offered back to its former owner or their successor, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4).*
 - (c) *Delegates to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA(if appropriate).*
3. *Recommend that the Council:*
- (a) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (b) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road subject to all statutory and Council requirements being met and no objections being received.*
 - (c) *Approve the disposal of the Road Land. (Subject to the proposed road stopping being successful)*
 - (d) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the unformed legal road land situated between 8 and 28 Jaunpur Crescent, Broadmeadows, either with the former owner, or their successor, or the Port Nicholson Block Settlement Trust, or the successful purchaser following the Land being marketed for sale.*
4. *Notes that if objections are received to the road stopping public notice, a further report will be presented to the Committee for consideration.*

008/12RP **ROAD STOPPING - LEGAL ROAD MAKARA PEAK MOUNTAIN BIKE CARPARK - SOUTH KARORI ROAD, KARORI**
 Report of Paul Davidson, Property Advisor, Property Services and Amber Bill - Manager, Community Engagement and Reserves.
 (1215/53/IM) (REPORT 3)

Moved Councillor Foster, seconded Councillor Lester, the substantive motion.

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that the approximate 3,300m² (subject to survey) area of unformed legal road land in South Karori Road, Karori be stopped and amalgamated with adjoining reserve land.*
 - (b) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 116 of the Public Works Act 1981.*
 - (c) *Delegate to the Chief Executive Officer the power to formally approve and conclude the road stopping process, subject to all statutory and Council requirements being met.*
3. *Note that if the proposed road stopping is successful, Council officers will proceed with the reserve classification process pursuant to the Reserves Act 1977.*

009/12RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Foster, the motion to exclude the public.

The motion to exclude the public was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, resolve that the public be excluded from the following part of the proceedings of this meeting namely:*

Report 4 - District Plan Change 53 - Mediation

MINUTES

WEDNESDAY 29 FEBRUARY 2012

5.37PM - 6.12PM
(6.06PM - 6.12PM - PUBLIC EXCLUDED)

Council Chamber
First Floor, Town Hall
Wakefield St
Wellington

PRESENT:

Mayor Wade-Brown	(5.37pm - 6.12pm)
Councillor Ahipene-Mercer	(5.37pm - 6.12pm)
Councillor Best	(5.37pm - 6.12pm)
Councillor Cook	(5.38pm - 6.12pm)
Councillor Coughlan	(5.37pm - 6.12pm)
Councillor Eagle	(5.37pm - 6.12pm)
Councillor Foster	(5.37pm - 6.12pm)
Councillor Gill	(5.37pm - 6.12pm)
Councillor Lester	(5.37pm - 6.12pm)
Councillor McKinnon	(5.37pm - 6.12pm)
Councillor Marsh	(5.37pm - 6.12pm)
Councillor Morrison	(5.37pm - 6.12pm)
Councillor Pannett	(5.37pm - 5.48pm, 6.01pm - 6.12pm)
Councillor Pepperell	(5.37pm - 6.04pm, 6.06pm - 6.12pm)
Councillor Ritchie	(5.37pm - 6.12pm)

DEMOCRATIC OFFICERS IN ATTENDANCE:

Anusher Guler - Manager, Democratic Services
Fiona Dunlop - Committee Advisor
Sophie Rapson - Committee Advisor
Antoinette Bliss - Committee Advisor

RESOLVED:

THAT Council:

1. *Pursuant to section 40 of the Public Works Act 1981:*
 - (a) *Agrees that the approximately 3,690m² (subject to survey) of unformed road (Road Land) situated between 8 and 28 Jaunpur Crescent, Broadmeadows is not required for a public work.*
 - (b) *Authorises Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road Land must be offered back to its former owner or their successor, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4).*
 - (c) *Delegates to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA(if appropriate).*
 2.
 - (a) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (b) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road subject to all statutory and Council requirements being met and no objections being received.*
 - (c) *Approve the disposal of the Road Land. (Subject to the proposed road stopping being successful)*
 - (d) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the unformed legal road land situated between 8 and 28 Jaunpur Crescent, Broadmeadows, either with the former owner, or their successor, or the Port Nicholson Block Settlement Trust, or the successful purchaser following the Land being marketed for sale.*
2. **ITEM 008/12RP ROAD STOPPING - LEGAL ROAD MAKARA PEAK MOUNTAIN BIKE CARPARK - SOUTH KARORI ROAD, KARORI**
(1215/53/IM) (REPORT 3)

Moved Councillor Gill, seconded Councillor Foster, the substantive motion.

The substantive motion was put.

Voting for: Mayor Wade-Brown, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Eagle, Foster, Gill, Lester, McKinnon, Marsh, Morrison, Pannett, Pepperell and Ritchie.

Voting against: Nil.

Majority Vote: 15:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. (a) *Agree that the approximate 3,300m² (subject to survey) area of unformed legal road land in South Karori Road, Karori be stopped and amalgamated with adjoining reserve land.*
- (b) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 116 of the Public Works Act 1981.*
- (c) *Delegate to the Chief Executive Officer the power to formally approve and conclude the road stopping process, subject to all statutory and Council requirements being met.*

011/12C **QUESTIONS**
(1215/11/IM)

NOTED:

There were no questions.

012/12C **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/11/IM)

Moved Mayor Wade-Brown, seconded Councillor McKinnon, the motion to exclude the public.