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## ROAD STOPPING AND EXCHANGE - LEGAL ROAD IN TURNBULL STREET STREET ADJOINING 16-24 TURNBULL STREET (THORNDON SCHOOL)

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### Purpose

1. This paper asks the Committee to recommend that the Council:
  - a. Stops and sells approximately 141m<sup>2</sup> of Council-owned legal road adjoining Thorndon School at 16-24 Turnbull Street, Thorndon, Wellington (the Land); and
  - b. Acquires approximately 22m<sup>2</sup> of the applicants' land for the purposes of road (refer land exchange plan shown in **Attachment 1**).
  - c. This will facilitate the construction of a vehicle turning area at the (new) end of Turnbull Street at the cost of the applicant - Ministry of Education (MOE).

### Summary

2. The Ministry of Education (MOE) owns Thorndon School at 16-24 Turnbull Street (also 19-23 Turnbull Street) and has applied to purchase 141m<sup>2</sup> of formed legal road adjoining their property at the end of Turnbull Street. The proposed road stopping area of 141m<sup>2</sup> is shown highlighted orange in **Attachment 1**.
3. In exchange for the above, Council will acquire 22m<sup>2</sup> of MOE land at 16 and 18 Turnbull Street (the Applicants' Land) highlighted orange in **Attachment 1**. MOE will pay for all relocation or termination of service utilities and the costs to construct the vehicle turning area and street end (shown in **Attachment 2**) and all transaction costs.
4. Utility providers, relevant Council business units and WREMO have been consulted. All support the proposal subject to standard utility conditions (where applicable).
5. Officers met with the two affected neighbours on the opposite side of Turnbull Street to discuss the proposal. Both support the turning area and land exchange proposal.
6. If the Council approves officers' recommendations then public notification will commence. At that time neighbours, and any other member of the public, will have an opportunity to make a submission.

### Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to Council that it:
  - a. Agrees that approximately 141m<sup>2</sup> (subject to survey) of formed road land in Turnbull Street, Thorndon, shown highlighted orange on **Attachment 1** (the Land), and adjoining 20-24 Turnbull Street, Thorndon (Lot 1 DP 5859; Lot 1 DP 5443 and Part Lot 1 Application Plan 648 CFR 782543) is not required for a public work and is surplus to Council requirements.
  - b. Agrees to dispose of the Land by sale and exchange for approximately 22m<sup>2</sup> of the owners adjoining land currently part of 16 and 18 Turnbull Street (Lot 1 DP 4659 and Lot 17 Deeds Plan 27 CFR 782543) shown highlighted orange in **Attachment 1** (the Applicant's Land).

- c. Agrees to acquire the Applicant's Land.
- d. Delegates to the Chief Executive Officer all powers necessary to conclude this transaction including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale and exchange, imposing any reasonable covenants, and anything else necessary.
- e. Notes that if objections are received to the road stopping and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.
- f. Notes that the land exchange will formalise the construction of a vehicle turning area (underway) in Turnbull Street, with all related costs to be met by the applicant (MOE).

## Background

7. The Ministry of Education (MOE / the Applicant) owns 16-24 Turnbull Street, Thorndon and has applied to acquire an area of legal formed road at the end of Turnbull Street which is bordered on three sides by Thorndon School. This 141m<sup>2</sup> area is shown outlined orange in **Attachment 1** (the Land).
8. The Land is proposed to be amalgamated with 20-24 Turnbull Street legally described as Lot 1 DP 5859, Lot 1 DP 5443 and Part Lot 1 Application Plan 648 on CFR 782543.
9. In exchange for the Land, MOE has agreed to sell 22m<sup>2</sup> of its land to Council, being parts of 16 and 18 Turnbull Street (the Applicant's Land). This is for the purposes of creating a vehicle turning area (shown in **Attachment 2**) that is deemed to be an important facility to service this narrow street and adjacent properties.
10. MOE has arranged and will pay for the construction (underway) of the new vehicle turning area and reform the stopped road land to include a gate, paving, seating and planters in order to provide a safe transitional area from the main school buildings to the playing field on the west side of (now) Turnbull Street.

## Discussion

11. Road Stopping is provided for under sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (LGA).
12. 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 other public work.
13. Advisors from Council's Transport Team have confirmed the Land is not required for future road purposes, and support the proposal as the acquisition of the Applicant's land, as part of the land exchange, provides for a necessary vehicle turning area in the street.
14. As part of the road stopping, the applicant consulted with service authorities and officers with affected internal business units. All have granted consent with only standard conditions applying.
15. There are only two affected neighbours in the street (the Royal Society of NZ and a private individual) at 9-15 and 17 Turnbull Street. They have been consulted by way of onsite meetings with officers to fully discuss the land exchange and turning area proposal. Both neighbours support the land exchange in order to provide a vehicle

turning area in this narrow street. The Wellington Regional Emergency Management Office (WREMO) has also been consulted and supports the proposal.

16. If Council approves the above, officers will establish whether any offerback obligations under section 40 of the PWA exist, although exclusions are likely to apply.

### Options

17. The alternative to undertaking the road stopping is to retain the Land as legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires.
18. There is no alternative to acquiring the Applicant's Land in order to create a vehicle turning area in Turnbull Street and the safety of school and street users would be reduced.

### Next Actions

19. Conclude an investigation in accordance with section 40 PWA.
20. Initiate the public notification process.
21. Prepare a survey plan and conclude a land exchange agreement with MOE.
22. Construction of the vehicle turning area at the new end of Turnbull Street.

### Attachments

|               |   |         |
|---------------|---|---------|
| Attachment 1. | Aerial of Land Exchange area in Turnbull Street <a href="#">↓</a> | Page 43 |
| Attachment 2. | Views of vehicle turning area <a href="#">↓</a>                   | Page 45 |
| Attachment 3. | Location Plan <a href="#">↓</a>                                   | Page 47 |

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## SUPPORTING INFORMATION

### Engagement and Consultation

#### *Community*

Initial consultation meetings have been undertaken with the only two other neighbours in Turnbull Street, and they have advised us they have no concerns and support the vehicle turning area proposal. Consultation on the proposed Parking changes was completed 30 March 2018 and is to be presented to City Strategy Committee on 19 April 2018 to the proposed parking changes required.

#### *Utility Provider and Council Business Units*

All relevant utility providers and Council business units have been consulted and none objected to the proposed road stopping. Those that have assets in the subject road land have provided their conditions of relocation or termination to the new street end.

#### **Treaty of Waitangi considerations**

Iwi groups have not been consulted. The subject road land is not located in a Māori Precinct, or other area identified as significant to Māori. The land is not being disposed on the open market, and will not become a standalone allotment (amalgamation is proposed).

#### **Financial implications**

There are no significant financial considerations related to this recommendation as the applicant, MOE, is paying for all the costs of the new turning area construction, relocation of services (as required) in the road to be stopped and the road stopping / land exchange transaction costs (survey, legal, valuation and advertising, etc.).

#### **Policy and legislative implications**

The recommendations of this report are consistent with policies of the Council; the road stopping is also being undertaken in accordance with legislative requirements.

This is not a significant decision. This report sets out the Council's options under the 2011 Road Encroachment and Sale Policy.

This proposed road stopping and exchange has no significant impact on the Long Term Plan.

#### **Risks / legal**

The road stopping process is consistent with legislative, and the Council's requirements. Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

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

There are no climate change implications for this road stopping and exchange.

#### **Communications Plan**

Public consultation in accordance with the Schedule 10 of the LGA will be carried out later in the road stopping process.

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

There are no Health and Safety Impact considerations for this proposed road stopping and exchange except that the provision of a vehicle turning area in Turnbull Street will provide

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improved traffic safety for all street users (both vehicle and pedestrian) and provide a safer environment for the predominant Thorndon Primary School users.





THORNDON SCHOOL for Ministry Of Education  
20 Tumbull Cr, Thorndon WELLINGTON

TH07 A Proposed Land Swap  
Scale: 1:200 at A2. Printed 2/9/2018. Page 2 No 17141

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CAD File Path



2. Turnbull Street - Perspective View Looking East

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Phone 03 302 8302

TH03 B Proposed Turning Head  
Scale: 1:100 at A3 Printed 30/02/18 Project No. 17141

THORNDON SCHOOL for Ministry Of Education  
20 Turnbull St, Thorndon WELLINGTON

# Item 2.2 Attachment 3

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CAD file of the photo



1 Turnbull Street - Perspective View Looking South

THORNDON SCHOOL for Ministry Of Education  
 20 Turnbull St, Thorndon WELLINGTON

TH02 F Proposed Turning Head  
 Scale: 1:100 at A3 Printed 3/02/2016 Project No.17141

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Location Plan



