
REPORT 3
(1215/52/IM)

RATIFICATION OF WELLINGTON INNER CITY BYPASS OBLIGATIONS

1. Purpose of Report

The purpose of this report is to ratify the obligations that the Wellington City Council (Council) undertook in order to facilitate the Wellington Inner City Bypass (WICB).

The obligations to be ratified consist of road to be stopped, Crown land to be declared road and Council land to be declared as State Highway.

2. Recommendations

It is recommended that the Strategy and Policy Committee:

1. *Receive the information*
2. *Recommend that the Council approve the following obligations as required under the Deed Relating to Construction of Wellington Inner City Bypass and the Entry Agreement pursuant to the Public Works Act 1981:*
 - (a) *The stopping of part of Abel Smith Street (shown as area marked red on Appendix 1, Map 1) and part of Vivian Street (shown as area marked red on Appendix 1, Map 2) pursuant to section 116 of the Public Works Act 1981 and as required under the Fifth Schedule of the Entry Agreement Pursuant to the Public Works Act 1981.*
 - i. *Note this stopping is exempt from the Section 40 requirements as it is a stopping and exchange of land for road under the Public Works Act 1981.*
 - ii. *Note this stopping does not require public notification as it is being carried out under the Public Works Act 1981 and all necessary consultation has been carried out with consents obtained.*

- (b) *The stopping and vesting of an area of road at 13 Tonks Avenue (shown as area F marked red on Appendix 2, Map 1) for a historic garden pursuant to section 116, 117 and 120 of the Public Works Act 1981 and as required under clause 5 (b) of the Entry Agreement Pursuant to the Public Works Act 1981.*
 - (c) *The Crown's actions to vest the areas of Crown owned land (shown as areas in green on Appendix 4, Map 2 and Map 3), as road in the Council as the territorial authority, pursuant to section 114 of the Public Works Act 1981 and vested in the Council pursuant to section 316 of the Local Government Act 1974 and as required under the Third Schedule of the Entry Agreement.*
3. *Note that the Crown is to declare area A in red on Appendix 4, Map 1), part of 11 – 13 Tonks Avenue (shown as areas H and M in blue on Appendix 3, Map 2), part of Arthur Street, part of Kensington Street, part of Victoria Street, part of Willis Street, and part of Cuba Street (as shown in red on Appendix 3, Maps 4, 5 and 6)) as State Highway pursuant to section 60 of the Transit New Zealand Act 1989 and as required under the Fourth Schedule of the Entry Agreement Pursuant to the Public Works Act 1981.*

3. Background

The WICB has a long history of planning and development. The project involved the development of a high quality, pedestrian and cycle friendly, 50km per hour City Street linking the Basin Reserve to the Terrace Tunnel (Northbound) and shifting the Southbound traffic onto a more direct route, using the full length of Vivian Street (from the Terrace Tunnel to Kent Terrace).

The new road is two lanes wide, at ground level except for a trench section that drops the road from the Willis Street level to the Terrace Tunnel level and includes traffic lights at the intersections. The WICB mostly uses existing city streets which have been upgraded to a suitable standard, but also involves a new 700 metre stretch of road for northbound traffic between Cuba Street and the Terrace Tunnel.

The road will vest in the Council as a City road but will be classified as State Highway. Management, maintenance and control of the State Highway will be under Transit New Zealand's (TNZ) control.

On 26 June 2003 the Council entered into a Deed that was negotiated between the Council and TNZ. The Deed clarified the obligations of the Council and TNZ with respect to the land and property issues inherent in the WICB project.

On 16 June 2004, the Finance and Corporate Committee resolved that the obligations as required under the Deed be approved as follows:

- The taking of part of the property known as 214 Taranaki Street, situated on the northern corner of Taranaki and Arthur Streets and part of the properties known as 11, 12 and 13 Tonks Avenue as required under clause 2.2 of the Deed.
- The stopping of part of Kensington Street under section 117(3)(b) of the Public Works Act 1981 (PWA) as required under clause 7.2 of the Deed.
- Approve the entering into an agreement with the Crown for the purposes of the above two actions.
- The sale of 13 Tonks Avenue to TNZ for \$20,000 inclusive of GST as required under clause 6.2 of the Deed.

The Council and TNZ acknowledged in the Deed that certain obligations of the parties were subject to the agreement and consent of the Crown. A further legal agreement between the Crown (acting by and through the Chief Executive of Land Information New Zealand) and the Council was entered into on 12 January 2005 (referred to as the Entry Agreement).

4. Conclusion

Prior to the construction of the WICB, the Council entered into a Deed with TNZ, and then later entered into an Entry Agreement with the Crown. Both the Deed and Entry Agreement recorded each party's obligation in regards to the construction of the WICB.

The completion of the WICB enables Council officers to seek ratification of the Council's obligations as exact portions of road to be stopped, Crown land to be declared road and Council land to be declared State Highway can be determined accurately.

Now that the construction of the WICB has been completed, previous obligations undertaken by the Council need to be ratified.

Therefore, it is recommended that the Strategy and Policy Committee recommend to Council as follows:

- i. Approve the stopping of part of Abel Smith Street and part of Vivian Street;
- ii. approve the stopping and vesting of an area of road at 13 Tonks Avenue for a historic garden;
- iii. allow the Crown to declare part of 214 Taranaki Street, part of 11 – 13 Tonks Avenue, part of Arthur Street, part of Willis Street and part of Cuba Street as State Highway;
- iv. approve the areas of Crown owned land to be declared as road and vested in the Council.

Contact Officer: *Hanita Shantilal, Property Advisor, Property Projects*

Supporting Information

1) Fit with Strategic Objectives/Strategic Outcomes

Transport Effectiveness – a well-planned and comprehensive transport network supports a compact and highly liveable city where people move about easily and safely.

2) LTCCP/Annual Plan reference and long term financial impact

There is no annual plan reference for this activity.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-Making

The report reflects the obligations the Council undertook by entering into the 'Entry Agreement pursuant to the Public Works Act 1981' with the Crown.

5) Consultation

The Roding Business Unit has been consulted regarding this proposal and support all recommendations in this report. All facets of the Wellington Inner City Bypass project were consulted on throughout the process. The recommendations in this report do not need to be publicly consulted on by the Council.

6) Legal Implications

Legal advice has been obtained on matters in this report. The road stopping proposal complies with the relevant Council policies and is being processed in accordance with Section 116 and 117 of the Public Works Act 1981.

7) Consistency with existing policy

The recommendations are within the Context of the Wellington Inner City Bypass being a strategic project for the City and the Council.