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**REPORT 6**  
*(1215/52/IM)*

**VESTING OF ROAD RESERVE UNDER SECTION 111 OF  
THE RESERVES ACT 1977 AS ROAD – 275 MIDDLETON  
ROAD, GLENSIDE**

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**1. Purpose of Report**

The purpose of this report is to vest Road Reserve situated at 275 Middleton Road as Legal Road. This can be achieved by Council passing a resolution under Section 111 of the Reserves Act 1977 to seek approval of the Minister of Conservation that the Road Reserve be declared Road. This approval will enable Council to construct the Westchester Drive extension.

**2. Recommendations**

*It is recommended that the Committee:*

1. *Receive the information.*
2. *Recommend that the Council pursuant to Section 111 of the Reserves Act 1977:*
  - (a) *Agree to seek approval of the Minister of Conservation that the Road Reserve be declared Road and to vest 417 square metres more or less being Lot 30 Deposited Plan 10905 comprised in Computerised Freehold Register WN192/26 as Legal Road in the Wellington City Council.*

**3. Background**

**3.1 Ownership**

The land at 275 Middleton Road, Glenside is legally described as Lot 30 DP 10905 being 417 square metres more or less, (shown in yellow in Appendix 1) and was part of land held in the parent title 192/26 issued on 20 January 1911.

On 8 June 1935 a subdivision of the parent title was carried out by a private landowner, Philip Chetwoode Watt. The subdivision plan (DP 10905) was deposited at the land office at that time. Lot 30 is now the balance land remaining on DP 10905 which is still held on the parent title. All other lots created by DP 10905 have been removed from the parent title and have new computer freehold registers issued.

Lot 30 DP 10905 is showing as being vested in His Majesty the King (HMK) pursuant to Section 16 (5) of the Land Act 1924. The fact that this property is vested in HMK is a result of the legislation of the day. The normal practice today is that a Road Reserve would be vested in Council.

### **3.2 Physical Description**

275 Middleton Road is an irregular shaped section containing 417 square metres of land, more or less, situated on the Northern side of Middleton Road. The site contour is undulating, falling from Middleton Road into a stream that traverses the site east to west. From the stream the land then rises up to its rear boundary in the North. The site is covered in a mixture of grass, scrub and some mature trees. The site is zoned Outer Residential and is currently part of the Designation 134 in the District Plan which is the provision for the extension of Westchester Drive.

## **4. Discussion**

Council requires the land at 275 Middleton Road to be Legal Road in order to construct the Westchester Drive extension. This land will form part of the Westchester Drive extension and will be part of the new intersection that will be created with Middleton Road. The Northern Growth Management Framework (NGMF) identifies the strategic need for a connector road between Westchester Drive and Middleton Road. Such a connection will greatly improve access from northern Churton Park and the proposed development areas in Upper and Lower Stebbings Valley to the motorway.

The land is currently vested in the Crown (Department of Conservation pursuant to Section 111 of the Reserves Act 1977) due to a Crown administrative error. LINZ have acknowledged this. A LINZ accredited agent has investigated why Lot 30 is vested in the Crown and they have discovered a pencil notation at the bottom of one of the parent title pages and brought this to LINZ attention. LINZ have confirmed that this pencil note shows the land to be road reserve and that it should have been written in ink. If this note had been shown in ink then the land could have vested in Council before today.

In order for this land to be vested as Legal Road it needs to be transferred into Council's name from HMK by receiving the Minister of Conservation's consent and declaring the land road pursuant to Section 114 of the Public Works Act 1981.

This will conclude the vesting in Council and the land will become Legal Road.

## **5. Conclusion**

The Road Reserve at 275 Middleton Road will be transferred from HMK to Council and vested as Legal Road by the Minister of Conservation. Council resolution under Section 111 of the Reserves Act 1977 is required in order to seek this consent.

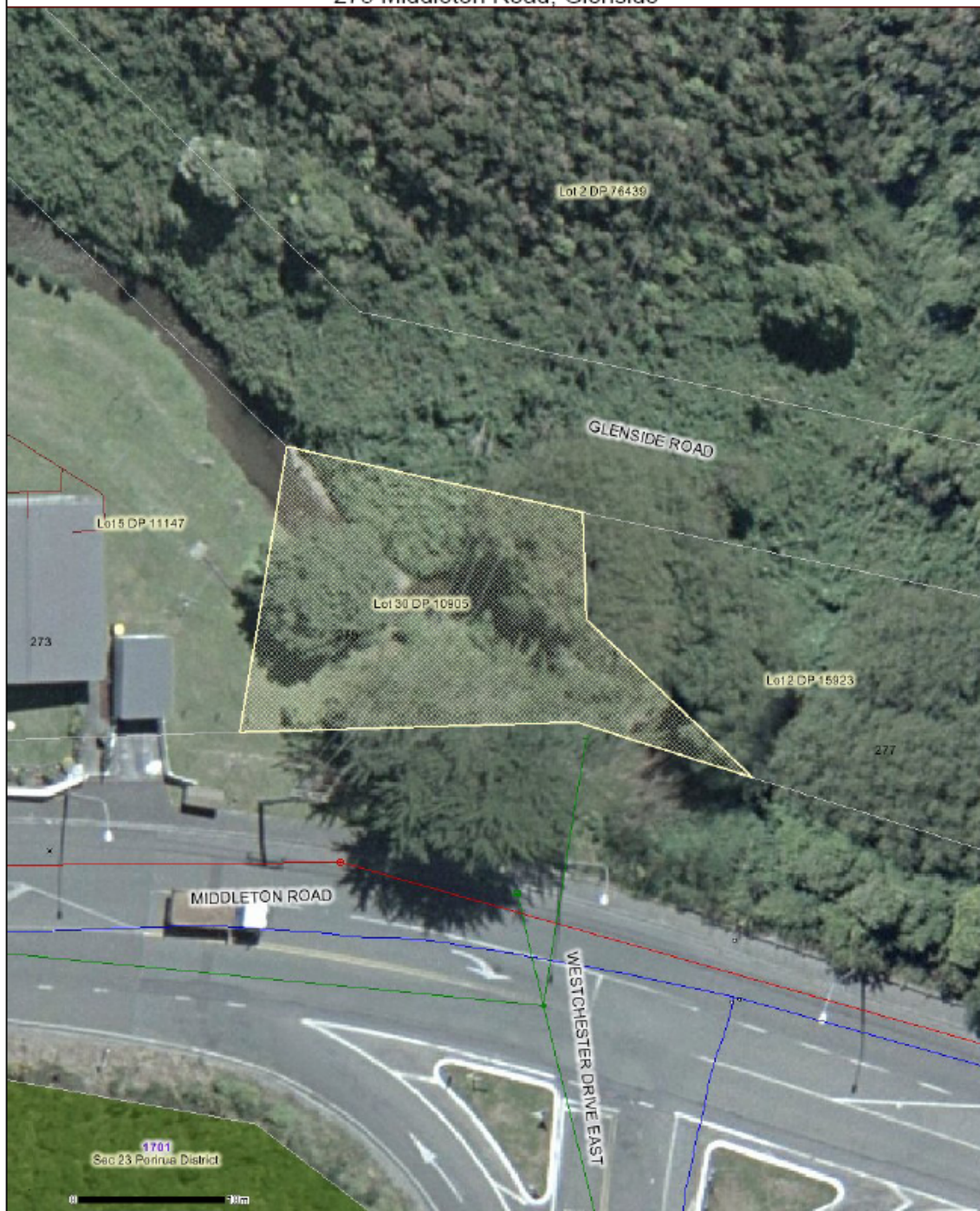
This land can then be utilised to construct its part of the Westchester Drive extension in accordance with the NGMF.

*Contact Officer: John Vriens, Property Advisor, Parking and Property Services*

<b>Supporting Information</b>
<b>1) Strategic Fit / Strategic Outcome</b> <i>This paper supports Council's strategic direction for managing growth in the suburbs through provision of adequate infrastructure under the Transportation Asset Management Plan 2006. The paper also supports Council's strategic direction for managing growth in the northern suburbs as set out in the NGMF through the provision of adequate infrastructure.</i>
<b>2) LTCCP/Annual Plan reference and long term financial impact</b> <i>The costs incurred with the declaration and vesting process are being paid for out of the CX447_CF project (Northern Growth Management Framework implementation).</i>
<b>3) Treaty of Waitangi considerations</b> <i>There are no Treaty of Waitangi implementations in respect of this matter.</i>
<b>4) Decision-Making</b> <i>A decision to vest this land as Road requires a Council resolution. The report sets out the process and reflects the views and preferences of those with an interest in this matter who have been consulted with.</i>
<b>5) Consultation</b> <b>a) General Consultation</b> <i>The Council is not required under legislation to consult on this matter.</i>  <i>Internal consultation with our Roding Business Unit has been carried out and the recommendation fits with the requirement to extend Westchester Drive.</i>  <b>b) Consultation with Maori</b> <i>There is no requirement to consult with Maori on this matter.</i>
<b>6) Legal Implications</b> <i>Council's lawyers have been consulted during the development of this report.</i>

## **APPENDIX ONE**

# 275 Middleton Road, Glenside



## Disclaimer

Property boundaries Land  
Information NZ  
Licence WN0853547/2 Crown  
Copyright Reserved  
Accuracy in urban areas: +/-1m  
Accuracy in rural areas: +/-30m  
  
Other information generally +/- 1m  
accuracy.

Other data has been compiled  
from a variety of sources and its  
accuracy may vary.

Any contours displayed are only  
approximate and must not be used  
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WELLINGTON CITY COUNCIL **Wellington**



Scale 1:400