

**REPORT BY THE CHAIRMAN OF THE
PROJECTS AND PROPERTY COMMITTEE**

**1. CROSSING DEVELOPMENT: PROPOSED STOPPING AND SALE OF
SMALL AREA OF ROAD IN CASHEL STREET**

RR 9670

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Corporate Plan Output: Heritage Protection	

The purpose of this report is to seek Council approval to:

1. stop up to 6m² of Cashel Street to accommodate the building façade associated with the “Katies” building in “The Crossing” development and sell the stopped road to AB Investments Ltd;
2. grant a licence to AB Investments Ltd to occupy up to 6m² of Cashel Street in City Mall.

“Katies”, (a group 4 listed heritage building), was built in 1901 and has been an integral part of the Beaths, later Arthur Barnett, group of buildings since the first quarter of the twentieth century. Of Edwardian classical design, “Katies” forms an integral part of a group of three heritage buildings which document the changes in stylistic conventions relating to commercial architectural designs. These range from the relative exuberance of the “Katies” façade, to the more austere interpretation of Edwardian classicism utilised by the architectural firm of England Brothers in the design of the former DIC (Cashfields) building of 1907-08, to the stripped classicism of the Luttrell Brothers 1934-5 former Beaths (Arthur Barnett), building; each structure is a notable example of the classicism of its epoch.

Retention of the “Katies” façade within the redevelopment of the Arthur Barnett’s site is considered essential to the retention of the streetscape qualities, heritage character and integrity of the precinct. The Council heritage planners have been closely involved with the developer in the redevelopment of the site and the retention of the heritage façades. The reason for shifting the “Katies” façade some three metres to the east is to allow it to retain its significance as a single building rather than being ‘lost’ within the design for the new areas of façade within the proposed development. A heritage incentive grant (as outlined in the Council’s Heritage Conservation Policy, policy 8. *Conservation Incentives*), has been given to assist with the retention and restoration of this façade.

During the course of detailed design it has become apparent that the existing “Katies” building façade is located partly on legal road. The façade of this building is almost 100 years old and is constructed of brick and lime mortar. As discussed above, it is proposed to retain and restore this façade but at the same time to abut the façade adjacent to the Cashfield’s Plaza in order to provide a more balanced development.

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Now that the façade has been isolated from the rest of the building and braced, there would be structural complications if it was to be moved both to the side and then back behind the boundary. It is therefore proposed to only shift the façade a few metres to the east and maintain it on the same building line; in effect only a very small portion of the building is to be removed off its original alignment. However this will mean that the façade will still continue to occupy road space. In order to give the façade the greatest opportunity to survive, it is proposed to legally stop the area occupied as road and to transfer the area to the adjacent property title.

It is proposed to use the Public Works Act procedures to stop the road. Section 117 of that Act provides that the Minister can, by notice in the Gazette, declare any part of a road to be stopped.

The Minister must be satisfied that adequate road access to land adjoining the road is left or provided and that adjoining landowners consent in writing to the stopping. Further, as the road here is under the Council's control, its consent must be obtained.

The adjoining landowner, AB Investments Ltd, has given its written consent and one purpose of this report is to seek the Council's consent to the stopping.

Section 117 of the Public Works Act provides that the Council must comply with the Local Government Act in dealing with the stopped road. Section 345 of the Local Government Act states the Council can:

- (a) sell the stopped road to an adjoining owner for a price fixed by the Council's valuer;
- (b) grant a lease of the stopped road to an adjoining owner;
- (c) retain ownership by the Council.

Given the small amount of land involved and that it is proposed to be entirely occupied by the façade, we recommend that the Council sell the stopped road to AB Investments Ltd for a valuation to be determined by the Council's valuer (Mr A Smith).

While the Council's policy with road stoppings is to use the Local Government Act with a hearing by the Council, in the present case it is recommended that the Council use the procedures in the Public Works Act and seek a Ministerial decision. The area of land is very small and in practical terms, is not utilised by the public. Accordingly, a departure from the policy is considered warranted.

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A further matter is that the gazetted procedures may take some weeks and to provide certainty to AB Investments Ltd an interim approval is sought from the Council. This would be for the Council to grant a licence to occupy under the Local Government Act to AB Investments Ltd to occupy the road with the façade. Given the preservation issues relating to the façade, and the short nature of the licence, it is considered that a rental of \$1 per annum is appropriate.

Given that the exact survey measurement of the land to be stopped will not be known until the façade is actually relocated in May, it is recommended that the Council delegates to the Property Manager and the Environmental Policy and Planning Manager authority to approve the final survey plan showing the façade's encroachment for an area not exceeding 6m².

- Recommendation:**
1. Pursuant to the Local Government Act 1974 the Council grant a licence to AB Investments Ltd to occupy that part of Cashel Street shown on the attached plan with the façade of "Katies".
 2. That for the purpose of section 116(2)(d) of the Public Works Act 1981 the Council consents to the part of Cashel Street shown on the attached plan being stopped.
 3. That the Council request the Minister of Food, Fibre, Biosecurity and Border Control (acting as the Minister of Lands) to declare this part of Cashel Street to be stopped pursuant to section 116(1) of the Public Works Act 1981.
 4. That pursuant to section 345(1)(a)(i) of the Local Government Act 1974 the Council sell the stopped road to AB Investments Ltd for a sum to be determined by the Council's valuer.
 5. That the Council delegate to the Property Manager and the Environmental Policy and Planning Manager jointly authority to approve the survey plan showing the road to be stopped up to 6m².

Chairman's

Recommendation: That the above recommendation be adopted.

CONSIDERED THIS 24TH DAY OF APRIL 1999

MAYOR