
**BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE
PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL
ROAD BETWEEN 8 AND 28 JAUNPUR CRESCENT,
BROADMEADOWS**

1. Purpose of report

The purpose of this report is to provide the Committee with background information to twelve oral submissions opposing a road stopping proposal for land between 8 and 28 Jaunpur Crescent, Broadmeadows.

No decisions will be made by the Committee on the day of the oral submissions. A final report will be prepared by officers following the oral hearing, to enable the Committee at its next available meeting to make a decision on the objections. One of the objectors has also arranged for an ePetition. This will be included in the final report and a decision on it will also be required.

Refer to Appendix 1 for an aerial photograph which shows the road land proposed to be stopped coloured light green and Appendix 2 for photos taken from street level.

2. Executive summary

On 29 February 2012 Council declared surplus approximately 3,690m² of road land (the Land) in Jaunpur Crescent. The proposal had been initiated by Council officers after the land was identified as being suitable to be stopped and sold.

Public consultation on the proposed road stopping, including formal notification, was undertaken during June, July and August 2012. Fifteen written objections were received. Twelve of these objectors are taking the opportunity to present an oral submission to the Committee, in support of their written objection.

In addition to the objections received from the public consultation, Council had recently received an ePetition relating to the same road stopping proposal. Owners of properties in the immediate vicinity had received initial letters from Council notifying them of the road stopping proposal. That resulted in Mr Ron Zoest the owner of 25 Jaunpur Crescent arranging the ePetition. Mr Zoest's property is situated directly adjacent to the Land.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Thank all the objectors for their oral submissions and Mr Zoest for his ePetition, and advise that it will consider the matter and make a decision on whether or not to uphold any objection, or the ePetition, at the next available meeting of the Regulatory Processes Committee.*

4. Background

4.1 Road stopping consultation

The Regulatory Processes Committee meeting of 14 February 2012, and the Council meeting of 29 February 2012 agreed to proceed with the road stopping proposal.

Refer to Appendix 3 for a copy of the February 2012 committee report and Council minutes.

Consultation on the proposed road stopping was undertaken during June, July and August 2012. Letters were sent to 38 owners and occupiers of properties situated immediately near the road stopping site. The recipients of these letters included anyone who had indicated earlier in the road stopping process that they had concerns. Public notices were placed in the Dominion Post on 26 June and 3 July 2012, and signage was placed on site for the required forty day period. Information was also made available on Council's website, the main library and service centre, 101 Wakefield Street.

The resolutions of the 29 February 2012 Council meeting noted that a further report would be presented to the Committee outlining any objections received during the public consultation subject to the road stopping applicant wishing to proceed with the process.

4.2 Objections received from public notice

Written objections following the public consultation were received from fifteen objectors. Most objectors had more than one ground. Twelve of these objectors indicated that they also wanted to make an oral submission. These objectors are:

Name	Address
Diane & Dirk Anderson	11 Jaunpur Crescent
Stephanie Chung	27 Jaunpur Crescent
Kathryn Ellis	23 Jaunpur Crescent
Andrew & Carmen Godinez	28 Jaunpur Crescent
Julie Horn	107A Kanpur Road
Sam Koh	29 Jaunpur Crescent

Theresa Nava	99A Kanpur Road
P Potiki	19 Jaunpur Crescent
Alan Robb	43 Jaunpur Crescent
Milly & Christopher So	31 Jaunpur Crescent
Ron Zoest	25 Jaunpur Crescent

The three objectors not making oral submissions are:

Name	Address
V Naidoo	105A Kanpur Road
Gavin Hoar	45 Jaunpur Crescent
Srecko Antoncic	98 Kanpur Road

A summary of the grounds for the objections is listed in Section 5.1 of this report.

4.3 ePetition

The ePetition initiated by Mr Zoest opened on 3 February 2012 and closed on 3 April 2012. Fifty six signatures were received. Seventeen signatories were from Wellington, three from Dunedin, one from Auckland and thirty five were from Thailand and other south east Asian countries.

Prior to initiating his ePetition, officers met with Mr Zoest so that he could review the original subdivision file and the geotechnical report. A copy of the geotechnical report was subsequently supplied to him.

The grounds for the ePetition are outlined in section 5.2.

5. Discussion

5.1 Grounds for written objections

The grounds of the written objections are listed below:

1. Adverse effects - Front Yard Rule and Stability
2. Increased road congestion
3. Stability of carriage way not addressed
4. How land was shown on District Plan maps
5. Size of road land larger than normal road stopping applications
6. If land was subdivided in six lots that would require a discretionary use unrestricted resource consent
7. Existing land owners denied opportunity to purchase Land

8. Stability of the Land being Road Stopped
9. Reduction in privacy
10. Views would be obstructed by future development with negative impact on property valuation
11. New Sunlight Access Plane Restriction
12. Safety
13. Potential new wind channel effect

Refer to Appendices 4 and 5 for full details of the grounds of the written objections.

5.2 Grounds for ePetition

The grounds of the ePetition were:

'By changing the road reserve between 8 and 28 Jaunpur Crescent the Council will change the character and nature of Jaunpur Crescent. We had no expectation that this would happen. This will affect our views, privacy and alter the character of Jaunpur Crescent. We oppose the road stopping and sale of this land for development and wish to retain it as it currently is.'

Refer to Appendix 6 for list of ePetition signatures.

Officer comments and recommendations on the written objections and the ePetition, taking into consideration any new points raised in the oral submissions, will be presented to the Committee in a final report to be prepared for its next available meeting.

5.3 Next Steps

The next steps for this dealing with the objections to this road stopping proposal are:

- After the Committee hears the oral submissions, officers will finalise a report for the Committee's next available meeting.
- The Committee will consider the submissions and final report, and will make a recommendation to Council on whether or not to uphold the objections.
- If the Committee's decision is to uphold any objection and full Council agrees, then the road stopping proposal is effectively ended and the road land will not be stopped and sold.

- If the decision reached is to not uphold (i.e. reject) the objections and to proceed with the road stopping process, and any objector still wishes to pursue their objection, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.

6. Conclusion

This report provides background information for the Committee on the road stopping proposal and the oral submissions to be made by twelve objectors in support of their written objections.

After the oral submissions a final report will be prepared for the Regulatory Processes Committee with recommendations on whether or not Council should uphold any objection or the ePetition.

Contact Officer: Paul Davidson, Property Advisor, Property Services

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

In line with the Council's financial principles, assets that are declared surplus to strategic or operational requirements are sold.

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

This report is a step towards the possible sale of the legal road.

The costs associated with this proposal will be met by the proceeds of sale. This proposal will benefit the Council in financial terms as initially one new large lot will be created and sold at market value. Once sold into private ownership the land is likely to be subdivided into smaller lots with future owners then paying rates on them in the future.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

This report is for the purposes of providing background information to the oral submissions only, a final decision will be made at the next available meeting.

5) Consultation

a) General consultation

Consultation with the relevant service authorities and internal business units has been carried out as part of this application. They have all advised that they have no objection to the proposed road stopping, with standard conditions relating to leaving services in road land applying.

Public consultation has been carried out with forty seven objections being received. Prior to the public consultation an ePetition was arranged by a local resident.

b) Consultation with Maori

The internal business unit consultation included Treaty Relations who consulted with local iwi. The Port Nicholson Block Settlement Trust have requested that they be given a first right of refusal.

6) Legal implications

This report is for the purpose of providing background to the objections. Any legal implications relating to the objections will be considered and addressed in the final report to decide on the objections.

7) Consistency with existing policy

The road stopping proposal and this report are consistent with WCC policy.