
REPORT 2

**OBJECTIONS TO ROAD STOPPING PROPOSAL - 3
CUNLIFFE STREET, JOHNSONVILLE – REQUEST FOR
ADDITIONAL INFORMATION**

1. Purpose of report

To seek the Committee's recommendation to Council that four objections to a road stopping proposal concerning 421m² of unformed legal road in Cunliffe Street, Johnsonville (the Land) not be upheld. Note a further 1m² of unformed legal road land is also proposed to be stopped, that land to be retained by Council for the purposes of creating an isolation strip.

2. Executive summary

On 18 September 2013 the Regulatory Processes Committee considered a report which recommended that four objections to a road stopping proposal not be upheld.

The Committee requested officers 'to provide further information to the Committee on what the terms of future development of the site could occur'. Officer's response to the Committee's request is detailed in Section 5 Discussion of this report.

Officers now seek the Committee's recommendation to Council that the four objections to a road stopping proposal not be upheld.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree to not uphold the objections from any of the 4 objectors, to the proposal to stop 422m² road land adjoining 3 Cunliffe Street, Johnsonville (the Land).*
 - (b) *Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*

4. Background

Refer to Appendix 1 for a copy of the 18 September 2013 report for background information on the road stopping proposal – 3 Cunliffe Street, and objections opposing it.

Refer to Appendix 2 for a copy of the 18 September 2013 meeting minutes.

5. Discussion

5.1 The key questions the Committee needs to consider for decisions relating to objections are;

- ***Does Council require the Land to be retained for its own operational requirements?***

In May 2012 Council passed a resolution declaring the Land surplus. (subject to the outcome of the public consultation)

- ***Following public consultation, objections were received, and they were considered by relevant Council business units. Did those business units agree with the objectors, have concerns or want additional conditions imposed?***

The objections were considered by the Transport Planning, and Parks, Sport and Recreation units. These business units did not agree with the objectors that the Land should be retained, or that any additional conditions be imposed on the sale.

- ***Objectors are concerned about the future streetscape / amenity of the street. Should the Committee decision include conditions to govern the future development of the Land?***

Committee road stopping/sale decisions primarily relate to the question of whether or not the Land is surplus to requirements, rather than future development of the Land.

The future development of the Land would be governed by the rules of the operative District Plan. District Plan requirements would be considered at the time that Council receives application to develop it. Until then it is difficult, and arguably inappropriate, to impose restrictions in response to objector's concerns, particularly when the relevant business units do not agree with the objectors.

The applicant's have indicated that they may develop the Land in the future should their road stopping application be successful. But prior to securing ownership of the Land they have not had draft or concept plans prepared. The applicant's have not suggested any subdivision in the current road stopping process, nor would that have been appropriate for them to do so.

- ***The Committee's request was forwarded to the Urban Development / Resource Consents business unit for comment.***

Consent Planner Ryan O'Leary concluded that there should not be any further conditions imposed on the future development of the site.

Should the road stopping be approved, future development of this section of land site will be controlled in accordance with relevant standards and rules of the District Plan.

The current site (3 Cunliffe Street) and all other adjoining sites are controlled through the same mechanisms.

The site is not located within an identified character area or an area of identified streetscape value which warrant further protection. I see no reason for any specific controls over and above the relevant District Plan provisions.

5.2 Road stopping application – 1 Peter Button Place

The 18 September 2013 Committee report outlined a road stopping enquiry that Council had received from the owner of 1 Peter Button Place. This property is situated directly opposite 3 Cunliffe Street.

The relevance of this enquiry in relation to the 3 Cunliffe Street road stopping proposal is that while objectors believe reducing the legal road width in Cunliffe Street down from 20m to 18m is not appropriate, Transport Planning would actually support reducing the width to even less than that.

The owners of 1 Peter Button Place have now lodged their own road stopping application, and this is in the initial steps of the road stopping process.

5.3 Financial considerations

There are no significant financial considerations to be considered in the decision on objections to this road stopping proposal. Should this matter end up requiring referral to the Environment Court, that would include a decision by and be at the cost of the applicant.

5.4 Climate change impacts and considerations

There are no climate change impacts.

5.5 Long-term plan considerations

This proposed road stopping has no overall impact on the LTP.

5.6 Next Steps

The next steps in the process for this road stopping proposal are:

- The Committee will consider the submissions and officers responses, 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 the full Council agrees, then the road stopping proposal is effectively ended and the Land will not be stopped and sold.

- If the decision is to not uphold (i.e. reject) the objections and to proceed with the road stopping process, and any of the objectors still wish to pursue their objection, and the applicant wants to carry on, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.

6. Conclusion

The Land proposed to be stopped and sold has not been required for roading improvements, or for any public use such as a park / playground. The relevant Council business units supported the road stopping when first proposed, and after consideration of the objections have reconfirmed their positions.

Should the road stopping be approved, future development of the Land will be controlled in accordance with relevant standards and rules of the District Plan.

Officers therefore believe that the Committee should recommend to Council that all objections to the road stopping proposal in Cunliffe Street not be upheld.

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 are being met by the applicant.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

This report is for the purposes of making a decision on whether objections should be upheld or not.

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 the four objections being decided on now received.

b) Consultation with Maori

The internal business unit consultation included Treaty Relations who consulted with local iwi who had no interest in the land.

6) Legal implications

All legal implication relevant to this road stopping such as public consultation requirements are considered in this report.

7) Consistency with existing policy

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

REPORT 2
(1215/53/IM)

**DECISION ON OBJECTIONS TO THE PROPOSED ROAD
STOPPING AND DISPOSAL OF LEGAL ROAD ADJOINING 3
CUNLIFFE STREET, JOHNSONVILLE**

1. Purpose of report

To seek the Committee's recommendation to Council that four objections to a road stopping proposal concerning 421m² of unformed legal road in Cunliffe Street, Johnsonville (the Land) not be upheld. Note a further 1m² of unformed legal road land is also proposed to be stopped, that land to be retained by Council for the purposes of creating an isolation strip.

2. Executive summary

On 24 May 2012 Council agreed to initiate a road stopping of the Land.

Public consultation was subsequently carried out and four written objections were received. All four objectors made oral submissions to the Regulatory Processes Committee on 21 August 2013, see Appendix 1 for the committee report prepared to give the committee the background to the oral submissions. Generally no new issues were raised in the oral submissions.

The objectors believe that Council should retain the subject unformed legal road land to provide for roading improvements, or for a public use such as a park / playground. The Transport Planning and Parks, Sport and Recreation business units take a long term view on land requirements when considering road stopping proposals. The subject land has not been required historically, and these business units do not agree with the objectors that it needs to be retained for the future.

Officers are therefore recommending that the objections to the road stopping proposal in Cunliffe Street not be upheld.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*

2. *Recommend to Council that it:*

- (a) *Agree to not uphold the objections from any of the 4 objectors, to the proposal to stop 422 m² road land adjoining 3 Cunliffe Street, Johnsonville (the Land).*
- (b) *Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*

4. Background

4.1 History of application

On 24 May 2012 Council resolved to declare the Land surplus and commence the road stopping process in accordance with section 342 and the tenth schedule of the Local Government Act 1974. A land area of approximately 411m² was declared surplus and, following survey, the area was confirmed as 422m². If the road stopping proposal is successful 421m² would be sold to the owner of the adjoining 3 Cunliffe Street and amalgamated with that title, while 1m² would be retained by the Council and be used as an isolation strip on the extension of the 3 Cunliffe Street / 7 Cunliffe Street legal boundary.

4.2 Public consultation - Road Stopping

Public consultation on the road stopping proposal was undertaken during March, April and May 2013. Letters were sent to the 14 owners and occupiers of properties immediately surrounding the Land. 4 written objections were received with those parties indicating they were also interested in presenting oral submissions.

5. Discussion

5.1 Summary of objection grounds and officers' responses

The key grounds of the 4 objections are listed below:

1. Negative traffic safety outcomes, by removal of public space in which to improve traffic safety for the future.
2. Negative effects on streetscape.
3. That the subject land should be retained by Council and used for a community purpose such as a reserve, a playground, or for off street parking.
4. That the large trees bordering the subject land be replaced with native species typical of the area, as currently they are a liability to Council from a positioning and ecological perspective.

The grounds for the objections are listed with officers responses in Appendix 2 of this report.

5.2 Long term requirements for the unformed legal road land – Cunliffe Street and Ohariu Road

When considering road stopping applications all relevant Council business units take a long term view on what unformed legal road land should be retained.

Roading requirements

The future road requirements for this area have been considered in the operative District Plan. Policy 4.2.9.2 refers to the future development of a connector route between Westchester Drive in the north to Ohariu Valley Road in the south. It is not certain when this route will be formed, which was a point highlighted by objectors.

However the fact that a new connector route has been planned near to Cunliffe Street explains why Transport Planning do not think retaining all of the existing land is justified. While the proposed connector route to link with Ohariu Valley Road is something yet to be created, a significant recent development has been the opening of the Westchester Drive link road which connects with Middleton Road and SH1. While that road is situated on the north side of Churton Park whereas Cunliffe Street is on the south side, it does provide for a completely new way to access Churton Park. It would be reasonable to expect that it would now be helping to ease any existing traffic congestion on Cunliffe Street that has built up in recent years.

A further confirmation of Transport Planning's position follows an enquiry from the owner of 1 Peter Button Place. This property is situated directly opposite 3 Cunliffe Street. After the public consultation for the 3 Cunliffe Street road stopping proposal the owners of 1 Peter Button Place enquired as to whether they could also purchase some unformed legal road land adjoining their property. Transport Planning would support stopping and selling a tapered strip of unformed legal road land approximately 2m wide on that side of Cunliffe Street. This means that while the objectors believe reducing the existing width of unformed legal road down to 18m is not appropriate, Transport Planning would actually support reducing the width to even less than that.

Public space requirements

Parks, Sport and Recreation advise that the Northern Reserves Management Plan sets out the policies to manage parks and reserves in suburban areas such as Johnsonville over the next ten years. The policies on future acquisition of open space land in Johnsonville focus on completion of the Outer Green Belt and not the suburban parks network within residential areas. The residential areas around the proposed sale of unformed legal road on the corner of Cunliffe Street and Ohariu Road are close to Meekwood Reserve (around 100 metres) and around 3 to 400 metres from the nearest play area at Branscombe Street. Their position is that there is no need for additional open space in this area for recreational purposes. In regards to objectors suggestions that the subject land should be retained for ecological reasons, Parks, Sport and Recreation advise that there is good ecological connectivity in this area because of the proximity of the outer green belt supported by smaller reserve areas such as Ohariu Road Reserve and Sedgley Reserve.

5.3 Financial considerations

There are no significant financial considerations to be considered in the decision on objections to this road stopping proposal. Should this matter end up requiring referral to the Environment Court, that would include a decision by and be at the cost of the applicant.

5.4 Climate change impacts and considerations

There are no climate change impacts.

5.5 Long-term plan considerations

This proposed road stopping has no overall impact on the LTP.

5.6 Next Steps

The next steps in the process for this road stopping proposal are:

- The Committee will consider the submissions and officers responses, 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 the full Council agrees, then the road stopping proposal is effectively ended and the Land will not be stopped and sold.
- If the decision is to not uphold (i.e. reject) the objections and to proceed with the road stopping process, and any of the objectors still wish to pursue their objection, and the applicant wants to carry on, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.

6. Conclusion

The subject unformed legal road land proposed to be stopped and sold has not been required for either roading improvements, or for a public use such as a park / playground historically. The relevant Council business units supported that it be stopped and sold when the road stopping was first proposal, and after consideration of the objections have reconfirmed their positions.

Officers therefore believe that the committee should recommend to Council that all objections to the road stopping proposal in Cunliffe Street not be upheld.

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 are being met by the applicant.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

This report is for the purposes of making a decision on whether objections should be upheld or not.

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 the four objections being decided on now received.

b) Consultation with Maori

The internal business unit consultation included Treaty Relations who consulted with local iwi who had no interest in the land.

6) Legal implications

All legal implication relevant to this road stopping such as public consultation requirements are considered in this report.

7) Consistency with existing policy

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

REPORT 1
(1215/53/IM)

**BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE
PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL
ROAD ADJOINING 3 CUNLIFFE STREET, JOHNSONVILLE**

1. Purpose of report

The purpose of this report is to provide the Committee with background information to four oral submissions opposing a road stopping proposal for unformed legal road adjoining 3 Cunliffe Street, Johnsonville.

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.

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

2. Executive summary

On 24 May 2012 Council declared surplus approximately 411m² of road land (the Land) in Cunliffe Street. The land has now been surveyed which confirmed that it is 421m². The proposal had been initiated after Council received a road stopping application from the owners of 3 Cunliffe Street which is directly adjoining.

Public consultation on the proposed road stopping, was undertaken during March, April and May 2013. Four written objections were received. Officers have met with most of the objectors, and all are taking the opportunity to present an oral submission to the Committee, in support of their written objection.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

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

4. Background

4.1 Road stopping consultation

The Regulatory Processes Committee meeting of 16 May 2012, and the Council meeting of 24 May 2012 agreed to proceed with the road stopping proposal from 3 Cunliffe Street, Johnsonville. Refer to Appendix 3 for a copy of the May 2012 committee report and Council minutes.

Public consultation on the proposed road stopping was undertaken during March, April and May 2013. Letters were sent to 14 owners and occupiers of properties situated immediately near the road stopping site, and the Johnsonville Community Association Incorporated. Public notices were placed in the Dominion Post on 26 March and 2 April 2013, 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 24 May 2012 Council meeting were subject to all statutory and Council requirements being met and no objections being received. If objections were received these were to be referred back to the Committee for decision.

4.2 Objections received from public notice

Written objections following the public consultation were received from four objectors. Four objectors indicated that they also wanted to make an oral submission. The objectors are:

Name	Address
Maude Morrison	110 Ohariu Road
S M & L A Macintyre	7 Cunliffe Street
M & F Lindsay	26 Cunliffe Street
Johnsonville Community Association Inc	C/- Mr Graeme Sawyer, 10 Birch Street, Johnsonville, Wellington 6037

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

5. Discussion

5.1 Key relevant grounds for written objections

The key relevant grounds of the written objections are listed below:

1. Negative traffic safety outcomes, by removal of public space in which to improve traffic safety for the future.
2. Negative effects on streetscape.

3. That the subject land should be retained by Council and used for a community purpose such as a reserve, a playground, or for off street parking.
4. That the large trees bordering the subject land be replaced with native species typical of the area, as currently they are a liability to Council from a positioning and ecological perspective.

Given the grounds for the objections officers referred them back to Council's Transport Planning, Parks Sport and Recreation, and Policy and Planning business units. None of these units have supported the objections, or changed their positions in regards to support of the road stopping proposal. This has been communicated to the objectors, who have all chosen to continue.

Refer to Appendix 4 full details of the grounds of the written objections.

5.3 Next Steps

The next steps for considering 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, and the applicant wants to continue, 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 four 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.

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 once sold into private ownership the owners would pay 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 four objections being received.

b) Consultation with Maori

The internal business unit consultation included Treaty Relations who consulted with local iwi. Both iwi confirmed that they have no interest in the land.

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.

APPENDIX 1

APPENDIX 1



APPENDIX 1
APPENDIX 2



Subject land



Subject land from Cunliffe Street

**REGULATORY PROCESSES
COMMITTEE**
16 MAY 2012



REPORT 1
(1215/53/IM)

**ROAD STOPPING AND DISPOSAL - LEGAL ROAD
ADJOINING 3 CUNLIFFE STREET, JOHNSONVILLE**

1. Purpose of Report

The purpose of this report is to obtain agreement that approximately 411 m² of Council owned unformed legal road land adjoining 3 Cunliffe Street, Johnsonville, Wellington, is no longer required for Council's operational requirements. Also to authorise officers to proceed with the offer back investigations and eventual road stopping and sale.

Refer to Appendix 1 for an aerial plan with the area of unformed legal road land concerned shown coloured red.

2. Executive Summary

An application has been made to Council by the owners of 3 Cunliffe Street, Johnsonville to stop a portion of unformed legal road adjoining their property. The owners currently have use of the land under an encroachment licence. They want to secure ownership of the subject land to give them certainty of tenure providing options for future development.

The key question for Council is whether this area of land is surplus to requirements for a public work, and if so, whether it will support commencement of the road stopping procedures under the Local Government Act 1974 (LGA).

Internal business units and external service authorities have been consulted and all support the disposal, with minimal conditions requested to be imposed.

Immediate neighbours and the local residents association have been advised of this proposal, with no responses received to date. These parties will have an opportunity to comment on the proposal when full public consultation is carried out later in the process.

The area of unformed legal road land proposed to be stopped will be sold at current market valuation.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that approximately 411 m² (subject to survey) of unformed legal road land (Road Land) adjoining 3 Cunliffe Street, Johnsonville, is not required for a Public Work.*
 - (b) *Approve the disposal of the Road Land to the owners of 3 Cunliffe Street, Johnsonville.*
 - (c) *Authorise Council officers to commission a section 40 PWA report from suitably qualified consultants to identify whether the area of unformed legal road land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
 - (d) *Delegate to the Chief Executive Officer the power to either offer the Road Land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA (if appropriate).*
 - (e) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the Road Land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
 - (g) *Delegate to the Chief Executive Office the power to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the Road Land, either with the former owner, or their successor, or the owner of 3 Cunliffe Street, provided any such agreement is conditional upon the road being stopped.*

4. Background

Council has received a road stopping application to 'stop' unformed legal road adjoining 3 Cunliffe Street, from the owners of the property. The legal description of 3 Cunliffe Street is Lot 6 DP 22043 being held on Computer Freehold Register WN28D/543.

The total area of unformed legal road adjoining 3 Cunliffe Street proposed to be stopped is approximately 411 m² (subject to survey). The land is currently used

under an encroachment licence. The land contains lawn and garden bordered by large trees. The land is on the corner of Cunliffe Street and Ohariu Road.

5. Discussion

5.1 Consultation and Engagement

As part of the road stopping process service authorities, internal business units, and immediate neighbours are given an opportunity to provide comments. All internal business units gave their unconditional approval, with the exception of Road and Traffic Maintenance and Development Planning and Compliance.

Road and Traffic Maintenance require that:

- a legal road width of 18 metres be retained on Cunliffe Street, and 20 metres on Ohariu Road.
- a covenant should be imposed on the property to prevent vehicle access over a 2 metre long extension of their side boundary where 3 Cunliffe St adjoins 7 Cunliffe Street. This is to ensure that it does not compromise Council's ability to ever sell similar road frontage to 7 Cunliffe Street.

Development Planning and Compliance require that:

- The owners of the properties at 1 Peter Button Place, 10 and 26 Cunliffe Street be consulted as a front yard set back of approximately 1 metre would apply should the proposal be successful.

All relevant service authorities have given their consent.

The immediate neighbours and the local residents association have been advised of the proposal, no responses have been received to date. The consent of those neighbours that would have new front yard rule requirements imposed on them will be sought when full public consultation is carried out later in the process.

Officers are satisfied that the above requirements can be met, and that the area of unformed legal road adjoining 3 Cunliffe Street, Johnsonville can be stopped and sold to the owners.

5.2 Financial Considerations

In August 2011 new cost sharing incentives for road stoppings were approved by Council. The cost sharing incentives mean that some costs paid by applicant's in the past are now deducted. In this case the value of the land proposed to be sold will be more than \$15,000, so the deduction will be the lesser of actual costs; or an amount calculated as 15 percent of the land value plus \$500; up to a maximum deduction of \$12,500. The amount of the deduction will be determined at the end of the road stopping process when all of the costs are known.

5.3 Climate Change Impacts and Considerations

There are no climate change impacts.

5.4 Long-Term Plan Considerations

This proposed road stopping has no overall impact on the LTP.

5.5 Significance Policy/ Strategic Assets

Under Council's Significance Policy, the sale of this land would not be deemed significant.

6. Conclusion

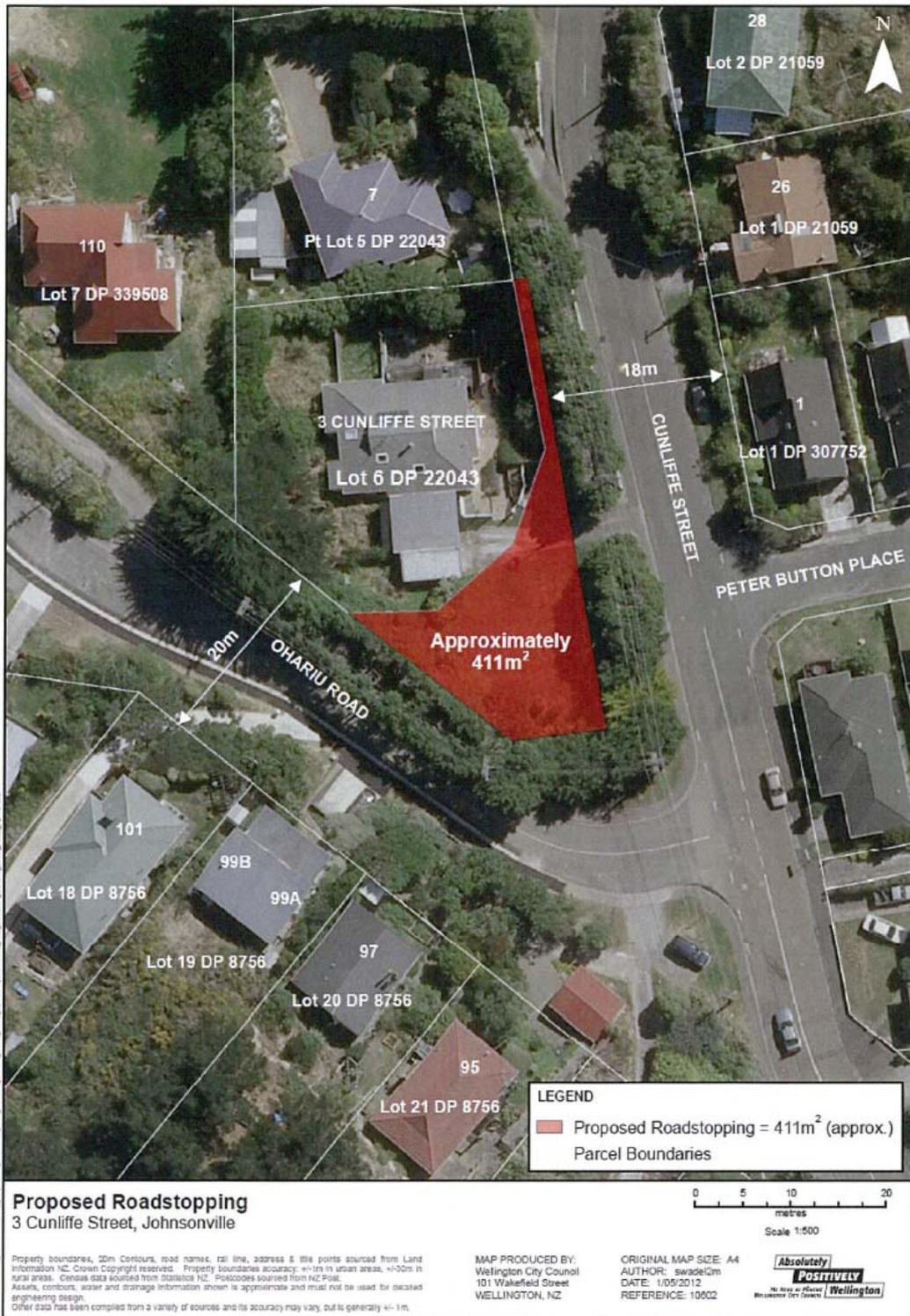
Officers believe that approximately 411 m² of unformed legal road adjoining 3 Cunliffe Street is no longer needed for Council's operational requirements and could be declared surplus, stopped and sold to the owners subject to the conditions contained in the report.

It is therefore recommended that the Regulatory Processes Committee recommends to Council that the land adjoining 3 Cunliffe Street, Johnsonville is declared surplus, and that officers can proceed to initiate the road stopping procedure, and eventual sale.

Contact Officer: *Paul Davidson, Property Advisor, Property Services*

Supporting Information
<p>1) Strategic Fit / Strategic Outcome <i>In line with the Council's financial principles, assets that are declared surplus to strategic or operational requirements are sold. The sale of legal road, where surplus to strategic requirements, is mandated under the Council's 2011 Road Encroachment and Sale Policy.</i></p>
<p>2) LTP/Annual Plan reference and long term financial impact <i>Provision for undertaking this work is contained within the overall organisational budget. There are no adverse financial implications imposed on the Council arising from this road stopping proposal. This proposal will benefit the Council in financial terms as the applicant will purchase the stopped road from the Council at market value, and will then pay rates on it in the future.</i></p>
<p>3) Treaty of Waitangi considerations <i>There are no Treaty of Waitangi implications.</i></p>
<p>4) Decision-Making <i>This is not a significant decision. This report sets out the Council's options under the relevant legislation and under the Council's 2011 Road Encroachment and Sale Policy.</i></p>
<p>5) Consultation a) General Consultation <i>Consultation with the relevant internal business units has been carried out as part of this application. Road and Traffic Maintenance, and Development Planning and Compliance have given their consent subject to certain conditions. Service Authorities have been consulted.</i> b) Consultation with Maori <i>Local IWI have been consulted with and have given unconditional consent.</i></p>
<p>6) Legal Implications <i>There are no significant legal implications arising from this matter. Compliance with the LGA and Section 40 PWA considerations will address relevant issues.</i></p>
<p>7) Consistency with existing policy <i>The recommendations of this report are consistent with WCC policy.</i></p>

APPENDIX 1



APPENDIX 2

WELLINGTON CITY COUNCIL
EXTRACT OF MINUTES
REGULATORY PROCESSES COMMITTEE
Meeting of Wednesday 18 September 2013

061/13RP **DECISION ON OBJECTION TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD ADJOINING 3 CUNLIFFE STREET, JOHNSONVILLE**
Report of Paul Davidson, Property Advisor, Property Services.
(1215/53/IM) (REPORT 2)

Moved Councillor Best, seconded Councillor Foster the substantive motion pro-forma.

Moved Councillor Best, seconded Councillor Foster the procedural motion that the Regulatory Processes Committee suspend standing order 3.12.1.

The procedural motion was put and declared CARRIED.

Moved Councillor Best, seconded Councillor Foster, the following amendment as a new recommendation 2.

THAT the Regulatory Processes Committee:

2. Request that officers provide further information to the Committee on what the terms of future development of the site could occur.

The amendment was put and declared CARRIED on the Chair's casting vote. Councillors Lester and Pepperell requested that their dissenting votes be recorded.

The substantive motion as amended was put and declared CARRIED on the Chair's casting vote. Councillors Lester and Pepperell requested that their dissenting votes be recorded.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Request that officers provide further information to the Committee on what the terms of future development of the site could occur.*

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold**.