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**REPORT 1**  
*(1215/53/IM)*

**BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE  
PROPOSED ROAD STOPPING AND DISPOSAL: LEGAL ROAD  
ADJOINING 62 WELD STREET, WADESTOWN**

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**1. Purpose of Report**

The purpose of this report is to provide the Regulatory Processes Committee (the Committee) with background information to three oral submissions relating to a road stopping application for land adjoining 62 Weld Street, Wadestown, that being part of a land exchange.

Two of the oral submissions will be in opposition to the proposal, while one will be in support.

**2. Executive Summary**

In December 2010 Council declared surplus and approved the sale of approximately 108m<sup>2</sup> of legal road land to the owners of 62 Weld Street, Wadestown, where it adjoins their property, and a related land exchange to legalise a small area of existing public footpath that was built on the applicant's land.

Refer to Appendix 1 for an aerial photograph showing the subject land outlined in red.

Public consultation on the proposed road stopping was undertaken during May and June 2011. Two written objections were received. These were from the Wadestown School's Road and Safety Committee (the school), and Mr Kieren Simon (Mr Simon). Both parties are taking the opportunity to present oral submissions to the Committee today, in support of their written objections.

The third oral submission in support of the road stopping proposal is being made by a representative of the applicant, as the applicant currently resides out of the country.

In terms of process, 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, and this will be completed for the Committee's next available meeting to enable a decision.

### **3. Recommendations**

Officers recommend that the Committee:

- 1. Receive the information.*
- 2. Thank the Wadestown School's Road and Safety Committee, Mr Simon, and the applicant's representative for their oral submissions and advise that the Committee will consider the matter and make a decision on whether to uphold their objections or not, at the next available meeting of the Regulatory Processes Committee.*

### **4. Background**

#### **4.1 Previous Committee Reports**

In June 2008 and December 2010 Council agreed to proceed with the road stopping application that has been made by the owners of 62 Weld Street.

The reason the matter had to be considered by the committee and full Council twice, is that after final survey the area of land proposed to be stopped was identified as being larger (approximately 108m<sup>2</sup>) than the approximately 61m<sup>2</sup> area that had been declared surplus previously.

A secondary issue is that the survey also identified that a small area (1.125 m<sup>2</sup>) of the public footpath was built on private land belonging to 62 Weld St. So while survey and legal costs were being incurred relating to the property, the opportunity was taken by Council to obtain agreement to also acquire this land.

Refer to Appendix 2 for copies of the 2008 and 2010 committee reports.

The area of road land proposed to be stopped has subsequently being confirmed by survey as being 106m<sup>2</sup>.

#### **4.2 Public consultation**

Consultation on the proposed road stopping was undertaken during May and June 2011. The consultation consisted of –

- letters sent to any immediately adjoining properties
- Letter sent to the local residents association
- public notices in the Dominion Post on 10 and 17 May 2011
- signage placed on site
- information made available on Council's website, Service Centre 101 Wakefield St, and the main library in Victoria St.

The resolutions of the December 2010 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.

### ***4.3 Objections received***

Two written objections were received during the road stopping consultation period. These were from the school and Mr Simon. The school adjoins the subject land, while Mr Simon does not own property in the area.

## **5. Discussion**

### ***5.1 Objection from the school.***

The key issue for the school is a concern that if the road stopping proposal is successful, and the stopped road land is amalgamated with the existing 62 Weld Street property, the increased size of that property will make subdivision more likely.

There are seven existing on street angled carpark in Weld Street immediately outside the school. Due to the narrowness of Weld Street, and parking restrictions these are the only carpark available for the public to use outside of the school grounds. The school is concerned about traffic safety and would like additional on street carpark created.

There is an area of road land along 62 Weld Street's boundary, this being a completely separate area to the road land that is currently proposed to be stopped on the Cecil Road side of the property, which could be developed into additional carparking. The school fear that if 62 Weld Street was ever subdivided, new driveways resulting from that would stop any chance of works to improve safety in Weld Street from happening in the future.

To clarify the safety issues a road safety audit was carried out by Council's Traffic Planning team in November 2011. The findings of that audit will be contained in the final report to be completed for the Committee's next available meeting.

Refer to Appendix 3 for copy of the school's written objection.

### ***5.2 Objection from Mr Simon***

The grounds for Mr Simon's objection is that he believes that the 106m<sup>2</sup> area of stopped road land could be made into a standalone lot for residential use. He has offered to pay in excess of \$61,500 for the land. \$61,500 was the amount which officers and the owners of 62 Weld Street agreed would be payment for the land to be stopped, before adjustment to allow for the small area of land that Council needs to legalise the footpath.

Refer to Appendix 4 for copy of Mr Simon's objection.

### ***5.3 Officer's meeting with Objectors***

Officers have met with representatives from the school, and with Mr Simon in attempts to resolve their concerns. However this has not been successful. As a result both have been advised that the Regulatory Processes Committee will

hear and consider their objection, and that if the Committee and full Council do not uphold it, and the objectors still wishes to pursue it, the matter would be referred to the Environment Court for a decision.

Officer comments and recommendations on the issues raised by the school and Mr Simon's written objections, taking into consideration any new points raised in their and the applicant's oral submissions, and the findings of a safety audit undertaken by Council's Transport Planning Unit in November 2011, will be presented to the Committee in a final report that will be prepared for the next available meeting.

#### **5.4 Next Steps**

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

- After the Committee hears the oral submissions, officers will finalise a report for the Committee's next available meeting.
- At its next meeting, the Committee will consider the submissions, and the final Committee report, and will make a recommendation to Council on whether or not to uphold the objections.
- If the Committee's decision is to uphold either objection, and the full Council agrees, then the road stopping application is effectively ended and the land will not be sold.
- If the decision reached is to not uphold (i.e. reject) the objections and to proceed with the road stopping process, and either of the objectors still wish to pursue their objection, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.

### **5. Conclusion**

This report provides background information for the Committee on the road stopping application and the oral submissions to be made by the Wadestown School and Mr Kieren Simon in objection to the road stopping.

A further report to the Regulatory Processes Committee's next meeting will be scheduled. That meeting will consider the objections and make a recommendation to Council on whether or not the objection is upheld or rejected.

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) LTCCP/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 applicant including all survey, administration and legal costs. 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.*

### **3) Treaty of Waitangi considerations**

*There are no Treaty of Waitangi implications.*

### **4) Decision-Making**

*This report is for the purposes of providing background only.*

### **5) 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.*

*Public consultation has been carried out with two objections received. The Committee is to hear the oral submissions, and make final decision at a separate meeting.*

### **6) Legal Implications**

*All legal implications relevant to this road stopping such as public consultation requirements and offer back investigations have been considered and are contained in this report.*

# APPENDIX 1

Aerial photograph

