



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

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## **BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD ADJOINING 84 – 90 BRACKEN ROAD, PAPARANGI**

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### **1. Purpose of report**

The purpose of this report is to provide the Committee with background information to two oral submissions opposing a road stopping proposal for land adjoining 101 – 109 Beazley Avenue, 84 – 90 Bracken Road and Newlands College.

The oral submissions will be made by Christine and Eric Miller the owners of 101, 107 and 109 Beazley Avenue, and Lynn and Patrick Smyth who own 97 Beazley Avenue.

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's next available meeting to make a decision on the objections and road stopping proposal.

Refer to Appendix 1 for an aerial photograph which shows the road land proposed to be stopped coloured red.

### **2. Executive summary**

On 28 April 2010 Council declared surplus approximately 1,443m<sup>2</sup> of road land (the Land) in Bracken Road. This proposal resulted from Council receiving a road stopping application from the owner of the adjoining 86 Bracken Road. At that time approximately 793m<sup>2</sup> of the Land was proposed to be sold to the owner of 86 Bracken Road with the balance to be marketed for sale by Council.

Since 2010 the owner of 86 Bracken Road subdivided their property into four separate lots, these now being 84 – 90 Bracken Road. These lots have been developed and sold, and the former owner withdrew their road stopping application. Officers are therefore progressing this matter on the basis that if the proposed road stopping is successful then the Land would be marketed for sale on the open market as two separate lots. This does not create any frontage issues for the adjoining 84 – 90 Bracken Road properties.

Public consultation on the proposed road stopping, including formal notification, was undertaken during April and May 2012. Two written objections were received. Both 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 Mr and Mrs Miller and Mr and Mrs Smyth for their oral submissions and advise that it will consider the matter and make a decision on whether or not to uphold either objection, at its next available meeting of the Regulatory Processes Committee.*

### **4. Background**

#### **4.1 Road stopping consultation**

The Regulatory Processes Committee meeting of 14 April 2010, and the Council meeting of 28 April 2010 agreed to proceed with the road stopping application made by the owners of 86 Bracken Road. Refer to Appendix 2 for a copy of the 2010 committee report.

Consultation on the proposed road stopping was undertaken during April and May 2012. Letters were sent to 21 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 17 and 24 April 2012, and signage was placed on site. Information was also made available on Council's website, the main library and service centre, 101 Wakefield Street.

The resolutions of the 28 April 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.

#### **4.2 Objections received**

Two written objections were received from the public consultation. These were from Mr and Mrs Miller whose properties at 101, 107 and 109 Beazley Avenue directly adjoin the Land. The other objectors are Mr and Mrs Smyth who own 97 Beazley Avenue which is situated nearby.

The details of both objections are outlined and discussed in more detail in section 5. Discussion below.

### **5. Discussion**

#### **5.1 Grounds for objections**

##### **Objection from Mr and Mrs Miller**

The grounds for Mr and Mrs Miller's objection are:

1. The underground springs / surface water from the Land is not being managed and is adversely affecting our adjoining property. There are 2 springs and 1 spring has no field drain. Building on the Land will disturb the springs.

2. There will be negative traffic effects from vehicles turning into the Land at high peak times with school traffic.
3. Services in the area have not been upgraded since the original subdivision and will be overloaded if the Land is developed. The Land has been built up so high that it now slopes towards 107 Beazley Avenue causing overflow of water to run into the storm water sump in 107 Beazley Avenue's driveway. Extra dwellings will put pressure on this sump so who will be responsible for any damage?
4. Impact on our adjoining property if houses are built on the Land are 2 or 3 stories high.
5. The sunlight access plane and yard effects on our property because part of one of our legal front boundaries would become a front boundary.
6. Concerns over building on the Land as it is now partly backfilled.

Officers met with Mr and Mrs Miller on 11 June 2012 in an attempt to resolve their concerns. Refer to Appendix 3 for copy of the letter dated 29 June 2012 which summarised the objection grounds and officer's responses. Mr and Mrs Miller have chosen not to withdraw.

Refer to Appendix 4 for six photos that Mr and Mrs Miller wanted presented to the Committee with their objection.

Refer to Appendix 5 for a plan of the area showing the Land outlined green, the new subsoil drain coloured red, and the new storm water main that runs through the Land coloured blue.

#### ***Objection from Mr and Mrs Smyth***

1. Bracken Road is the only road access to both Newlands College and Newlands Intermediate, and in addition provides access to Newlands Road and Ngauranga Gorge for Paparangi, Granada Village, the Mark Ave extension development and Churton Park residents who wish to avoid Johnsonville Road. We noted that traffic congestion associated with the schools on Bracken Road has increased since our last objection. Wet mornings result in traffic queues backed as far as the bus stop in front of 91 Beazley Ave as traffic negotiates cars and buses parked on both sides of the Bracken Road alongside the College and Intermediate, while Saturday morning winter sport sees cars increasingly further down Beazley Ave and Bracken Road and taking up all of Kahikatea Grove and Ring Lane.

As housing development in the area continues and school rolls consequently increase the situation at this bottleneck will become even more pressured.

We note that only two new houses will be built on the stopped land but disagree that these properties will not adversely affect the parking problems and congestion in the area. While the shared driveway meets the design criteria to serve six properties, in reality the Council cannot have foreknowledge of the actual parking needs of the future occupiers of those

six properties. Today it is commonplace to take work vehicles home or own a business that relies on vehicles kept at the owner's residence. One house in Bracken Road is used as a mosque, while we have neighbours who run a taxi business.

We accept that easing congestion by creating a carpark on the land contravenes Council policy not to provide off street parking for public use. However on balance, it seems unnecessary to potentially add to traffic congestion outside two schools for the sake of building two houses when large residential developments are already progressing in the area.

Officers met with Mr and Mrs Smyth on 13 June 2012 in an attempt to resolve their concerns. Refer to Appendix 6 for copy of the letter dated 29 June 2012 which summarised the objection grounds and officer's responses. Mr and Mrs Smyth initially had several concerns which have all been allayed with the exception of traffic congestion.

Both objectors have chosen not to withdraw their objections and now want to take the opportunity to present an oral submission to the Committee. Officer comments and recommendations on the issues raised by both objectors, taking into consideration any new points that may be raised in their oral submissions, will be presented to the Committee in a final report to be prepared for its next available meeting.

### **5.2 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.
- 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 either 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 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.

## **6. Conclusion**

This report provides background information for the Committee on the road stopping proposal and the oral submissions to be made by Mr and Mrs Miller and Mr and Mrs Smyth in support of their objections.

After the oral submissions a final report will be prepared for the Regulatory Processes Committee to make a recommendation to Council on whether either objection should be 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) 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 two new lots will be created, sold at market value, 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 two objections received.*

#### b) Consultation with Maori

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