

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.