

Notice of Meeting:

I hereby give notice that an ordinary meeting of the Customer & Regulatory Services Committee will be held on:

Date: Tuesday 7 March 2023
Time: 2.30 pm
Venue: Council Chamber, Dunedin Public Art Gallery, The Octagon,
Dunedin

Sandy Graham
Chief Executive Officer

Customer & Regulatory Committee
PUBLIC AGENDA

MEMBERSHIP

Chairperson	Cr Carmen Houlahan	
Deputy Chairperson	Cr Andrew Whiley	
Members	Cr Bill Acklin	Cr Sophie Barker
	Cr David Benson-Pope	Cr Christine Garey
	Cr Kevin Gilbert	Cr Marie Laufiso
	Cr Cherry Lucas	Cr Mandy Mayhem
	Cr Jim O'Malley	Mayor Jules Radich
	Cr Lee Vandervis	Cr Steve Walker
	Cr Brent Weatherall	
Senior Officer	Claire Austin, General Manager Customer and Regulatory	
Governance Support Officer	Jennifer Lapham	

Jennifer Lapham
Governance Support Officer

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***Note:** Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.*

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8	Karakia Whakamutunga The meeting will close with a Karakia Whakamutunga.	

1 OPENING

The meeting will be opened with a karakia timatanga.

2 PUBLIC FORUM

At the close of the agenda no requests for public forum had been received.

3 APOLOGIES

At the close of the agenda no apologies had been received.

DECLARATION OF INTEREST

EXECUTIVE SUMMARY

1. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.
2. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.

RECOMMENDATIONS

That the Committee:

- a) **Notes/Amends** if necessary the Interest Register attached as Attachment A; and
- b) **Confirms/Amends** the proposed management plan for Elected Members' Interests.

Attachments

	Title	Page
↓A	Register of Interest	6

PART A REPORTS

CUSTOMER AND REGULATORY COMMITTEE FORWARD WORK PROGRAMME - MARCH 2023

Department: Civic

EXECUTIVE SUMMARY

- 1 The purpose of this report is to provide a regular update of the Customer and Regulatory Committee forward work programme to show areas of activity, progress and expected timeframes for decision making across a range of areas of work. (Attachment A).
- 2 As this is an administrative report only, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Committee:

- a) **Notes** the Customer and Regulatory Committee forward work programme as shown in Attachment A.

DISCUSSION

- 3 The forward work programme will be a regular agenda item which shows areas of activity, progress and expected timeframes for decision making across a range of areas of work.
- 4 As an update report, purple highlights show changes to timeframes. New Items added to the schedule will be highlighted in yellow. Items that have been completed or updated are shown as bold.

Signatories

Author:	Jenny Lapham - Governance Support Officer
Authoriser:	Claire Austin - General Manager Customer and Regulatory

Attachments

	Title	Page
↓A	Forward Work Programme	17

PROPOSED ROAD STOPPING: NAPIER STREET

Department: Transport

EXECUTIVE SUMMARY

- 1 The owners of 5 Napier Street Dunedin have applied to have a section of legal road adjoining their property stopped and amalgamated with their adjoining property.
- 2 This report seeks a resolution of the Committee to publicly notify the Council's intention to stop the road, under section 342 and Schedule 10 of the Local Government Act 1974.

RECOMMENDATIONS

That the Committee:

- a) **Approves** public notification of the Council's intention to stop a portion of legal road adjacent to 5 Napier Street Dunedin subject to the applicant agreeing to:
 - i) Paying the Council the non refundable fee for processing the road stopping.
 - ii) Paying the Council the actual costs incurred for the road stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.
 - iii) Amalgamating the stopped portion of road with the titles of the adjacent land that is owned by the applicant, being the land contained within Records of Title OT285/227.
 - iv) Accepting the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.
 - v) Registering any easements over the stopped portion of road in favour of utility companies.

BACKGROUND

- 3 The owners of 5 Napier Street have identified an area of legal road fronting their property which they wish to own to better utilise this land. They have been occupying and maintaining this area under a 'Licence to Occupy' for several years.

DISCUSSION

- 4 The proposed road stopping is a portion of Napier Street it is legal road and is sloped berm. The area is shown in the aerial photograph below.



- 5 This portion of road fronts 5 Napier Street and is formed as a slope below the footpath. It is approximately 23m long and 5m wide and has an area of approximately 120m².
- 6 The unformed road is crossed by a privately formed driveway and the property owners have fenced-off a portion. This current use is regularised by a Licence to Occupy.
- 7 This portion of proposed road stopping is consistent with a previous road stopping nearby at 11 Napier Street which was the subject of a previous road stopping in 2005, and as such, forms a consistent boundary.
- 8 The road is classified as a Local Road under the 2GP and carries 1020 vehicles per day on an annual average basis. The proposed legal width would be approximately 15.5m (subject to survey) which is slightly less than the 16m width required under the Dunedin Code of Subdivision. However, this is considered acceptable in this location as there is no anticipated need for the land for road. Also, the nearby narrower portion of road effectively sets the width.
- 9 There is no known public use of the area of road in question for access to any property except to the applicant's land.
- 10 For these reasons the road is not required for current or future transportation needs.
- 11 Preliminary consultation has been conducted with adjacent property owners, Utility Operators, and relevant Council departments. This has not raised any likely objections.

- 12 Aurora has identified the possible need for an easement to protect the service lead to a neighbouring property and this will be confirmed when the survey work is undertaken.
- 13 The aerial photograph below indicates the proposed stopped road.



- 14 If the recommendation in this report is approved:
- The applicant will be invoiced the non refundable road stopping fee and will be required to sign a conditional sale and purchase agreement.
 - In accordance with Schedule 10 of the Local Government Act 1974 staff will:
 - i) procure a survey and valuation of the land; and
 - ii) publicly notify the proposed road stopping for a period of 40 days.
 - A further report will be prepared for the Committee advising on the outcome of the public notification process and recommending whether the road stopping should proceed.
 - If the road stopping is concluded successfully the land will be transferred to and amalgamated with the applicants' land. Applicable adjustments to the applicants' rates accounts will be made from the start of the financial year following the issue of the new amalgamated titles.
 - Paying the Council the actual costs incurred for the road stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.

OPTIONS

Option One – Proceed with road stopping process

15 As there appears to be no impediments to the proposal, the Committee may proceed to publicly notify the proposed road stopping.

Advantages

- The proposal enables the applicant to own the adjoining area of unformed legal road, which improves land utilisation and increases the area of rateable land.
- The extent of public interest in the land will be considered during the public notification process.

Disadvantages

- The land would be unavailable for any potential future public use or as a utility corridor, other than for those utilities whose existing assets will be protected by easements or by landowner permission.

Option Two – Status Quo

16 The Committee resolves not to proceed to publicly notify the intention to stop the road.

Advantages

- The land would retain its legal road status and remain available for potential future public or utility use if required.

Disadvantages

- The land would retain its legal road status but would remain unformed unless required for a road purpose. Land utilisation would be restricted, and the land would remain non-rateable.

NEXT STEPS

17 If the recommendation is approved, the applicant will be required to pay the road stopping processing fee and enter into conditional sale and purchase agreements. Staff will manage valuation and survey work and will publicly notify the proposal before reporting back to the Committee.

Signatories

Author:	Michael Tannock - Transport Network Team Leader
Authoriser:	Jeanine Benson - Group Manager Transport Simon Drew - General Manager Infrastructure and Development

Attachments

There are no attachments for this report.

SUMMARY OF CONSIDERATIONS

Fit with purpose of Local Government

This proposal relates to providing a regulatory function and it is considered good-quality and cost-effective.

Fit with strategic framework

	Contributes	Detracts	Not applicable
Social Wellbeing Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Economic Development Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Arts and Culture Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Waters Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Spatial Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is no contribution specifically relating to the strategic framework. However as per paragraph 3, the application seeks to efficiently use land which will contribute to economic development.

Māori Impact Statement

There are no known impacts for tangata whenua.

Sustainability

Proactive management of the transportation network supports social and economic sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications.

Financial considerations

There are no financial impacts as the process is cost neutral and proceeds of sale are expected to be reasonably modest in this case.

Significance

This decision is considered of low significance under Council’s Significance and Engagement Policy.

Engagement – external

Initial consultation has been undertaken with Chorus NZ, Vodafone NZ, 2degrees Mobile, Aurora Energy Limited, Vocus Communications (FX Networks), Genesis Energy (gas) and adjacent landowners. No objections have been received at this time and only Aurora has identified any requirements.

Engagement - internal

Transport, Parks, Regulatory Services, City Development, Property, and 3 Waters have been consulted.

Risks: Legal / Health and Safety etc.

There are no known significant risks.

SUMMARY OF CONSIDERATIONS

Conflict of Interest

There is no known conflict/s of interest.

Community Boards

This is not in a Community Board area.

PROPOSED ROAD STOPPING: WHITES ROAD, SEACLIFF

Department: Transport

EXECUTIVE SUMMARY

- 1 The owner of 61 Whites Road, Seacliff, has applied to have a section of unformed legal road within their property, stopped
- 2 This report seeks a resolution of the Committee to publicly notify the Council's intention to stop the road, under section 342 and Schedule 10 of the Local Government Act 1974.

RECOMMENDATIONS

That the Committee:

- a) **Approves** public notification of the Council's intention to stop a portion of legal road at 61 Whites Road, Seacliff, subject to the applicant agreeing to:
 - i) Paying the Council the non refundable fee for processing the road stopping.
 - ii) Paying the Council the actual costs incurred for the stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.
 - iii) Amalgamating the stopped portion of road with the titles of the adjacent land that is owned by the applicant, being the land contained within Record of Title OT263/276.
 - iv) Accepting the application of the standards contained within the Dunedin City Council Code for Subdivision and Development to the stopped road.
 - v) Registering any easements over the stopped portion of road in favour of utility companies (if required by the utility company).

BACKGROUND

- 3 The owner of 61 Whites Road, Evansdale has identified an area of unformed legal road which is enclosed on three sides by their property which they wish to own to better utilise their land.

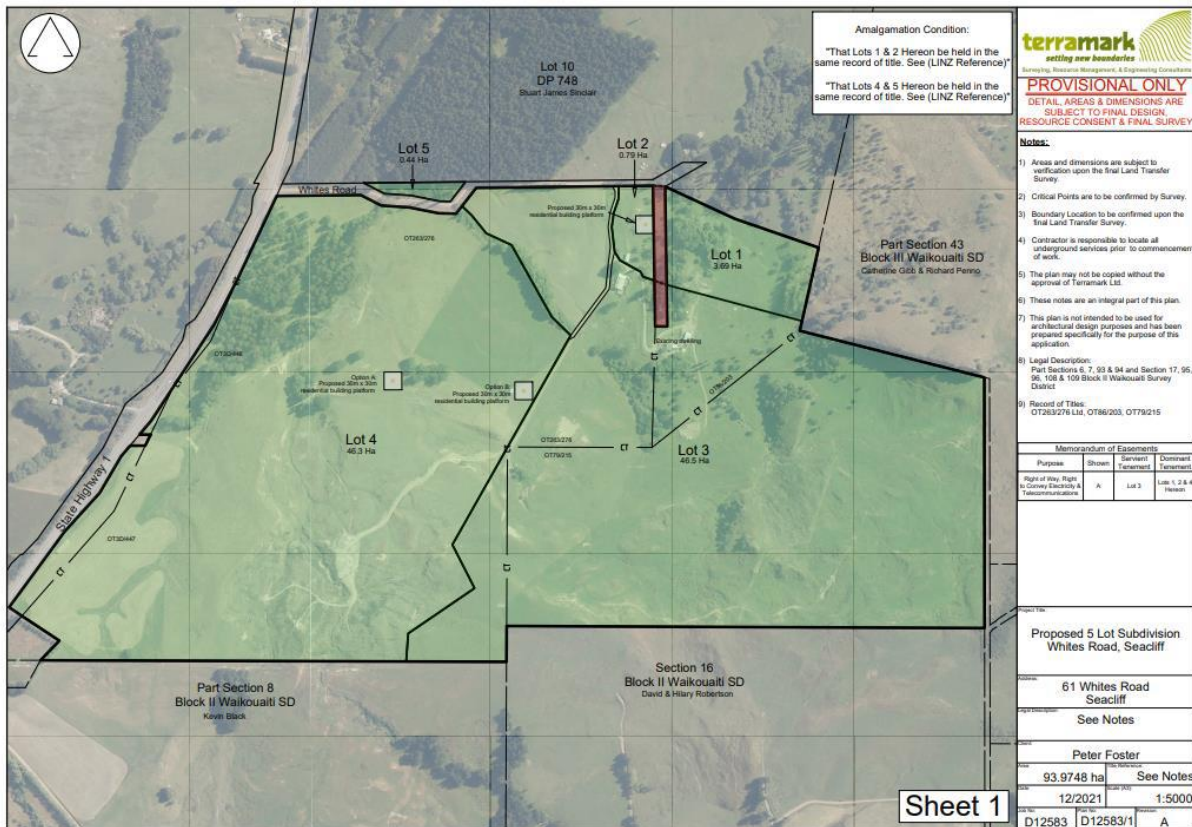
DISCUSSION

- 4 The proposed road stopping is an unformed portion of road, shown in the aerial photographs below.



- 5 Whites Road itself is a formed metalled road which is maintained by DCC and extends from State Highway 1 for a distance of approximately 617m. This formed road does not connect with any other roads. The average annual daily traffic on this road is estimated to be 20 vehicles.
- 6 The road which is proposed to be stopped is unformed and runs from a point beyond the end of the formed Whites Road. It runs along a hillside which is steep and boggy in part, for a distance of about 230m. It is approximately 20m wide and has an area of approximately 4622m².

- 7 The unformed road proposed to be stopped does not connect to any other roads and is surrounded on three sides by the applicant’s land.
- 8 The applicant has been granted resource consent to subdivide their property. The scheme plan for the subdivision is copied below:



- 9 There is no known public use of the road in question.
- 10 For these reasons the road is not required for current or future transportation needs.
- 11 The applicant has stated in their application that that there are no utilities affected and has not contacted adjacent property owners as there are none that front to the unformed road in question. The Waikouaiti Coast Community Board have been informed of the proposed road stopping.
- 12 As the land is zoned rural, the proposed road stopping will require Minister of Lands Consent.
- 13 If the recommendation in this report is approved:
 - The applicant will be invoiced the non refundable road stopping fee and will be required to sign a conditional sale and purchase agreement.
 - In accordance with Schedule 10 of the Local Government Act 1974 staff will:
 - i) procure a survey and valuation of the land; and
 - ii) publicly notify the proposed road stopping for a period of 40 days.

- A further report will be prepared for the Committee advising on the outcome of the public notification process and recommending whether the road stopping should proceed.
- If the road stopping is concluded successfully, the land will be transferred to, and amalgamated with, each of the applicant's adjoining land. Applicable adjustments to the applicants' rates accounts will be made from the start of the financial year following the issue of the new amalgamated titles.
- Paying the Council the actual costs incurred for the stopping, regardless of whether or not the stopping reaches a conclusion, and the market value of the stopped road, assessed by the Council's valuer.

OPTIONS

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Advantages

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- The extent of public interest in the land will be considered during the public notification process.

Disadvantages

- The land would be unavailable for any potential future public use or as a utility corridor, other than for those utilities whose existing assets will be protected by easements or by landowner permission.

Option Two – Status Quo

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Signatories

Author:	Michael Tannock - Transport Network Team Leader
Authoriser:	Jeanine Benson - Group Manager Transport Simon Drew - General Manager Infrastructure and Development

Attachments

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SUMMARY OF CONSIDERATIONS

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Environment Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Integrated Transport Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other strategic projects/policies/plans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There is no contribution specifically relating to the strategic framework. However as per paragraph 3, the application seeks to efficiently use land which will contribute to economic development.

Māori Impact Statement

There are no known impacts for tangata whenua.

Sustainability

Proactive management of the transportation network supports social and economic sustainability.

LTP/Annual Plan / Financial Strategy /Infrastructure Strategy

There are no implications.

Financial considerations

There are no financial impacts as the process is cost neutral and proceeds of sale are expected to be reasonably modest in this case.

Significance

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Engagement – external

Initial consultation has been undertaken with Chorus NZ, Vodafone NZ, 2degrees Mobile, Aurora Energy Limited, Vocus Communications (FX Networks), Genesis Energy (gas) and adjacent landowners. No objections have been received at this time.

Engagement - internal

Transport, Parks, Regulatory Services, City Development, Property, and 3 Waters have been consulted.

Risks: Legal / Health and Safety etc.

No known significant risks.

SUMMARY OF CONSIDERATIONS

Conflict of Interest

There is no conflict of interest.

Community Boards

The Waikouaiti Coast Community Board has been informed.