

STAFF REPORT

TO: Councillors

FROM: Manager Property

DATE: 18 January 2005

SUBJECT: Proposal to Stop Pattie Street, Port Motueka

PURPOSE

To consider an objection to the proposal to stop Pattie Street, Port Motueka and amalgamate it with adjoining land.

BACKGROUND

On 17 February 2004 the Council and Talleys Fisheries Limited signed an agreement which provided that the Council would give notice to stop Pattie Street, Port Motueka. If the road stopping notification was successful, Pattie Street would be stopped and sold to Talleys as an adjoining property owner and Talleys in turn would construct and form the extension of Massey Street through to Everett Street. The parties agreed that the Council would contribute towards the cost of the formation of the Massey Street extension at an amount equal to the value paid by Talleys for the purchase of Pattie Street provided that this did not exceed the cost of the construction work.

Official notice of the proposal to stop Pattie Street was given pursuant to Section 319, 342 and the 10th Schedule of the Local Government Act 1974 on 16 October 2004. Objections closed on 26 November 2004. One objection was received from Mr Peter Canton. A copy of the public notice and Mr Canton's objection are attached to this report.

COMMENT

During the last 12 months letters have been exchanged and discussions held with Mr Canton in an attempt to see if his objection could be satisfied and withdrawn. Because of the time which has elapsed, the objection has now been put to this Committee. The Committee is required to hear Mr Canton's objection. Mr Canton has been invited to attend the meeting to speak to his objection. After having heard the objection the Committee may either uphold the objection in which case the road stopping proposal will go no further at this time, or resolve to refer the objection to the Environment Court for determination. These are the only two options available to the Committee.

The Council also received submissions in favour of the proposal but the legislation only provides for the hearing of objections which is the purpose of this report.

The Council is required to consider the objection with a free and open mind.

OPTIONS

As previously mentioned, Council has two options which are set out below as recommendations.

“That the objection of Peter Canton dated 25 November 2004 to the proposal to stop Pattie Street, Port Motueka be upheld;”

or

“That the objection of Peter Canton dated 25 November 2004 to the proposal to stop Pattie Street, Port Motueka be referred to the Environment Court for determination.”

J K Frater
Manager Property

<http://tdctoday:82/shared documents/meetings/council/full council/reports/2006/rcn060126 report proposal to stop pattie street.doc>