

Sabatier Family Trust
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20 March 2017

Mr Veer Khar
Team Leader Development Engineering
Auckland Council

Dear Mr Khar,

Objections to Notice of Intention to construct a drain on private land Local Government Act Section 460 – Right of Entry Consent 1 Takanini School Road, Takanini

On behalf of the Sabatier Family Trust, I object to the Notice of Intention to construct a drain on my land at 1 Takanini School Road, Auckland on numerous grounds. Amongst those grounds are the following:

1. Council mismanagement

Council and its team of engineers should never have allowed the Addison development to proceed to this point. Council allowed Addison ("ADL") to design and build a subdivision and infrastructure on their land around the Trust's property, both parties having already identified the strategic importance of the Trust's property very early in the development. Council have enabled ADL to put the onus on Council to make the Trust's property the solution and force entry to the land owned by the Trust, allowing Addison not to negotiate in good faith for any land swap/boundary adjustment or give them any incentive to purchase the land. I was a willing participant in many negotiations over the years, but the value put on the land and the conditions imposed by ADL were never reasonable. The drain is for the sole benefit of Addison and other parties and confers no benefit on the Trust.

2. ADL Good Faith

ADL have never in my view taken reasonable positions in endeavouring to resolve access to deal with their requirements for drainage. I object to the fact that they are now using Auckland Council in an endeavour to achieve their objectives.

3. Lack of information concerning other options

There has been and is a lack of information provided to me in order for the Trust to make an informed decision. ADL have stated that they have done extensive designs for the Trust land but refuse to supply them to me or the Council. I object and have already requested that all relevant information regarding other options is provided before full consideration can be given to the notice.

4. Failure to pursue other options

Many other options exist than the one proposed (piped, split, purchase of the property by interested parties individually or collectively). One solution is described in the term sheet (23rd of September 2016) as a split drain consisting of a pipe drain on ADL's boundary for their flow and a swale on the Trust's boundary. This piped option was approved by Council and engineers despite Council advising me that a piped solution is not an option for them. The Council Notice has the proposed swale as being exceptionally wide on the Trust's land but as soon as it reaches ADL's sections it becomes a concrete channel and then widens again once it has passed ADL's boundary and is back on my land. It is a two part drainage option, a narrow expensive part on Addison land to protect Addison from any significant loss of profitable land and a cheap wider option on the Trust's land benefiting Addison but costing me significant valuable usable land. I object to the proposal as being unnecessary, deleterious to the Trust's land, and wholly slanted in favour of ADL.

5. Environmental impact

The proposed short concrete channel on ADL's boundary is not a good solution for floods or significant rainfall events as there is the possibility of a bottle neck of the flow. This contravenes Council policies which state:

“a condition of resource consent requires that the ground contour shall not be changed in any way that would impede surface flow of stormwater within the overland flow path”

“any proposed development within the flood plain should be modelled and assessed to ensure that there are no flood water displacement effects which effect neighbouring properties or have adverse downstream effects.”

This ground of objection is based on the fact that the efficacy and safety of the proposal has not been clarified and requires further investigation.

6. Negative/unfair impact on the Trust's property

ADL is using Council and its legal powers to attempt to bully me and the Trust into accepting an unfair solution due to significant mismanagement by all parties over many years. A wide swale on the Trust's land will dramatically reduce the size of sections between the railway and the designated road and even possibly remove 30 or more potential sections and devalue my property accordingly. I am in the process of negotiating with a potential buyer and it is apparent having made full disclosure that the large number of sections likely to be lost may jeopardise a sale.

7. Awaiting information

On the 7th of March I submitted a request to Council under the Official Information Act and I am still awaiting a reply. Until full disclosure of relevant information is made this matter cannot progress further nor should any hearing date be allocated until full disclosure has been completed.

Regards,

Jean Marie Sabatier

Trustee

Sabatier Family Trust