

**Re an application by Whangarei District Council 5/11/02, Chief Judge Allin, EnvC
Auckland A210/02**

Unsuccessful application for costs sought by Council against M and J Gunson - unsuccessful objection to stopping 200 m² of unformed road at 199 Whau Valley Road - reason for road stopping was to legalise steps and part of a garage, which encroached onto the paper road - Gunsons owned property on the other side of the paper road - jurisdictional issues in relation to the processing of the application - whether stopping would prejudice the future development of Gunsons' land (see Decision A148/01) - Council contended that Gunsons had not provided probative evidence to advance their arguments and it was put to unnecessary expense in refuting the Gunsons' claims.

Held, the expense had been justified in satisfying the Gunsons that the stopping would not interfere unduly with the potential use of their land - also necessary to determine the jurisdictional issue in the substantive decision because Council had not complied strictly with the notice requirements of the LGA- award of costs against the Gunsons not warranted - application declined.