

Appendix 4

Objections and officers' responses

1. Objection from Mr and Mrs Parish

21 Seatoun Heights Road
Seatoun
Wellington 6022

Rosalind Luxford
Property Services
Wellington City Council
P.O. Box 2199



16 July 2012

Dear Ms Luxford,

I am writing in an objection regarding the land adjacent to 30a Seatoun Heights Road (Lot 1 DP 82974).

The land needs to stay as a green area rather than sell it to the owners of 30a Seatoun Heights Road who may wish to build upon it e.g. garages/town-house.

Unfortunately extensions and alterations (carried out 2011 to July 2012) to 30 Seatoun Heights Road has obstructed sunlight from our dwelling as well as from 23 Seatoun Heights Road. We would not like any more sunlight to obstruct our house if buildings were to be built on the 77 sq m, section 1, SO 452 748.

Thankyou for your notification about this sale of land.

Yours faithfully

Valerie and Graham Parish.

VG Parish
GR Parish

Response from officers to Mr and Mrs Parish's objection

COPY

17 August 2012

File ref: 0480-48-SEA-30A

Mr and Mrs Parish
21 Seatoun Heights Road
Seatoun
Wellington 6022

Dear Valerie and Graham

Proposed road stopping at 30A Seatoun Heights Road, Seatoun

Thank you again for your submission regarding the above proposal to stop road adjacent to 30A Seatoun Heights Road (the "Proposal"). This letter confirms the grounds of your objection, sets out responses to these by Council's officers and outlines the next steps in the road stopping process.

Your submission raised the following specific grounds of objection to the Proposal:

1. The plants on the subject land provide a visual amenity value for local residents.
2. The sale of the subject land may enable the owners of 30A Seatoun Heights Road to develop on this land, obstructing sunlight planes to your house.

Please find below Council's officers' responses to the issues you raised:

1. Visual amenity value of the plants on the subject land

Parks and Gardens advises that it is comfortable with the level of vegetation removal that might occur as a result of the road stopping as the vegetation – which is not formally maintained by the Council – is of mixed type and quality and is not particularly old or established. The cabbage tree will be retained as will some of the vegetation along the lower slope above the footpath, continuing to provide some level of visual amenity at the road side. I also understand from speaking to the applicants that they are considering hedging the boundary, rather than erecting a fence, which may alleviate any sense of lost green space.

2. Possible adverse impact on your property if the subject land is developed

Development Planning and Compliance has advised that the amalgamation of the subject land with the property at 30A Seatoun Heights Road may facilitate development on this land. The future use of the land is, however, governed by the District Plan, which takes into account the possible impact on neighbouring properties, including effects on views, privacy and sunlight planes.

I trust your concerns have been addressed by the comments from the relevant Council Business Units above. However, should you wish to meet with me or discuss any of the above comments in more detail, please feel free to contact me to arrange a meeting time.

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Should you wish to maintain your objection to the road stopping despite the views expressed by Council officers set out above, then the process from here is as follows:

- (i) Your objection would be referred back to Council's Regulatory Processes Committee and full Council for a decision on whether to uphold it or not.
- (ii) You would have the opportunity to make an oral submission to the Regulatory Processes Committee in support of your objection. The time allowed per oral submission is usually 10 minutes including questions.
- (iii) I would prepare a committee report on the road stopping proposal and your objection for the Regulatory Processes Committee and full Council to consider. This would be finalised after any oral submission (if required).
- (iv) If the Council does not uphold your objection, and you still wished to maintain your objection, then this matter would be referred to the Environment Court. If the matter did progress to this stage, then you are encouraged to obtain legal advice before deciding whether to continue or to withdraw your objection to ensure that you are making an informed decision.

Please would you confirm by **31 August 2012** whether you wish to withdraw your objection or to have it presented to the Regulatory Processes Committee for consideration (in which case, please also confirm whether you would like to make an oral presentation to the Committee). If you have any questions about the process, please do not hesitate to contact me.

Yours sincerely



Rosalind Luxford

Property Advisor – Property Services

Ph: (04) 803 8086

Fax: (04) 801 3002

Email: rosalind.luxford@wcc.govt.nz

2. Objection from Luigi Muollo

Wellington City Council
Property Services
PO Box 2199
Wellington



3 Stormanstown Way
Seatoun
Wellington

Attention: Rosalind Luxford

18 July 2012

Dear Ms Luxford

I write as the owner and resident of 3 Stormanstown Way, Seatoun, to express my deep concern at the proposed sale of Section 1, SO 452748 (being 77 m² more or less) (*the land*) by the Wellington City Council to the owner of 30A Seatoun Heights Road, Seatoun.

Please note that whilst the land may adjoin 30A Seatoun Heights Road, it is in fact physically located on the Stormanstown Way side of that property and the land currently provides a number of benefits to the residents of Stormanstown Way and the public in general.

I wish to object to the proposed sale of the land for the following reasons:

1. As parents of three very young children living in Stormanstown Way my wife and I have frequently noted that the footpath next to the land is not wide enough to accommodate a pram, we need to use this section of the footpath to access our home from Seatoun Heights Road and you can no doubt imagine the problems this causes with 3 children under five. As Stormanstown Way is very narrow this poses a safety risk not only for my wife and young family but also for other residents and members of the public. Whilst I appreciate that the widening of the footpath may not be a high priority for the Council, we would be very concerned to see the ability to easily widen the footpath in this area lost as a result of the proposed sale continuing.
2. As mentioned above, Stormanstown Way is very narrow. Any vehicle(s) parked at kerbside make driving through the area difficult and potentially a safety risk for both vehicles and pedestrians. We request that the Council review its position and retain the land for future road and / or footpath widening at an appropriate time.
3. The land provides visual amenity. If the owners of 30A Seatoun Heights Road were to put up a fence, as would be their right as owners, then this amenity will be lost to the public.

4. Further, such a fence would significantly restrict visibility on a corner in what is already a narrow and dangerous piece of road.

In conclusion we submit that the sale of this land to any private individual would severely restrict the Council's future ability to improve the safety of both road and footpaths in Stormanstown Way and would likely cause the loss of a visual amenity which also serves as an important part of traffic safety in Stormanstown Way. We respectfully suggest that the on-going benefits to the public provided by the land remaining in Council ownership significantly outweigh the minor and short-term financial gain, which would accrue from the sale of the land.

On behalf of my wife, our children and the residents of Wellington I urge you please do not sell the land.

Yours sincerely



Luigi Muollo

Officers' response to Luigi Muollo's objection

17 August 2012

File ref: 0480-48-SEA-30A

Luigi Muollo
3 Stormanstown Way
Seatoun
Wellington 6022

Dear Mr Muollo

Proposed road stopping at 30A Seatoun Heights Road, Seatoun

Thank you for your submission regarding the above proposal to stop road adjacent to 30A Seatoun Heights Road (the "Proposal") and for attending a meeting with me, Nicole Mistal (a Consent Planner in our Development Planning Team) and Vehicle Access Engineer, Trish Wood. This letter confirms the grounds of your objection, sets out responses to these by Council's officers and outlines the next steps in the road stopping process.

Your submission raised the following specific grounds of objection to the Proposal:

1. The footpath adjacent to the subject land (parallel to the eastern boundary of 30A Seatoun Heights Road) is narrow and should be widened, which may not be possible if the subject land is sold.
2. The land may be required for future road use.
3. The plants on the subject land provide a visual amenity value for local residents.
4. If a fence is erected on the proposed new boundary between 30A Seatoun Heights Road and the road, it would significantly restrict visibility when exiting Stormanstown Way.

Please find below Council officers' response to the issues you raised:

1. Width of footpath adjacent to the subject land

Roading and Traffic advises sufficient roadside road reserve land will remain adjacent to the footpath on the western side of Seatoun Heights Road between its intersection with Townsend Road and Stormanstown Way to allow any necessary future widening of the footpath to the minimum recommended 1.5 metre width.

2. The land may be required for future road use

Roading and Traffic advises that Seatoun Heights Road and Townsend Road are both classified as "Local Residential" streets with a recommended minimum road reserve width of 18 metres. These widths are achieved at the approaches to this intersection, except for the southern approach from Seatoun Heights Road which is only 15 metres. Due to the topography and form of Stormanstown Way it would not be practical to widen Seatoun Heights Road in front of Stormanstown Way.

3. Visual amenity value of the plants on the subject land

Parks and Gardens advises that it is comfortable with the level of vegetation removal that might occur as a result of the road stopping. The vegetation – which is not formally maintained by the Council – is of mixed type and quality and is not particularly old or established. The cabbage tree will be retained as will some of the vegetation along the lower slope above the footpath, continuing to provide some level of visual amenity at the road side. I also understand from speaking to the applicants that they are considering hedging the boundary, rather than erecting a fence, which may alleviate any sense of lost green space.

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4. Fence on new boundary may restrict visibility exiting Stormanstown Way

I attended at the site on 13 August 2012 and inspected the exit from Stormanstown Way onto Seatoun Heights Road – see the photo below.



Photo taken from inside car

Officers have considered where the new boundary would sit and how a fence erected along this boundary would impact on visibility on exiting Stormanstown Way. The proposed new boundary of 30A Seatoun Heights Road will remain inside the line of the existing bank. As such, the sight lines on exiting Stormanstown Way will be unaffected.

I recall from our meeting that you mentioned that it was relevant that traffic approaches the exit of Stormanstown Way from above, by which I understood you to mean that some view of traffic on Seatoun Heights Road might be possible from this higher point. However, from my site visit, this does not appear to be the case. The photo below (again taken on 13 August 2012) shows there is no view of Seatoun Heights Road that might be obstructed if a fence were erected on the proposed new boundary – any such view is already obstructed by the retaining wall for 30 Seatoun Heights Road and the existing bank.



I trust your concerns have been addressed by the comments above.

Should you wish to maintain your objections to the road stopping despite the views expressed by Council officers set out above, then the process from here is as follows:

- (i) Your objection would be referred back to Council's Regulatory Processes Committee and full Council for a decision on whether to uphold it or not.
- (ii) You would have the opportunity to make an oral submission to the Regulatory Processes Committee in support of your objection. The time allowed per oral submission is usually 10 minutes including questions.
- (iii) I would prepare a committee report on the road stopping proposal and your objection for the Regulatory Processes Committee and full Council to consider. This would be finalised after any oral submission (if required).
- (iv) If the Council does not uphold your objection, and you still wished to maintain your objection, then this matter would be referred to the Environment Court. If the matter did progress to this stage, then you are encouraged to obtain legal advice before deciding whether to continue or to withdraw your objection to ensure that you are making an informed decision.

Please feel free to contact me if you need further clarification. Otherwise, please confirm by **31 August 2012** whether you wish to withdraw your objection or to have it presented to the Regulatory Processes Committee for consideration (in which case, please also confirm whether you would like to make an oral presentation to the Committee).

Yours sincerely



Rosalind Luxford
Property Advisor – Property Services
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3. Objection by the Salandos Family Trust

SUBMISSION ON ROAD STOPPING PROPOSAL ADJACENT TO 30A SEATOUN HEIGHTS ROAD

To: Wellington City Council

SUBMITTER: Salandos Family Trust, 34 Seatoun Heights Road, Seatoun, Wellington

The Trust opposes the proposed road stopping for the following reasons:

1. An inadequate case has been made for stopping and disposing of the portion of road.
2. In particular there is no evidence of the traffic and future roading network assessment undertaken by the Council that supports the 'unconditional consent' comments recorded in the officers report dated 9 November 2011
3. The unformed road is on a busy corner with limited visibility when travelling south on Seatoun Heights Road. There needs to be further analysis as to whether this land might be needed for roading purposes in the future. In particular, there has been significant parking demand in the area (with extensive construction work being undertaken on nearby properties meaning that up to 10 tradespersons vehicles were parked on the street), which has exacerbated pedestrian and road safety.
4. The sightlines and visibility to Seatoun Heights Road from the shared driveway for 30A 32, and 34 Seatoun Heights Road is potentially impeded by the proposed stopping and sale, particularly if the land proposed to be stopped is used for building / fencing.
5. The unformed road was cleared of scrub and noxious plants by the Council in the last few years and has now been planted. These plants will provide amenity which is valued by the local residents.
6. If the additional land is used to facilitate the future development of 30A Seatoun Heights Road, this could further adversely affect the existing traffic conditions.

The Trust is willing to discuss the proposal with the Council and road stopping applicant to see if the areas of concern can be addressed by a modified proposal.



Sally Dossor

On behalf of the Salandos Family Trust

24 July 2012

Officers' response to the Salandos Family Trust's objection

17 August 2012

File ref: 0480-48-SEA-30A

Salandos Family Trust c/o Sally Dossor
34 Seatoun Heights Road
Seatoun
Wellington 6022

Dear Ms Dossor

Proposed road stopping at 30A Seatoun Heights Road, Seatoun

Thank you for your submission regarding the above proposal to stop road adjacent to 30A Seatoun Heights Road (the "Proposal"). This letter confirms the grounds of your objection, sets out responses to these by Council's officers and outlines the next steps in the road stopping process.

Your submission raised the following specific grounds of objection to the Proposal:

1. An inadequate case has been made for stopping and disposing of the portion of road. In particular, there is no evidence of the traffic and future roading network assessment undertaken by the Council that supports the "unconditional consent" comments recorded in the officers' report dated 9 November 2011.
2. The land may be required for future road use.
3. Sight lines and visibility from the shared driveway to 30A, 32 and 34 Seatoun Heights Road will potentially be impeded by the stopping and sale, particularly if a building or fence is erected on the land.
4. The plants on the subject land provide a visual amenity valued by local residents.
5. If the additional land is used to facilitate the future development of 30A Seatoun Heights Road, this could further adversely affect the existing traffic conditions.

Please find below Council's officers' responses to the issues you raised:

1. Inadequate case for road stopping and disposal

As part of the road stopping process, the relevant business units within Council were consulted as to whether they had any objections to, or would impose any conditions on, the stopping and sale of the road land to the adjoining property owner. After reviewing the Proposal, none of the business units consulted raised any objections or imposed any conditions, save that Roading and Traffic revised the area of road land to be stopped slightly from that originally requested – see the attached response from Roading and Traffic provided at the time. Officers were therefore satisfied that an adequate case for the road stopping and disposal had been made and recommended that Council approve the Proposal on this basis.

2. The land may be required for future road use

Roading and Traffic advises that Seatoun Heights Road and Townsend Road are both classified as "Local Residential" streets with a recommended minimum road reserve width of 18 metres. These widths are achieved at the approaches to the intersection of these two streets, except for the southern approach from Seatoun Heights Road, which is only 15 metres wide where it meets Stormanstown Way. It would not be practical to widen Seatoun Heights Road in front of Stormanstown Way, however, due to the topography of Stormanstown Way.

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Roading and Traffic further notes that stopping of this piece of road land will not adversely affect parking potential at this location. Under section 6.3(2) of the Land Transport (Road User) Rule 2004, parking is not permitted within 6 metres of an intersection. Parking on the subject land or part thereof would also likely create a hazardous situation and is unlikely to be supported by Council.

3. Interference with the sight line from the shared drive way for 30A, 32 and 34 Seatoun Heights Road

Where your drive way meets Seatoun Heights Road, traffic approaches from the right (along Seatoun Heights Road to the north), and from the left, which may include both traffic turning out of Seatoun Heights Road from the south or driving straight through from Townsend Road. Council's Vehicle Access Engineers have advised that stopping and selling the subject land will not have any impact on a driver's ability to see this traffic upon exiting your drive way.

I recently attended at the site and drove out of your drive way to check the sight lines on exiting the drive way. The picture below shows the view upon exit from the drive way, beyond the subject land. At this point, the driver has a clear view of traffic turning right from the south part of Seatoun Heights Road where it meets Townsend Road. The stopping and selling the subject land will have no impact on this view (nor on the view from the opposite direction, which is well removed from the subject land).



View showing sight line past tree to the left from drive way exit

4. Visual amenity value of the plants on the subject land

Parks and Gardens advises that it is comfortable with the level of vegetation removal that might occur as a result of the road stopping as the vegetation – which is not formally maintained by the Council – is of mixed type and quality and is not particularly old or established. The cabbage tree will be retained as will some of the vegetation along the lower slope above the footpath, continuing to provide some level of visual amenity at the road side. I also understand from speaking to the applicants that they are considering hedging the boundary, rather than erecting a fence, which may alleviate any sense of lost green space.

5. Adverse impact on existing traffic conditions if 30A Seatoun Heights Road developed

The sale of the subject land may facilitate development at 30A Seatoun Heights Road. Future use of the land is, however, governed by the District Plan, which takes into account the possible impact on neighbouring properties and traffic conditions.

I trust your concerns have been addressed by the comments from the relevant Council Business Units above. However, should you wish to meet with me or discuss any of the above comments in more detail, please feel free to contact me to arrange a meeting time.

Should you wish to maintain your objection to the road stopping despite the views expressed by Council officers set out above, then the process from here is as follows:

- (i) Your objection would be referred back to Council's Regulatory Processes Committee and full Council for a decision on whether to uphold it or not.
- (ii) You would have the opportunity to make an oral submission to the Regulatory Processes Committee in support of your objection. The time allowed per oral submission is usually 10 minutes including questions.

- (iii) I would prepare a committee report on the road stopping proposal and your objection for the Regulatory Processes Committee and full Council to consider. This would be finalised after any oral submission (if required).
- (iv) If the Council does not uphold your objection, and you still wished to maintain your objection, then this matter would be referred to the Environment Court. If the matter did progress to this stage, then you are encouraged to obtain legal advice before deciding whether to continue or to withdraw your objection to ensure that you are making an informed decision.

Please would you confirm by **31 August 2012** whether you wish to withdraw your objection or to have it presented to the Regulatory Processes Committee for consideration (in which case, please also confirm whether you would like to make an oral presentation to the Committee). If you have any questions above the process, please do not hesitate to contact me.

Yours sincerely



Rosalind Luxford
Property Advisor – Property Services
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Response from Roading and Traffic to road stopping inquiry at 30A Seatoun Heights Road

WCC Intranet Viewer Map

Page 1 of 1



Suggested maximum extent of land Council
may consider for Road stopping.
Neil D'Souza 20/10.

4. Objection by the Hinuera Trust

27 July 2012

5 Stormanstown Way
Seatoun
Wellington 6022

Wellington City Council
Property Services
PO Box 2199
Wellington

Attention: Rosalind Luxford

Dear Ms Luxford

I write as the owner and resident of 5 Stormanstown Way, Seatoun, to express my deep concern at the proposed sale of Section 1, SO 452748 (being 77 m² more or less) (the land) by the Wellington City Council to the owner of 30A Seatoun Heights Road, Seatoun.

The land currently provides a number of benefits to the residents of Seatoun Heights Road/Stormanstown Way and the public in general.

I wish to object to the proposed sale of the land for the following reasons:

1. As a parent of two young children living in Stormanstown Way I have frequently found that the footpath next to the land is not wide enough to accommodate a child's buggy, we need to use this section of the footpath to access our home from Seatoun Heights Road. This poses a safety risk not only for my wife and young family but also for all other residents and members of the public. Whilst I appreciate that the widening of the footpath may not be a high priority for the Council, we would be very concerned to see the ability to easily widen the footpath in this area lost as a result of the proposed sale of this land.

2. It is dangerous for pedestrians crossing over from the Eastern side of Seatoun Heights Road (near Stormanstown Way) onto the Western side of Seatoun Heights Road. This is due to the proximity of the corner of Seatoun Heights Road and Townsend Road. We suggest that the Council inspects this area and considers the safety of both vehicles and pedestrians crossing near this juncture. It may well be that a pedestrian crossing (or similar) is required to allow for safe crossing at this juncture.

3. During recent renovations in the area there were service vehicles parked along Seatoun Heights Road on both sides of the entrance of Stormanstown Way. This created visibility issues and therefore dangerous situations for residents of Stormanstown Way exiting the street onto Seatoun Heights Road. This will only be exacerbated if a further driveway is allowed as a result of the land being sold and incorporated into the title of 30A Seatoun Heights Road and who may decide to create a driveway. Yellow curbside road markings near Stormanstown Way may help alleviate this hazard area.

We request that the Council review its position and retain the land for future road and / or footpath widening at an appropriate time.

4. The land provides visual amenity. If the owners of 30A Seatoun Heights Road were to put up a fence, as would be their right as owners, then this amenity will be lost to the public.

5. Further, such a fence would significantly restrict visibility on a corner in what is already a narrow and dangerous piece of road (as noted in points 2 and 3 above).

In conclusion we submit that the sale of this land to any private individual (or company) would severely restrict the Council's future ability to improve the safety of both road and footpaths in Stormanstown Way and Seatoun Heights Road.

We respectfully suggest that the on-going benefits to the public provided by the land remaining in Council ownership significantly outweigh the minor and short-term financial gain, which would accrue from the sale of the land.

We urge you to not sell the land.

Yours sincerely



Steve Maitland

As Trustee of Hinuera Trust, owner of 5 Stormanstown Way.

Officers' response to the Hinuera Trust's objection

17 August 2012

File ref: 0480-48-SEA-30A

Hinuera Trust c/o Steve Maitland
5 Stormanstown Way
Seatoun
Wellington 6022

Dear Mr Maitland

Proposed road stopping at 30A Seatoun Heights Road, Seatoun

Thank you for your submission regarding the above proposal to stop road adjacent to 30A Seatoun Heights Road (the "**Proposal**"). This letter confirms the grounds of your objection, sets out responses to these by Council's officers and outlines the next steps in the road stopping process.

Your submission raised the following specific grounds of objection to the Proposal:

1. The footpath adjacent to the subject land (parallel to the eastern boundary of 30A Seatoun Heights Road) is narrow and should be widened, which may not be possible if the subject land is sold.
2. Crossing the road from east to west on Seatoun Heights Road (near Stormanstown Way) is dangerous for pedestrians due to the proximity of the intersection of Seatoun Heights and Townsend Roads. A pedestrian crossing may be required to ensure pedestrian safety.
3. Vehicles parked on Seatoun Heights Road alongside the subject land have created visibility issues for cars exiting Stormanstown Way. This will be further exacerbated if, as a result of its stopping and sale, a new drive way is allowed from 30A Seatoun Heights Road across the subject land. Yellow kerbside road markings near Stormanstown Way may help alleviate this hazard.
4. The plants on the subject land provide a visual amenity value for local residents.
5. If a fence is erected on the proposed new boundary between 30A Seatoun Heights Road and the road, it would significantly restrict visibility when exiting Stormanstown Way.

Please find below Council's officers' responses to the issues you raised:

1. Width of footpath adjacent to the subject land

Roading and Traffic advises sufficient roadside road reserve land will remain adjacent to the footpath on the northern side of Seatoun Heights Road between its intersection with Townsend Road and Stormanstown Way to allow any necessary future widening of the footpath to the minimum recommended 1.5 metre width.

2. Crossing Seatoun Heights Road at its intersection with Stormanstown Way is dangerous for pedestrians

Roading and Traffic advises that the Proposal will not have any effect on the ability of pedestrians to cross the carriageway of Seatoun Heights Road, nor will it prevent future safety improvements for pedestrians at this location, such as a pedestrian crossing. The subject land is not adjacent to the carriageway and has no impact on pedestrian crossing points on Seatoun Heights Road.



3. Vehicles parked on-street cause a hazard for drivers exiting Stormanstown Way; a new drive way from 30A Seatoun Heights Road across the subject land will exacerbate this

Roading and Traffic notes that stopping of this piece of road land will not adversely affect parking potential at this location. Under section 6.3(2) of the Land Transport (Road User) Rule 2004, parking is not permitted within 6 metres of an intersection and sale of the subject land does not alter parking restrictions in the area.

The granting of new vehicle access is a separate issue from that of stopping and selling the subject land. The construction of any new vehicle access requires approval from Council's Vehicle Access Engineers, who must be satisfied that the proposed new access is safe. Accordingly, any proposal to construct a new drive way would be assessed if and when such an application is made to the Council.

4. Visual amenity value of the plants on the subject land

Parks and Gardens advises that it is comfortable with the level of vegetation removal that might occur as a result of the road stopping. The vegetation – which is not formally maintained by the Council – is of mixed type and quality and is not particularly old or established. The cabbage tree will be retained as will some of the vegetation along the lower slope above the footpath, continuing to provide some level of visual amenity at the road side. I also understand from speaking to the applicants that they are considering hedging the boundary, rather than erecting a fence, which may alleviate any sense of lost green space.

5. Fence on new boundary may restrict visibility exiting Stormanstown Way

I attended at the site on 13 August 2012 and inspected the exit from Stormanstown Way onto Seatoun Heights Road – see the photo below.



Photo taken from inside car

Officers have considered where the new boundary would sit and how a fence erected along this boundary would impact on visibility on exiting Stormanstown Way. The proposed new boundary of 30A Seatoun Heights Road will remain inside the line of the existing bank, at least a metre above the level of the carriageway. As such, the sight lines on exiting Stormanstown Way will be unaffected by the Proposal.

I trust your concerns have been addressed by the comments from the relevant Council Business Units above. However, should you wish to meet with me to discuss any of the above comments in more detail, please feel free to contact me to arrange a meeting time.

Should you wish to maintain your objection to the road stopping despite the views expressed by Council officers set out above, then the process from here is as follows:

- (i) Your objection would be referred back to Council's Regulatory Processes Committee and full Council for a decision on whether to uphold it or not.
- (ii) You would have the opportunity to make an oral submission to the Regulatory Processes Committee in support of your objection. The time allowed per oral submission is usually 10 minutes including questions.
- (iii) I would prepare a committee report on the Proposal and all objections for the Regulatory Processes Committee and full Council to consider. This would be finalised after any oral submission (if required).
- (iv) If the Council does not uphold your objection, and you still wished to maintain your objection, then this matter would be referred to the Environment Court. If the matter did progress to this stage, then you are encouraged to obtain legal advice before deciding whether to continue or to withdraw your objection, to ensure that you are making an informed decision.

Please would you confirm by **31 August 2012** whether you wish to withdraw your objection or to have it presented to the Regulatory Processes Committee for consideration (in which case, please also confirm whether you would like to make an oral presentation to the Committee). If you have any questions about the process, please do not hesitate to contact me.

Yours sincerely



Rosalind Luxford
Property Advisor – Property Services
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Email: rosalind.luxford@wcc.govt.nz

5. Objection by the L & R Loizou Family Trust

SUBMISSION ON ROAD STOPPING PROPOSAL ADJACENT TO 30A SEATOUN HEIGHTS ROAD

To: Wellington City Council

SUBMITTER: L and R Loizou Family Trust, 32 Seatoun Heights Road, Seatoun, Wellington

The Trust opposes the proposed road stopping for the following reasons:

1. There has been no consultation with immediate neighbours.

I have spoken to neighbours on all sides of the proposed site and no neighbour had been consulted prior to the report 7 dated 9 November 2011.

The *Executive Summary dated 9 November 2011* States that "*Immediate neighbours have been consulted and no objections have been received*". The letter sent to me on the 10th of October 2010 said that it was a multiply step process and we will be given the chance to object IE don't object now.

The letter said "*Should your neighbours continue with the application*" therefore as it appeared it was just an inquiry from the neighbour and therefore, we, for the reasons above did not see that it was the time or had cause to object at that stage as it was presented to be a preliminary stage.

The Executive Summary dated 9 November 2011 stated "*neighbours have been consulted and no objections have been received*" this is a completely misleading statement to any reader of the report.

The letter of 10th October 2010 states "*Should your neighbours continue with the application, we will write to you again at the public notification stage*" This was apparently sent to us on the 11th June 2012 (we did not receive this letter) attached email verifies that it did not appear to have been sent. None the less even if the letter was sent the date on this letter is subsequent to the report of the 9th Nov 2011 that said neighbours have not objected, neighbours were advised that this was proceeding 7 months after the report was written, so how could the neighbours have objected 7 months earlier and prior to the notice.

2. The same report also states that there is a Resource Consent to convert to two units, this is also erroneous.
3. We have lived in the present house for almost 27 years and therefore know the intersection very well.

The area marked A on the attached plan provides an important visibility splay for the safety of both pedestrians and motor vehicles, this visual splay line of site when exiting the common driveway from 30a, 32 or 34 Seatoun Heights Rd. to access Seatoun Heights Road. This splay line will be impeded by the proposed stopping and sale, particularly if the land proposed to be stopped is used for building and or fencing.

This is busy corner with limited visibility when travelling south on Seatoun Heights Road. This is quite important as the road at this point goes in 3 directions. The road traffic

APPENDIX 4

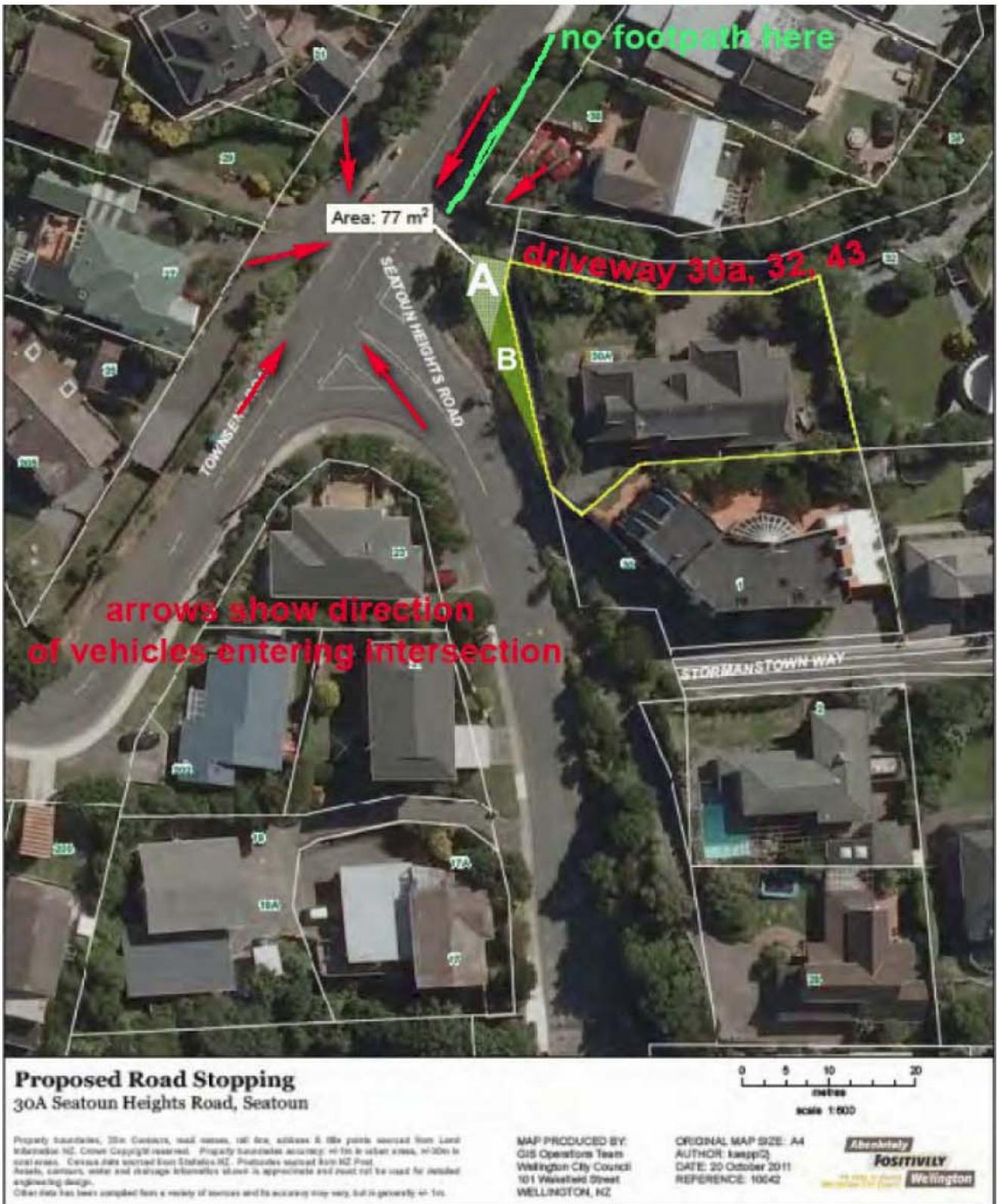
approaches the subject site from 3 directions plus there are 3 additional driveways (two of which service multiple properties) that also enter the intersections at this point as are marked with arrows on the attached drawing. Already as the road is without the possible fencing, we ourselves have experienced many dozens of near misses on exiting from the private road of 30a, 32, 34 Seatoun Heights Rd. onto the public road.

Furthermore as can be seen from the attached photo the foot path stops at the point where the private road from 30a, 32 and 34 enters the intersection and often there are pedestrians either walking on the road or crossing over to the other side at this point adding further danger and traffic to this portion of road again making the splay very important.

4. The foot path directly below the subject site is extra ordinarily narrow and could do with some widening on this particular section of road.
5. The site has been partly planted and maintained by ourselves along with other neighbours; it was cleared of scrub and noxious plants by the Council in the last few years and has been re-planted. As these plants are now established it provides an amenity which is valued by all the local residents.
6. We are prepared to meet and discuss this further should that be required, once the intended use of the land is known we may be able to find solutions to the issues raised.

Rochelle and Lou Loizou

L & R Loizou Family Trust



You forwarded this message on 23/07/2012 4:34 p.m.,
From: Rosalind Luxford <Rosalind.Luxford@wcc.govt.nz>
To: Lou
Cc:
Subject: RE: Road Closure Section 1 SO 452748
Sent: Mon 23/07/2012 4:31 p

Dear Lou

I am very sorry. Although I have the letter on the system (indeed, I can remember writing it), I cannot find a record of a copy showing it was definitely sent. This is an oversight on my part, for which I apologise. As a neighbouring property, it is important that you have your say on the proposal, if you wish to. The public notification period is open for 6 weeks to enable people to put in any objections to the proposal. When the notification period closes, this does not mean that we stop consulting. Anyone who has raised concerns during the notification period will be consulted with as the process moves forward. Accordingly, if you do wish to submit an objection, then I will be in touch with you again as the process continues.

If you wish to formally submit an objection to the proposal, please feel free to do so by email to me at this address. If you believe you would need a short extension to prepare your objection, please let me know.

Kind regards

Ros

Rosalind Luxford | Property Advisor | Property Projects - Property Services
Wellington City Council | Council Offices, 101 Wakefield Street, PO Box 2199 Wellington, NZ
DDI +64 4 803 8086 | Mobile +64 021 247 8086 | Email Rosalind.Luxford@wcc.govt.nz | Website www.Wellington.govt.nz

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From: Lou [<mailto:loizou@xtra.co.nz>]

Officers' responses to the L & R Loizou Family Trust's objection



17 August 2012

File ref: 0480-48-SEA-30A

L and R Loizou Family Trust
32 Seatoun Heights Road
Seatoun
Wellington 6022

Dear Mr and Mrs Loizou

Proposed road stopping at 30A Seatoun Heights Road, Seatoun

Thank you for your submission regarding the above proposal to stop road adjacent to 30A Seatoun Heights Road (the "Proposal") and for attending a meeting with me, Nicole Mistal (a Consent Planner in our Development Planning Team) and Vehicle Access Engineer, Trish Wood. This letter confirms the grounds of your objection, sets out responses to these by Council's officers and outlines the next steps in the road stopping process.

I note your comment that the reference to previous consultation with neighbours in the first report to the Regulatory Processes Committee dated 9 November 2011 was misleading. Your concerns have been noted and I have raised this matter with my team to ensure future reports make it clear that the initial contact with neighbours in relation to such proposals is to inform them of the application and let them know they will have an opportunity to comment on the proposal later in the process, as you are now doing.

Your submission raised the following specific grounds of objection to the Proposal:

1. Sight lines and visibility from the shared driveway to 30A, 32 and 34 Seatoun Heights Road will potentially be impeded by the stopping and sale, particularly if a building or fence is erected on the land.
2. The footpath adjacent to the subject land (parallel to the eastern boundary of 30A Seatoun Heights Road) is narrow and should be widened.
3. The plants on the subject land provide a visual amenity value for local residents.

Please find below Council's officers' responses to the issues you raised:

1. Interference with the sight line from your drive way

Where your drive way meets Seatoun Heights Road, traffic approaches from the right (along Seatoun Heights Road to the north), and from the left, which may include both traffic turning out of Seatoun Heights Road from the south or driving straight through from Townsend Road. Council's Vehicle Access Engineers have advised that stopping and selling the subject land will not have any impact on a driver's ability to see this traffic upon exiting your drive way.

I recently attended at the site and drove out of your drive way to check the sight line you refer to, between the fence on 30A Seatoun Heights Road and the cabbage tree on the corner of the road (the "Sight Line"). On the day I attended (25 July 2012) the Sight Line was significantly obscured by small greenery. The pictures on the following page show this. If this area were cleared, it might give a view through to Seatoun Heights Road heading south.

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View of Sight Line showing fence for 30A Seatoun Heights Road on left



View of Sight Line – alternative angle showing cabbage tree and corner



View showing Sight Line as seen from driver's seat in car

Although a driver might glimpse a car on Seatoun Heights Road approaching from the south through the Sight Line as you suggest, the driver will be required to pause where the drive way meets the road to carefully check for traffic coming from the right or along Townsend Road to the left, as well as pedestrians. The visual check through the Sight Line would not appear to be a reliable indication of what traffic might be approaching the intersection without also pausing at the exit of the drive way to check traffic coming from other directions. Once these checks are complete, a driver must also check for any traffic turning right out of the intersection before safely exiting the drive way (which is made possible given the clear view of the intersection from the end of the drive way as pictured below right). The Sight Line does not appear to offer any additional visibility when exiting the drive way.



View as car approaches drive way exit



View showing sight line past tree to the left from drive way exit

I note however that I have discussed this issue with the applicants and they would be willing to consider leaving a space between any fence and the new boundary, to preserve the Sight Line, if the road stopping proceeds.

Exiting your drive way in its current position, so close to the intersection of Seatoun Heights and Townsend Roads, along with vehicle traffic from nearby drive ways and pedestrian traffic, may require particular care. However, the sale of the subject land will have minimal or no impact on exiting from your or any of the other drive ways referred to in your submission, nor will it change the use of those drive ways, nearby footpaths or pedestrian crossing points. The sale of the subject land will not have any impact on pedestrian traffic in this area.

2. Width of footpath adjacent to the subject land

You note in your objection that the footpath adjacent to the subject land is narrow and should be widened. You have not explained how the road stopping affects the width of the footpath, though I understand you to mean that selling the subject land might prevent the footpath being widened in the future.

Roading and Traffic advises that the sale of the subject land will leave sufficient road reserve land between the existing footpath and the proposed new property boundary of 30A Seatoun Heights Road to enable the footpath to be widened in the future if necessary.

3. Visual amenity value of the plants on the subject land

Parks and Gardens advises that it is comfortable with the level of vegetation removal that might occur as a result of the road stopping. The vegetation – which is not formally maintained by the Council – is of mixed type and quality and is not particularly old or established. The cabbage tree will be retained as will some of the vegetation along the lower slope above the footpath, continuing to provide some level of visual amenity at the road side. I also understand from speaking to the applicants that they are considering hedging the boundary, rather than erecting a fence, which may alleviate any sense of lost green space.

Next steps

Should you wish to maintain your objection to the road stopping despite the views expressed by Council officers set out above, then the process from here is as follows:

- (i) Your objection would be referred back to Council's Regulatory Processes Committee and full Council for a decision on whether to uphold it or not.
- (ii) You would have the opportunity to make an oral submission to the Regulatory Processes Committee in support of your objection. The time allowed per oral submission is usually 10 minutes including questions.
- (iii) I would prepare a committee report on the road stopping proposal and your objection for the Regulatory Processes Committee and full Council to consider. This would be finalised after any oral submission (if required).
- (iv) If the Council does not uphold your objection, and you still wished to maintain your objection, then this matter would be referred to the Environment Court. If the matter did progress to this stage, then you are encouraged to obtain legal advice before deciding whether to continue or to withdraw your objection to ensure that you are making an informed decision.

I trust your concerns have been addressed by the comments from the relevant Council Business Units above.

Please feel free to contact me if you need further clarification. Otherwise, please confirm by **31 August 2012** whether you wish to withdraw your objection or to have it presented to the Regulatory Processes Committee for consideration (in which case, please also confirm whether you would like to make an oral presentation to the Committee).

Yours sincerely



Rosalind Luxford

Property Advisor – Property Services

Ph: (04) 803 8086

Fax: (04) 801 3002

Email: rosalind.luxford@wcc.govt.nz