

REPORT 3
(12/15/53/IM)

**DECISION ON OBJECTIONS TO THE PROPOSED ROAD
STOPPING AND DISPOSAL OF LEGAL ROAD BETWEEN 9 AND
21 VOLTAIRE STREET, KARORI**

1. Purpose of report

To seek the Committee's recommendation to Council that objections received from three objectors to a road stopping proposal concerning 1,106m² of unformed legal road in Voltaire Street, Karori (the Land) not be upheld.

2. Executive summary

On 3 April 2012 Council agreed to initiate a road stopping of the Land between 9 and 21 Voltaire Street, Karori.

Public consultation was subsequently carried out and three written objections were received. None of the three objectors wanted to make an oral submission to the Regulatory Processes Committee.

Of the 12 grounds for objection 10 relate to loss of private amenity and views while the other two relate to reduced street parking and traffic safety.

Officers believe that objectors concerns will be appropriately mitigated by:

- a) protecting existing vegetation by way of a registered encumbrance
- b) restricting development to one dwelling with a footprint of no more than 180m².

Council transport planners advise that the street can adequately cope with any additional traffic that would be created by one additional dwelling unit and the remaining road width meets the Code of Practice for Land Development 2012.

Therefore officers are recommending that the objections to the road stopping proposal in Voltaire Street not be upheld.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree to not uphold the objections from any of the three objectors to the proposal to stop 1,106 m² of unformed road land between 9 and 21 Voltaire Street, Karori (the Land).*

- (b) Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*
 - (c) Agree to the disposal of the Land between 9 and 21 Voltaire Street.*
 - (d) Delegate to the Chief Executive Officer the power to negotiate and conclude all matters in respect of a sale and purchase agreement for the Land between 9 and 21 Voltaire Street.*
3. *Note that if the road stopping proposal is successful the Land would firstly be offered to the adjoining neighbours pursuant to section 345 Local Government Act 1974, then secondly the Port Nicholson Block Settlement Trust and Ngati Toa, and (if not sold to those parties) it would then be marketed for sale.*

4. Background

4.1 History of application

On 3 April 2012 Council resolved to declare the Land surplus and commence the road stopping process in accordance with section 342 and the tenth schedule of the Local Government Act 1974 (please refer to Appendix Two for Council Minutes and Committee report). A land area of approximately 1,141m² was declared surplus and, following survey, the area was confirmed as 1,106m² (please refer to Appendix One for the aerial plan).

4.2 Residents letters

In August 2011 officers sent letters to the owners and occupiers of 23 properties immediately surrounding the Land advising them of the proposal and that they would have an opportunity to comment when the wider public consultation process commenced. At that stage no feedback was received from any of the residents.

4.3 Public consultation - Road Stopping

The 40 day public consultation period for the road stopping proposal was undertaken from 18 February 2013 to 2 April 2013. Two advertisements were placed in the Our Wellington Page of the Dominion Post on consecutive weeks and three signs were placed in front of the Land for 40 days and the 23 neighbouring properties were written to on 18 February 2013.

Written correspondence was received from the owners of 9, 28 and 36 Voltaire Street. All three objectors have confirmed they were not interested in presenting oral submissions to the Committee and that their written submissions will suffice.

5. Discussion

5.1 Internal Consultation and voluntary restrictions placed on the Land.

Officers carried out comprehensive consultation with internal business units on the proposal to dispose of the Land to ensure that it was not needed for Council's operational requirements. No business unit indicated any requirement

to retain the land. Parks considered the Land has significant vegetation values that need protecting. Approximately two thirds of the land is to be protected by a vegetation protection encumbrance to be registered on the future title. Council's planners have also recommended that the buildable area of the Land be restricted to one dwelling unit with a maximum footprint of 180m² instead of the 387m² that would be allowable under the District Plan for outer residential zone. This aims to preserve the character of Voltaire Street and the surrounding streetscape.

These conditions are to be part of this road stopping and disposal and would be registered by way of an encumbrance over the Land. These voluntary restrictions on the Land prevent a higher density development and preserve the amenity, character of the streetscape. The vegetation protection is significant and should preserve the natural values enjoyed by residents in Voltaire Street and any birdlife referred to in the objection. These restrictions seek to mitigate residents concerns and loss of private amenity and views.

5.2 Summary of objection grounds and officers' responses

There are 12 grounds of objection contained in the three submissions as summarised below (please refer to Appendix Three for copies of the three written submissions together with officers written response):

1. Loss of Privacy.
2. Overlooking of new property.
3. Visual bulk of any new structure.
4. Potential loss of daylight.
5. Difficulty in carrying out house maintenance.
6. Increase in noise level.
7. Loss of enjoyment of vacant land.
8. Loss of development potential.
9. Loss of property amenity and property value.
10. Reduction in street car parking.
11. Increased traffic and decreased traffic safety.
12. Loss of or compromised views.

The first 10 grounds for objection are from the immediately adjacent neighbour at 9 Voltaire Street and relate mainly to possible affects if a new dwelling was built on the Land. Grounds 10, 11 and 12 relate to car parking, traffic safety and views and are from the owners of 28 Voltaire Street (immediately opposite) and 36 Voltaire Street (at the end of the cul de sac).

Our transport planners believe Voltaire Street will more than adequately cope with any additional traffic resulting from an additional dwelling. There would also be good sight lines along the northern side of Voltaire Street from any new vehicle entrance to the Land. An extra dwelling in the street would likely result in the loss of one on street car park due to a new vehicle crossing. The remaining road width meets the guidelines of the 2012 Code of Practice for Land Development for a cul de sac like Voltaire Street.

This road stopping will create a uniform legal road width which will have no affect on the existing formed road (including the footpath) in Voltaire Street. Clearly any form of development is a change but any adverse affects of future development would be addressed appropriately through the resource consent process.

In addition Council officers are ensuring that the significant vegetation on almost two thirds of the land is being preserved by way of a registered encumbrance. The encumbrance will also limit any new development to a low density consistent with other houses in the street, thereby preserving the character of the area and the streetscape. The buildable area will be limited to one dwelling with a footprint of no more than 180m² (allowable site coverage would be 387m²). In this way the visual bulk is restricted on the buildable area and overall affects reduced by not permitting a more intensive development which could have occurred on 1,106 m².

Officers believe that all of the objection grounds raised have been properly addressed and mitigated by the proposed voluntary restrictions. Any possible adverse affects of future development would be appropriately dealt with under the Council's Operative District Plan rules and Resource Management Act process.

5.3 Financial considerations

There are no significant financial considerations to be considered in the decision on objections to this road stopping proposal.

5.4 Climate change impacts and considerations

There are no climate change impacts.

5.5 Long-term plan considerations

This proposed road stopping has no overall impact on the LTP.

5.6 Next Steps

The next steps in the process for this road stopping proposal are:

- The Committee will consider the submissions and officers responses, and will make a recommendation to Council on whether or not to uphold the objections.
- If the Committee's decision is to uphold any objection, and the full Council agrees, then the road stopping proposal is effectively ended and the Land will not be stopped and sold.

- If the decision is to not uphold (i.e. reject) the objections and to proceed with the road stopping process, and any of the objectors still wish to pursue their objection, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.
- If the objections are not upheld and are withdrawn then the road stopping would be finalised and one large new lot would be created.
- Officers will obtain a current market valuation.
- The stopped road land will be offered for sale (at current market value) to either,
 - an immediately adjoining owner or owners; or
 - Port Nicholson Block Settlement Trust and Ngati Toa; or
 - a private party after marketing the land for sale by tender on the open market.

6. Conclusion

Officers have responded to all the objections and believe the concerns are mitigated by the proposed voluntary restrictions to be placed on the Land. Officers do not consider that traffic safety or street parking would be unduly compromised and the remaining road width would be within code of practice requirements. None of the objections relate to the unformed legal road, proposed to be stopped, being required for road purposes.

Officers therefore believe that the Committee should recommend to Council that all objections to the road stopping proposal in Voltaire Street not be upheld.

Contact Officer: *John Vriens, Senior Property Advisor, Property Services*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

In line with the Council's financial principles, assets that are declared surplus to strategic or operational requirements are sold.

2) LTP/Annual Plan reference and long term financial impact

This report is a step towards the possible sale of the legal road.

The costs associated with this proposal will be met by the proceeds of sale. This proposal will benefit the Council in financial terms as a large new lot will be created, sold at market value, with future owners then paying rates on it in the future.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

This report is for the purposes of making a decision on whether objections should be upheld or not.

5) Consultation

a) General consultation

Consultation with the relevant service authorities and internal business units has been carried out as part of this application. They have all advised that they have no objection to the proposed road stopping, with standard conditions relating to leaving services in road land applying.

Public consultation has been carried out with three objections received.

b) Consultation with Maori

The internal business unit consultation included Treaty Relations who consulted with local iwi, with the Port Nicholson Block Settlement Trust and Ngati Toa have requested that they be given a first right of refusal, after other statutory obligations are met.

6) Legal implications

All legal implication relevant to this road stopping such as public consultation requirements are considered in this report.

7) Consistency with existing policy

The road stopping proposal and this report are consistent with WCC policy.

APPENDIX ONE
AERIAL PLAN OF STOPPING PROPOSAL

APPENDIX TWO

**COUNCIL MINUTES OF 3 APRIL 2012 and
COMMITTEE REPORT OF 21 MARCH 2012**

WELLINGTON CITY COUNCIL
EXTRACT OF MINUTES
Ordinary Meeting of Tuesday 3 April 2012

027/12C **REGULATORY PROCESSES COMMITTEE**
Extraordinary Meeting of Wednesday 21 March 2012
(1215/11/IM) (REPORT 6)

1. **ITEM 019/12RP ROAD STOPPING AND DISPOSAL: LEGAL ROAD BETWEEN 9 AND 25 VOLTAIRE STREET, KARORI**
(1215/53/IM) (REPORT 2)

Moved Councillor Gill, seconded Councillor Foster, the substantive motion.

The substantive motion was put:

Voting for: Mayor Wade-Brown, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Eagle, Foster, Gill, Lester, McKinnon, Marsh and Pannett.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. *Pursuant to section 40 of the Public Works Act 1981:*
 - (a) *Agree that approximately 1,141m² (subject to survey) of unformed road (Road Land) situated between 9 and 25 Voltaire Street, Karori is not required for a public work.*
 - (b) *Authorise Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road Land must be offered back to its former owner or their successor, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4) of the Public Works Act 1981.*
 - (c) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) of the Public Works Act 1981 (if appropriate).*

**WELLINGTON CITY COUNCIL
EXTRACT OF MINUTES
Ordinary Meeting of Tuesday 3 April 2012**

2. (a) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
- (b) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road subject to all statutory and Council requirements being met and no objections being received.*
- (c) *Approve the disposal of the Road Land (subject to the proposed road stopping being successful).*
- (d) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of Road Land situated between 9 and 25 Voltaire Street, Karori, either with the former owner, or their successor, or the Port Nicholson Block Settlement Trust, or Ngati Toa, or the successful purchaser following the Road Land being marketed for sale.*

2. **ITEM 020/12RP ROAD STOPPING AND DISPOSAL - LEGAL ROAD SEATOUN SCOUT HALL, 36 FERRY STREET, SEATOUN (FORRES STREET)
(1215/53/IM) (REPORT 3)**

Moved Councillor Gill, seconded Councillor Foster, the substantive motion.

The substantive motion was put:

Voting for: Mayor Wade-Brown, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Eagle, Foster, Gill, Lester, McKinnon, Marsh and Pannett.

Voting against: Nil.

Majority Vote: 12:0

The substantive motion was declared CARRIED.

RESOLVED:

THAT Council:

1. (a) *Agree that the area of approximately 512m² (subject to survey) of unformed legal road land at 36 Ferry Street, Seatoun is not required for a Public Work.*

REPORT 2
(1215/53/IM)

**ROAD STOPPING AND DISPOSAL: LEGAL ROAD BETWEEN 9
AND 25 VOLTAIRE STREET, KARORI**

1. Purpose of Report

The purpose of this report is to obtain agreement that approximately 1,141m² of unformed legal road land (the Land) situated between 9 and 25 Voltaire Street, Karori, Wellington is no longer required for Council's operational requirements and to authorise officers to proceed with the road stopping, offer back investigations and eventual sale.

Refer to Appendix One for an aerial plan with the Land shown coloured red and green.

2. Executive Summary

Council officers have identified an area of Land that could be suitable to be stopped and sold for residential development at the end of the Voltaire Street. It is proposed that the road stopping be carried out in accordance with the Local Government Act 1974 (LGA) and the disposal pursuant to Section 40 of the Public Works Act 1981 (PWA).

The key question for Council is whether the Land is surplus to requirements for a public work, and if so, whether it will authorise commencement of the road stopping procedures, with a view to eventual sale.

The Land does not serve any public purpose or provide public access.

Internal Council business units and external service authorities have been consulted and all support the disposal. However there is a condition from Parks and Gardens that a vegetation protection covenant be registered against any new property title. WCC Treaty Relations have requested that the Port Nicholson Block Settlement Trust (PNBST) and Ngati Toa be given the opportunity to buy the Land.

The Land is located near an existing bus route, is in close proximity to all schools, and has some views of the surrounding part of Karori. A geotechnical inspection will be undertaken once the sale process is commenced to ascertain if there are any considerations needed as a result of fill on the site.

3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Recommend that the Council, pursuant to section 40 of the Public Works Act 1981:*
 - (a) *Agree that approximately 1,141m² (subject to survey) of unformed road (Road Land) situated between 9 and 25 Voltaire Street, Karori is not required for a public work.*
 - (b) *Authorise Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road Land must be offered back to its former owner or their successor, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4).*
 - (c) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA(if appropriate).*
3. *Recommend that the Council:*
 - (a) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (b) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road subject to all statutory and Council requirements being met and no objections being received.*
 - (c) *Approve the disposal of the Road Land (subject to the proposed road stopping being successful).*
 - (d) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of Road Land situated between 9 and 25 Voltaire Street, Karori, either with the former owner, or their successor, or the Port Nicholson Block Settlement Trust, or Ngati Toa, or the successful purchaser following the Road Land being marketed for sale.*
4. *Note that if objections are received to the road stopping public notice, a further report will be presented to the Committee for consideration.*

4. Background

The area of Karori where the subject land is situated was subdivided and developed in the 1960s for Manchester Unity. The Land provided a handy location to place fill obtained from cutting earthworks during the formation of Voltaire Street but nothing other than that.

The Land is approximately 1,141m² slopes moderately down towards Wrights Hill Road and is currently covered in mature native trees, shrubbery and grass. WCC Parks and Gardens consider the regenerating bush to be significant and have required protection of the vegetation, shown green on the aerial plan in Appendix One.

The land is not on Greater Wellington Regional Council's selected land use register which records sites used for storing or disposing of hazardous substances.

Officers believe the Land is not required for a public work so is therefore investigating its possible disposal.

5. Discussion

5.1 Fill present on the site

There is fill present on the Land but appears to be minor. The depth of the fill and any stability issues would have to be confirmed by a geotechnical report. However, from visual inspection of the site, it would appear that the fill is generally less than one metre. Given this and the uncertain nature of the road stopping process, officers consider it prudent to wait until the road stopping and sale process is more certain before arranging a geotechnical investigation.

In the event of sale, Council would disclose that there is fill on the site and at the very least obtain a visual inspection and report from a geotechnical engineer.

5.2 Offer back investigations

Should the recommendations of this report be approved, then officers would commission a section 40 PWA report from suitably qualified consultants. This would identify whether the land has to be offered back to its former owner or their successor (in probate), or whether an exemption applies.

5.3 Options

Due to the Land's size, shape and location officers consider that it is appropriate that Council pursue stopping and selling it rather than it being offered to an adjoining neighbour and amalgamated with an existing property.

Depending on the outcome of section 40 PWA investigations Council may have to offer the land to the former owner or their successor (in probate).

If the former owner or their successor were not interested, then officers would offer the Land to PNBST and Ngati Toa or market the Land for sale on the open market.

As with the sale of any Council land, all costs to facilitate a disposal would be met by the proceeds of sale.

5.4 Consultation

As part of the road stopping process, service authorities and all internal business units have been consulted and none object to the proposal.

City Housing confirmed that the land was not suitable for their requirements, and Treaty Relations gave their consent noting that PNBST and Ngati Toa would like to be given the opportunity to buy the Land.

Neighbouring property owners have been sent letters advising of the road stopping proposal, keeping them updated on progress. None of the property owners responded. All property owners and any tenants where a property is rented will have the opportunity to comment when the full public consultation is carried out later in the process. Any issues that are raised at this stage will be considered and addressed as part of that process.

If the road stopping proposal is successful front yard rule requirements will be triggered, in respect of two properties on the opposite side of Voltaire Street. These affects are minimal given the positioning of the existing dwellings and officers will ensure that the owners of these properties fully understand the impact on them.

A summary of the consultation with the relevant service authorities and internal business units is below.

Conditional consent has been obtained from:

Service Provider / Business Unit	Condition
Wellington Electricity Lines Limited	There are overhead electricity lines in the vicinity, approval given subject to standard provisions being complied with.
WCC Treaty Relations	Should the road stopping proposal be successful, and there being no Section 40 PWA offer back requirement, PNBST and Ngati Toa would like a first right of refusal.
WCC Public Drainage / Capacity	There are main water pipes running through the Wrights Hill accessway next to the subject land. Council's Public Drainage Engineer has requested a one metre clearance to the new boundary.
WCC Road and Traffic Maintenance	Require the remaining legal road width to be no less than 15 metres.

Parks and Gardens	Require that approximately 658 m ² of the Land have a covenant protecting all the native bush and trees upon it.
Development Planning and Compliance	Recommend that the residual part of the Land, being 483 m ² , be restricted to one household unit (in keeping with the rest of the street) and that its footprint be restricted to 180m ² .
WCC Street Lighting	Recommend that the new boundary adjoining the Wrights Hill Rd pedestrian access pathway be re-aligned to clear lamp posts by 3.2 – 3.8 metres.

Unconditional consent has been obtained from:

- Nova Gas
- Downer EDI (Telstra Clear & Telecom)

Officers are satisfied that the above Service Authority, and Council requirements can be met and that the Land between 9 and 25 Voltaire Street, Karori can be stopped and sold.

5.5 Significance Policy/ Strategic Assets

Under Council's Significance Policy, the sale of the Land would not be deemed significant.

5.6 Climate Change Impacts and Considerations

Officers believe that there are no significant climate change impacts.

5.7 Long-Term Council Community Plan Considerations

This proposed road stopping has no overall impact on the LTCCP.

5.8 Next Steps

Should the recommendations of this report be approved, the next steps in the road stopping and sale process are as follows:

- Undertake a survey to define the total area of unformed legal road land that is proposed to be stopped
- Public notification of the intention to stop the road land
- Receive objections (if any), negotiate and refer back to the Regulatory Processes Committee / full Council, and to an Environment Court hearing (if required)
- Commission a PWA section 40 report from a suitably qualified consultant
- Obtain the Chief Executive Officer's approval of PWA section 40 report recommendations

If the road stopping proposal is still in effect, then -

- Undertake public notification that the road is stopped
- Obtain a current market valuation
- Depending on the outcome of offer back, and offer to iwi, attend to settlement and transfer with either,
 - the former owner their or successor (in probate); or
 - PNBST or Ngati Toa; or
 - a private party after marketing the land for sale by tender on the open market.

6. Conclusion

Following internal and external consultation, Council officers believe that approximately 1,141m² of unformed legal road land that is situated between 9 and 25 Voltaire Street, Karori, is no longer required for the Council's operational requirements and should be declared surplus.

It is therefore recommended that the Regulatory Processes Committee recommends to Council that the land be declared surplus, and to authorise officers to initiate the road stopping procedure and sale.

Contact Officer: *John Vriens, Senior Property Advisor, Property Services*

Supporting Information

1) Strategic Fit / Strategic Outcome

In line with the Council's financial principles, assets that are declared surplus to strategic or operational requirements are sold.

2) LTCCP/Annual Plan reference and long term financial impact

This report is a step towards the possible sale of the legal road. At this stage, the expected income from the sale of the road has not been quantified as obtaining a valuation will be carried out later in the road stopping process.

The costs associated with this proposal will be met by the proceeds of sale. This proposal will benefit the Council in financial terms as once the road land is stopped and sold Council will receive the revenue from the sale, and the new private owners will pay rates.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

The PNBST and Ngati Toa to be given the opportunity to acquire the Land (subject to the outcome of Section 40 Public Works Act 1981 investigations).

4) Decision-Making

This is not a significant decision. This report sets out the Council's options under the relevant legislation and under the Council's 2011 Road Encroachment and Sale Policy.

5) Consultation

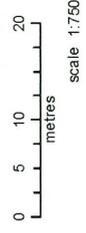
Consultation with the relevant internal business units has been carried out. They have all advised that they have no objection to the proposed road stopping. The consent from Treaty Relations requested that the PNBST and Ngati Toa be given first right of refusal.

Service Authorities have been consulted with their standard general conditions noted.

6) Legal Implications

All legal implications relevant to this road stopping such as public consultation requirements and offer back investigations have been considered and are contained in this report.

Any Agreement for Sale and Purchase will be prepared by Council's lawyers, and a solicitor certificate issued.



MAP PRODUCED BY:
Wellington City Council
101 Wakefield Street

**Absolutely
Positively
Wellington**
the best of Christchurch
the best of the South Islands

ORIGINAL MAP SIZE: A4
DATE: 27/04/11
AUTHOR: shakes2a
REFERENCE: 9601

- Street Lights
- Setback 2.5m
- Footpaths
- Encroachments

Land for Disposal - Voltare St, Karori

Property boundaries, 20m Contours, road names, rail line, address & title points sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas. Census data sourced from Statistics NZ. Postcodes sourced from NZ Post.

Pt Sbdm 2 Sec
2 Upper Kaiwharawhara
DISTRICT

APPENDIX THREE
WRITTEN SUBMISSIONS and RESPONSES



File ref: 0480-48-3461

AY Vere-Jones
9 Voltaire Street
Karori
Wellington 6012

Dear Andrew,

Submission on proposed road stopping between 9 and 21 Voltaire Street, Karori

Thank you again for your letter dated 18 March 2013 submitting your objection to the road stopping proposal. We acknowledge the detailed reasons numbered 1-10 in your letter and accept that there will be changes on the land if it is stopped and sold.

Normally future use of the land would be governed by the District Plan (DP). However, in this case we are proposing to voluntarily restrict any future development resulting from this road stopping proposal to low density and at a lower site coverage than that permitted by the DP. The proposed new section has a total area of 1,106 m² and almost two thirds of that section will have its vegetation protected by an encumbrance retaining the 'reserve like' environment you enjoy. The reduced buildable area of 328m² has been defined by the Council's Parks team as containing significant vegetation. In addition we propose to limit any future development to one dwelling unit with a building footprint of no more than 180m² (387m² would be allowed under the DP).

We believe these voluntary restrictions mitigate the potential impact on your property and others in Voltaire Street and thereby preserve the character of the area and streetscape.

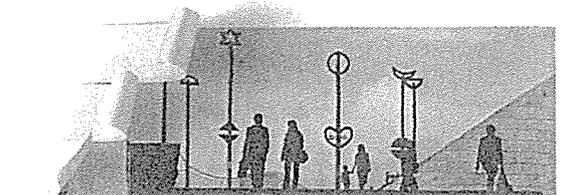
The unformed road land, proposed to be stopped, is no longer required for roading purposes or any Council operational requirements and can be better utilised in private ownership.

I will be submitting a report to the Regulatory Processes Committee at their next available meeting (likely to be 15 May 2013) and note you have advised that you do not wish to make an oral submission. I will include your written submission and my response in the report for Councillor's to consider and they will make a recommendation to Council for a decision on whether or not to uphold your objection. If Council does not uphold any objections, and any objector wishes to pursue their objection, then the road stopping proposal will be referred to the Environment Court. If this matter does proceed to this stage then it is recommended that you obtain legal advice to ensure you are making an informed decision.

If you have any further queries or want to meet to discuss this further please contact me on 801 3246.

Yours sincerely

John Vriens
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Andrew Vere-Jones
9 Voltaire Street
Karori
Wellington 6012
021 239 6327

18 March 2013

John Vriens
Senior Property Advisor – Property Services
Wellington City Council
PO Box 2199
Wellington 6140

Dear Mr Vriens,

Submission on proposed road stopping between 9 and 21 Voltaire Street, Karori

Thank you for your letter of 18 February 2013 (your file ref 0480-48-3461) describing Council's proposal to sell unformed legal road between 9 and 21 Voltaire Street.

I **object** to the proposal as it is currently proposed.

The proposal appears to take no account of the effects on my property, including the effects on my house which has been situated to take advantage of the fact that the adjacent land is road reserve, and the development potential of my property which would be lost if the adjacent land were changed from road reserve to Outer Residential zoned private property.

The detailed reasons for my objection are as follows.

1. Loss of privacy
 - Any new building may have windows, decks or other spaces that look directly at my property, balcony, and into my living room windows.
2. Overlooking of new property
 - My balcony and living room windows will be difficult to use without the embarrassment of directly overlooking an adjacent property – I am likely to be able to see directly onto any north facing outdoor area of the new property, and to be able to see into north-facing glazing likely to be provided into living areas of any new dwelling on the property.
3. Visual bulk
 - Any new structure such as a new dwelling could be constructed in a position where its bulk is highly visible and reduces the amenity from my house.
4. Potential loss of daylight
 - Any new structure such as a new dwelling is likely to be at street level where it might block daylight that currently reaches my property.

APPENDIX THREE

- A new owner may wish to encourage the growth of large trees which would also obscure daylight. Unlike WCC road reserve, I would have no opportunity to request removal or alteration of such trees.
5. Difficulty carrying out house maintenance
 - The current road reserve status of the adjacent land allows me to have foot access around the entire house and balcony for maintenance of the house and vegetation. The house was located on the site in its current position hard against the south-east boundary, based on the understanding that this access would be available across public road reserve. A private boundary immediately adjacent to the edge of the balcony will severely restrict access for maintenance. The steep terrain makes alternative access to this side of the house very difficult.
 6. Noise
 - Any new property adjacent to mine will result in an increase in noise levels, and could potentially include noise from an outdoor living area immediately adjacent to my balcony and very close to my lounge windows. This would be a significant increase in noise levels from that which currently occurs.
 7. Loss of enjoyment of reserve land
 - The current road reserve status of the land allows the quiet enjoyment from my property of overlooking undeveloped bush and vegetation, which also attracts significant numbers of birds including rare native species from the nearby Zealandia sanctuary. The conversion of some of this land into a residential property will reduce the opportunity for such enjoyment.
 8. Loss of development potential
 - The proposed new lot will result in height control, yard and deck area restrictions which have the potential to significantly restrict future development of my property. The position of the current house towards the front of the sections was deliberately chosen in order to allow a future house extension, deck or second dwelling to be possible. The creation of a side boundary severely restricts future development on a site that is already difficult to utilise.
 9. Loss of property amenity and property value
 - The above items make my property less desirable, which will have a direct bearing on the value of my property
 10. Parking
 - The road carriageway is narrow and at time manoeuvring in and out of my driveway is difficult due to parked cars on both sides of the road. An additional property will encourage further car use, both by reducing the available kerbside parking where new vehicle access is provided, and by any additional vehicles that park on the street (occupier vehicles in excess of any on-site parking provided, and visitor vehicles).

I note that the proposal is to have that part of the site designated for development located immediately adjacent to my property. This arrangement seems likely to maximise the effects on my property compared to designating the more distant parts of the site for development.

The proposal appears to have been drafted without any regard for the effects on my property. It creates the opportunity for a new landowner to develop land which is currently publicly owned, at

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the expense of my private opportunities to use and develop land I have purchased on the expectation that the adjacent land will remain road reserve.

I ask that my objections to this proposal be considered and that the proposal be abandoned. I do not believe it is possible for the proposal to be modified in a manner that would prevent the above effects on my property from occurring.

I do not wish to make an oral submission to Councillors in addition to this written submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Andrew Vere-Jones', with a long, sweeping flourish extending to the right.

Andrew Vere-Jones



18 February 2013

File ref: 0480-48-3461

AY Vere-Jones
9 Voltaire Street
Karori
Wellington 6012

Dear Andrew,

Council is proposing to sell an area of unformed legal road land in Voltaire Street, Karori. You have received this letter as you own a nearby property. This letter follows my previous letter of 4 August 2011.

The land proposed to be sold is 1106m² in area and is situated between numbers 9 and 21 Voltaire Street (the accessway), as shown coloured red and green on the attached aerial. The green area will have all its vegetation protected and the red area will be restricted to one dwelling unit.

As this land is unformed legal road it currently does not have a title. Before any road land can be sold into private ownership it must first go through the road stopping process, and only if that process is successful can it then be transferred into fee simple land and issued with a title, and sold. In this case the road stopping is being carried out under the Local Government Act 1974.

As part of the road stopping process consultation with the owners and occupiers of immediately adjoining properties is required. If the road stopping proposal is successful it is planned that the total area of land would be issued with its own title as one large lot, and then marketed for sale. All future use of the land would be governed by the District Plan rules.

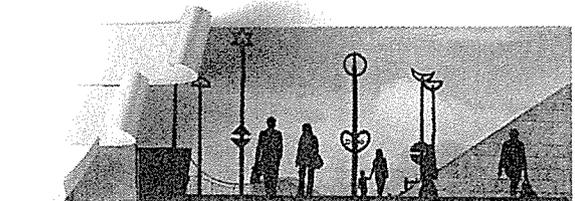
An information sheet on road stopping is attached for your reference.

An additional point that has been highlighted in the process is that if this road stopping proposal is successful it would result in new sunlight access plane and yard implications on your property. This is because at present the boundary of your property that directly adjoins the subject unformed legal road is technically a front boundary. If the proposal is successful, and the subject unformed legal road land becomes fee simple land and issued with its own title, then that boundary would become a side boundary. Side boundaries are subject to sunlight access plane, and yard requirements whereas front boundaries are not. Existing user rights do apply so existing structures are not affected, these requirements would only need to be considered for any future building work.

If you would like to comment on this proposal please forward that before the closing date of the public consultation period of 5.00pm Tuesday 2nd April 2013. The grounds of all objections will be considered at the one time once the public consultation period has closed.

Yours sincerely


John Vriens
Senior Property Advisor - Property Services
M 021 227-3246
P 04 801-3246
Email john.vriens@wcc.govt.nz



John Vriens

From: Rob and Amanda Batt [arbatt@clear.net.nz]
Sent: Saturday, 20 April 2013 17:23
To: John Vriens
Subject: Proposed road stopping: Your reference: 0480-48-3461

Dear John,

We received your letter today. Thank you for you explanations. In response;

1. We were aware of the nature of the proposal in relation to the dedicated construction and vegetation zones,
2. We appreciate the functions of the District Plan (DP) and the various codes,
3. Our objections are not against the DP, codes or expert advice. Our objections are based on comparing the current situation (as when we purchased our property) against the proposal,
4. We don't intend to make an oral submission. We believe our written submission is sufficient.

We will be on holiday from tomorrow and won't have access to phone services (including cellular) or email for the rest of the month.

Regards,
Amanda & Rob Batt



File ref: 0480-48-3461

AJ & RL Batt
36 Voltaire Street
Karori
Wellington 6012

Dear Amanda and Robert,

PROPOSED ROAD STOPPING – BETWEEN 9 AND 21 VOLTAIRE STREET, KARORI

Further to your letter dated 16 March 2013 which objects to the proposed road stopping at Voltaire Street on three different grounds. We accept that there will be changes on the land if it is stopped and sold and that all future use of the land would be governed by the District Plan (DP). However, in this case we are proposing to voluntarily restrict any future development resulting from this road stopping proposal to low density and at a lower site coverage than that permitted by the DP.

The proposed new section has a total area of 1,106 m². We propose that almost two thirds of that section will have its vegetation protected by an encumbrance. The reduced buildable area is 328m² due to vegetation protection and DP set back requirements. In addition, we propose to limit any future development to one dwelling unit with a building footprint of no more than 180m² (387m² would be allowed under the DP). We believe these voluntary restrictions mitigate potential impact on your property and others in Voltaire Street and preserve the character of the area and streetscape.

The remaining road width, after stopping, meets with the Code of Practice for Land Development 2007 guidelines in terms of traffic movements. In addition our Transport Planners are comfortable with the traffic safety and sight lines from any new vehicle access for the proposed section development.

The unformed road land, proposed to be stopped, is no longer required for roading purposes or any Council operational requirements and can be better utilised in private ownership.

I will be submitting a report to the Regulatory Processes Committee at their next available meeting (likely to be 15 May 2013). Can you please advise me if you want to make an oral submission to that Committee by 26 April 2013? If you do then I will need a little time to alter my report to reflect this.

If you do not want to make an oral submission then I will include your written submission and my response in the report for Councillor's to consider and they will make a recommendation to Council for a decision on whether or not to uphold your objection. If Council does not uphold any objections, and any objector wishes to pursue their objection, then the road stopping proposal will be referred to the Environment Court. If this matter does proceed to this stage then it is recommended that you obtain legal advice to ensure you are making an informed decision.

If you have any further queries discuss this further please contact me on 801 3246.

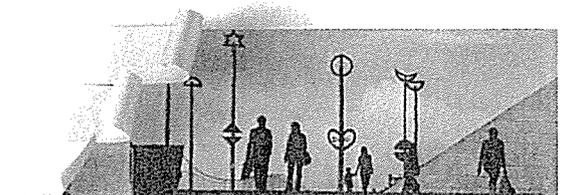
Yours sincerely

John Vriens
Senior Property Advisor - Property Services
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**WELLINGTON
CITY
COUNCIL**

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APPENDIX THREE

16 March 2013

36 Voltaire St
Karori
Wellington

Property Services
Wellington City Council
101 Wakefield Street
Wellington



Attention: John Vriens

Proposed Road Stopping – Voltaire Street, Karori

Dear John,

We refer to your letter dated the 18th of February 2013 outlining the proposed road stopping for Voltaire Street. We would like to take this chance to **object** to the proposed road stopping. Our reasons for the objection are detailed below;

Decreased Amenity Value

When we shifted to our present address, we were drawn to Voltaire Street for the pleasant outlook (particularly from our living room and bedroom windows), vegetation, and low-density housing. We believe that the road stopping proposal will un-duly decrease the amenity value of the street by the loss of vegetation, outlook and increased housing density. In particular, it appears there are some (what we consider) reasonably significant trees in the proposed construction area. Additionally, our address will lose what we consider significant outlook.

Increased Traffic

At present, there are a significant number of children who live on Voltaire Street. Being on the side of the hill, there is little private flat area for riding bikes and scooters. Often the cul-de-sac adjacent to the proposal is used by the children for this purpose and provides the focus for neighbourly interaction. Construction of an extra dwelling will increase traffic and therefore decrease traffic safety for children wanting to safely bike and scoot on the cul-de-sac. In turn, this will lessen the sense of community on the street.

Less Parking

During the day there are often a number of cars parked on the street beside the proposed road stopping area. In the evening the number of cars parked on the street increases further. As the street is a cul-de-sac, with two right-of-ways coming off the turnaround area parking must occur on the straight part of the street. Often people are forced to park on the cul-de-sac and across driveways when there is a function on the street. Construction of another dwelling on Voltaire St will decrease the amount of street parking.

Please confirm in writing, to the above address, your receipt of this objection to the proposed road stopping on Voltaire St, Karori.

Yours sincerely

Amanda Batt

Robert Batt



18 February 2013

File ref: 0480-48-3461

AJ & RL Batt
36 Voltaire Street
Karori
Wellington 6012

Dear Sir/Madam,

PROPOSED ROAD STOPPING – VOLTAIRE STREET, KARORI

Council is proposing to sell an area of unformed legal road land in Voltaire Street, Karori. You have received this letter as you own a nearby property. This letter follows my previous letter of 4 August 2011.

The land proposed to be sold is 1106m² in area and is situated between numbers 9 and 21 Voltaire Street (the accessway), as shown coloured red and green on the attached aerial. The green area will have all its vegetation protected and the red area will be restricted to one dwelling unit.

As this land is unformed legal road it currently does not have a title. Before any road land can be sold into private ownership it must first go through the road stopping process, and only if that process is successful can it then be transferred into fee simple land and issued with a title, and sold. In this case the road stopping is being carried out under the Local Government Act 1974.

As part of the road stopping process consultation with the owners and occupiers of immediately adjoining properties is required. If the road stopping proposal is successful it is planned that the total area of land would be issued with its own title as one large lot, and then marketed for sale. All future use of the land would be governed by the District Plan rules except for the extra restrictions mentioned above for the green and red areas.

An information sheet on road stopping is attached for your reference.

If you would like to comment on this proposal please forward that before the closing date of the public consultation period of 5.00pm Tuesday 2nd April 2013. The grounds of all objections will be considered at the one time once the public consultation period has closed.

Yours sincerely

John Vriens
Senior Property Advisor - Property Services
M 021 227-3246
P 04 801-3246
Email john.vriens@wcc.govt.nz



APPENDIX THREE

John Vriens

From: John Vriens
Sent: Monday, 22 April 2013 12:49
To: 'Lara Phegan'
Subject: RE: Road Stopping Voltaire street

Dear Lara

Thank you for your submission of 2 April 2013 which objects to the road stopping proposal.

Normally future use of the land would be governed by the District Plan (DP). However, in this case we are proposing to voluntarily restrict any future development resulting from this road stopping proposal to low density and at a lower site coverage than that permitted by the DP. The proposed new section has a total area of 1,106 m² and almost two thirds of that section will have its vegetation protected by an encumbrance retaining the 'reserve like' environment you enjoy. The reduced buildable area of 328m² has been defined by the Council's Parks team as containing significant vegetation and the DP requires specific yard set backs. In addition we propose to limit any future development to one dwelling unit with a building footprint of no more than 180m² (387m² would be allowed under the DP).

We believe these voluntary restrictions mitigate the potential impact on your property and views and others in Voltaire Street and thereby preserve the character of the area and streetscape.

The unformed road land, proposed to be stopped, is no longer required for roading purposes or any Council operational requirements and can be better utilised in private ownership.

I will be submitting a report to the Regulatory Processes Committee at their next available meeting (likely to be 15 May 2013) and I note that you do not want to make an oral submission to that Committee. I will include your written submission and my response in the report for Councillor's to consider and they will make a recommendation to Council for a decision on whether or not to uphold your objection. If Council does not uphold any objections, and any objector wishes to pursue their objection, then the road stopping proposal will be referred to the Environment Court. If this matter does proceed to this stage then it is recommended that you obtain legal advice to ensure you are making an informed decision.

If you have any further queries please contact me.

Yours Sincerely

John Vriens | Senior Property Advisor | Property Services
Wellington City Council | Council Offices, 101 Wakefield Street, PO Box 2199 Wellington, NZ
DDI +64 4 801 3246 | Mobile +64 021 227 3246 | Email john.vriens@wcc.govt.nz |
Website www.Wellington.govt.nz

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From: Lara Phegan [<mailto:laraphegan@xtra.co.nz>]
Sent: Tuesday, 2 April 2013 16:14
To: John Vriens
Subject: FW: Road Stopping Voltaire street

Hi again John

22/04/2013

Just re-read the submission guidelines and see that I left off a couple of required pieces of information for our submission below.

Our phone number is 04 476 9616, we would like the council to decline the proposal, we don't have anything further to add orally as our two main concerns are detailed in writing below.

Thank you.

From: Lara Phegan [mailto:laraphegan@xtra.co.nz]
Sent: Tuesday, April 02, 2013 4:02 PM
To: 'john.vriens@wcc.govt.nz'
Subject: Road Stopping Voltaire street

Hi John

We are opposed to the road stopping proposal for Voltaire Street.

We are at number 28 Voltaire Street and our concern is twofold:

1. Due to the steepness of our driveway we have to exit on an angle (as does the owner of 26 Voltaire Street). This already poses a safety issue at times for us and the drivers coming from the end of the cul-de-sac, so a driveway on the opposite side of the road, and more vehicles backing out in this area of the street will be likely to increase these safety issues. There have not been any accidents that I'm aware of but we have had several near misses!
2. Our view across the valley will be compromised with the building of a house opposite our property. When we bought this place we did so with the understanding that the area across the street was designated as a no-build area, assuring our view. We are concerned that a property will take away this much-enjoyed aspect of living here.

When we first received news of this proposal some time ago we discussed it with the owner of 26 Voltaire street who is also opposed to the proposal. She is currently overseas for a 3 year period and as we are not in contact with her until she returns I am not sure she is aware of the need to enter her opposition to the proposal by today.

Thanks John

Lara Phegan and Richard Romijn

LJ Phegan and RL Romijn
 28 Voltaire Street
 Karori
 Wellington 6012

Dear Sir/Madam,

PROPOSED ROAD STOPPING – VOLTAIRE STREET, KARORI

Council is proposing to sell an area of unformed legal road land in Voltaire Street, Karori. You have received this letter as you own a nearby property. This letter follows my previous letter of 4 August 2011.

The land proposed to be sold is 1106m² in area and is situated between numbers 9 and 21 Voltaire Street (the accessway), as shown coloured red and green on the attached aerial. The green area will have all its vegetation protected and the red area will be restricted to one dwelling unit.

As this land is unformed legal road it currently does not have a title. Before any road land can be sold into private ownership it must first go through the road stopping process, and only if that process is successful can it then be transferred into fee simple land and issued with a title, and sold. In this case the road stopping is being carried out under the Local Government Act 1974.

As part of the road stopping process consultation with the owners and occupiers of immediately adjoining properties is required. If the road stopping proposal is successful it is planned that the total area of land would be issued with its own title as one large lot, and then marketed for sale. All future use of the land would be governed by the District Plan rules except for the extra restrictions mentioned above for the green and red areas.

An information sheet on road stopping is attached for your reference.

An additional point that has been highlighted in previous correspondence is that if this road stopping proposal is successful it would result in new front yard rule requirements for the properties that are directly across the road. Presently you could build right up to the front boundary of your property that faces Voltaire Street, without needing resource consent. If the proposed road stopping is successful, and the width of the road land in front of your property is reduced from the existing width of approximately 45 metres, to 15 metres, which is the same width as the rest of the street, then any future building work within 2.5 metres of your front boundary would require consent. It should be noted that while this is being highlighted as a change, in effect it just makes your property consistent with the rest of the properties in Voltaire Street and there would be no change to the current formed road and footpaths.

If you would like to comment on this proposal please forward that before the closing date of the public consultation period of 5.00pm Tuesday 2nd April 2013. The grounds of all objections will be considered at the one time once the public consultation period has closed.

Yours sincerely


 John Vriens
Senior Property Advisor - Property Services
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