

REPORT 1
(1215/53/IM)

**BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE
PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL
ROAD ADJOINING 30A SEATOUN HEIGHTS ROAD, SEATOUN**

1. Purpose of report

The purpose of this report is to provide the Committee with background information to two oral submissions opposing a road stopping proposal for land adjoining 30A Seatoun Heights Road, Seatoun.

The oral submissions will be made by Luigi Muollo, the owner of 5 Stormanstown Way, and Lou Loizou who owns 32 Seatoun Heights Road.

No decisions will be made by the Committee on the day of the oral submissions. Following the submissions, officers will prepare a further report for consideration at the Committee's next available meeting. That report will outline all objections received to the road stopping proposal to enable the Committee to make a final decision on the objections and road stopping proposal.

Refer to Appendix 1 for an aerial photograph which shows the road land proposed to be stopped outlined in red.

2. Executive summary

On 23 November 2011, Council declared surplus approximately 77m² of road land (the Land) adjacent to 30A Seatoun Heights Road, following a road stopping application by the owners.

Public consultation on the proposed road stopping, including formal notification, was undertaken during June and July 2012. Five written objections were received. Of these, two objectors are taking the opportunity to present an oral submission to the Committee, in support of their written objection.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

- 1. Receive the information.*
- 2. Thank Mr Muollo and Mr Loizou for their oral submissions and advise that it will consider the matter and make a decision on whether or not to uphold either objection at its next available meeting of the Regulatory Processes Committee.*

4. Background

4.1 Road stopping consultation

The road stopping proposal was approved by the Regulatory Processes Committee at its meeting of 9 November 2011, and the Council meeting of 23 November 2011. Refer to Appendix 2 for a copy of the 2011 committee report.

Consultation on the proposed road stopping was undertaken during June and July 2012. Letters were sent to 21 owners and occupiers of properties situated immediately near the road stopping site. However, due to an oversight, a letter was not sent to Mr Loizou, despite him being an adjoining neighbour. Mr Loizou was given additional time to lodge his submission following the end of the public notification period on 24 July 2012.

Public notices were placed in the Dominion Post on 12 and 19 July 2012, and signage was placed on site. Information was also made available on Council's website, in the main library and the service centre at 101 Wakefield Street.

The resolutions of the 23 November 2012 Council meeting noted that a further report would be presented to the Committee outlining any objections received during the public consultation subject to the road stopping applicant wishing to proceed with the process.

4.2 Objections received

Five written objections were received from the public consultation. These were from:

- Mr and Mrs Parish, 21 Seatoun Heights Road;
- The L and R Loizou Family Trust (Lou Loizou), 32 Seatoun Heights Road;
- The Salandos Family Trust, 34 Seatoun Heights Road;
- Mr Luigi Muollo, 3 Stormanstown Way; and
- The Hinuera Trust, 5 Stormanstown Way.

The details of the objections by Mr Loizou and Mr Muollo are outlined and discussed in more detail in section 5 below.

5. Discussion

5.1 Objections by Mr Loizou and Mr Muollo

Mr Loizou and Mr Muollo's objections are attached at Appendix 3. Letters to each of Mr Loizou and Mr Muollo summarising their objection grounds and setting out officers' responses are attached at Appendix 4.

Officers met with both Mr Loizou and Mr Muollo on 30 July 2012 to better understand their concerns. Mr Loizou submitted his objection after this meeting.

Both Mr Loizou and Mr Muollo objected to the road stopping because the Land is close to a busy intersection with regular vehicular and pedestrian traffic and the stopping may result in reduced visibility where Seatoun Heights Road intersects with both Townsend Road and Stormanstown Way.

Specifically, Mr Loizou (who shares a driveway with 30A Seatoun Heights Road) noted that it was difficult to exit his driveway because of existing traffic and pedestrian conditions and a fence built on the proposed new boundary would remove the splay at the driveway exit, blocking some sightlines from the driveway.

Mr Muollo was similarly concerned that a fence on the new boundary might interfere with sightlines from the exit of Stormanstown Way. He also believed the Land could be required for future road use.

Mr Loizou and Mr Muollo both also noted that:

- selling the Land could prevent widening the adjacent footpath, which they consider too narrow.
- if the applicants developed or fenced the proposed new boundary, it would remove the visual amenity to residents that the Land currently provides as a green space.

Mr Muollo and Mr Loizou now each want to take the opportunity to present an oral submission to the Committee.

5.2 Grounds for objections

In addition to the objections raised by Mr Loizou and Mr Muollo (some of which were shared by other objectors), the following were raised:

- No evidence that traffic and roading supports the road stopping and sale.
- The stopping could lead to adverse effects on traffic conditions or interfere with neighbours' access.
- A pedestrian crossing may be required on this section of Seatoun Heights Road.
- Future development of the stopped road may have a negative impact on neighbouring properties (through loss of sunlight).

Officers have acknowledged and responded with substantive comments to all objectors. The full details of the objections and officers' responses will be set out in a further report to the Committee for consideration at its next meeting.

All objectors have elected to maintain their objections, despite officers' responses.

5.3 Next Steps

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

- After the Committee hears the oral submissions, officers will finalise a report for the Committee's next available meeting.
- The Committee will consider the submissions and final report, and will make a recommendation to Council on whether or not to uphold any of the objections.

- If the Committee's decision is to uphold any objection and full Council agrees, then the road stopping proposal is effectively ended and the Land will not be stopped and sold.
- If the decision reached is to not uphold (i.e. reject) any of the objections and to proceed with the road stopping proposal, 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.

6. Conclusion

This report provides background information for the Committee on the road stopping proposal and the oral submissions to be made by Mr Loizou and Mr Muollo in support of their objections.

After the oral submissions, a final report will be prepared for the Regulatory Processes Committee to make a recommendation to Council on whether either objection should be upheld or rejected.

Contact Officer: *Rosalind Luxford, 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.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

4) Decision-making

This report is for the purposes of providing background information to the oral submissions only. A final decision will be made at the next available meeting.

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 five objections received.

b) Consultation with Maori

The internal business unit consultation included Treaty Relations who consulted with local iwi, who had no interest in the subject land.

6) Legal implications

This report is for the purpose of providing background to the objections. Any legal implications relating to the objections will be considered and addressed in the final report to decide on the objections.

7) Consistency with existing policy

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

APPENDIX 1



REPORT 7
(1215/53/IM)

**ROAD STOPPING AND DISPOSAL - LEGAL ROAD ADJOINING
30A SEATOUN HEIGHTS ROAD, SEATOUN**

1. Purpose of Report

This report seeks the Committee to recommend to Council to agree that approximately 77 square metres of Council owned unformed legal road adjoining 30A Seatoun Heights Road, Seatoun is no longer required for Council's operational requirements, and authorise officers to proceed with the offer back investigation and eventual road stopping and sale.

Refer Appendix 1 for an aerial plan of the subject area, shaded green.

2. Executive Summary

An application has been made to Council by the owners of 30A Seatoun Heights Road, Seatoun to stop a portion of unformed legal road, adjoining their property. The landowners have indicated that they would like to purchase the road land to extend their current garden area, and also recognise purchasing the land is an investment that could add value to their property. It is noted that a Resource Consent has been granted to carry out additions and alterations to the dwelling on site, and to convert this dwelling into two units. The Resource Consent was granted prior to the landowner applying for this road stopping.

The key question for Council is whether this area of land is surplus to requirements for a public work, and if so, whether it will support commencement of the road stopping procedures under the Local Government Act 1974 (LGA).

Internal business units and external service authorities have been consulted and all support the disposal, with minimal conditions requested to be imposed.

Immediate neighbours have been consulted and no objections have been received. The area of unformed legal road land proposed to be stopped will be sold at current market valuation, and most of the costs will be met by the applicant.

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3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that the area of approximately 77m² (subject to survey) of unformed legal road land, adjoining 30A Seatoun Heights Road, Seatoun is not required for a Public Work.*
 - (b) *Approve the disposal of approximately 77m² of unformed legal road land adjoining 30A Seatoun Heights Road, Seatoun to the owner of that property.*
 - (c) *Authorise Council officers or suitably qualified consultants to undertake a section 40 Public Works Act 1981 report to identify whether the area of unformed legal road land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
 - (d) *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) Public Works Act (if appropriate).*
 - (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the area of unformed legal road land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
 - (g) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the unformed legal road land adjoining 30A Seatoun Heights Road, either with the former owner, or their successor, or the owner of 30A Seatoun Heights Road, Seatoun, provided any such agreement is conditional upon the road being stopped.*

4. Background

Council has received a road stopping application to 'stop' unformed legal road adjoining the front of 30A Seatoun Heights Road, Seatoun. 30A Seatoun Heights Road, being Lot 1 DP 82974, is held in private ownership comprised in Computer Freehold Register WN49c/550.

The total area that is proposed to be stopped is approximately 77 square metres (subject to survey). This land is a bank of stone and clay dirt, and is mostly covered in grass and scrub.

The landowners have indicated that they would like to purchase the road land to extend their current garden area, and also recognise purchasing the land is an investment that could add value to their property. It is noted that a Resource Consent has been granted to carry out additions and alterations to the dwelling on site, and to convert this dwelling into two units. The Resource Consent was granted prior to the landowner applying for this road stopping.

5. Discussion

5.1 Consultation and Engagement

As part of the road stopping process service authorities and internal business units are given an opportunity to provide preliminary comments and these are summarised in the following table:

Internal Business Units	Comments
WCC Road and Traffic Maintenance	Unconditional consent.
Transport Planning	Unconditional consent.
Vehicle Access Engineer	Unconditional consent.
Development Planning and Compliance	Notes that the road stopping proposal will trigger Front Yard Rule requirements to some adjacent properties, consultation should be carried out.
Policy and Planning	Unconditional consent.
Urban Design	Unconditional consent.
Parks and Gardens	Unconditional consent, noting the cabbage tree nearby will remain on road reserve land.
WCC Treaty Relationships	No objections or conditions received from Port Nicholson Block Settlement Trust, or Ngati Toa.

Service Authorities	
Capacity	No services in this area.
WCC Public Drainage	Unconditional consent.
WCC Street Lighting	Unconditional consent.
Telecommunications	Unconditional consent.
Wellington Electricity	No objections, but notes that underground electricity cables are in the vicinity of the area. Standard conditions apply, including requirement for an easement if underground cables are to be located on private land as a result of boundary change, no structures to be built on top of electricity cables, and any relocation of cables will be at the landowners cost.
Powerco Ltd	No objections and standard conditions apply; including the new boundary must leave Powerco gas pipes in road reserve, and if relocation of gas pipes is required, this will be at landowners cost.
Nova Gas Ltd	No mains or services in this area.

Officers are satisfied that the above service authority and Council requirements can be met and that the area of unformed legal road at Seatoun Heights Road can be stopped and sold to the adjoining owner.

Letters have been sent to the adjoining owners of the land to advise them of the proposal. No objections have been received to the proposal to stop this portion of road. Should any neighbour or member of the public have an issue with the road stopping proposal, they will have a further chance to discuss this with Council at the public notification stage of the road stopping process. Public notification of all road stoppings is a statutory requirement.

5.2 Financial Considerations

Most of the costs associated with road stopping the unformed legal road land adjoining 30A Seatoun Heights Road will be met by the applicant. The proceeds of the land will be received by Council.

5.3 Climate Change Impacts and Considerations

There are no climate change impacts.

5.4 Long-Term Council Community Plan Considerations

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

5.5 Significance Policy/ Strategic Assets

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

6. Conclusion

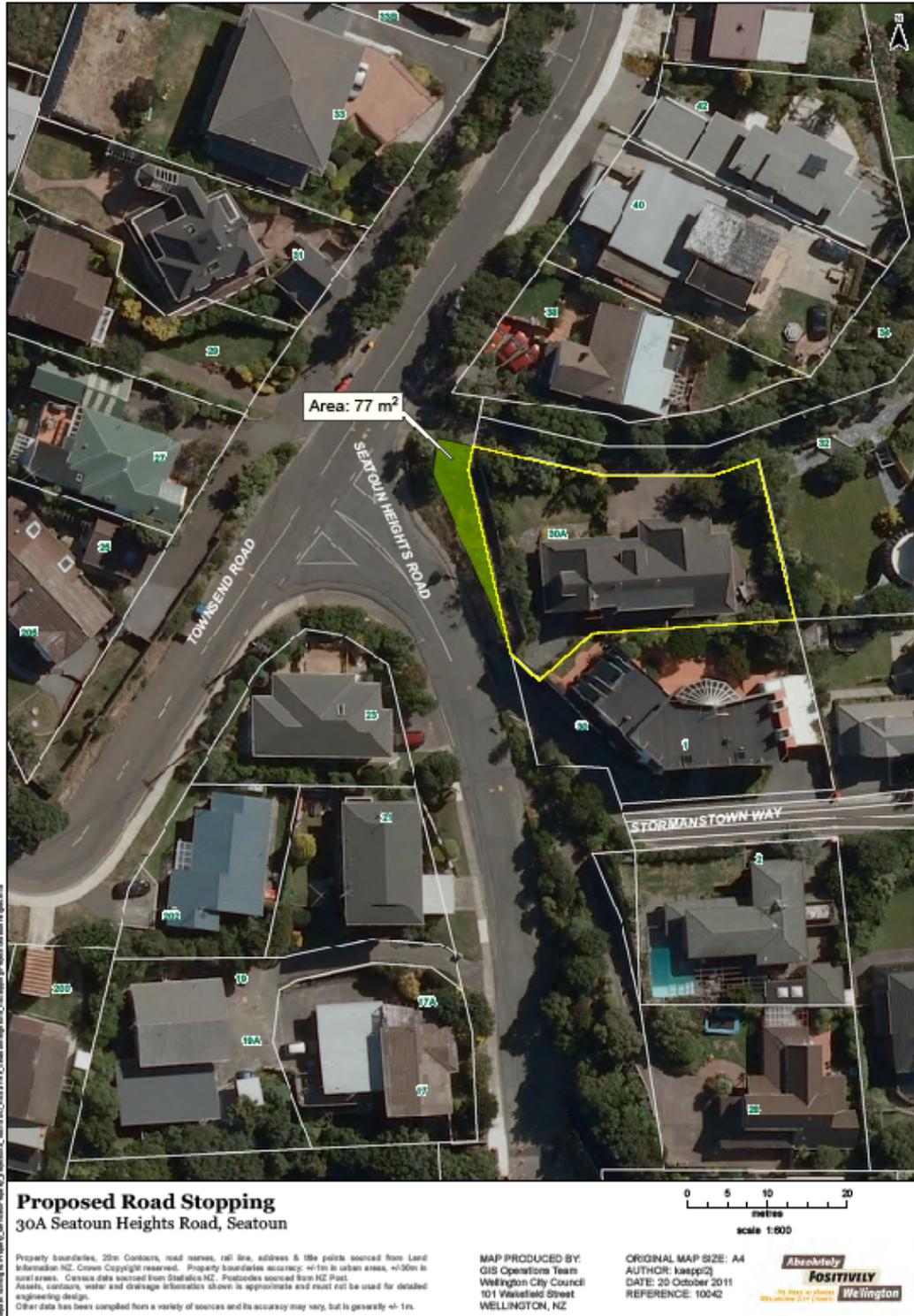
Officers believe that that the unformed legal road is no longer required for Council's operational requirements and could be declared surplus, stopped and sold to the applicant subject to the conditions contained in this report.

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

Contact Officer: Nicola Hine - Property Advisor, Property Services

Supporting Information
<p>1) Strategic Fit / Strategic Outcome <i>It is inline with the Council's financial principals that assets which are declared surplus to strategic or operational requirements are sold. The sale of legal road, where surplus to strategic requirements, is mandated under the Council's 2011 Road Encroachment and Sale Policy.</i></p>
<p>2) LTCCP/Annual Plan reference and long term financial impact <i>Provision for undertaking this work is contained within the overall organisational budget.</i></p> <p><i>There are no adverse financial implications imposed on the Council arising from this road stopping proposal. Most of the costs associated with this proposal will be met by the applicant including survey, administration and legal costs. This proposal will benefit the Council in financial terms as the applicant will purchase the stopped road from the Council at market value, and will then pay rates on it in the future.</i></p>
<p>3) Treaty of Waitangi considerations <i>There are no Treaty of Waitangi implications.</i></p>
<p>4) Decision-Making <i>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.</i></p>
<p>5) Consultation</p> <p>a) General Consultation <i>Relevant Council business units have been consulted with, and have no objection to the intention to dispose of this land.</i></p> <p><i>Public consultation will be carried out as per the statutory requirements of the road stopping process.</i></p> <p>b) Consultation with Maori <i>Both Port Nicholson Block Settlement Trust and Ngati Toa have no objections to the intention to dispose of the land.</i></p>
<p>6) Legal Implications <i>There are no significant legal implications arising from this matter. Compliance with the LGA and Section 40 PWA considerations will address relevant issues. Any Sale and Purchase Agreements will be prepared by the Council's solicitors. A solicitor's certificate will be obtained before any documentation is executed.</i></p>
<p>7) Consistency with existing policy <i>The recommendations of this report are consistent with WCC policy for the disposal of surplus property.</i></p>

Appendix 1



Objection from Lou Loizou

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

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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



APPENDIX 3

You forwarded this message on 23/07/2012 4:31 p.m.
From: Rosalind Luxford <Rosalind.Luxford@wcc.govt.nz>
To: Lou
Cc:
Subject: RE: Road Closure Section 1, SO452748

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
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From: Lou [mailto:lou@wcc.govt.nz]

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.

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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

A handwritten signature in blue ink, appearing to read 'L. Muollo'.

Luigi Muollo

Officers' response to Mr Loizou



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.

**WELLINGTON
CITY
COUNCIL**

101 Wakefield Street,
PO Box 2199,
Wellington 6140, New Zealand

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F +64 4 801 3138
Wellington.govt.nz



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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

APPENDIX 4

Officers' response to Mr Muollo



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.



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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



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