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## **BACKGROUND TO ORAL SUBMISSION - PROPOSED DISPOSAL OF 224 KARORI ROAD, KARORI**

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### **1. Purpose of Report**

The purpose of this report is to provide the Strategy and Policy Committee with background information to an oral submission that is to be made by the owner of 222A Karori Road, Karori at the Strategy and Policy Committee meeting of 18 February 2010.

### **2. Executive Summary**

The 224 Karori Road property was acquired by Wellington City Council in 1990 for use as a Kohanga Reo. It is no longer used for that purpose and is vacant. As no other Council Business Units have use for the property, its sale is now being proposed.

As part of the proposed sale process public consultation was carried out and a submission from the owners of 222A and 222B Karori Road was received. The objection made in the submission relates to the continuation of Council access via a legal right of way. The submitters have not objected to the proposed sale of the property.

The purpose of the oral hearing will enable the submitters to inform the Strategy and Policy Committee about their objection and to enable the Committee to ask any questions of the submitters. Only the owner of 222A Kaori Road will make an oral submission.

A report on the disposal and submission will be discussed by the Strategy and Policy Committee at its meeting on Thursday, 11 March 2010.

### **3. Background**

In response to the consultation process on the proposed sale of 224 Kaori Road, a joint submission from the owners of 222A and 222B Karori Road has been received.

The submission seeks Council's agreement that a right of access registered against 222A and 222B Karori Road giving Council access to the rear of 224 Karori Road be surrendered.

An aerial view is attached as appendix one with the shared driveway is shown red and the car parks belonging to 224 Karori Road are shown blue. A copy of the submitters' written objection is also attached (appendix two).

When the Kohanga Reo facility was operating at the property, a number of complaints were received relating to noise and vehicles parking on the driveway. Prior to the address being used for the Kohanga Reo, it was a residential dwelling.

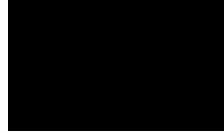
#### **4. Conclusion**

Once the oral submission has been heard and any matters raised considered, the Committee will consider a report on the objection and on the proposal to sell the 224 Karori Road property at its meeting scheduled for 11 March 2010.

Contact Officer: *Paul Davidson, Property Advisor, Property Projects*



**Appendix Two**  
**Submission from 222A and 222B Karori Road**



18 July 2009

Mr Paul Davidson  
Wellington City Council  
P O Box 2199  
**Wellington**

**Sale of Property 224 Karori Road Lot 2 DP 7303, CT WN389/185**

Hello Paul

Thank you for your recent letter to me and our neighbour Mrs Janet Heinemann, in which you advise we have until 5 p.m. of 14<sup>th</sup> August 2009 to make a submission concerning the Wellington City Council's intention to market the above property as a residential dwelling.

Our joint submission is attached to this letter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony &amp; Margaret Ramsay', written over a solid black rectangular redaction box.

Tony & Margaret Ramsay  
Property Owner

Yours sincerely

A handwritten signature in black ink, appearing to be 'Janet Heinemann', written over a solid black rectangular redaction box.

Janet Heinemann  
Property Owner



**Submission Concerning Disposal of WCC Property:  
224 Karori Road, Wellington 6012  
(Lot 2 DP 7303, CT WN389/185)**

1. We would ask that prior to listing the property for sale the Council give urgent attention to removing the right of passage from the title for the owner of 224 Karori Road to access our shared driveway in order to park at the rear of the Council's property.
2. That the Council as the registered owner of the property pay a 1/3 share of the legal costs associated with an amendment to the Certificate of Title removing this right of passage.
3. That the Council does not seek to leave this as a decision for the new owner of the property. This would be inequitable and very unfair on our property rights as the legal owners of the driveway for the reasons set out below.

Reasons for proposed change:

4. The current parking area is not a properly constructed park permitting quick and easy access.  
  
Its continued use as a car park is problematic for all concerned: us and whoever is residing at 224 Karori Road. The space does not allow for vehicle turning and easy entrance and exit. Vehicles have to reverse onto the busy Karori Road presenting a hazard to other cars and passing pedestrians.
5. The obvious parking space for access to this property is from Karori Road and it is an opportunity for the new property owner to add value by removing one of the large trees that currently shade the front lawn and build a double garage. We put these considerations to previous WCC property managers on-site who agreed a garage would be the most sensible solution.
6. Legal ownership of the driveway is jointly vested in the owners of the properties at 222A Karori Road and 222B Karori Road. The present situation of allowing a vehicle to cross our driveway creates additional upkeep and maintenance costs on the owners of the driveway. These are:
  - i. The cost of regularly laying gravel.
  - ii. The repositioning of border rocks that become dislodged as vehicles access the driveway from the rear parking area at 224 Karori Road.
  - iii. The *spraying* of gravel and *gouging* of the driveway as vehicles lose traction trying to reverse out of the de facto parking space.

- iv. Weeding and repositioning of the border rocks on both sides of the driveway to prevent grass seeding on the gravel surface.
- v. Regular spraying of the driveway surface using weed killers to prevent grass growth.
- vi. Ongoing garden maintenance including the pruning, and removal of tree growth and garden weeds on both sides of the driveway.
- vii. Regular removal of paper litter and rubbish that blows in off the street.

Social and neighbourly considerations.

7. We consider that the Wellington City Council (WCC) has always adhered to good neighbourhood principles and assisted with a 1/3 share of the cost of laying gravel. WCC have also been responsive to issues concerning their tenants. In particular:
  - i. More than two vehicles parked in the rear parking space so that the second vehicle protrudes either partially (or completely), making access difficult or impossible.
  - ii. Vehicles frequently getting stuck when they cannot gain traction to reverse. On occasions the driveway has been blocked for long periods as the vehicles are neither wholly in or wholly out of the area being used as a de facto car park.
  - iii. Additional vehicles parking in the driveway for long periods believing that it is incumbent on the property owners at 222A and 222B Karori Road to come and ask them to move.
  - iv. Vehicle owners on occasion displaying resentment and not being in a hurry to remove vehicles parked in the manner referred to in (iii) above, when reasonably asked to.
8. For the reasons set out above it is in our view highly desirable to remove the right of passage from the title at this time. A new owner may well be a respectful and dutiful neighbour but equally they may not. It is important not to create the presumption during the sale process that purchase of the property confers a rear carpark.
9. It is submitted that the best way to ensure safe and effective access to these three properties is for the WCC to accede to our joint submission to take real and practical steps to remove the right of passage for vehicles accessing the property at 224 Karori Road, before it is listed for sale.

We would be happy to discuss this issue with you or relevant Council staff on site to explain our concerns.

Yours sincerely

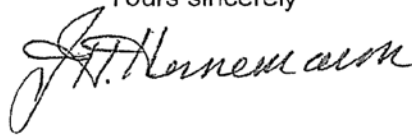


Tony & Margaret Ramsay  
Property Owner

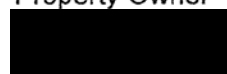


18<sup>th</sup> July 2009

Yours sincerely



Janet Heinemann  
Property Owner



18<sup>th</sup> July 2009

*Cc Councillor Andy Foster, Western Ward.*