

IN THE MATTER of the Local Government Act 1974

AND

IN THE MATTER of a proposed road stopping by THE WELLINGTON CITY COUNCIL of a portion of Sefton Street, Wadestown, under the 10<sup>th</sup> Schedule to the Act

(ENV-2006-WLG-000137  
formerly ENV W 0157/05)

BEFORE THE ENVIRONMENT COURT

Environment Judge S E Kenderdine sitting alone pursuant to section 279 of the Act

IN CHAMBERS

FINAL DECISION

[1] On 7 July 2004 the Wellington City Council (WCC) gave notice of its intention to stop part of Sefton Street, Wadestown, Wellington. The WCC received three objections to the proposal. After hearing the objections, the WCC decided not to allow them. The WCC forwarded the application to the Court, under clause 5 of the Tenth Schedule to the Local Government Act 1974 (LGA) and requested that the Court confirm its decision to stop the road.

[2] I summarised my initial findings on the WCC's application thus:



*I consider that the requirements of clauses 1-3 of the Tenth Schedule have been met, and that other procedural matters raised are outside the jurisdiction of this Court on a road stopping application. I find that the proposed road stopping will not affect road safety matters, parking or access. In particular, on Mr Sumby's evidence,*

*the existing access to 119 Sefton Street will be maintained. I am satisfied with the WCC's explanation that the road is no longer required for roading purposes, and the remaining road is sufficient for foreseeable roading purposes. However, I am not satisfied with the WCC's explanation as to JH2's concerns about the application of the Front Yard Rule. I will need clarification of that matter before I can decide whether or not to confirm the WCC's decision to stop the road.*

[3] I asked the WCC to provide an affidavit addressing the Front Yard Rule as it applies to 116 Sefton Street. The WCC has lodged an affidavit from Mr J T C Loo. Mr Loo corrects the earlier error in affidavit evidence, and says that the road will be no less than 20 metres wide at any point.

[4] Therefore, the proposed road stopping will not have any effect on the application of the Front Yard Rule to any of the properties on Sefton Street, including 116 Sefton Street. The "nil" front yard requirement that the site currently enjoys will not change. This deals with JH2 Ltd's objection to the roadstopping. For this reason, and the reasons I set out in the Interim Decision, I consider it is appropriate to approve the WCC's proposal to stop a portion of Sefton Street.

[5] The Wellington City Council's decision to stop part of Sefton Street, Wadestown, is confirmed.

[6] Costs are reserved. Any application is to be made within 15 working days of the date of this decision, with any reply to be lodged within a further 10 working days.

**DATED** at WELLINGTON this 15<sup>th</sup> day of September 2006



*S. E. Kenderdine*  
S E Kenderdine

**Environment Judge**

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**Issued: 15 SEP 2006**