



29 June 2012

E & C Miller
PO Box 13306
Johnsonville
Wellington 6440

Dear Eric and Christine

Proposed Road stopping – Bracken Road, Paparangi

Further to our meeting on 11 June 2012 I write to confirm our discussion concerning your objection to the proposed road stopping at Bracken Road.

In considering whether road should be stopped or not, Council must be satisfied that the road is no longer required for roading purposes, ie road widening. As such, Council's Roading Unit has confirmed there is no need to retain this portion of road for future roading requirements. While your objection mainly relates to the development of the land and not to the actual stopping of the road itself, I believe your concerns are a matter that would be managed at the planning stage of the development.

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

1. Underground springs/water control

Public Drainage advise that they are well aware of the underground springs and due to the natural ground contours water naturally drains towards 101-109 Beazley Ave. A field drain was recently installed as part of the subdivision and is adequately draining water into the storm water main. Provision for further storm water control (if needed) would be addressed as part of the building consent process with any future subdivision. This will only improve the situation and not make it worse. Should the road stopping proposal be successful information would be provided to the LIM team to ensure that the existence of the springs is noted on the LIM's for the two lots that are proposed to be created.

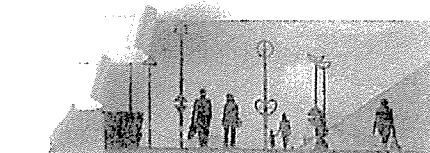
2. Traffic affects from vehicles turning into the subject land

Council's Transport Planning advise that prior to subdivision, the existing driveway did not comply with District Plan requirements as it was too close to the Bracken Road / Beazley Avenue intersection. After subdivision there are now four properties (84 – 90 Bracken Road) that have a complying driveway. Access to the two new lots proposed to be created from the road stopping would also be from this same shared driveway. Therefore, no additional driveway crossings on to Bracken Road would be required. Council's Vehicle Access Engineer has confirmed that the design/specifications of the new shared driveway meet the design criteria needed to serve six properties.

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3. Services in the area not upgraded from original subdivision and will be overloaded if the subject land was developed

In the early steps of the road stopping process all service authorities and relevant internal Council business units are consulted and their approval sought. All gave their consent with standard conditions. None of the service authorities or internal Council business units raised any concerns that any infrastructure would be overloaded should the land be developed and built on. Public Drainage advise that in regards to the storm water and sewer services, work was carried out to these services as part of the recent subdivision. The two new lots proposed to be created from the road land would each be sold with storm water and sewer connections provided, and Public Drainage see no issues with having two more dwellings connected to them.

4. Impact if houses were built on the subject land 2 or 3 stories high

The Council has agreed to impose several conditions on the road land to be stopped. These are:

- Any new dwelling built on the road land would be limited to only one storey.
- Only one dwelling to be built on each of the two lots proposed to be created from the road land.
- The style of fencing matches the style that is already bordering the common driveway.
- There is to be no blocking / parking on the common driveway.

5. Sunlight access plane and yard effects on your property

Development Planning advise that if the road stopping proposal is successful then approximately 36 lineal metres of one of 101–109 Beazley Avenue's front boundaries would become a side boundary. This would trigger 'sunlight access plane' and 'side yard' requirements on that length of the boundary. Such new requirements would only affect those two townhouses which are situated next to the subject boundary. The sunlight access plane requirements would only need to be considered if second levels were proposed. Existing user rights apply in respect of the side and rear yard requirements.

The requirements triggered above are considered less than minor given the existing general requirements for the five cross leased properties, and therefore are not considered as likely to cause significant additional future expense or loss in value for any of the 101–109 Beazley Ave property owners.

In regards to the general positioning of any new dwelling being built on the land proposed to be stopped, that would be governed by the District Plan rules.

6. Land behind 107 and 109 has been backfilled, how long before it can be built on? This has now taken the height of a dwelling higher

Development Planning advise that the backfill on the road land proposed to be stopped was a permitted activity related to the recent subdivision. The fill could be built on now but the design of any future foundation works would have to take the fill into consideration, and foundations would have to be to the satisfaction of the building consent and inspection process.

Should you wish your objection to remain in place then the process would be as follows:

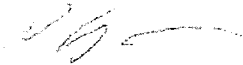
1. Your objection would be referred back to Council's Regulatory Processes Committee and full Council for decision on whether to uphold it or not.

2. You would have the opportunity to make an oral submission to the Regulatory Processes Committee in support of your objection. Oral submissions usually take 5 – 10 minutes.
3. 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)
4. If Council did not uphold your objection, and you still did not want to withdraw then this matter would have to be referred to the Environment Court. If this matter did progress to this state you are encouraged to obtain legal advice before deciding whether or not to withdraw to ensure that you were making an informed decision.

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

Please feel free to contact me if you need further clarification. Otherwise, could you please contact me by 13 July 2012 to advise whether you wish to withdraw your objection or present it to the Regulatory Processes Committee for their consideration.

Yours sincerely



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