

## MEMORANDUM

Date: 12 December 2012

File ref: 0480-48-SEA-30A

To: **Regulatory Processes Committee**

From: **Rosalind Luxford, Property Services**

Subject: **Road stopping application at 30A Seatoun Heights Road**

1. On 19 November 2012, the Committee held over the above report to today's meeting to allow additional time for the objections to the proposal to be resolved.
2. Five objections to the proposal were received. I have spoken and written to all of the objectors, explaining officers' views on the proposal and their objections. Copies of this correspondence are attached. In summary:
  - 2.1 Valerie and Graham Parish (21 Seatoun Heights Road) and The Hinuera Trust (5 Stormanstown Way) have now withdrawn their objections.
  - 2.2 The applicants yesterday proposed to accept a covenant registered against the title preventing the building of a fence on the road land to be acquired or the formation of any new vehicle access through that land. This was offered as a compromise to resolve objections. The applicants have not accepted the objections. They still wish to be able to plant the boundary.
  - 2.3 In response to the above proposed compromise:
    - i. The Salandos Family Trust (34 Seatoun Heights Road) has not responded formally. Officers believe from discussions that the proposal may satisfy the trust's concerns.
    - ii. Luigi Muollo (3 Stormanstown Way) has not responded. In correspondence prior to this offer, he confirmed he would take the matter to the Environment Court if the applicants wished to proceed. He disagrees with officers' comments that no safety or visibility issues, among others, arise from the stopping. He has not provided any further information to support this position. He suggested he might withdraw his objection if the entire road stopped area were the subject of a no-build covenant.
    - iii. The L and R Loizou Family Trust (32 Seatoun Heights Road) has asked that the Committee's decision be postponed to give it more time to consider the proposed condition. In earlier correspondence, it confirmed it will take the matter to the Environment Court if necessary. The trust continues to disagree with officers' comments in response to its objections. It has not provided any further information to support this position.

## Tabled Information - Reference 108/12RP(a)

3. This morning the applicants stated that they would be willing to accept the conditions be imposed, including in addition a condition preventing the building of a garage on the road stopped land. The applicants have asked the Committee place these conditions on the stopping, even though there has not been an opportunity to determine whether the objectors will withdraw their objections on this basis.
4. Officers will continue to work with objectors with this compromise in mind to resolve the objections.
5. No new information has been provided to change officers' views that the objections should not be upheld. While officers do not advise that any conditions should be imposed, in light of the applicants' wishes, officers propose the following amendments to the recommendations in the 19 November report:

1. *Receives the information.*

2. *Recommends to Council that it:*

- (a) *Agrees not to uphold the objections (the "Objections") from the L and R Family Trust, the Salandos Family Trust, the Hinuera Trust, Mr Luigi Muollo and Mr and Mrs Graham and Valerie Parish to the proposal to the proposal to stop 77m<sup>2</sup> of road land adjoining 30A Seatoun Heights Road, Seatoun.*

- (b) *Agrees that the road stopping shall be subject to a restrictive covenant preventing the building of any fence or garage, or the creation of any new vehicle access through, the 77m<sup>2</sup> area of road stopped land.*

- (c) *Authorises officers to refer the proposal to stop 77m<sup>2</sup> of road land adjoining 30A Seatoun Heights Road, Seatoun and one or more of the Objections to the Environment Court, if needed.*

- (c) *Delegates to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*

**Rosalind Luxford**  
**Property Advisor – Property Services**  
803 8086

# Tabled Information - Reference 108/12RP(a)

## Rosalind Luxford

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**From:** Rosalind Luxford  
**Sent:** Tuesday, 11 December 2012 4:14 p.m.  
**To:** 'sally.dossor@gmail.com'  
**Subject:** Road stopping at 30A Seatoun Heights Road, Seatoun

Dear Sally

Further to our telephone conversation earlier, I can confirm that the applicant on the above road stopping proposal has - in the hope of resolving the remaining objections - offered to agree to a restrictive covenant / encumbrance being registered on the title preventing:

- any fence being erected on the land being purchased; and
- any new vehicle access being formed to the property through this land.

She would still wish to be able to plant the boundary.

As discussed, as the Regulatory Processes Committee meeting to decide this matter is scheduled for tomorrow morning, I would be grateful for your response before then and whether you would withdraw your objection on this basis.

Kind regards

Ros

### Rosalind Luxford

Property Advisor | Property Services | Wellington City Council  
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## Tabled Information - Reference 108/12RP(a)

**Rosalind Luxford**

**From:** Rosalind Luxford  
**Sent:** Friday, 30 November 2012 4:08 p.m.  
**To:** 'sally.dossor@gmail.com'  
**Cc:** 'Richard Kemp'  
**Subject:** Road stopping proposal at 30A Seatoun Heights Road (the "Property")  
**Attachments:** 30A Seatoun Heights Rd Dossor proposal 30 Nov 2012.pdf

Hi Sally

Thank you again for meeting with me earlier today. I thought it was a productive meeting and I'm hopeful we can reach a resolution with the applicant on the basis of what we discussed.

I understand that, of your objections to the road stopping, you are most concerned that a fence may be erected along the proposed extension of the Property's boundary where it lies adjacent to the driveway that you and the Loizous share with the applicant.

At present the Property's fence does not sit exactly on this boundary, but a small way back from it, with some greenery in front of it. In effect, you would like this situation to be extended along the area of land to be road stopped, leaving a small area of land that would sit outside any new fence - see the attached plan.

I understand that you would be willing to enter into a private agreement with the applicant that provides that she would consult with you in the event she plans to fence the new boundary and that on this basis, you would withdraw your objection. I have spoken to Richard Kemp (who I have copied on this email) and he is happy to take a proposal to this effect to his client to see if some agreement can be reached.

If you do not agree with the above, please respond with any amendments. As we have discussed, the matter will be considered again by the Regulatory Processes Committee on 12 December 2012, and my expectation is that they will approve the proposal in its current form. Any remaining objections at this time will be referred to the Environment Court for a final decision.

As requested, I also checked the site coverage issue. The site area of the existing building is approximately 260 sqm. This is around 33% of the current section. The proposal would add a further 77 sqm to the section, which would mean the applicants could build on around 26 sqm more of the section as of right under the District Plan.

As always, I am happy to discuss the matter further - please feel free to call me on the number below.



Kind regards

Ros

**Rosalind Luxford**

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12/12/2012



**Rosalind Luxford**

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**From:** Rosalind Luxford  
**Sent:** Friday, 23 November 2012 11:41 a.m.  
**To:** 'sally.dossor@gmail.com'  
**Subject:** Proposed road stopping at 30A Seatoun Heights Road, Seatoun  
**Attachments:** img-Y23113813-0001.pdf

Dear Sally

Please see my attached letter. I have sent similar letters to the other remaining objectors. I would be grateful for the opportunity to discuss this with you further when you are back from Melbourne next week.

Many thanks

Ros

**Rosalind Luxford**  
Property Advisor | Property Services | Wellington City Council  
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# Tabled Information - Reference 108/12RP(a)

**Absolutely**

WE HAVE TO SPHERE  
WELLINGTON CITY COUNCIL

**Wellington**

23 November 2012

File ref: 0480-48-SEA-30A

Salandos Family Trust c/ Sally Dossor  
34 Seatoun Heights Road  
Seatoun  
WELLINGTON 6022

Dear Sally

## Proposed road stopping at 30A Seatoun Heights Road, Seatoun

I write further to my email on Monday and our telephone conversation yesterday. As set out in my email, objections to the above proposal were considered by the Regulatory Processes Committee at its meeting on Monday. Officers' report to the Committee is available here:  
[http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory\\_Processes/2012/19Nov0915/agenda.html#repts](http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory_Processes/2012/19Nov0915/agenda.html#repts). Officers recommended that the Committee not uphold any of the objections to the road stopping.

The Committee indicated that it would accept the advice of officers and approve the recommendations. This would mean the road stopping application would proceed. Accordingly, if the applicants wished to continue and one or more of the objectors wished to maintain their objection, the next step would be for the matter to be referred to the Environment Court for a final decision. Given the costs and delays associated with Environment Court proceedings, the Committee decided to hold over the report until its next meeting (on 12 December) to allow further time to resolve the objections. There was a clear statement from the Committee Chair, however, that unless new information came to light, the Committee would approve the recommendation that the objections not be upheld.

The report referred to above contains a full review of all the objections received and officers' comments on these. My letter to you of 17 August 2012 also dealt specifically with the concerns you have raised. In summary, you have objected to the road stopping for the following reasons:

- an inadequate case has been made for the road stopping and sale. In particular, there is no evidence of the traffic and future roading network assessment undertaken by the Council that supports the "unconditional consent" comments in the officers' report of 9 November 2011;
- the unformed road is on a busy corner with limited visibility and the subject land may be required for future roading purposes, including parking;
- the land proposed to be stopped and sold forms part of an important visibility splay - necessary for the safety of pedestrians and motor vehicles - which could be built on if the proposal goes ahead;
- the land provides a visual amenity which could be lost if the subject land is stopped and sold; and
- if the additional land is used to develop 30A Seatoun Heights Road, it could further adversely affect the existing traffic conditions.

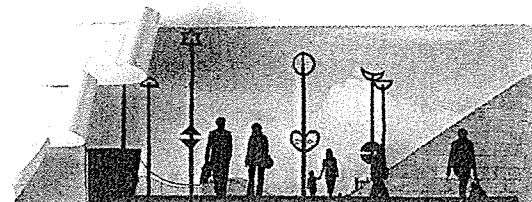
In response, Council officers comment as follows:

1. Roading and Traffic officers have confirmed that the subject land is not required for future roading purposes and the remaining road reserve will enable future widening of the carriageway or footpath, if considered necessary.
2. Roading and Traffic have also considered using the land for parking purposes but do not think that this would be appropriate given the proximity of the intersection of Townsend and Seatoun Heights Roads.

**WELLINGTON  
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## Tabled Information - Reference 108/12RP(a)

3. Officers have inspected the site and consider there is good visibility through the existing splay to the intersection of Townsend and Seatoun Heights Roads. Part of this area was recently cleared of vegetation, which has improved the view. None of the cleared area is proposed to be sold (an attached photograph shows the survey peg marking the proposed new boundary to the left of this area). Officers therefore do not consider that the road stopping will have an adverse effect on visibility exiting this driveway.
4. Council's Parks and Gardens team have assessed the proposed stopping and are satisfied that the possible loss of vegetation is acceptable should the land be sold. The applicants have, furthermore, indicated they intend to plant this boundary. In the event a fence is erected on the new boundary, residents could look to plant the remaining road reserve in front of the fence if they feel this would improve the visual amenity of the land.
5. It is not clear to officers how development of the land *resulting from the road stopping* may adversely affect existing traffic conditions. Development Planning and Compliance has advised that the amalgamation of the subject land with the property at 30A Seatoun Heights Road may facilitate development on this land. However, the property at 30A Seatoun Heights Road could be developed whether or not the road stopping proposal proceeds and officers therefore do not consider that the road stopping would have this effect. Furthermore, future use of the land would be governed by the District Plan, which takes into account the possible impact on neighbouring properties and traffic conditions.

In light of officers' comments above, I would be grateful if you would reconsider whether you wish to maintain your objection. I am very happy to meet with you to discuss your concerns in more detail, if that would be of assistance. If you feel that your concerns have not been properly addressed, I would be grateful if you could set out your reasons for disagreeing with officers' comments and whether there is any basis upon which you would be willing to withdraw your objection.

I would note that if you decide to maintain your objection on the above grounds and the matter proceeds to the Environment Court, an unsuccessful party may be ordered by the Court to recompense the successful party for costs incurred. For this reason, if you choose to maintain your objection, I would strongly recommend you take legal advice.

As stated above, I would welcome the opportunity to discuss your objections with you to find a way forward. As the next meeting of the Committee is scheduled for Wednesday 12 December, your early response would be appreciated.

Yours sincerely



Rosalind Luxford  
**Property Advisor – Property Services**  
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Fax: (04) 801 3002  
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Tabled Information - Reference 108/12RP(a)



Survey  
peg

# Tabled Information - Reference 108/12RP(a)

## Rosalind Luxford

---

**From:** Rosalind Luxford  
**Sent:** Tuesday, 11 December 2012 4:10 p.m.  
**To:** 'Luigi Muollo'  
**Subject:** Road stopping at 30A Seatoun Heights Road, Seatoun

Dear Luigi

Further to my telephone message earlier, I can confirm that the applicant on the above road stopping proposal has - in the hope of resolving the remaining objections - offered to agree to a restrictive covenant / encumbrance being registered on the title preventing:

- any fence being erected on the land being purchased; and
- any new vehicle access being formed to the property through this land.

She would still wish to be able to plant the boundary.

As I mentioned, as the Regulatory Processes Committee meeting to decide this matter is scheduled for tomorrow morning, I would be grateful for your response before then and whether you would withdraw your objection on this basis, if possible.



Kind regards

Ros

### Rosalind Luxford

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12/12/2012

**Rosalind Luxford**

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**From:** Luigi Muollo [Luigi.Muollo@cspl.co.nz]  
**Sent:** Friday, 7 December 2012 11:49 a.m.  
**To:** Rosalind Luxford  
**Subject:** RE: Road stopping proposal at 30A Seatoun Heights Road

Hi Rosalind

I wasn't suggesting that you were trying to mislead us.

My point is that it is obvious that the facts are not understood by WCC as they have not looked at the information in detail and therefore any advice to the Committee will be different from what will be presented by us to the Environment Court.

Likewise a full report on safety and visibility will be looked at in detail. The countless information from experts will overshadow a brief and one sided view of the Council officer on safety.

Surely WCC should be trying to save money and not waste it in these challenging times.

Regards  
 Luigi

**From:** Rosalind Luxford [mailto:Rosalind.Luxford@wcc.govt.nz]  
**Sent:** Friday, 7 December 2012 10:08 a.m.  
**To:** Luigi Muollo  
**Subject:** RE: Road stopping proposal at 30A Seatoun Heights Road

Dear Luigi

Thank you for your email and the attached report. While the report states 47.8% site coverage, I am not sure how this has been calculated. In giving the figure of 39%, I was not trying to mislead you. I had worked with the figures on our system of a building site area of 280 sqm on a 707 sqm section. This works out at 39% site coverage. If I use the figure in this report of 288 sqm, I calculate the site coverage as 40.1%.

In any event, the site coverage of the adjacent property, even when it is also owned by the applicants, is not relevant to this road stopping application.

While the road stopping will lead to additional site coverage rights (adding around 27 sqm to build on), thus increasing the ability to develop the section at 30A Seatoun Heights Road, it does not make it any more likely that the site coverage restriction of 35% in the District Plan would be exceeded. If the current or any future owner of the property were to redevelop, the final design would be determined in accordance with the District Plan. Any aspects of the design that are not compliant with the District Plan would require an application for resource consent. While your concerns relating to site coverage are appreciated, these are hypothetical and the appropriate forum for considering these is the resource consent process, not a road stopping application.

Your disagreement with officers' views on safety and visibility is noted, however, without further explanation from you, I have no basis upon which to alter the advice of officers to the Committee.

12/12/2012

# Tabled Information - Reference 108/12RP(a)

Thank you for clarifying your comments as to inconsistency.

Kind regards

Ros

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**From:** Luigi Muollo [<mailto:Luigi.Muollo@cspl.co.nz>]  
**Sent:** Thursday, December 06, 2012 5:39 PM  
**To:** Rosalind Luxford  
**Subject:** RE: Road stopping proposal at 30A Seatoun Heights Road

Hi Rosalind

Please see the attached report.

The site coverage of 1 Stormanstown way is 47.8%.

My legal advice states that that having 47.8% site coverage adjacent to this piece of green amenity would play a big part in the Environment Court.

I continue to disagree on your officers view on no detrimental effects as to safety and visibility.

In regard to inconsistency it was a comment as to general resource consent decisions and not merely road stopping.

Regards  
Luigi

**From:** Rosalind Luxford [<mailto:Rosalind.Luxford@wcc.govt.nz>]  
**Sent:** Thursday, 6 December 2012 4:12 p.m.  
**To:** Luigi Muollo  
**Subject:** RE: Road stopping proposal at 30A Seatoun Heights Road

Luigi

Thank you for your email. I am unclear as to why you believe there has been inconsistency in the road stopping cases dealt with by the Wellington City Council. It would help if you could explain this further.

## Site coverage

I note your comments on site coverage. As you have stated, the WCC District Plan allows

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site coverage of 35% as of right. Any building work in excess of this amount requires applying for a separate consent. While you may have concerns about a party's ability to build on up to 35% as of right, this is a District Plan provision and not subject to scrutiny as part of the road stopping process.

Working from the records I have available, the current site coverage of the house at 30A Seatoun Heights Road is approximately 22%. On the current site size, the District Plan provisions would enable building on a further 102 sqm as of right. The purchase of the 77 sqm of road reserve land would add a further 26-27 sqm.

From the information available, it would appear that the site coverage of 1 Stormanstown Way / 30 Seatoun Heights Road is 39.6%.

You may wish to take legal advice on whether you could raise site coverage concerns as a further objection in Environment Court proceedings, considering that it was not part of your original objection to the road stopping, which you lodged in July.

#### **No-build covenant on road stopped land**

Thank you for your suggestion. I have forwarded your comments regarding building restrictions to the applicant for her consideration.

#### **Safety and visibility of the private drive way**

It is not clear whether the "private drive way" in your email refers to Stormanstown Way or the drive way to 30, 32 and 34 Seatoun Heights Road. Officers have commented that, in their view, there will be no detrimental effect on visibility or safety in relation to either of these as a result of the stopping. Though clearly you do not accept these comments, you have not stated why you believe there would be an effect. As the Committee is due to consider the stopping proposal for a final time on 12 December, should you wish more information to be provided to it in relation to this issue, please provide this as a matter of urgency.

#### **Citizens for Safer Seatoun Streets Limited**

I note you have created this company to spearhead any Environment Court proceedings on behalf of Stormanstown Way residents. The only other resident in your street who had previously lodged an objection has now withdrawn. I am not aware of any other Stormanstown Way resident other than yourself and your family who had concerns about the proposal. In any event, the legislation provides that it is the objection that is referred to the Court. As you objected in your personal capacity, I understand that it will be you personally who will be party to those proceedings. As no other resident on your street has an existing objection, they cannot now be party to the proceedings (either as a part of your newly formed company or in their personal capacity). Allowing this would potentially circumvent the process set down in the legislation which requires those persons with concerns about the proposal to submit their objections within the minimum 40 day period (as required by Schedule 10 to the Local Government Act 1974), not almost 5 months later.

I will pass your comments to the Regulatory Processes Committee on Wednesday next week. Please provide any additional information well in advance so that I can provide this to the Committee.

Kind regards

Ros

## Tabled Information - Reference 108/12RP(a)

**Rosalind Luxford** | Property Advisor | Property Projects - Property Services  
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---

**From:** Luigi Muollo [<mailto:Luigi.Muollo@cspl.co.nz>]  
**Sent:** Wednesday, December 05, 2012 4:55 PM  
**To:** Rosalind Luxford  
**Subject:** RE: Road stopping proposal at 30A Seatoun Heights Road

Hi Rosalind

Thanks for your reply.

What I want to see is consistency in how WCC deals with relevant cases.

The example of lost green amenity does not take into account of the site coverage ratios of the houses in the area.

As an example if the WCC law is 35% site coverage.

My house at 3 Stormanstown way is 19% site coverage. Lou Loizou house at an estimate is 13% site coverage.

Could you tell me the site coverage of 1 Stormanstown Way owned by Linda Park?

Could you tell me the site coverage of 30 Seatoun Heights Road excluding the 77sqm encroachment?

We do not accept the 'applicants intentions' if the land as sold to them as acceptable as the applicants intentions are quite possibly different to what has been stated.

A new company has been formed as all the members of Stormanstown Way intend to come aboard to the Environment Court.

The company is called CITIZENS FOR SAFER SEATOUN STREETS LIMITED.

We continue to disagree regarding loss of green amenity unless we can have a restriction/covenant over the 77 sqm of land which prevent fencing/new driveways/ or new garaging.

A further restriction is required for the safety and visibility of the private drive way as we believe this is an issue of commercial gain over human safety and amenity.

I am a property developer and am not anti-development. I develop sympathetically to the

12/12/2012

surroundings and believe WCC should show consistency in its decisions.

There are many examples I can show you where I have improved a building, area ,street and the public have benefitted and I would be interested to see if you agree.

The applicants intentions are not sympathetic to the surroundings and has not shown and evidence of this in the past.

Look forward to your reply.

Regards  
Luigi Muollo

**From:** Rosalind Luxford [<mailto:Rosalind.Luxford@wcc.govt.nz>]  
**Sent:** Friday, 30 November 2012 4:21 p.m.  
**To:** Luigi Muollo  
**Subject:** Road stopping proposal at 30A Seatoun Heights Road

Dear Luigi

Your email to Mayor Wade-Brown on 26 November 2012 has been passed to me so that I might respond to your comments on the above proposal.

With regard to your concerns as to "lost green amenity", these have been responded to in full in my letters to you of 17 August and 20 November 2012. The illustration you have provided does not, in officers' view, accurately reflect where the proposed new boundary would run. I would also note that the applicants have indicated they intend to plant the new boundary, if the land is stopped and sold to them.

I note the other information you have provided relating to a study by Shepherd et al. (2010). This would appear to relate to safety issues concerning access onto private property, in particular, the increased risks associated with combining driveway and pedestrian access onto property. It is not clear how the issues dealt with in this study arise under this road stopping proposal. The road stopping area does not coincide with or cross over any existing access to property so it is not clear how it would affect such access. I have discussed this with Paul Barker, Manager of Safe and Sustainable Transport at the Council, who has confirmed that, in his view, the proposed road stopping does not interfere with either vehicle or pedestrian access to any of the surrounding properties.

As set out in my email of 26 November, it would be of great assistance if you would provide details regarding how your objections have not been satisfactorily addressed by the responses so far provided by officers. Please feel free at the same time to set out how you believe the information in the Shepherd study is relevant to the road stopping proposal.

I would welcome the opportunity to engage with you on these matters and remain happy to meet at a time convenient for you to discuss them.

12/12/2012

# Tabled Information - Reference 108/12RP(a)


Kind regards

Ros

**Rosalind Luxford**

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**Rosalind Luxford**

---

**From:** Rosalind Luxford  
**Sent:** Tuesday, 20 November 2012 4:35 p.m.  
**To:** 'Luigi Muollo'  
**Subject:** Road stopping proposal - 30A Seatoun Heights Road  
**Attachments:** img-Y20163020-0001.pdf

Dear Luigi

Please see the attached letter. A hard copy will also be sent to you.

Kind regards

Ros

**Rosalind Luxford**

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20 November 2012

File ref: 0480-48-SEA-30A

Luigi Muollo  
3 Stormanstown Way  
Seatoun  
WELLINGTON 6022

Dear Luigi

### Proposed road stopping at 30A Seatoun Heights Road, Seatoun

Objections to the above proposal were considered by the Regulatory Processes Committee at its meeting on Monday. Officers' report to the Committee is available here:  
[http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory\\_Processes/2012/19Nov0915/agenda.html#repts](http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory_Processes/2012/19Nov0915/agenda.html#repts). Officers recommended that the Committee not uphold any of the objections to the road stopping.

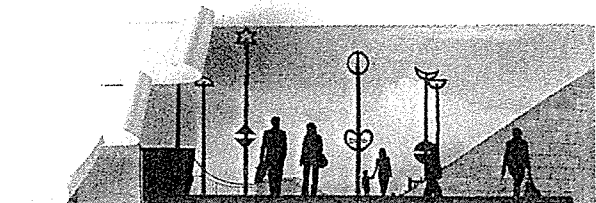
The Committee indicated that it would accept the advice of officers and approve the recommendations. This would mean the road stopping application would proceed. Accordingly, if the applicants wished to continue and one or more of the objectors wished to maintain their objection, the next step would be for the matter to be referred to the Environment Court for a final decision. Given the costs and delays associated with Environment Court proceedings, the Committee decided to hold the report over until its next meeting (on 12 December) to allow further time to resolve the objections. There was a clear statement from the Committee Chair, however, that unless new information came to light, the Committee would approve the recommendation that the objections not be upheld.

The report referred to above contains a full review of all the objections received and officers' comments on these. My letter to you of 17 August 2012 also dealt specifically with the concerns you have raised. In summary, you have objected to the road stopping for the following reasons:

- the footpath on Seatoun Heights Road is too narrow where it meets Stormanstown Way and selling the road land may prevent future widening;
- vehicles parked on the road make driving through the area difficult and potentially a safety risk for both vehicles and pedestrians;
- the land provides a visual amenity which would be lost if the land is sold and a fence constructed on the land; and
- a fence constructed on the new boundary would significantly restrict visibility on the corner.

In responses, Council officers comment as follows:

1. Roading and Traffic officers advise that there will remain sufficient road reserve adjacent to the carriageway on Seatoun Heights Road to enable future footpath widening if this proves necessary.
2. While it is possible that the proximity of the intersection of Townsend and Seatoun Heights Roads may make crossing the road along this stretch difficult, it is not clear how selling the subject land has any effect on this. Roading and Traffic officers have confirmed that it would be possible to install a pedestrian crossing (if necessary) using the remaining road reserve land.
3. The road stopping is not considered by officers to have any effect on parking in the area, as the existing carriageway will be unaffected.



## Tabled Information - Reference 108/12RP(a)

4. Council's Parks and Gardens team have assessed the proposed stopping and are satisfied that the possible loss of vegetation is acceptable should the land be sold. The applicants have, furthermore, indicated they intend to plant this boundary. In the event a fence is erected on the new boundary, residents could look to plant the remaining road reserve in front of the fence if they feel this would improve the visual amenity of the land.
5. While the applicants do not propose to build a fence on the new boundary, officers have considered what effect a fence would have on visibility from both the Townsend Road and Stormanstown Way ends of the land proposed to be stopped. Officers do not believe that any such fence would obstruct visibility from either end, nor in particular, from the exit of Stormanstown Way, given the topography of the site.

In light of officers' comments above, I would be grateful if you would reconsider whether you wish to maintain your objection. I am very happy to meet with you again to discuss each of these concerns in more detail, if that would be of assistance. If you feel that your concerns have not been properly addressed, then I would be grateful if you could set out your reasons for disagreeing with officers' comments and whether there is any basis upon which you would be willing to withdraw your objection.

I would note that if you decide to maintain your objection on the above grounds and the matter proceeds to the Environment Court, an unsuccessful party may be ordered by the Court to recompense the successful party for costs incurred. For this reason, if you choose to maintain your objection, I would strongly recommend you take legal advice.

As stated above, I would welcome the opportunity to discuss your objections with you to find a way forward. As the next meeting of the Committee is scheduled for Wednesday 12 December, your early response would be appreciated.

Yours sincerely



Rosalind Luxford  
**Property Advisor – Property Services**  
Ph: (04) 803 8086  
Fax: (04) 801 3002  
Email: [rosalind.luxford@wcc.govt.nz](mailto:rosalind.luxford@wcc.govt.nz)

## Tabled Information - Reference 108/12RP(a)

**Rosalind Luxford**

---

**From:** Rosalind Luxford  
**Sent:** Tuesday, 11 December 2012 5:57 p.m.  
**To:** Lou  
**Subject:** RE: Road stopping at 30A Seatoun Heights Road, Seatoun

Hi Lou

The Committee won't meet again until February. I will be advising a decision now on the basis that any compromise offered by the applicant can be investigated further before Environment Court proceedings commence.

Kind regards

Ros

--- original message ---

**From:** "Lou" <loizou@xtra.co.nz>  
**Subject:** RE: Road stopping at 30A Seatoun Heights Road, Seatoun  
**Date:** 11th December 2012  
**Time:** 5:11:29 pm

I will need time to consider this and report back, do to time constraints can the Regulatory Processes meeting decision/report be re-scheduled for the next meeting in January?

Lou

**From:** Rosalind Luxford [mailto:Rosalind.Luxford@wcc.govt.nz]  
**Sent:** Tuesday, 11 December 2012 4:09 p.m.  
**To:** 'Lou'  
**Subject:** Road stopping at 30A Seatoun Heights Road, Seatoun

Dear Lou

Further to our telephone conversation earlier, I can confirm that the applicant on the above road stopping proposal has - in the hope of resolving the remaining objections - offered to agree to a restrictive covenant / encumbrance being registered on the title preventing:

- any fence being erected on the land being purchased; and
- any new vehicle access being formed to the property through this land.

She would still wish to be able to plant the boundary.

In response to your enquiry regarding the building of a garage, she indicated that she might be willing to consider a restriction against this also. I would have to take it back to you her if you had a counter-offer on this basis.

As I mentioned, as the Regulatory Processes Committee meeting to decide this matter is scheduled for tomorrow morning, I would be grateful for your response before then and whether you would withdraw your objection on this basis, if possible.

Kind regards


12/12/2012

Ros

**Rosalind Luxford**

Property Advisor | Property Services | Wellington City Council

P 04 803 8086 | M 021 247 8086

E [rosalind.luxford@wcc.govt.nz](mailto:rosalind.luxford@wcc.govt.nz) | W [Wellington.govt.nz](http://Wellington.govt.nz) | 



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# Tabled Information - Reference 108/12RP(a)

**Rosalind Luxford**

---

**From:** Rosalind Luxford  
**Sent:** Monday, 3 December 2012 10:48 a.m.  
**To:** 'Lou'  
**Subject:** RE: Road stopping proposal at 30A Seatoun Heights Road

Dear Lou

Thank you for your email. You have indicated that you are not satisfied with officers' comments on the consultation undertaken with neighbours in relation to the above proposal.

As is standard WCC procedure, a letter was sent to immediate neighbours in October 2010 notifying them that the road stopping application had been made. This letter stated that they would have an opportunity to comment on the proposal at a later stage and would receive a further letter then. This step is part of WCC protocol. It is not a legislative requirement.

When the initial road stopping report went to the Committee in November 2011, it stated that neighbours had been consulted and no objections had been received. While strictly accurate (no objections had been received), I understand your concern that this might seem misleading since no comments had been called for at that stage. I have raised this concern with my colleagues and future reports will make clear exactly what has been communicated to neighbours at the relevant time in relation to any new proposals. I would note, however, that the Committee considers many such proposals each year and is well versed in the process, in particular, that public notification will take place some time later as required by legislation, if the proposal progresses. Accordingly, though the report stated that no objections had been received when the report was written, Councillors considering the proposal knew that public notification had not been completed and objections may therefore emerge. This was clearly outlined in the report in the final paragraph under the heading "5.1 Consultation and Engagement". The Committee agreed to allow the proposal to proceed at that time on the basis that a further report would be brought before it if any objections were received.

As we have previously discussed, through oversight, a letter was not sent to you when public notification commenced in June this year. This was my error and you were given additional time to prepare and submit your objection. As part of the public notification process, letters were sent to the owners and occupiers of all other properties considered adjoining for the purposes of the proposal, as well as advertisements published in the DominionPost and notices posted on the land itself.

As you note, this history was set out in the report to the Committee for its meeting on 19 November 2012. As the officer attending the meeting, I did not receive any questions from Councillors on this history. This indicates that Councillors accepted officers' comments on the matter and why nothing appeared in the Committee meeting minutes in this respect.

You have stated that your concerns in respect of consultation were "addressed but not satisfied". I would be grateful if you could set out how they remain unsatisfied so that I might consider this.

With regard to the specifics of your objections to the proposal, you state that you are willing to go to the Environment Court over these if they are not resolved. I hope that we can

12/12/2012

## Tabled Information - Reference 108/12RP(a)

resolve these, but until you explain how you disagree with officers' responses to your objections such that you consider these unresolved, I do not know what further steps to take. It would be helpful therefore if you could set this out for me.

Kind regards

Ros

**Rosalind Luxford** | Property Advisor | Property Projects - Property Services  
**Wellington City Council** | Council Offices, 101 Wakefield Street, PO Box 2199 Wellington, NZ  
DDI +64 4 803 8086 | Mobile +64 021 247 8086 | **Email** [Rosalind.luxford@wcc.govt.nz](mailto:Rosalind.luxford@wcc.govt.nz) | **Website**  
[www.Wellington.govt.nz](http://www.Wellington.govt.nz)

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---

**From:** Lou [<mailto:loizou@xtra.co.nz>]  
**Sent:** Friday, November 30, 2012 8:01 PM  
**To:** Rosalind Luxford  
**Subject:** RE: Road stopping proposal at 30A Seatoun Heights Road

Hi Rosalind, RE your letter dated 20 November and email 30<sup>th</sup> November we advise that if the issues raised cannot be resolved our objections stand and we would proceed to the Environment Court. I note in the report that some of my concerns raised at the meeting have been addressed but not satisfied. My concern about the WCC not following Council Protocol regarding the consultation procedure or should that be Non-Consultation is not in the minutes or addressed by the committee.

Lou and Rochelle Loizou

---

**From:** Rosalind Luxford [<mailto:Rosalind.Luxford@wcc.govt.nz>]  
**Sent:** Friday, 30 November 2012 4:18 p.m.  
**To:** 'Lou'  
**Subject:** Road stopping proposal at 30A Seatoun Heights Road

Dear Lou

Further to our telephone conversation on Monday, have you had a chance to consider my letter of 20 November in more detail? I understand that you wished to discuss this with Luigi and would come back to me. If it is the case that you wish to maintain your objection, I would be grateful if you would set out how you feel your concerns have not been addressed by officers' comments. The Regulatory Processes Committee will consider this matter for a final time at its meeting on 12 December and, if it approves the proposal (which it has indicated it will), any remaining objections will be referred to the Environment Court for a final decision.

Again, if you would like to meet to discuss your concerns further, I remain available to attend such a meeting at your convenience. If there is an issue in particular you would like to discuss, please let me know as I will ensure an officer in the relevant area will be available to discuss your concerns in detail.

12/12/2012

# Tabled Information - Reference 108/12RP(a)


Kind regards

Ros

**Rosalind Luxford**

Property Advisor | Property Services | Wellington City Council

P 04 803 8086 | M 021 247 8086

E [rosalind.luxford@wcc.govt.nz](mailto:rosalind.luxford@wcc.govt.nz) | W [Wellington.govt.nz](http://Wellington.govt.nz) | 



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**Rosalind Luxford**

---

**From:** Rosalind Luxford  
**Sent:** Tuesday, 20 November 2012 4:34 p.m.  
**To:** 'Lou'  
**Subject:** Road stopping proposal - 30A Seatoun Heights Road  
**Attachments:** img-Y20163034-0001.pdf

Dear Lou

Please see the attached letter. A hard copy will also be sent to you.



Kind regards

Ros

**Rosalind Luxford**

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**Absolutely**

20/11/12

HE HĀKE KŌ PŌKERE  
WELLINGTON CITY COUNCIL

**Wellington**

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20 November 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

Objections to the above proposal were considered by the Regulatory Processes Committee at its meeting on Monday. Officers' report to the Committee is available here: [http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory\\_Processes/2012/19Nov0915/agenda.html#repts](http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory_Processes/2012/19Nov0915/agenda.html#repts). Officers recommended that the Committee not uphold any of the objections to the road stopping.

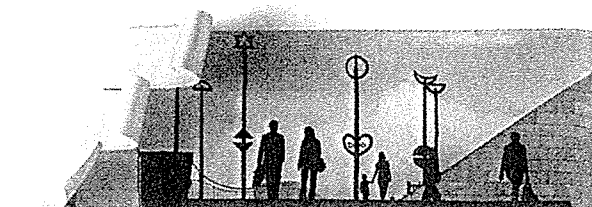
The Committee indicated that it would accept the advice of officers and approve the recommendations. This would mean the road stopping application would proceed. Accordingly, if the applicants wished to continue and one or more of the objectors wished to maintain their objection, the next step would be for the matter to be referred to the Environment Court for a final decision. Given the costs and delays associated with Environment Court proceedings, the Committee decided to hold the report over until its next meeting (on 12 December) to allow further time to resolve the objections. There was a clear statement from the Committee Chair, however, that unless new information came to light, the Committee would approve the recommendation that the objections not be upheld.

The report referred to above contains a full review of all the objections received and officers' comments on these. My letter to you of 17 August 2012 also dealt specifically with the concerns you have raised. In summary, you have objected to the road stopping for the following reasons:

- the land proposed to be stopped and sold forms part of an important visibility splay - necessary for the safety of pedestrians and motor vehicles – which could be built on if the proposal goes ahead;
- the footpath on Seatoun Heights Road adjacent to the subject land is too narrow and selling the road land may prevent future widening; and
- the land provides a visual amenity which would be lost if the land is sold and a fence constructed on the land.

Officers have commented in response as follows:

1. Officers have inspected photographs of the site provided by you during your oral submission to the Regulatory Processes Committee on 24 October 2012. These show that there is good visibility through the existing splay to the intersection of Townsend and Seatoun Heights Roads, due to the recent clearance of vegetation on this land. Officers recently attended at the site to check the land affected by the proposal. None of the area shown as cleared in your photograph is proposed to be sold (an attached photograph shows the survey peg marking the proposed new boundary to the left of the area that has been cleared). This reinforces officers' view prior to the vegetation clearance that a sufficient splay will remain to enable a clear view of traffic approaching from all directions should the subject land be stopped and sold.
2. Roading and Traffic officers advise that there will remain sufficient road reserve adjacent to the carriageway on Seatoun Heights Road to enable future footpath widening if this proves necessary.



## Tabled Information - Reference 108/12RP(a)

3. Council's Parks and Gardens team have assessed the proposed stopping and are satisfied that the possible loss of vegetation is acceptable should the land be sold. The applicants have, furthermore, indicated they intend to plant this boundary. In the event a fence is erected on the new boundary, residents could look to plant the remaining road reserve in front of the fence if they feel this would improve the visual amenity of the land.

In light of officers' comments above, I would be grateful if you would reconsider whether you wish to maintain your objection. I am very happy to meet with you again to discuss each of these concerns in more detail, if that would be of assistance. If you feel that your concerns have not been properly addressed, then I would be grateful if you could set out your reasons for disagreeing with officers' comments and whether there is any basis upon which you would be willing to withdraw your objection.

I would note that if you decide to maintain your objection on the above grounds and the matter proceeds to the Environment Court, an unsuccessful party may be ordered by the Court to recompense the successful party for costs incurred. For this reason, if you choose to maintain your objection, I would strongly recommend you take legal advice.

As stated above, I would welcome the opportunity to discuss your objections with you to find a way forward. As the next meeting of the Committee is scheduled for Wednesday 12 December, your early response would be appreciated.

Yours sincerely



Rosalind Luxford

**Property Advisor – Property Services**

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Email: [rosalind.luxford@wcc.govt.nz](mailto:rosalind.luxford@wcc.govt.nz)

Tabled Information - Reference 108/12RP(a)



# Tabled Information - Reference 108/12RP(a)

**Rosalind Luxford**

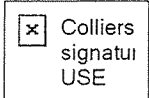
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**From:** Steve Maitland [steve.maitland@colliers.co.nz]  
**Sent:** Monday, 26 November 2012 5:05 p.m.  
**To:** Rosalind Luxford  
**Subject:** RE: Road stopping proposal - 30A Seatoun Heights Road

Thanks Rosalind, we withdraw our objections, and remain interested in the outcome regards

**Steve Maitland**

Associate | Wellington  
Dir +64 4 470 3922 | Mob +64 21 726 200  
Main +64 4 473 4413 | Fax +64 4 499 1550  
[steve.maitland@colliers.co.nz](mailto:steve.maitland@colliers.co.nz)  
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**From:** Rosalind Luxford [mailto:Rosalind.Luxford@wcc.govt.nz]  
**Sent:** Tuesday, 20 November 2012 4:36 p.m.  
**To:** Steve Maitland  
**Subject:** Road stopping proposal - 30A Seatoun Heights Road



Dear Steve

Please see the attached letter. A hard copy will also be sent to you.

Kind regards

Ros

**Rosalind Luxford**

Property Advisor | Property Services | Wellington City Council  
P 04 803 8086 | M 021 247 8086  
E [rosalind.luxford@wcc.govt.nz](mailto:rosalind.luxford@wcc.govt.nz) | W [Wellington.govt.nz](http://Wellington.govt.nz) |  

**Absolutely**

**POSITIVE**

ME HEKE KI PŌNEKE  
WELLINGTON CITY COUNCIL

**Wellington**

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12/12/2012

**Rosalind Luxford**

---

**From:** Rosalind Luxford  
**Sent:** Tuesday, 20 November 2012 4:36 p.m.  
**To:** 'steve.maitland@colliers.co.nz'  
**Subject:** Road stopping proposal - 30A Seatoun Heights Road  
**Attachments:** img-Y20163045-0001.pdf

Dear Steve

Please see the attached letter. A hard copy will also be sent to you.



Kind regards

Ros

**Rosalind Luxford**

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**Absolutely**

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20 November 2012

File ref: 0480-48-SEA-30A

Hinuera Trust c/ Steve Maitland  
5 Stormanstown Way  
Seatoun  
WELLINGTON 6022

Dear Steve

## Proposed road stopping at 30A Seatoun Heights Road, Seatoun

Objections to the above proposal were considered by the Regulatory Processes Committee at its meeting on Monday. Officers' report to the Committee is available here: [http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory\\_Processes/2012/19Nov0915/agenda.html#repts](http://www.wellington.govt.nz/haveyoursay/meetings/committee/Regulatory_Processes/2012/19Nov0915/agenda.html#repts). Officers recommended that the Committee not uphold any of the objections to the road stopping.

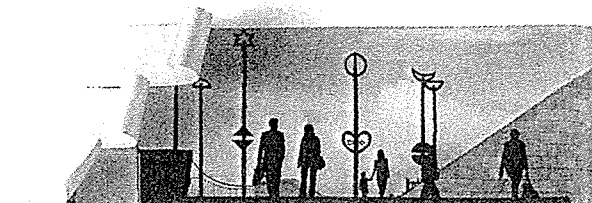
The Committee indicated that it would accept the advice of officers and approve the recommendations. This would mean the road stopping application would proceed. Accordingly, if the applicants wished to continue and one or more of the objectors wished to maintain their objection, the next step would be for the matter to be referred to the Environment Court for a final decision. Given the costs and delays associated with Environment Court proceedings, the Committee decided to hold the report over until its next meeting (on 12 December) to allow further time to resolve the objections. There was a clear statement from the Committee Chair, however, that unless new information came to light, the Committee would approve the recommendation that the objections not be upheld.

The report referred to above contains a full review of all the objections received and officers' comments on these. My letter to you of 17 August 2012 also dealt specifically with the concerns you have raised. In summary, you have objected to the road stopping for the following reasons:

- the footpath on Seatoun Heights Road is too narrow where it meets Stormanstown Way and selling the road land may prevent future widening;
- crossing near the exit of Stormanstown Way is dangerous because of the proximity of the intersection of Seatoun Heights and Townsend Roads – a pedestrian crossing may be required;
- if a further drive way is allowed as a result of the stopping, this may exacerbate traffic problems on the road (including visibility issues caused by service vehicles parked on Seatoun Heights Road);
- the land provides a visual amenity which would be lost if the land is sold and a fence constructed on the land; and
- a fence constructed on the new boundary would significantly restrict visibility on the corner.

In response, Council officers comment as follows:

1. Rooding and Traffic officers advise that there will remain sufficient road reserve adjacent to the carriageway on Seatoun Heights Road to enable future footpath widening if this proves necessary.
2. While the proximity of the intersection of Townsend and Seatoun Heights Roads may make crossing the road along this stretch difficult, it is not clear how selling the subject land has any effect on this. Rooding and Traffic officers have confirmed that it would be possible to install a pedestrian crossing (if necessary) using the remaining road reserve land, if the road stopping proposal goes ahead.



# Tabled Information - Reference 108/12RP(a)

COPY TO BE RETURNED TO COUNCIL

20 November 2012

File ref: 0480-48-SEA-30A

Mr and Mrs Parish  
21 Seatoun Heights Road  
Seatoun  
Wellington 6022

Dear Graham and Valerie

## Road stopping proposal – 30A Seatoun Heights Road, Seatoun

As explained, the Regulatory Processes Committee indicated at its meeting yesterday that it will approve the recommendation of officers to not uphold the objections. This means that the Committee would be supporting the road stopping progressing. If that occurs and the applicants wish to proceed, any remaining objections would be referred to the Environment Court. The Committee was mindful of the delay and cost of Environment Court proceedings and therefore resolved to hold over the matter until its next meeting (on 12 December) to enable the parties to seek to resolve the objections in the meantime.

I understand from our conversation yesterday that you now wish to withdraw your objection to the proposal. I would be grateful if you would therefore sign the enclosed copy of this letter where indicated and return this to me as written confirmation of withdrawal.

If you have any questions, please do not hesitate to get in touch.

Yours sincerely

Rosalind Luxford  
**Property Advisor – Property Services**  
Ph: (04) 803 8086  
Fax: (04) 801 3002  
Email: [rosalind.luxford@wcc.govt.nz](mailto:rosalind.luxford@wcc.govt.nz)

---

## DECLARATION

We confirm that we withdraw our objection to the above road stopping proposal at 30A Seatoun Heights Road

  
\_\_\_\_\_  
Graham and Valerie Parish

Date: 23 Nov 2012.