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REGULATORY PROCESSES COMMITTEE 12 SEPTEMBER 2012



REPORT 1 (1215/53/IM)

BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD BETWEEN 8 AND 28 JAUNPUR CRESCENT, BROADMEADOWS

1. Purpose of report

The purpose of this report is to provide the Committee with background information to twelve oral submissions opposing a road stopping proposal for land between 8 and 28 Jaunpur Crescent, Broadmeadows.

No decisions will be made by the Committee on the day of the oral submissions. A final report will be prepared by officers following the oral hearing, to enable the Committee at its next available meeting to make a decision on the objections. One of the objectors has also arranged for an ePetition. This will be included in the final report and a decision on it will also be required.

Refer to Appendix 1 for an aerial photograph which shows the road land proposed to be stopped coloured light green and Appendix 2 for photos taken from street level.

2. Executive summary

On 29 February 2012 Council declared surplus approximately 3,690m² of road land (the Land) in Jaunpur Crescent. The proposal had been initiated by Council officers after the land was identified as being suitable to be stopped and sold.

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

In addition to the objections received from the public consultation, Council had recently received an ePetition relating to the same road stopping proposal. Owners of properties in the immediate vicinity had received initial letters from Council notifying them of the road stopping proposal. That resulted in Mr Ron Zoest the owner of 25 Jaunpur Crescent arranging the ePetition. Mr Zoest's property is situated directly adjacent to the Land.

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3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Thank all the objectors for their oral submissions and Mr Zoest for his ePetition, and advise that it will consider the matter and make a decision on whether or not to uphold any objection, or the ePetition, at the next available meeting of the Regulatory Processes Committee.*

4. Background

4.1 Road stopping consultation

The Regulatory Processes Committee meeting of 14 February 2012, and the Council meeting of 29 February 2012 agreed to proceed with the road stopping proposal.

Refer to Appendix 3 for a copy of the February 2012 committee report and Council minutes.

Consultation on the proposed road stopping was undertaken during June, July and August 2012. Letters were sent to 38 owners and occupiers of properties situated immediately near the road stopping site. The recipients of these letters included anyone who had indicated earlier in the road stopping process that they had concerns. Public notices were placed in the Dominion Post on 26 June and 3 July 2012, and signage was placed on site for the required forty day period. Information was also made available on Council's website, the main library and service centre, 101 Wakefield Street.

The resolutions of the 29 February 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 from public notice

Written objections following the public consultation were received from fifteen objectors. Most objectors had more than one ground. Twelve of these objectors indicated that they also wanted to make an oral submission. These objectors are:

| Name | Address |
|-------------------------|---------------------|
| Diane & Dirk Anderson | 11 Jaunpur Crescent |
| Stephanie Chung | 27 Jaunpur Crescent |
| Kathryn Ellis | 23 Jaunpur Crescent |
| Andrew & Carmen Godinez | 28 Jaunpur Crescent |
| Julie Horn | 107A Kanpur Road |
| Sam Koh | 29 Jaunpur Crescent |

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|------------------------|---------------------|
| Theresa Nava | 99A Kanpur Road |
| P Potiki | 19 Jaunpur Crescent |
| Alan Robb | 43 Jaunpur Crescent |
| Milly & Christopher So | 31 Jaunpur Crescent |
| Ron Zoest | 25 Jaunpur Crescent |

The three objectors not making oral submissions are:

| Name | Address |
|-----------------|---------------------|
| V Naidoo | 105A Kanpur Road |
| Gavin Hoar | 45 Jaunpur Crescent |
| Srecko Antoncic | 98 Kanpur Road |

A summary of the grounds for the objections is listed in Section 5.1 of this report.

4.3 ePetition

The ePetition initiated by Mr Zoest opened on 3 February 2012 and closed on 3 April 2012. Fifty six signatures were received. Seventeen signatories were from Wellington, three from Dunedin, one from Auckland and thirty five were from Thailand and other south east Asian countries.

Prior to initiating his ePetition, officers met with Mr Zoest so that he could review the original subdivision file and the geotechnical report. A copy of the geotechnical report was subsequently supplied to him.

The grounds for the ePetition are outlined in section 5.2.

5. Discussion

5.1 Grounds for written objections

The grounds of the written objections are listed below:

1. Adverse effects - Front Yard Rule and Stability
2. Increased road congestion
3. Stability of carriage way not addressed
4. How land was shown on District Plan maps
5. Size of road land larger than normal road stopping applications
6. If land was subdivided in six lots that would require a discretionary use unrestricted resource consent
7. Existing land owners denied opportunity to purchase Land

This report is officer advice only. Refer to minutes of the meeting for decision.

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8. Stability of the Land being Road Stopped
9. Reduction in privacy
10. Views would be obstructed by future development with negative impact on property valuation
11. New Sunlight Access Plane Restriction
12. Safety
13. Potential new wind channel effect

Refer to Appendices 4 and 5 for full details of the grounds of the written objections.

5.2 Grounds for ePetition

The grounds of the ePetition were:

'By changing the road reserve between 8 and 28 Jaunpur Crescent the Council will change the character and nature of Jaunpur Crescent. We had no expectation that this would happen. This will affect our views, privacy and alter the character of Jaunpur Crescent. We oppose the road stopping and sale of this land for development and wish to retain it as it currently is.'

Refer to Appendix 6 for list of ePetition signatures.

Officer comments and recommendations on the written objections and the ePetition, taking into consideration any new points raised in the oral submissions, will be presented to the Committee in a final report to be prepared for its next available meeting.

5.3 Next Steps

The next steps for this dealing with the objections to 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 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 road land will not be stopped and sold.

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- If the decision reached is to not uphold (i.e. reject) the objections and to proceed with the road stopping process, and any objector still wishes 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 twelve objectors in support of their written objections.

After the oral submissions a final report will be prepared for the Regulatory Processes Committee with recommendations on whether or not Council should uphold any objection or the ePetition.

Contact Officer: Paul Davidson, Property Advisor, Property Services

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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. This proposal will benefit the Council in financial terms as initially one new large lot will be created and sold at market value. Once sold into private ownership the land is likely to be subdivided into smaller lots with future owners then paying rates on them in the future.

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 forty seven objections being received. Prior to the public consultation an ePetition was arranged by a local resident.

b) Consultation with Maori

The internal business unit consultation included Treaty Relations who consulted with local iwi. The Port Nicholson Block Settlement Trust have requested that they be given a first right of refusal.

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.

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North facing views of land taken from Jaunpur Crescent



South facing views of land taken from Jaunpur Crescent



Views looking up to the land taken from Kanpur Road
(Note the grassed area behind the bus stop is not part of the Land proposed to be stopped)



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REPORT 2
(1215/53/IM)

ROAD STOPPING AND DISPOSAL: LEGAL ROAD BETWEEN 8 AND 28 JAUNPUR CRESCENT, BROADMEADOWS

1. Purpose of Report

The purpose of this report is to obtain agreement that approximately 3,690m² of unformed legal road land (the Land) situated between 8 and 28 Jaunpur Crescent, Broadmeadows Wellington is no longer required for Council's operational requirements, and to authorise officers to proceed with the road stopping, offer back investigations, and eventual sale.

Refer to Appendix 1 for an aerial plan with the Land shown coloured light green.

2. Executive Summary

Council officers have identified an area of land that could be suitable to be stopped and sold. It is proposed that the road stopping be carried out in accordance with the Local Government Act 1974 (LGA), and the disposal pursuant to Section 40 of the Public Works Act 1981 (PWA).

The key question for Council is whether the Land is surplus to requirements for a public work, and if so, whether it will authorise commencement of the road stopping procedures, with a view to eventual sale.

The Land does not serve any public purpose or provide public access.

Internal Council business units and external service authorities have been consulted. All support the disposal with no significant conditions. Treaty Relations have requested that the Port Nicholson Block Settlement Trust (PNBST) be given first right of refusal. The Land could be sold either as one large lot, or as five smaller lots, and this will depend on the outcome of 'offer back' and first right of refusal requirements.

While the topography of the Land is steeply sloping and there are some areas that have been filled, recent geotechnical investigations have confirmed that with design considerations the land is suitable for residential development.

The Land is located on an existing bus route, is in close proximity to all levels of schooling, and has panoramic harbour and city views.

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3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Recommend that the Council, pursuant to section 40 of the Public Works Act 1981:*
 - (a) *Agrees that the approximately 3,690m² (subject to survey) of unformed road (Road Land) situated between 8 and 28 Jaunpur Crescent, Broadmeadows is not required for a public work.*
 - (b) *Authorises Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road Land must be offered back to its former owner or their successor, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4).*
 - (c) *Delegates 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) PWA(if appropriate).*
3. *Recommend that the Council:*
 - (a) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (b) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road subject to all statutory and Council requirements being met and no objections being received.*
 - (c) *Approve the disposal of the Road Land. (Subject to the proposed road stopping being successful)*
 - (d) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the unformed legal road land situated between 8 and 28 Jaunpur Crescent, Broadmeadows, either with the former owner, or their successor, or the Port Nicholson Block Settlement Trust, or the successful purchaser following the Land being marketed for sale.*
4. *Notes that if objections are received to the road stopping public notice, a further report will be presented to the Committee for consideration.*

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4. Background

The area of Broadmeadows where the Land is situated was subdivided and developed in the late 1980's.

The developer originally proposed that the Land be vested as reserve. It was considered for use as a children's play area, or as a parking area for the large adjacent reserve on the other side of Jaunpur Crescent. However it was not believed suitable due to its steepness.

The Land was subsequently vested as legal road, and has not been used for anything since the original subdivision. The Land slopes moderately to steeply down toward Kanpur Road below, and is currently covered in small trees, low level shrubbery and gorse. WCC Parks and Gardens have not considered any of these trees to be significant.

To confirm why the Land was vested as legal road, officers have obtained the original subdivision file from WCC Archives, and consulted with a past Council surveyor who is still employed by Council, who was involved in the original subdivision application.

The Council surveyor recalled that minor filling on the Land provided support for the road (Jaunpur Crescent), but nothing other than that. Plans in the subdivision file confirm the existence of fill. The depth of the fill and any stability issues have been confirmed in the geotechnical report described in section 5.1 below.

The subdivision file does not have any information on why the subject land was vested as legal road, neither the officer's report for the Town Planning Delegation subcommittee, or the subsequent decision on the original subdivision proposal makes any reference to it.

The land is not on Greater Wellington Regional Council's selected land use register, which records sites used for storing or disposing of hazardous substances.

Officers believe the Land is not required for a public work so are therefore investigating its possible disposal.

5. Discussion

5.1 *Geotechnical Investigations*

Officers have engaged Abuild Consulting Engineers Limited to carry out geotechnical investigations.

The investigations confirmed that the depth of the fill that supports the road is a maximum depth of 2 metres at the south end, tapering down to 1.2 metres at the north end. The conclusions of the geotechnical report would be highlighted in the sale process, and will be provided to Council's BCLS and LIM teams for future reference.

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As the conclusions of the geotechnical investigations are favourable, officers view is that given this outcome residential development is feasible.

Refer to Appendix 2 for the conclusions taken from the Abuild Consulting Engineers Limited geotechnical report.

5.2 Offer back investigations

Should the recommendations of this report be approved, then officers would commission a section 40 PWA report from suitably qualified consultants. This would identify whether the land has to be offered back to its former owner or their successor (in probate), or whether an exemption applies.

5.3 Options

Due to the Lands size, shape and location officers consider that it is appropriate that Council pursue stopping and selling it rather than it being offered to an adjoining neighbour and amalgamated with an existing property.

Council could either sell the Land as one large lot, or as five smaller lots. Which option is pursued depends on whether an exemption to having to offer the Land back to the former owner or their successor (in probate) applies or not. If the Land does have to be offered back, and the former owner or successor were interested in purchasing it then negotiations would be based on just one large lot.

If the former owner or their successor were not interested, then officers propose that a better sale price would be achieved for Council if the Land was divided into five smaller lots, before being offered to PNBST, or marketed for sale on the open market. This option has been considered by the Development Planning and Compliance team, and is considered to be compliant with the District Plan. In this circumstance each lot would need to be surveyed and fully serviced (sewer, stormwater, and water supply). It is estimated that this work would cost approximately \$80,000.

As with the sale of any Council land, costs for work to services required to facilitate a disposal would be met by the proceeds of sale.

5.4 Consultation

As part of the road stopping process, service authorities and all internal business units have been consulted, and none object to the proposal.

City Housing confirmed that the land was not suitable for their requirements, and Treaty Relations gave their consent noting that PNBST would like to be given a first right of refusal.

Neighbouring property owners have been sent letters advising of the road stopping proposal, keeping them updated on progress. Several property owners

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responded advising that they have concerns. They are concerned about the sites stability, drainage, and losing views and privacy. All property owners, and any tenants where a property is rented, will have the opportunity to comment when the full public consultation is carried out later in the process. The issues that have already been raised by neighbours will be considered and addressed as part of that process.

If the road stopping proposal is successful, there are four properties on the opposite side of Jaunpur Street who would have front yard rule requirements triggered. These affects are minimal given the positioning of the existing dwellings, and officers will ensure that the owners of these properties fully understand what they mean.

Summary of the consultation with the relevant service authorities and internal business units is below.

Conditional consent has been obtained from:

| Service Provider / Business Unit | Condition |
|---|---|
| Wellington Electricity Lines Limited | There are overhead electricity lines in the vicinity, approval given subject to standard provisions being complied with. |
| WCC Treaty Relations | Should the road stopping proposal be successful, and there being no Section 40 PWA offer back requirement, PNBST would like a first right of refusal. |
| WCC Public Drainage / Capacity | There are stormwater and sewer pipes running through the subject land. Building over or near these drains would be subject to prior approval of the Council's Public Drainage Engineer. |
| WCC Road and Traffic Maintenance | Require the remaining legal road width to be no less than 14 metres. |

Unconditional consent has been obtained from:

- Parks and Gardens
- Development Planning & Compliance
- WCC Street Lighting
- Nova Gas
- Downer EDI (Telstra Clear & Telecom)

Officers are satisfied that the above Service Authority, and Council requirements can be met, that the area of unformed legal road in Jaunpur Crescent, Broadmeadows can be stopped and sold.

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5.5 Significance Policy/ Strategic Assets

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

5.6 Climate Change Impacts and Considerations

Officers believe that there are no significant climate change impacts.

5.7 Long-Term Council Community Plan Considerations

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

5.8 Next Steps

Should the recommendations of this report be approved, the next steps in the road stopping and sale process are as follows:

- Undertake a survey to define the total area of unformed legal road land that is proposed to be stopped
- Public notification of the intention to stop the road land
- Receive objections (if any), negotiate and refer back to the Regulatory Processes Committee / full Council, and to the Environment Court hearing (if required)
- Commission a section 40 report from a suitably qualified consultant
- Obtain the Chief Executive Officer's approval of section 40 report recommendations

If the road stopping proposal is still in effect, then -

- Undertake public notification that the road is stopped
- Obtain a current market valuation
- Depending on the outcome of offer back, and first rights of refusal requirements, attend to settlement and transfer with either,
 - the former owner their or successor (in probate); or
 - PNBST; or
 - a private party after marketing the land for sale by tender on the open market.

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6. Conclusion

Following internal and external consultation, Council officers believe that the approximately 3,690m² unformed legal road land that is situated between 8 and 28 Jaunpur Crescent, Broadmeadows, is no longer required for the Council's operational requirements and should be declared surplus.

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

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

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| Supporting Information |
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| <p>1) Strategic Fit / Strategic Outcome <i>In line with the Council's financial principles, assets that are declared surplus to strategic or operational requirements are sold.</i></p> |
| <p>2) LTCCP/Annual Plan reference and long term financial impact <i>This report is a step towards the possible sale of the legal road. At this stage, the expected income from the sale of the road has not been quantified as obtaining a valuation will be carried out later in the road stopping process.</i></p> <p><i>The costs associated with this proposal will be met by the proceeds of sale. This proposal will benefit the Council in financial terms as once the road land is stopped and sold Council will receive the revenue from the sale, and the new private owners will pay rates.</i></p> |
| <p>3) Treaty of Waitangi considerations <i>There are no Treaty of Waitangi implications.</i></p> <p><i>The PNBST to be given first right of refusal (subject to the outcome of Section 40 Public Works Act 1981 investigations).</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 <i>Consultation with the relevant internal business units have been carried out. They have all advised that they have no objection to the proposed road stopping. The consent from Treaty Relations requested that the PNBST be given first right of refusal.</i></p> <p><i>Service Authorities have been consulted with their standard general conditions noted.</i></p> |
| <p>6) Legal Implications <i>All legal implications relevant to this road stopping such as public consultation requirements and offer back investigations have been considered and are contained in this report.</i></p> <p><i>Any Agreement for Sale and Purchase will be prepared by Council's lawyers, and a solicitors certificate issued.</i></p> |

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AERIAL PHOTOGRAPH



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CONCLUSIONS OF THE ABUILD CONSULTING ENGINEERS LIMITED OCTOBER 2011 GEOTECHNICAL REPORT

The investigation has shown that:

- The site is perceived to have an acceptable low risk with respect to deep seated instability under static ground conditions. There is a risk of surface instability under seismic loads and this will have to be addressed by specific retaining as part of any development. In this context the site(s) are considered suitable for development.
- The land is favourable with respect to subsoil/rock conditions in that the soil which is potentially susceptible to instability is limited to the surface soils at the points explored.
- All development must recognise the potential for shallow seated instability during construction and that any steep cutting is likely to initiate slope instability that must be mitigated by temporary works as required.
- Temporary support is required to all cuts but depending on the heights of the cuts. All temporary support must be specifically designed by an experienced engineer.
- Foundations to support any dwelling must be taken down to and socket completely within the inferred weathered greywacke rock. The bearing capacity of the weathered rock is relatively high and lateral forces on the piles may govern the geometry of the pile foundations.

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| <i>Grounds for objection</i> | <i>Objectors</i> | <i>Officers comments</i> |
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| <p>1. Adverse effects - Front Yard Rule and Stability</p> <p>The adverse effects which would result from any development on this site or sites are such that this road stopping should not proceed. The geotechnical report indicates the site is unstable, and Council's property officer suggests in his report, that to solve this, the part of section nearest the road frontage could be developed, but this will require resource consent to infringe the district front yard requirements. This is unacceptable as it will adversely affect the character of the streetscape in this area which is to have buildings set back from the road frontage by at least 2.5 metres.</p> | <p>Stephanie Chung</p> <p>Kathryn Ellis</p> <p>Andrew & Carmen Godinez</p> <p>Gavin Hoar</p> <p>P Potiki</p> <p>Alan Robb</p> <p>M & C So</p> <p>Ron Zoest</p> | <p>Officers comments to be completed for final report</p> |
| <p>2. Increased road congestion</p> <p>If the road stopping goes ahead and development proceeds there will be increased congestion caused by on street parking as there is very little or no space for parking on the new proposed development. This will create difficulties for both land owners on the upper side of Jaunpur Crescent and through traffic.</p> | <p>Kathryn Ellis</p> <p>Andrew & Carmen Godinez</p> <p>Gavin Hoar</p> <p>P Potiki</p> <p>M & C So</p> <p>Ron Zoest</p> | <p>Officers comments to be completed for final report</p> |
| <p>3. Stability of carriage way not addressed</p> <p>The Council commissioned report doesn't address how the proposed development would affect the road, during adverse natural events (slip, earthquake etc)</p> | <p>Kathryn Ellis</p> <p>Gavin Hoar</p> <p>Sam Koh</p> <p>P Potiki</p> <p>Ron Zoest</p> | <p>Officers comments to be completed for final report</p> |

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| <p>4. How land was shown on District Plan maps</p> <p>The planning maps clearly show a dotted line along the Jaunpur Road frontage. There was no legal boundary along this frontage as the area of road and proposed section were all one allotment when the district plan was notified and when I brought my section. I would expect any change to this notation on the planning maps to require a District Plan change especially in this case where the implications are more than just a map adjustment. While part of this new proposed site is zoned residential it is not usual for residential sections to be also classified as unformed legal road. The effect of the unformed legal road designation means development is limited only to those activities permitted on legal road such as uncovered decks or garden, and only where these have no adverse effects on neighbours. The proposal to stop the unformed road designation will totally change what can happen on this site which will adversely affect my property and other properties in the area.</p> | <p>P Potiki Ron Zoest</p> | <p>Officers comments to be completed for final report</p> |
| <p>5. Size of land larger than normal road stopping applications</p> <p>The size of the land involved 3677m² in this road stopping application and the effects of this proposal are larger than normal residential road stopping applications. Most residential road stopping applications involve minor boundary adjustments, where an adjoining land owner requires a bit of former road reserve for parking or as a bit of garden. This is not the situation in this case, which will result in the creation of a very large</p> | <p>Julie Horn Sam Koh Georgina Marks V Naidoo P Potiki Ron Zoest</p> | <p>Officers comments to be completed for final report</p> |

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| <p>section 3,687.8 square metres in area or a number of sections.</p> | | |
| <p>6. If land was subdivided in six lots that would require a discretionary use unrestricted resource consent</p> <p>The proposed road stopping applies to an area of land measuring 3,687.8 m² in area which was originally part of a larger area of land in front of my section which measured 5421m² in total. If this area is further subdivided into 5 sections as proposed then Council has effectively created 6 lots, (a road and 5 sections). A subdivision creating 6 lots requires a discretionary use restricted resource consent, because it is recognised in the District Plan that such applications create adverse effects and it is appropriate to decline such applications where these effects cannot be managed.</p> | <p>Sam Koh Theresa Nava P Potiki Ron Zoest</p> | <p>Officers comments to be completed for final report</p> |
| <p>7. Existing land owners denied opportunity to purchase land</p> <p>As an existing land owner I have been denied the opportunity to purchase the land. I brought my current section across from the proposed road stopping and was given the understanding that this land could not be built on. I purchased my section with some certainty that no housing could be built in front of mine. Had this land been available I would have considered purchasing it. Thus the council have denied me the opportunity to purchase land.</p> | <p>Diane Anderson P Potiki Ron Zoest</p> | <p>Officers comments to be completed for final report</p> |
| <p>8. Stability of the Land being Road Stopped</p> <p>If the road stopping goes ahead and the land is subdivided into 5 lots as is</p> | <p>Julie Horn Georgina Marks V Naidoo</p> | <p>Officers comments to be completed for final report</p> |

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| <p>proposed and housing developed as detailed in the Council commissioned Geotechnical report, the new owners will be free to undertake minor earth works such as retaining walls less than 1.2 metres in height as well as plant trees develop gardens and other minor earthworks that are not subject to granting of consents. The land would then become much less stable than it is now and may slip due to water ingress and earthquakes.</p> | <p>Theresa Nava</p> | |
| <p>9. Reduction in privacy</p> <p>If the road stopping succeeds the development that is proposed would overlook and drastically reduce the privacy of properties in Kanpur Road below the development.</p> | <p>Julie Horn Georgina Marks V Naidoo Theresa Nava</p> | <p>Officers comments to be completed for final report</p> |
| <p>10. Views would be obstructed by future development with negative impact on property valuation</p> <p>If the road stopping goes ahead it will affect the view from my property which will affect the type of buyer that would be interested in purchasing my property, which would affect the price and or amount of time needed for sale by reducing its desirability.</p> | <p>Diane Anderson Kathryn Ellis</p> | <p>Officers comments to be completed for final report</p> |
| <p>11. New Sunlight Access Plane Restriction.</p> <p>For my specific case it changes the south boundary of my property from a front boundary to a side boundary, making it subject to sunlight access plane where there is currently no such restriction. Parking / Congestion. I struggle to drive past when cars are parked opposite each other near the south end of Jaunpur</p> | <p>Andrew & Carmen Godinez</p> | <p>Officers comments to be completed for final report</p> |

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| <p>Crescent. Development of the Reserve will aggravate the situation. Cars park near the intersection of Nalanda and Jaunpur Crescent such that you have to drive in the middle of the road, right over the solid white line in Nalanda before turning right into Jaunpur.</p> | | |
| <p>12. Safety</p> <p>I am lodging a submission against the proposed opening of road land in the suburb of Broadmeadows in Wellington, between properties at 8 and 28 Jaunpur Crescent, for purposes of property development. My concern relates to safety issues. This land is on a very steep slope; it is not possible to develop safely in this are, given that in Wellington major earthquakes are to be expected. Any development would, in my opinion, pose a huge risk to new properties as well as to the properties situated directly below, in Kanpur Road. Given that my own property is located directly beneath these steep sections, I have a concern. I believe that the sections are not appropriate for development, ie for building houses given the steep incline.</p> | <p>Srecko Antoncic</p> | <p>Officers comments to be completed for final report</p> |
| <p>13. Potential new wind channel effect</p> <p>Refer Appendix 5.</p> | <p>Dirk Anderson</p> | <p>Officers comments to be completed for final report</p> |

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Submission: proposed road stopping on Jaunpur Crescent, between 8 and 28 Jaunpur Crescent, Broadmeadows, Wellington

Submission by
Dirk Anderson
11 Jaunpur Crescent
Wellington
Telephone: 04 4782290
5 August 2012



1. I **oppose** the proposed road stopping on Jaunpur Crescent, between 8 and 28 Jaunpur Crescent, Broadmeadows, Wellington. I'm concerned that the characteristics of this new residential development between 8 and 28 Jaunpur Crescent will exacerbate the strong winds already frequently experienced by road users and nearby landowners, by the creation of a *channel effect*. Explanation for this appears below.
2. Instead, I recommend this land be vested as reserve.
3. I **do not** wish to make an oral submission in support of my submission.

Background

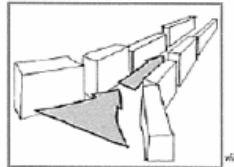
- Broadmeadows is a windy suburb...
 - Broadmeadows is located on the upper slopes of the Te Wharangi Ridge.ⁱ As a resident here, I've quickly become aware that the suburb is frequently exposed to strong winds from the northerly and southerly directions.
 - These strong winds are sometimes so strong as to cause damage, requiring the Fire Service to assist. Data supplied to me from the *New Zealand Fire Service Incident Database* reveals that, for the calendar years 2003 to 2010, they attended various addresses in Broadmeadows on **sixteen occasions**, where the incident was characterised as 'repair roof' or 'wind storm, tornado, cyclone.'ⁱⁱ
- ...and Jaunpur Crescent particularly so.
 - At ~300 vertical metres above sea level, Jaunpur Crescent, is one of Wellington's highest residential streets, and (combined with Sirsi Terrace, off Jaunpur Crescent), is the highest road in Broadmeadows suburb. The crescent is north facing, and is the road closest to the skyline landform of Te Wharangi Ridge. ⁱⁱⁱ
 - Unsurprisingly, our Crescent is sometimes exposed to strong winds from the north or north-west. On 28 December 2010, it was so windy that the closest weather station, Mt KauKau, experienced a maximum wind gust of 172.3 Km/h, from the north-west: 342 degrees.^{iv} I don't know what the wind strength was on our

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Crescent, but it was strong enough that you could only stand up with extreme difficulty on the footpath, and for the Fire Service to attend a wind related incident on Jaunpur Crescent on this day^v

Channel Effect

- Wellington City Council plans to 'stop' a 3677 sq m portion of land, currently unformed legal road land, on Jaunpur Crescent, Broadmeadows, Wellington. Once 'stopped', this land is intended to be sold as one lot, or five smaller lots, for residential development.^{vi} I'm concerned that the characteristics of this new residential development between 8 and 28 Jaunpur crescent will exacerbate the strong winds already frequently experienced by road users and nearby landowners, by the creation of a **channel effect**.
 - **Wellington City Council District Plan, Volume Two - Design Guide for Wind**, describes a wind channel effect thus: "A row of buildings running more or less parallel to each other forming a channel or corridor open to the sky is not in itself a cause of discomfort, but can cause discomfort when it receives some other adverse wind conditions and transmits them for the whole length of the corridor. Adverse effects are accentuated when the corridor is well-defined (such as there being few gaps and generally standard height) and is relatively narrow (when the width between rows is less than three times the buildings' height)."^{vii}



- This description of a **channel effect** seems to be a good approximation of what would occur if the proposed development were to take place on Jaunpur Crescent.
- The Crescent is already narrow, and where the land is to be stopped, bordered on one side by a large, well-defined steep bank extending further up the hill.
- If the land is stopped and the land sold, it has been recommended to the council that residential development be confined to the "upper part of the sloping topography" of each lot.^{vi} I understand that this will mean all the houses on these new lots will have frontages at the level of the Crescent, close to the Crescent. These new buildings will, in combination with the existing thin road and solid bank on the other side, create a 'well-defined corridor' between 8 and 28 Jaunpur Crescent, leading to a wind channel effect. As a resident at the southern end of this corridor, I'm concerned that this wind channel effect will exacerbate existing northerly winds on our property. I'm also concerned that this wind channel effect will exacerbate existing winds for road users, particularly the cyclists and walking commuters who must walk along this crescent to get to the bus-stop on Kanpur road.

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- I contend that because of this *channel effect* reason, the land between 8 and 28 Jaunpur Crescent is unsuitable for residential for development, so road stopping should not take place.
- I note that original developer of Broadmeadows proposed that this land be vested as reserve.^x I also note that this land appears on map 59 of **Wellington District Plan, Volume 3 (Wellington City Council Ridgelines and Hilltops)**¹, in very close proximity to Te Wharangi Ridge. As such, this land has "high visibility" within the district, and is part of that is described as "prominent skylines in a rural landscape...with open pastoral character tending towards regenerating vegetation"². Accordingly, I recommend this land instead be vested as reserve for its visual amenity value.



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Data supplied from the New Zealand Fire Service Incident Database. Non-fire related Fire Service attendances in Broadmeadows suburb, calendar years 2003-2010:

| CADF# | Date/Time | Street | Street Type | Incident Type Name | 24hr Rainfall (mm) |
|----------|---------------------|----------|-------------|----------------------------------|--------------------|
| W387481 | 17/04/2003 20:37:26 | CRISSA | CRESCENT | Repair roof | 2 |
| W396902 | 9/06/2003 22:22:46 | KANPUR | ROAD | Assist public | 3 |
| W422452 | 18/09/2003 17:16:49 | KANPUR | ROAD | Repair roof | 2 |
| W451779 | 21/01/2004 6:31:07 | KANPUR | ROAD | Flood | 33 |
| W458034 | 15/02/2004 17:22:23 | RAJKOT | TERRACE | Assist public | 27 |
| W458070 | 15/02/2004 17:46:41 | RAJKOT | TERRACE | Repair roof | 27 |
| W459842 | 16/02/2004 12:23:50 | KANPUR | ROAD | Repair roof | 78 |
| W459983 | 16/02/2004 16:12:56 | KANPUR | ROAD | Repair roof | 78 |
| W463251 | 22/02/2004 11:06:12 | NALANDA | CRESCENT | Repair roof | 0 |
| W467866 | 11/03/2004 0:47:04 | BANDIPUR | TERRACE | Wind storm, Tornado, Cyclone etc | 7 |
| W603777 | 18/08/2004 1:29:13 | KANPUR | ROAD | Wind storm, Tornado, Cyclone etc | 47 |
| W603805 | 18/08/2004 2:03:08 | RAJKOT | TERRACE | Wind storm, Tornado, Cyclone etc | 47 |
| W503887 | 18/08/2004 3:42:38 | KANPUR | ROAD | Repair roof | 47 |
| W503931 | 18/08/2004 5:18:15 | SIRSI | TERRACE | Wind storm, Tornado, Cyclone etc | 47 |
| W504037 | 18/08/2004 7:09:17 | NAGPUR | TERRACE | Assist public | 47 |
| W504074 | 18/08/2004 7:27:56 | KANPUR | ROAD | Assist public | 47 |
| W604347 | 18/08/2004 9:30:27 | SIRSI | TERRACE | Wind storm, Tornado, Cyclone etc | 47 |
| W504465 | 18/08/2004 10:23:11 | NAGPUR | TERRACE | Wind storm, Tornado, Cyclone etc | 47 |
| W530679 | 5/12/2004 20:07:20 | KANPUR | ROAD | Wind storm, Tornado, Cyclone etc | 2 |
| F0346097 | 10/2/2009 9:46:39 | KANPUR | ROAD | Repair roof | 0 |
| F0769694 | 13/09/2010 17:02:39 | BURMA | ROAD | Assist Police | 11 |
| F0668061 | 28/12/2010 10:00:24 | JAUNPUR | CRESCENT | Wind storm, Tornado, Cyclone etc | 33 |

ⁱ Wellington City Council Ridgelines and Hilltops. Wellington District Plan. Volume 3, Map 59. (<http://www.wellington.govt.nz/plans/district/volume3/pdfs/v3map59.pdf>)

ⁱⁱ Data supplied by New Zealand Fire Service from the NEW ZEALAND FIRE SERVICE INCIDENT DATABASE. See appendix one of this document.

ⁱⁱⁱ Wellington City Council Ridgelines and Hilltops. Wellington District Plan. Volume 3, Map 59. (<http://www.wellington.govt.nz/plans/district/volume3/pdfs/v3map59.pdf>)

^{iv} Cliflo weather database (National Institute for Water and Atmospheric Research) <http://cliflo.niwa.co.nz>

^v Data supplied by New Zealand Fire Service from the NEW ZEALAND FIRE SERVICE INCIDENT DATABASE. See appendix one of this document.

^{vi} Council Report to Regulatory Processes Committee 14/2/12.

^{vii} Wellington City Council District Plan, Volume Two - Design Guide for Wind. Page 11 (<http://www.wellington.govt.nz/plans/district/volume2/pdfs/v2wind.pdf>)

^{viii} Ibid.

^{ix} Geotechnical Investigation: Site Suitability for Residential Development – Road Land Between 8 to 28 Jaunpur Crescent, Broadmeadows Wellington. (Report by ABUILD Consulting Engineers Ltd for Wellington City Council: October 2011), Page 9.

^x Council Report to Regulatory Processes Committee 14/2/12.

^{xi} Wellington City Council Ridgelines and Hilltops. Wellington District Plan. Volume 3, Map 59. (<http://www.wellington.govt.nz/plans/district/volume3/pdfs/v3map59.pdf>)

^{xii} Ibid.

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| | Name | Suburb | City |
|----|----------------------------|-----------------------|-------------------------|
| 1 | Somchai Viriyayudhthakorn | Klong Sam | Pathumthani, Thailand |
| 2 | Pius Maliakal | Helensburgh | Dunedin |
| 3 | Hu Zhang | St Claire | Dunedin |
| 4 | Allan Mainwaring | Broadmeadows | Wellington |
| 5 | Robert Bell | Broadmeadows | Wellington |
| 6 | Gannika Panichkornkul | Horatanachai | Ayutthaya, Thailand |
| 7 | Shusree Ampan | Hou-Ro | Ayutthaya, Thailand |
| 8 | Monthicha Chatasevee | Horatanachai | Ayutthaya, Thailand |
| 9 | Sumath Semkantha | Horatanachai | Ayutthaya, Thailand |
| 10 | Jirayu Semkantha | Horatanachai | Ayutthaya, Thailand |
| 11 | Jirapan Semkantha | Horatanachai | Ayutthaya, Thailand |
| 12 | Geaw Chatasewee | Pai-ling | Ayutthaya, Thailand |
| 13 | Panuthda Wanwimolruk | Horatanachai | Ayutthaya, Thailand |
| 14 | Sreenuan Granggut | Wat Boath | Sena, Thailand |
| 15 | Somchai Chatasewee | PaiLing | Ayutthaya, Thailand |
| 16 | Somporn Chatasewe | Horatanachai | Ayutthaya, Thailand |
| 17 | Sombat Rojanadamkerngchoke | Pratoochai | Ayutthaya Thailand |
| 18 | Virapong Viriyajitta | Huamag | Bangkok, Thailand |
| 19 | Thanawut Srisuthisan | Bangyai | Nonthaburi, Thailand |
| 20 | Sanguansri Summart | Muang | Nonthaburi, Thailand |
| 21 | Waroj Chatasevee | Horatanachai | Ayutthaya, Thailand |
| 22 | Pairat Chatasevee | Horatanachai | Ayutthaya, Thailand |
| 23 | Suree Chatasevee | Horatanachai | Ayutthaya, Thailand |
| 24 | Ruonrong Sae Luo | Horatanachai | Ayutthaya, Thailand |
| 25 | Surachet Chatasevee | Horatanachai | Ayutthaya, Thailand |
| 26 | Panadda Wanwimolruk | Horatanachai | Ayutthaya, Thailand |
| 27 | Chonthicha Wanwimolruk | Horatanachai | Ayutthaya, Thailand |
| 28 | Han Wanwimolruk | Horatanachai | Ayutthaya, Thailand |
| 29 | Thananon Wanwimolruk | Horatanachai | Ayutthaya, Thailand |
| 30 | Lung Wanwimolruk | Horatanachai | Ayutthaya, Thailand |
| 31 | Nimit Rojanadamkerngchoke | Horatanachai | Ayutthaya, Thailand |
| 32 | Sompon Wanwimolruk | Helensburgh | Dunedin |
| 33 | Lucia Lee | Grenada village | Wellington |
| 34 | kar mei lau | Churton park | Wellington |
| 35 | Andrea Koh | Singapore | Singapore |
| 36 | Chung Kenneth Song Chin | Sibu | Sarawak, Sibu |
| 37 | Han Zhang | Johnsonville | Wellington |
| 38 | Kwang Wei Chung | Brooke Drive | Sibu, Sarawak, Malaysia |
| 39 | Peter Chung | Brooke Drive | Wellington |
| 40 | Angela Toh | Singapore | Singapore |
| 41 | Sindy Chua | Yishun Avenue 7 | Singapore |
| 42 | Joyce Toh | Central | Singapore |
| 43 | Alice Chua | Jurong West Central 1 | Singapore |
| 44 | Audrey Chung | Singapore | Singapore |
| 45 | Stepanie Chung | Broadmeadows | Wellington |
| 46 | Dayle Jackson | Broadmeadows | Wellington |
| 47 | Shirley Potiki | Broadmeadows | Wellington |
| 48 | Jim Potiki | Broadmeadows | Wellington |
| 49 | Jason Moses | Broadmeadows | Wellington |
| 50 | Andrew Godinez | Broadmeadows | Wellington |
| 51 | Diane Anderson | Broadmeadows | Wellington |
| 52 | Rosauro Nava | Broadmeadows | Wellington |
| 53 | Renee Waihi | Broadmeadows | Wellington |
| 54 | Martin Chin | Broadmeadows | Wellington |
| 55 | Jasmine Zoest | Auckland CBD | Auckland CBD |
| 56 | Sommart Wanwimolruk | Broadmeadows | Wellington |