

The second image, looking north over the reservoir, shows how the steep streets at the south-eastern corner of Newtown have prevented the original 1841 street plan from being implemented. It is also clear that the Town Belt 'encroaches' on the Coromandel St and Lawrence St road reserves.



This evidence shows that the road has been around since at least the early 1900s and like other roads at the time may have been created to make access between town and country from the 1870s. The paper road at the southern end of Coromandel Street running between the properties up the hill (intended to link with Lawrence street) was never completed, because the existing access road (at one time paved) already provided good access. The southernmost houses on Coromandel Street were built later on the basis of the longstanding access road and the existence of the Paper Roads that may at some future time have been converted to roads despite the obvious geographical difficulties. The residents of the houses at the southern end of Coromandel Street have always used this access road.

Previous consultation and council actions

Council officers consulted with affected residents about restricting access in 2010, 2006, 2002, and earlier. In each case, although residents consulted in good faith, no comprehensive solutions were agreed.

In the most recent round of consultation in 2010, council officers undertook traffic and parking surveys in Coromandel Street and neighbouring Colville Street.

Despite the outcome of that consultation not being formally put before Councillors for adoption as policy, roadwork's to improve parking at the south end of Coromandel Street, and a remote controlled gate was installed beside the Working Men's' Bowling Club at Owen St in 2011. It can be opened by calls from a cell phone; this allows Council officers to both control and monitor access. This is used by many Coromandel St and Lawrence St residents. Council officers have also granted temporary access from time to time for tradesmen accessing private homes for, contractors developing the Carmichael Reservoir and water pipes, and for forestry workers.

No new access allowed since 2010

Council officers have chosen not to allow access to new tenants or new home owners since the gate was installed; this is contrary to the current council approved policy (the 2002 Resolution of access encroachments on Town Belt Land report) and does not align with the assurances given by former Mayor Prendergast in her many letters to Coromandel Street residents back in 2010 that access will remain unchanged until a consultation process was completed.

Policy – Encroachments

- 8.7.6.1 Measures shall be taken to exclude all private vehicle use from the reservoir access track.

This statement assumes a single solution, we disagree that a solution should be stated, and request that this be replaced with a statement that provides for research, consultation and options for resolution that are fair and transparent.

9.6.9 Encroachments.

Encroachments into the Town Belt are a significant issue for the management of the reserve. The use of public reserve land by private property owners effectively alienates the public from use or enjoyment of that land⁴⁵. This is contrary to both the Town Belt Deed and the purpose of provision of public open space.

We disagree with the overall 9.6 section and recommend that its wording be changed. There needs to be a clear policy going forward and a clear and fair process for reviewing historic issues. Whilst some encroachments may be deemed significant from a policy perspective, many are not when viewed with all the facts of the situation.

We also disagree that the parking by the reservoir or on private land that is accessed from Carmichael Road in any way alienates the public from use or enjoyment of the land.

All the section 9.6 clauses assume there is only one solution from the council's perspective, which is removal and restatement. We don't agree that this is the only solution and is contrary to assurances that have been provided in the past and inconsistent with the current policy (The 2002 Resolution of access encroachments on Town Belt Land report).

- 9.6.9.1 Encroachments are a prohibited activity.
- 9.6.9.2 The Council will resolve the existing encroachments with a view to regaining lost land.
- 9.6.9.3 The Council will protect the Town Belt from new encroachments.
- 9.6.9.5 The Council will require removal of all encroachments either immediately or as a managed process. Managed removal will require issuing a letter of understanding, and a licence to formalise the removal process.
- 9.6.9.6 Encroachments must be removed immediately when: a. the encroachment is considered dangerous (the assessment of danger is at the full discretion of the Council)
- 9.6.9.9 If the encroachment is associated with private vehicle or private pedestrian access and immediate removal is complicated by long-term historic use, then a longer term removal agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is removed as per policy 9.6.9.1, 9.6.9.2 and 9.6.9.3. The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property associated with the encroachment.

The issues for this access.

The issues have been canvassed before and from the residents' position they remain unchanged if access is to be removed now or in the future.

We note that the 100-year old road from Owen Street to the Carmichael Reservoir will remain regardless of the outcome of the current process. It will continue to be used for maintenance access to the reservoir, for forestry operations, and for fire safety. It is also

clear that there are no other options for maintaining viable access to several properties as sealing the Lawrence Street and Coromandel Street road reserves is acknowledged as being impractical.

The largest effect of any reductions in access to the road would be to restrict parking on Coromandel St. This would (and does when access is restricted) affect hundreds of people every day, including all the residents and users of Colville St, Paeroa St, and Coromandel Street south of Constable Street. Parking has become much more congested on Coromandel Street in recent years, as new apartment blocks were completed. It will get even worse if Housing NZ restarts its development plans for housing units at the old school site at 132 Coromandel Street. Restricting access to the reservoir road will force more cars to compete for parks on Coromandel Street, affecting all residents from Constable Street to the southern end of Coromandel Street.

We have not been provided with any evidence of problems for the Council or the general public if access is maintained, the installation of the gate has removed councils concerns. If however access were restricted, we believe that there would be costs to the Council in improving parking, improving access to near-landlocked properties, and managing permits for temporary access. We also believe that the extra congestion on Coromandel Street will adversely affect hundreds of residents as well as other users of Coromandel, Colville, and Paeroa streets.

Safety

We suggest that as the Carmichael road is not sealed and is rutted, that vehicle speed is slow, making it much less risky than roads like Alexandra Road. The council has no recorded incidents of safety regarding vehicles on this section of the town belt¹.

Parking Congestion

Parking in Coromandel Street is one key issue for the residents who are utilising the road, and is certainly the biggest issue for the residents at the southern end of Coromandel Street and for some in the western end of Colville Street.

Closing the road would currently require additional car parks at the southern end of Coromandel Street, Council traffic engineers have already concluded that they have

¹ Request for information – Chris Gray October 2012

maximised the number they can provide. There are not enough car parks when the road is closed for essential repairs to the reservoir and we understand the council has received complaints from residents when this has occurred in the past.

Parking studies have indicated that when the street has been surveyed parks have been available, admittedly in Colville, Paeroa and lower Coromandel Streets. Whilst this is true at times, the “last home” residents are frequently required to park in Colville Street or lower Coromandel Street, hundreds of metres downhill from where they live. This is of course even worse when access is closed.

Intensification of Housing

The Council has adopted a policy of allowing intensification of housing along key transport routes. Constable Street is a key transport route and in recent years Coromandel Street has seen many developments adding a significant number of additional apartments, all of which add to the pressure for on street parking despite the requirement for off-street parking for at least one vehicle per property.

- 111 Coromandel Street, Coromandel Heights, 12 apartments
- 131 Coromandel Street, 14 Apartments
- 109 Coromandel Street, St Helen's maternity hospital, converted to more than 20 apartments, with a further 9 in the property next to this.
- 112 Coromandel Street 7 apartments

These additions and the tendency (and statistics) for many homes to have more than one car have seen the parking become noticeably more crowded. Parts of the southern end of Coromandel Street have been reduced to one-way for several hundred metres right down to Constable Street.

On street parking is only set to worsen for both Colville St and Coromandel residents if Housing New Zealand restarts their development of the Kura Kaupapa site at 132 Coromandel St. When the last plans were developed they intended to build 17 housing units there in 2007/08. At best, this will only take away some street frontage with parking provided for the units. However allowance for second vehicles and visitors are not usually catered for and we therefore anticipate congestion to significantly increase with this

development. We note that currently there are more than 100 individual houses and apartments between 100 and 135 Coromandel Street, all these properties will be affected by this proposal.

If there is the future requirement to restrict parking or create clearways in Constable Street there will be even less available parking.

A resident at the southern end of the street has had an application to create a flat on their property declined because it would need one of the limited parking spaces on the street. It would appear contra to this type of decision for the Council then to close access for residents' vehicles forcing more cars to park on the already congested southern end of Coromandel Street.

Financial Issues

The Council should also consider the negative financial impact on home owners if regular access is removed. House prices and rental income are likely to substantially decrease if access is removed for those that use it and for the houses near it if their on street parking deteriorates. Properties that could be further developed are not likely to or indeed may not be granted consent to due to the limited parking in Coromandel Street.

Access issues - reasonable access

In recent times there have been legal cases that have referred to what reasonable access actually means. Whilst we have not sought to compare this situation to any particular case we note that access to properties appears to be increasingly understood legally to mean vehicular access.

If the access is withdrawn nine houses will become more 'landlocked' than they are now, adding to the eight which only have frontage to a road reserve. Most have extremely long and steep access routes along narrow paths. This is of course in addition to the increasingly more difficult problem of finding a park near the walkway access at the southern end of Coromandel Street.

Closing the road will make it impossible for residents with elderly or impaired family or relatives living with them to continue doing so as well as it being prohibitive for elderly or impaired people visiting residents.

A non-related injury to a resident during the time of the recent work on the reservoir meant that as the person required crutches to walk they could not get from the bottom of the zig

zag to the top, this resulted in having to take time off work when with access they could have got to and from work.

Likewise it will create difficulties for self-employed residents who need to frequently move work equipment between their cars and houses

Safety and Maintenance

As the residents are daily users of the access road they provide both a visible deterrent for any troublesome activity and the perception of safety for other users. Residents also assist in keeping the track and the area around the reservoir clean and safe through the removal of glass, rubbish and storm debris which helps keep the track accessible for all users.

Previous decisions

Previous reviews have determined that there is no particular issue with vehicular access. The additional number of properties now in Coromandel Street and the inevitable parking pressures created mean that the benefits of maintaining vehicular access now outweigh the costs to an even greater degree.

While maintaining the Town Belt for recreational use is important, there are processes that have been used to address encroachments when there are sufficient counter balancing reasons (for example in relation to Weld Street and Alexandra Road). We consider that a consistent approach will recognise strong reasons in cases such as ours and the analogous situation in Bell Road.

At the information meeting in Newtown Park a few weeks ago, one of the rationales given for restricting this road is that the only roads allowed access into the town belt are those which connect suburbs; we don't believe this is accurate. As there are also roads which solely reach private property such as Morton St in Berhampore which goes past the council nursery and on to Kilmarnock Heights rest home. This is paved, the city to sea walkway runs along it and it is a dead end to private property. Bay view terrace in Mt Victoria is a dead end sealed road going to private property and runs up into the town belt and Manchester Terrace leading to Truby King House and Capitol House also has access to private housing, there are others as well.

Carmichael road has been in existence for over 100 years and it is only by accident that it has not been paved and in constant use like the other roads mentioned. To block off

Carmichael Road but not these others from private use is unreasonable given that access issue solutions have been resolved before.

The access road and recreational use of the Town Belt

We recognise the importance of the Town Belt for our city and agree that private encroachments should not interfere with its use for recreational purposes. In our view current usage of the access road by local residents does not adversely affect its recreational use.

Because the road follows closely to the edge of the Town Belt through to a dead end it does not create a thoroughfare through it. While the road is a utility access and must remain, it also provides users a pathway enabling them to enjoy the Town Belt without further impacting on the area.

Vehicular usage of the access road is not high, its already monitored, and it has not caused any problems for its recreational use that we are aware of. In fact recreational and residential usage has coexisted for decades since the land was gifted for the Town Belt. As it is now unsealed and relatively corrugated the road cannot be traversed at any speed. Residents are very conscious of the other users of the track and will always drive slowly; the current state of the road ensures any other users also must travel slowly.

Options

Despite the draft plan stated conclusion we believe there are options to research and consider. Several options put forward by contributors to this submission are listed below.

Completing the paper roads of Coromandel St and Lawrence St

In our discussions with Council officials, we have been told that sealing the Coromandel St and Lawrence St road reserves is not really an option, but we are not aware whether an engineer's assessment of this has been carried out.

Improvements to parking at the southern end of Coromandel St

This has been tried with WCC Transport engineers maximising the available parks. The potential properties under construction make this option unlikely to be an effective solution for all affected residents.

Access on demand / by arrangement through the Town Belt

Whilst this provides a solution for one off things like building or moving, this does not address the parking and access issues for all the affected residents. There are 20 properties that would regularly apply for this if this was the only option this would create additional and unnecessary administration for the council.

Access remaining through the Town Belt on the road maintained to existing standards (i.e. Status Quo)

The road could be maintained to a level required for safe access to the utilities and to maintain the land and trees. This option keeps the road in a state that requires slow speed and is not expensive to maintain. This reflects the status quo and does not impact other users of the town belt.

Reviewing Carmichael road for potential as a legal Road

There is no doubt the road was created, whether for maintenance of the farm land, access to the farm property (now 15 Kotinga Street) or perhaps a road linking the town and country.

We don't believe forming this as legal road is necessary and therefore view this as a less desirable option than approving access. Creating a legal road may result in increased use and higher speeds.

Summary and our recommended option

We recognise that Council officers need to review the vehicular access to the Carmichael Reservoir as part of their work in ensuring that the Town Belt is maintained as a recreational resource.

We believe that our current use of the road has no negative impact on the Town Belt or its recreational use by the public. Continued use of the existing road to access our properties is a logical and pragmatic solution to access and parking issues created by the terrain, the original town planning and on-going infill development.

We advocate that Council allows residents to continue using the road for parking and access purposes. This will:

- Avoid further contributing to the congested parking in southern Coromandel Street
- allow residents reasonable access to their properties without causing problems for other users
- allow residents with physical disabilities, elderly dependents or visitors continued access
- avoid expensive and less satisfactory alternatives
- enable the continued use of the Town Belt as a recreational resource
- avoid unnecessary restriction of any further intensification of housing developments in the area
- Provide a solution that the council has granted to other residents on the Town Belt boundary.

Recommended changes to the Draft Plan

We request that Council consider the following changes to the proposed wording for the Town Belt Management Plan. Words ~~struck out~~ should be deleted; words in *italics* added.

9.6.8 The following activities are specifically prohibited:[...]

- e. ~~permanent~~ *uncontrolled* private vehicle access

[...]

Rationale: clearly, private vehicle access is allowed or encouraged in many parts of the Town Belt, for example for access to recreational facilities. The principles of the Plan are better served by specifying that vehicle access should be controlled or managed.

9.6.9 Encroachments. [...]

There are 206 known encroachments on the Town Belt covering ~~2.5626ha~~ [replace with accurate figure] as of June 2012.

These are broken down as follows:

- 77 gardens/lawns and or plantings
- 13 partial house encroachments
- 8 pedestrian access-ways
- 69 structures such as clotheslines, garden sheds, compost bins and so on
- 35 vehicle accesses from parking places through to larger access routes, ~~such as Carmichael Reservoir.~~

Rationale: As written, this statement is false. Attachment 1, supplied by Council officers, marks only a small area at the south end of Coromandel St as ‘encroachment’. The utility access route is not classified as ‘encroachment’.

~~9.6.9.1 Encroachments are a prohibited activity.~~

~~9.6.9.2 The Council will resolve the existing encroachments with a view to regaining lost land, increasing the usable area of the Town Belt.~~

~~9.6.9.3 The Council will protect the Town Belt from new encroachments.~~

Rationale: Clause 9.6.9.1 contradicts many other clauses in the Plan which allow, encourage, and formalise various forms of encroachment. Management of the Town Belt is well protected by clauses 9.6.9.2 and 9.6.9.3.

Further, the suggested change to section 9.6.9.2 would encourage Council to seek creative options, including but not limited to land swaps and purchases, that would enable the Town Belt to grow over time.

9.6.9.9 If the encroachment is associated with private vehicle or private pedestrian access

and immediate removal is complicated by long-term historic use, then a longer term removal agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is removed as per policy 9.6.9.1, 9.6.9.2 and 9.6.9.3. ~~The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property~~

~~associated with the encroachment.~~ The Council may limit access to manage the removal process by, for example, installing gates, specifying access hours and days, limiting numbers of people and/or vehicles.

Rationale for change: This clause (as modified) would enable Council to manage and control private access to the Town Belt. However, the maximum time limit should be deleted; not only would it be a significant change in Council Policy, it would unduly restrict Council flexibility to manage the Town Belt. The change in occupation is simply unfair to rental tenants. Overall, the issue is better addressed by the proposed section 9.6.9.14:

9.6.9.14 Any managed removal agreement does not run with the land. Any new owner will have to apply for an agreement. It is expected that change of property ownership will often be the point at which a license *will be reviewed* ~~and~~ and the encroachment *may be* is removed or access stopped.

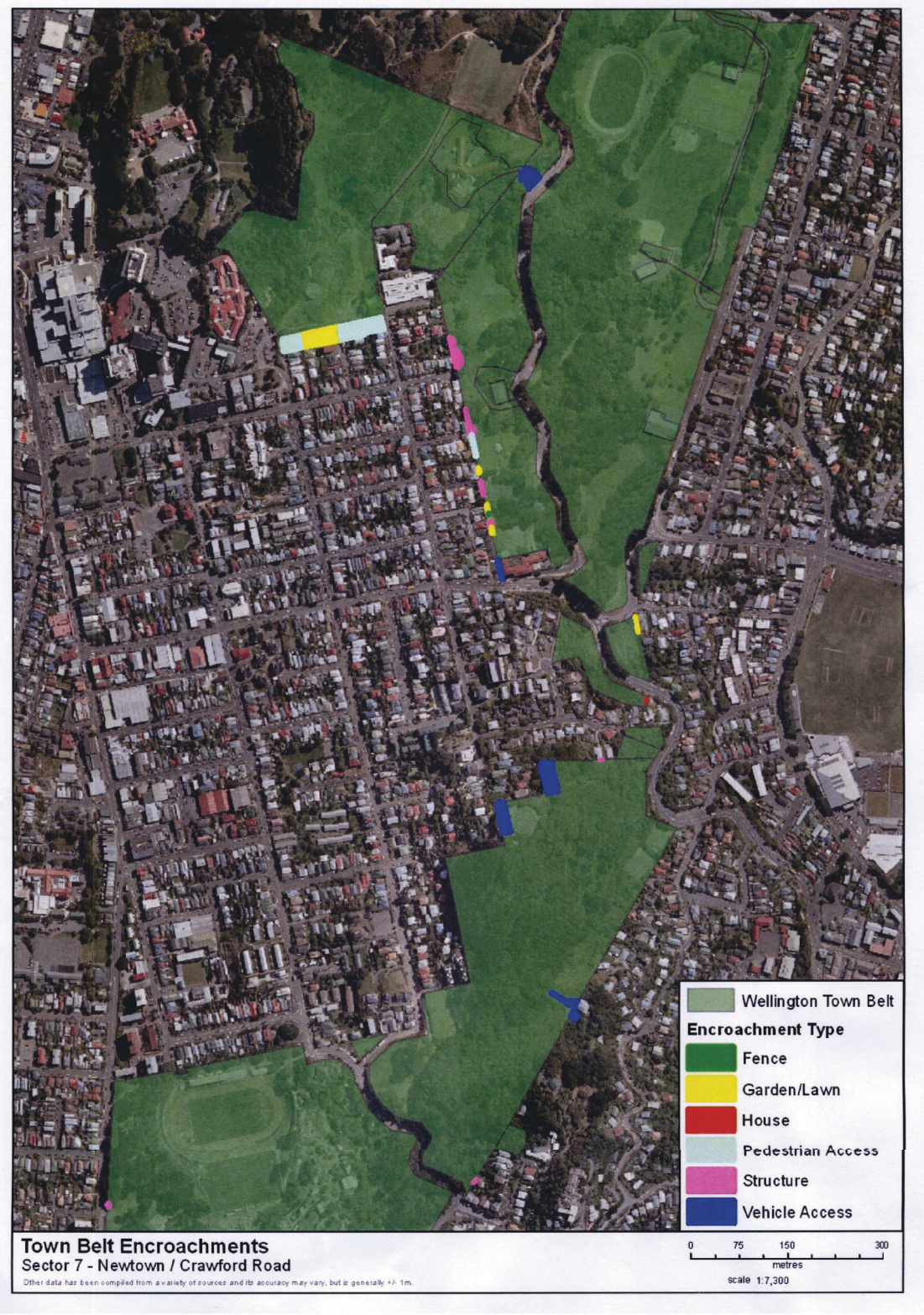
Rationale: This clause as written better states the intent of the Town Belt plan, without restricting the options available to Council. The change should also have criteria around the reassessment to enable a fair and reasonable process to occur.

9.6.9.17 Town Belt land will not be sold to resolve encroachment issues *unless as part of a transaction that results in a net gain to the Town Belt.*

Rationale: This clause should be more flexible, creating options for Council to increase the Town Belt while retaining room for creative solutions. We understand that under the proposed Town Belt Act, the Council will for the first time have legislative authority to alter Town Belt boundaries. However, the draft Plan suggests that special legislation will be required to realign Mt Albert Rd. Allowing swaps subject to a requirement of net gain would be more flexible.

Attachment 1: Council plan used to define and measure encroachments

Supplied by Mike Oates, Manager Open Space and Planning, 4 December 2012.



Antoinette Bliss

From: James Harris <james@harris.net>
Sent: Sunday, 18 May 2014 9:21 p.m.
To: BUS: Town Belt
Subject: Response to consultation on Wellington Town Belt Bill
Attachments: Zigag presentation to council 22 Feb.pptx

Thank you for the opportunity to comment on the draft Town Belt Bill and the supporting drafting instructions.

I am writing as an individual; I have also contributed to a joint submission from residents of Coromandel St which includes points related this email.

I also ask for an opportunity to make an oral submission in support of the comments below.

With thanks,

James Harris
147 Coromandel St
Newtown
ph 389 1195

1. Bill should be more permissive towards "private" access to and maintenance of the Town Belt

The Town Belt is an important part of Newtown. The tracks, roads, and routes in the Town Belt are important for pedestrians, cyclists, and for some residents' access to their homes. The Council should support and encourage residents' work to maintain or improve parts of the Town Belt for the benefit of all residents, be it by planting, weed removal, or track maintenance.

For these two reasons, I am concerned about the Bill's inflexibility towards encroachments and future changes in Town Belt boundaries. I suggest that the Bill should allow long-term managed encroachments and encourage flexible use of licences and leases to support residents who want to donate their time and energy to improving the Town Belt directly.

As written, the Bill would prevent any further 'rationalisations' of boundaries such as the ones proposed as part of the bill, short of returning to Parliament for approval. To give more flexibility to the Council, while protecting the Town Belt against future loss of land, I suggest that the Bill allow for the Town Belt boundaries to be varied by Council without needing to return to Parliament for permission, so long as each transaction leads to a net increase in the Town Belt's area.

2 For avoidance of doubt, the Bill should state that cycling is an activity to be supported and encouraged within the Town Belt.

In its current form, the Bill is unclear whether cycling is a private or public access, and whether it may be prohibited as 'vehicle access'. I ask that the Bill be edited to clarify that cycling is supported and encouraged within the Town Belt.

3. Inconsistencies between Bill and Town Belt Management Plan require formal update of Plan within months of the Bill being enacted

The Bill assumes that the current Town Belt Plan will apply for 10 years from its approval by Parliament. I submit that the Plan will need immediate updating by Council, as some of its contents are inconsistent with the Bill.

For example, the Plan describes as 'encroachments' some areas that will now be 'easements' or subject to 'licences'. In sections 8.7, the Plan states:

8.7.6

Encroachments

A vehicle track, which provides access to the water reservoir off Owen Street, is also used by local residents for drive-on access to several nearby private properties. As the Southern Walkway passes along part of the length of this track, vehicle traffic is not only inappropriate but presents a potential safety hazard. This track also attracts rubbish dumping because it is secluded and accessible by car. A gate has been installed at Owen Street with private vehicle use being phased out over time. No new access is being permitted.

Policy – Encroachments

8.7.6.1

Measures shall be taken to exclude all private vehicle use from the reservoir access track.

It was clear even at the time of drafting that many of the statements in these two clauses were unfounded. For example, the track is not an encroachment, it is a utility road. The gate has solved any rubbish dumping issues. And the Southern Walkway had been moved to eliminate any safety hazard. Although these issues were acknowledged by council officers during public meetings, the Plan was not corrected before being considered by Council.

This section of the Plan will need to be updated when the Bill is enacted. The Bill will make Carmichael Rd an easement used by Council to maintain the Carmichael Reservoir (public utility). As an easement, the issues of encroachment no longer apply.

4 Formal update of Plan will give opportunity for Council to correct flaws in earlier process

As a separate point, I note that the "Policy" in section 8.7 was never adopted as such by Council. Before the Plan, it was proposed subject to consultation and Council approval; however in the Plan it was presented to Council as previously-approved policy. I ask that this section of the Plan be taken back to Council for proper consideration, subject to public consultation.

I also attach the submission previously offered to Council in 2013, as it appears that the specific points in it are still to be considered by Council or officers.

Managing vehicle access in the Town Belt

Carmichael Reservoir Rd

56 submitters
from Coromandel St community

