

Presentation to Council Regulatory Committee

Road Stopping – 62 Weld Street

1. My name is Ian Leary. I am director of Spencer Holmes Ltd. I am a qualified land surveyor and town planning consultant. I have over 20 years experience in land development and my experience includes being involved in the road stopping process.
2. I have been engaged by Rhys Weyburne to give this 10 minute presentation to the Committee on the proposed Road stopping at 62 Weld Street. Mr Weyburne is currently resident in the United Kingdom. While he is planning to return to Wellington, he is unable to make a personal presentation.
3. Prior to making this presentation, I have made myself familiar with the application by Mr Weyburne, carried out a site inspection, reviewed the submissions made by objectors and read the various officers reports. I have also read the traffic safety audit carried out by Wellington City Traffic Officers in December 2011 which included a Concept Plan for additional parking in Weld Street to serve the nearby school.

The proposal

4. The proposal is a simple road stopping. Appendix 1 of the officer's report is an aerial photograph of the subject site and shows the area of road to be stopped. That area is approximately 106m². The area of road to be stopped is to be amalgamated with the adjacent property known as 62 Weld Street.
5. Essentially, the road stopping relates to an area of land already subject to an encroachment licence. The licence is held by the owner of 62 Weld Street.
6. The proposal also involves the vesting of approximately 1 square metre of land back to Wellington City Council for road. This is the north western corner of 62 Weld Street which currently contains an area of formed road.

The Site

7. There are several important aspects of the site which I would like to point out to the committee.
8. The first is the existing garage for 62 Weld Street. The existing double garage is accessed from Cecil Road. The garage appears from its construction to be at least 30 years old.
9. The garage cannot be easily identified in the aerial photograph as the garages are dug in to the slope from Cecil Road and a lawn grown over the top of the existing garages.
10. The aerial does show an elongated rectangle which is an outdoor shed.
11. Immediately to the south of the shed is the garage under discussion. I note that the double garage is partially built on land which is road reserve. The road stopping will bring the garage into the ownership of 62 Weld Street.
12. I also note that the road stopping covers the area of road reserve currently used by 62 Weld Street as an outdoor play area, clothes line and vegetable garden.

13. The outdoor area proposed for road stopping is several metres higher than the carriageway of Cecil Road. The outdoor area is further separated from the road carriageway by a band of vegetation which remains within legal road.
14. The road stopping will be a formalisation of an existing situation and will therefore have no additional effects on the streetscape, residential amenity and safety of the surrounding area, to that which already exist.

The Objections

15. The two objectors in this case are:
 - Mr Simon who opposes the road stopping on the basis that the allotment could be created as a standalone residential lot and he would pay more for that land.
 - Wadestown School who oppose the road stopping on the basis that in their opinion, the road stopping would increase the likelihood of 62 Weld Street being subdivided in future. My understanding is that it is not the subdivision itself that creates the concern, it is that a subdivision may result in vehicle access being formed from Weld Street.

The Substance of the Objections

Mr Simon's objection

16. Dealing first with Mr Simon's objection.
17. Mr Simon's proposition is that the 106m² area of road to be stopped is a viable standalone allotment.
18. In many years of involvement in subdivision approval and design for infill residential development, I cannot recall ever either approving or submitting an application for a standalone residential allotment of only 106m².
19. Applying the permitted site coverage rule for the Outer Residential Area of 35%, this would allow a permitted building of only 37m². This is more or less extreme low, i only were two stories. , there are other site restrictions which make a two storey building very difficult and therefore the creation of a standalone lot of this size, is more or less a fanciful proposal.
20. Furthermore, if the whole of the 106m² is included in the allotment, it would require the removal of a part of the existing double garage for 62 Weld Street including it's driveway access. The result of this would be the removal of that offstreet car park and this would exacerbate the existing car parking issues in the area.
21. The land rises up 3.5 to 4 metres from the road carriageway, meaning significant earthworks are required to get vehicle access to new allotment and almost certainly structures and earthworks would be required in legal road.
22. This standalone allotment would be an extremely irregular shape, meaning that buildings would not be able to be square or rectangular, reducing the internal 'efficiency' of a design.
23. Rule 5.6.2.3.1 applies. It states

5.6.2.3.1 Ground level open space must comply with the standards in Table 4 below:

<i>Outer Residential Area</i>	<i>50 sq.m per unit (minimum dimension 4 metres)</i>
-------------------------------	--

24. Providing a contiguous 50m² area of ground level space with a minimum dimension of 4 metres, as well as meeting other bulk and location rules relating to a dwelling, would not in my opinion, be practical on this size and shape of allotment.
25. Therefore, in order to develop this 106m² allotment, it would be necessary to apply for a number of other resource consents. The outcome of those consents has yet to be determined. 62 Weld Street is very likely to be an adversely affected party in that resource consent process.
26. I repeat that if Mr Simon, or some other party other than the owner of 62 Weld Street, were to gain ownership of the 106m² area, it would remove the existing parking arrangements for that property and create additional non compliance with the District Plan.
27. The transfer of this land to any other party would have adverse effects on the urban form, streetscape amenity and safe and efficient movement of vehicles and pedestrians in the local area.
28. The objection by Mr Simon therefore cannot be sustained.

Wadestown School's Objection

29. The primary issue for the school is traffic and pedestrian safety.
30. It is recognised that the school has issues relating to traffic congestion and parking demand during drop off and pickup times. The narrowness and relative steepness of Weld Street would be a contributor to this congestion. I note however that the slow speed environment of Weld Street would be a significant advantage for local pedestrian safety over other schools in Wellington which are located on principle roads where average traffic speeds are much higher and there are potentially greater risks.
31. The Wellington City Council traffic report identified potential improvements that could occur. I am not aware if the safety improvements at Wadestown School would have a higher priority than other safety and infrastructure improvements in the city and cannot therefore comment on the likelihood of the Concept Plan being implemented.
32. Nonetheless, the school is located on Weld Street. However the road stopping is proposed on Cecil Road.
33. The road stopping as it stands at this moment, if approved, will have no effect at all on the existing parking and pedestrian safety issues in Weld Street.
34. The road stopping as it stands now, would not have any effect on the future ability of the School and the Council to implement the future development plan.
35. The school's concern, is that the approval will increase the likelihood of a subdivision occurring. This concern was raised by the School at the original application to buy the land by my client three and a half years ago. The response from the council's Urban Design and Road & Traffic business units at that time was that the School's concern's were not such that the application should be rejected for a number of reasons including:

- 1) The road stopping did not result in any additional District Plan requirements being imposed on the School site
 - 2) That because the property had existing frontages to Cecil Rd and Weld St it was already entitled to site access from both Streets
 - 3) That any future development would be likely to require land use consent and the effects of any future development would be assessed when the resource application was lodged.
36. My client proceeded down the path of the road stoppage application on the basis of this response.
37. It is relevant to note that 62 Weld Street already contains two existing residential units.
38. There is the main house and the standalone small unit at the back on the property. The rear unit contains a bathroom, kitchen, dining area and upstairs bedrooms and therefore is a housing unit. Therefore, from a legal perspective, the effects of this second residential dwelling on the surrounding area are established.
39. Therefore, it would be highly likely that it would be possible to gain a subdivision consent for the creation of an allotment around each of the two existing residential dwellings, as the land stands now.
40. Increasing the area of the underlying allotment through the road stopping would improve the quality of the resulting allotments, but not the likelihood of approval. Which is essentially the same in my opinion in both the “with and without” scenarios.
41. The important point here however, is that a subdivision consent will be required. I have perused the subdivision rules and am of the opinion a subdivision consent would be required in any circumstance should 62 Weld Street be divided.
42. The effects to be considered in a subdivision application would always include how access is achieved to each allotment and it includes how on site car parking is achieved.
43. It must be noted that 62 Weld Street already has a two car park garage, plus a space for a car to park in front of the garage on Cecil Road. Weld Street is actually relatively steep and access from there would be relatively difficult to form. Manoeuvring would be potentially “uncomfortable”. The formation of a driveway would not meet the permitted vehicle access standards set out in 5.1.6.4 of DPC 72 due to the steepness of Weld Street. Therefore a land use consent would be required to form access into the property.
44. If access to 62 Weld Street were modified as part of a subdivision, the effects of that would be also required to be considered under the subdivision rules.
45. My client has stated to me, and previously to the School, that they have no intention to subdivide, nor form access from Weld Street. This is intended to be their family home when they return to Wellington. If there was a another owner, the worst case scenario for the school, would be that 1 of the 6 “future” car parks would be removed. It certainly would not result in the whole Concept Plan becoming unviable.
46. The effects of this future access would however be required to be evaluated at that time under the subdivision and land use consents.

47. The road stopping is therefore completely unrelated to any specific or likely outcome in relation to existing or future parking demand.

Conclusion

48. In my opinion, the matters raised by the objectors are not justified reasons why this road stopping should not be accepted by Council.
49. The road stopping is a formalisation of an existing situation which will occur without any adverse effects.
50. As set out above, the existing District Plan provides for safeguards to ensure that any future use of the land would be subject to the resource consent process and the potential adverse effects appropriately evaluated at that time.
51. This road stopping is not a complicated or difficult one to consider. In my view, Council should not uphold the objections and it should be approved.
52. I am happy to answer any questions if time permits.