

## APPENDIX TWO

Friday 31 August 2012

Wellington City Council, 101 Wakefield Street, P.O. Box 2199 Wellington  
~~Ministry for the Environment PO Box 10362, Wellington 6143~~  
~~Department of Building and Housing PO Box 10-729, Wellington 6143~~  
~~Department of Labour, P.O. Box 3705, Wellington~~  
~~The Environment Minister Private Bag 18041 Parliament Buildings, Wellington 6160~~  
~~The Local Government Minister Private Bag, Box 18041 Parliament Buildings, Wellington 6160~~

### Legal Notice

Wellington City Council and those persons and organisations cited herein are given formal legal notice of the following matters contained in this missive.

Wellington City Council (road/street) hillside land between the property addresses of 8 to 28 Jaunpur Crescent, Broadmeadows Wellington, within and in the vicinity of DP 62628, is alleged to be imminently unstable and dangerous and not suitable for residential development consent in any manner or form.

Wellington City Council is alleged to be negligent and/or criminally accountable (pursuant to relevant Act's of Parliament and Civil law pursuant to the adverse effects or influence including property damage, death or injury and/or financial loss and/or disadvantage) caused and/or associated with granting approval and/or consent by or in any manner associated with building and/or development of Wellington City Council (road/street) land between the property addresses of 8 to 28 Jaunpur Crescent, Broadmeadows, Wellington, within and in the vicinity of DP 62628.

Pursuant to; the following, but not excluding other relevant or associated Act's of Parliament or matters pertaining to the Law:

1. The New Zealand, Resource Management Act (RMA) section 106.
2. The New Zealand, Building Act, section 71.
3. The New Zealand, Health and Safety Act.
4. Wellington City Council 'duty of care'
5. Public safety, professionalism, lawful practice
6. The hillside within and in the vicinity of DP 62628 (8 to 28 Jaunpur Crescent, Broadmeadows, is underlain by a relatively thin veneer of fill material. It is well known by competent geotechnical engineers that it is not possible to competently compact fill material to be of an 'engineered' standard where fill is near the edge of a fill batter, as it is unconfined on the open side. Thus it is attributed that the existing fill underlying the property at DP62628 (8 to 28 Jaunpur Crescent Broadmeadows) is not 'engineered' fill and it is end-tipped fill and not suitable for building upon. As such it is alleged that the Wellington City Council would be negligent if it certified (in accordance with Section 224 of the RMA) that the concerned land development is suitable for residential housing development, which it is alleged not to be.

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7. The Abuild Consulting Engineers report for Wellington City Council dated October 2011 concerning the property between 8 to 28 Jaunpur Crescent Broadmeadows make the alleged heedless comment that the fill with the concerned property may or may not be properly certified. Neither Abuild Ltd nor Truebridge Callender Beach Ltd have provided Wellington City Council with a legally binding certificate that warrants or guarantees the long term stability of the hillside slope within the concerned property DP 62628 (8 to 28 Jaunpur Crescent Broadmeadows), therefore, it is attributed that Wellington City Council should not have certified the concerned earthworks as applicable for development or building as the land is attributed to remain unstable.
8. Wellington City Council is given notice that the concerned hill side is not stable and is unstable and alleged to be prone to slippage and fail/slip during an earthquake event. The appropriate standard for hillside stability is the Eurocode, which stipulates that a hill slope or earth embankment/fill is stable with a factor of safety against slippage of 1.5 or greater. However the factor of safety of slippages within the property is less than 1.5. Thus the Wellington City Council's report on the stability of the property between 8 to 28 Jaunpur Crescent Broadmeadows, by Abuild Consulting Engineers, dated October 2011, proves that the concerned hillside property is at best only just in equilibrium and will fail and land slide during an earthquake.
9. The concerned hillside face is overly steep and attributed to be marginally stable and will fail during an earthquake; because the concerned hillside gradient of between 35 to 45 degrees from the horizontal contravenes the safe engineering practice of restricting earth batter slope faces to 26 degrees or less.
10. It is attributed that the use of the pile formula (that is provided in the Abuild Ltd Report) as a mitigation measure is inappropriate and allegedly dangerous, because it's perceived use would cause increased slope instability and/or landslides or slips and/or retaining walls to fail; because the concerned formula allegedly does not take into account the loss of bearing capacity due to the down sloping of the underlying stratum and unstable nature of the fracture rock.
11. Given the purported marginal nature of the concerned hillside, it is attributed that any and all excavations will undermine the hill slope and destabilize it, which allegedly will cause slips. It is reiterated that allegedly the hillside stability has not been guaranteed and therefore it must be assumed to be inappropriate and/or allegedly negligent of Abuilt Ltd and Wellington City Council to consent to any excavations with the concerned property DP 62628 (8 to 28 Jaunpur Crescent, Broadmeadows), as this would allegedly cause slippage and therefore contravenes the NZ Building and Resource Management Acts.
12. It is alleged that there must not be any excavations with the concerned hillside property DP 62628 ( 8 to 28 Jaunpur Crescent, Broadmeadows) and all or any foundation piles must be designed to withstand the lateral pressure put upon them by wide scale slips, landslides, ongoing soil creep, groundwater down slope movements and the alleged directly related 'passive' pressure earth forces against such piles during, before and after slippage.
13. It is alleged that groundwater will inflate during wet winter months causing slope instability and slippage in the future.

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14. Pursuant to comments provided herein, it is alleged that the earthwork with the concerned property DP 62628 (8 to 28 Jaunpur Crescent Broadmeadows) do not adhere to and contravenes:

- a) NZS 4404 and
- b) Wellington City Council 'Code of Practice for Land Subdivision' and
- c) contravened the Wellington City Council earthworks bylaw in place in 1991, when the concerned fill material was allegedly 'end tipped' onto the existing natural hillside between 8 to 28 Jaunpur Crescent, Broadmeadows Wellington and
- d) contravenes the NZ Resource Management Act (Section 106) and NZ Building Act (Section 71).

These are some but not all matters that allegedly will cause slippage in the future within the concerned property DP 62628 (8 to 28 Jaunpur Crescent, Broadmeadows).

This legal notice is provided in good faith for and on behalf of the safety of community and future owners of the concerned property at the concerned property DP 62628 (8 to 28 Jaunpur Crescent, Broadmeadows). All matters herein must be appropriately verified (to my satisfaction) and this missive is not intended for and must not be used in a court of Law without my approval in writing and must not be used for litigation purposes.

Furthermore I am professionally obligated to inform you that all such legal matters must be validated or approved by a suitably qualified lawyer, and I take no responsibility for any matter pertaining to and all matters or issues associated with matters related to statements herein.

Name Albert Ronald Zooss

Address 25 Jaunpur Crescent  
Broadmeadows Wellington

Signed  Date 31/8/2012

Name Stephanie Chung

Address 27 Jaunpur Crescent  
Broadmeadows, Wellington

Signed  Date 31/8/12  
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