

APPENDIX FIVE

Grounds for objection	Objectors	Officers comments
<p>Objection 1. Adverse effects</p> <p>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.</p> <p>“The geotechnical report indicates the site is unstable, and (continued under ‘Front Yard Rule’ below)</p> <p>Front Yard Rule</p> <p>“...Council's property officer suggests in his report, that to solve this, the part of section nearest the road frontage could be developed,</p> <p>“...but this will require resource consent to infringe the district front yard requirements.</p> <p>“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>“The application to stop the unformed legal road on the land between 8-28 Jaunpur Cres, Broadmeadows must be declined.</p> <p>“I wish to retain the land in question in its current state.”</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>Stability</p> <p>From page 7 of Abuild’s current report dated 18 January 2013, that was prepared in response to T&T’s peer review “There is no discernible evidence of deep seated instability on the steep sloping topography that could otherwise preclude development”</p> <p>Front Yard Rule</p> <p>Developing the front part of a sloping section is often advisable in order to maximise enjoyment of the site and minimise development costs. A number of adjoining developments have adopted this approach.</p> <p>The District Plan front yard rule for outer residential areas is linked to the legal width of the road and has been in place since the 1980s.</p> <p>Where the legal road width is narrowed (by disposal) this can have the effect of increasing the required building setback for properties on the opposite side of the road. In turn this affects development rights by requiring owners of those properties (that are proposing to develop their property within the setback area) to obtain resource consent where they may not have had to before.</p> <p>Because of the current generous road width, the Jaunpur Cres property owners opposite the proposed road stopping can build right up to their front boundary without needing resource consent. As a result of the proposed road stopping, the legal road width will reduce to 14 metres. This means that in the event the road stopping proceeds, any future building work on <i>either side of the road</i>, within three metres of that boundary, would require consent.</p> <p>In other words, these properties will have the same requirements as the rest of the street does. Measurements from Council’s GIS mapping database indicates that the</p>

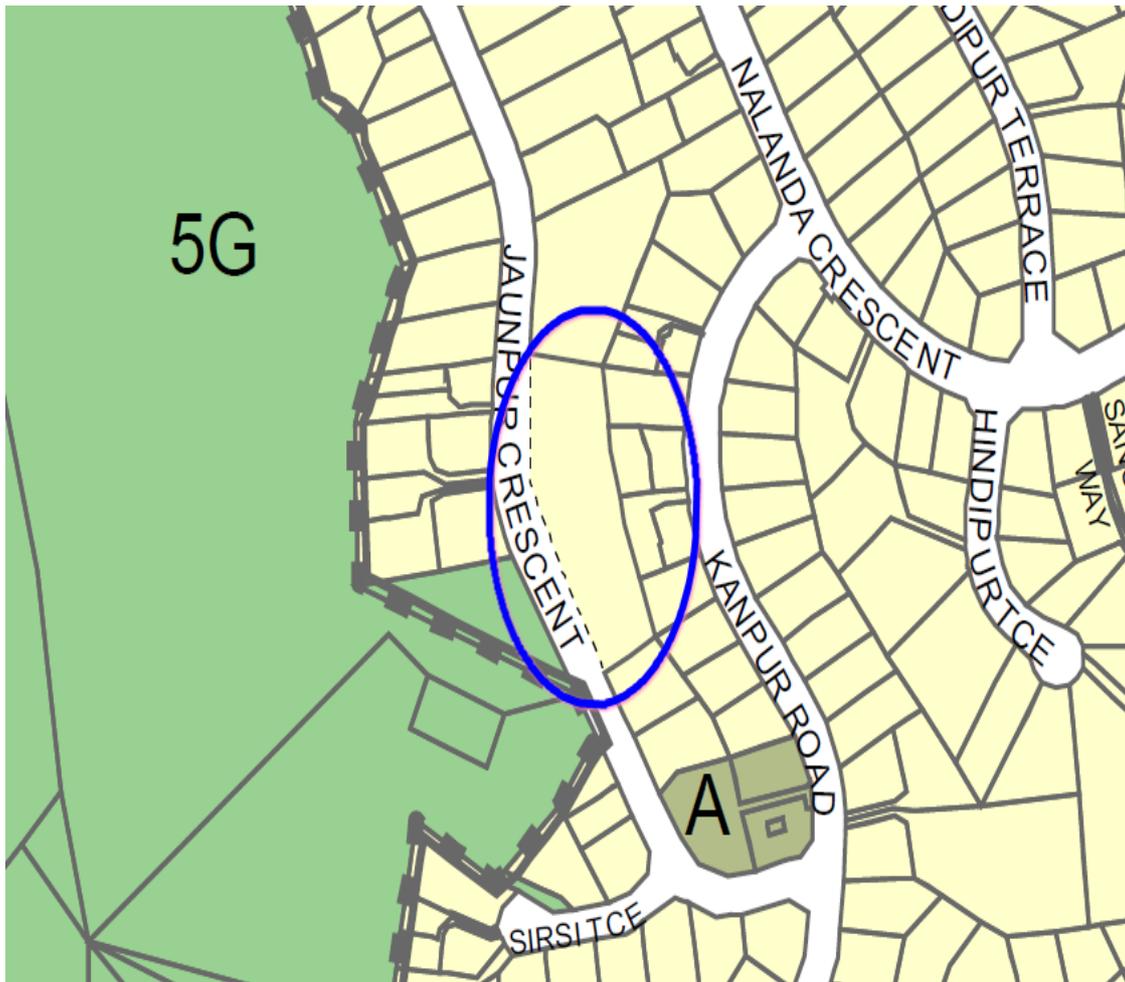
		<p>existing set backs for all four properties concerned are at least three metres. Existing use rights also apply.</p> <p>Important to note:</p> <ul style="list-style-type: none"> - Accessory Buildings (Garages etc) may still be constructed within the front yard provided they have a maximum width of 6 metres. - Standard 5.6.2.2.4 would also apply which states: "Buildings may extend into the required front yard if the part of the building nearest the street does not project forward of a line from the forward most part of the two adjoining residential buildings (excluding accessory buildings)". This does not apply to 19 Jaunpur Crescent as this property only has one residential neighbour.
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<p>Objection 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>The application to stop the unformed legal road on the land between 8-28 Jaunpur Cres, Broadmeadows must be declined. I wish to retain the land in question in its current state.</p> <p>I wish to be heard on this submission.</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>Under Council’s Code of Practice for land development Jaunpur Crescent is classified as a ‘long’ cul-de-sac. Widths set out in the Code of Practice assume that both sides of the road are developed with long cul-de-sacs required to have a legal road width of 14 metres.</p> <p>This road stopping proposal would retain a legal road width of 14 metres.</p> <p>The existing formed footpath and road (Jaunpur Crescent) are not proposed to change at all as a result of the road stopping proposal.</p> <p>Any new vehicle accessways, garages and off-street parking, would be considered when consent to develop the Land was applied for, and would have to comply with the District Plan or seek a resource consent for any potential non-compliance with the District Plan rules.</p>
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<p>Objection 3. Carriageway stability</p> <p>The Council commissioned report doesn’t address how the proposed development would affect the road, during adverse natural events (slip,</p>	<p>Kathryn Ellis</p> <p>Gavin Hoar</p>	<p>Maintaining the integrity of Council’s roading network is of paramount importance to Council. New and ongoing monitoring and compliance requirements</p>
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<p>earthquake etc)</p> <p>The application to stop the unformed legal road on the land between 8-28 Jaunpur Cres, Broadmeadows must be declined.</p>	<p>Sam Koh</p> <p>P Potiki</p> <p>Ron Zoest</p>	<p>will ensure any future development on the Land will not compromise the carriageway.</p>
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<p>Objection 4. District Plan change required</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</p> <p>Ron Zoest</p>	<p>This matter was referred to Julia Forsyth of Policy and Planning who advised as follows:</p> <p><i>The land in question was clearly zoned for Residential use in the 1984 District Scheme. At this stage, only an indicative road layout for Jaunpur Crescent is shown on the map.</i></p> <p><i>When the new District Plan was notified in 1994, the land was again zoned residential. Only the first section of Jaunpur Crescent is shown; presumably at the time this portion of road had been formed.</i></p> <p><i>The Operative Plan in 2000 and the current planning map show the lot and road layout for all of Jaunpur Crescent, with the land in question zoned residential, and a dotted line indicating the boundary of the formed road. Dotted lines are used on the District Plan maps to show a zone boundary where there is no cadastral boundary. It is not uncommon when land is being developed for it to take some time for the final cadastral boundaries for roading and reserves to be determined.</i></p> <p><i>The land in question has been clearly marked with a residential zoning since 1984. I am unaware of any reason why significant portions of unformed legal road cannot be zoned for residential use.</i></p> <p>Current planning map below.</p>
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<p>Objection 5. Abnormally large road stopping</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 section 3,687.8 square metres in area or a number of sections.</p>	<p>Julie Horn Sam Koh Georgina Marks V Naidoo P Potiki Ron Zoest</p>	<p>Road stopping proposals are dealt with case by case and often relate to small areas being vested into adjoining properties.</p> <p>However, all unformed legal road (big or small) must proceed through a road stopping process before it can be sold.</p>
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<p>Objection 6. A six lot subdivision 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>Initially two options were suggested by officers as part of the proposed road stopping; ie creating a number of smaller lots or one large lot.</p> <p>For a variety of reasons, only one lot is now proposed.</p> <p>Further subdivision may not necessarily be Discretionary (Restricted) Activity. The Activity Status of any subdivision application will depend on the size and configuration of any new allotments and whether any new buildings will comply with the District Plan rules. This cannot be determined until these details are confirmed and a resource consent application for subdivision is submitted.</p> <p>The effects of any subdivision of the site will be assessed at the time of the resource consent application.</p>
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<p>Objection 7. Neighbours 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>In the event the recommendations of this report are approved and Council agrees to dispose of the Land, officers intend to offer the land firstly to adjoining owners pursuant to section 345(1)(a)(i) Local Government Act 1974.</p>
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<p>Objection 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 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>Julie Horn Georgina Marks V Naidoo Theresa Nava</p>	<p>Abuild Consulting Engineers Ltd has confirmed that the Land is similar to a number of adjoining properties (which have already successfully been built on).</p> <p>The 18/01/13 report states at p7 “There is no discernible evidence of deep seated instability on the steep sloping topography that could otherwise preclude development.”</p> <p>Future use is governed by the rules of the District Plan, and that takes into consideration the slope of the land.</p> <p>Abuild’s report is to be made available to the LIM team and throughout the marketing process. Abuild’s report is comprehensive in that it covers such matters as drainage and erosion control. This may result in additional requirements being imposed on the future owners of the land.</p>
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<p>Objection 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>These objectors are located on Kanpur Road which is at the bottom of the proposed road stopping sections. These concerns are likely to be minimal given the slope of the Land and the likelihood of new dwellings being located nearer to Jaunpur Crescent.</p> <p>There would likely be a considerable ‘buffer space’ between any new dwellings and the existing dwellings.</p> <p>The key issue is that owners of properties in the area were unaware it is unformed legal road.</p>
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<p>Objection 10. Views would be obstructed</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>Views would be obstructed</p> <p>The key issue again is that owners of properties in the area have mistakenly thought the land was classified as Reserve having very little chance of being developed, rather than unformed legal road.</p> <p>Adverse affects of future developments would be dealt with under District Plan requirements, (as they will be for other privately owned vacant sections in the area).</p>
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<p>Objection 11. New Sunlight Access Plane Restriction</p> <p>New Sunlight Access Plane Restriction. 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.</p> <p>Parking Congestion</p> <p>I struggle to drive past when cars are parked opposite each other near the south end of Jaunpur 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>Andrew Carmen Godinez &</p>	<p>New Sunlight Access Plane Restriction</p> <p>There are six properties that directly adjoin the subject land that have boundaries adjoining the Land. These boundaries are technically front boundaries as they directly adjoin road land. As a result of the road stopping these boundaries become side boundaries. This would trigger side yard and sunlight access plane requirements in the event of redevelopment.</p> <p>The boundaries concerned can be considered as being 'secondary' road frontages. Four of the six properties have their primary frontage to Kanpur Road, with the other two having primary road frontages to the existing formed Jaunpur Crescent. Given the topography, and substantial houses already built in the area meaning that redevelopment is unlikely officers opinion is that these new effects are very minimal.</p> <p>Parking Congestion</p> <p>The existing formed footpath and carriageway is consistent down the street. Most of the street has houses on both sides of the road. As the width of the road would not change as a result of the road stopping proposal, if the road land was developed then it would be no different than the rest of the street.</p>
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<p>Objection 12. Safety (stability)</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.</p> <p>My concern relates to safety issues. This land is on a very steep slope; it is not possible to develop safely in this area, 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.</p> <p>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>This objection also concerns stability.</p> <p>Comments above regarding Abuild's investigations and the peer review that has been carried out by Tonkin and Taylor also apply to this objection.</p>
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<p>Objection 13. Potential new wind channel effect</p> <p>For a copy of this written objection see Appendix 1 is attached as Appendix 5 to the committee report of 12 September 2012.</p>	<p>Dirk Anderson</p>	<p>When consultation was undertaken with Council business units earlier in the process the issue of wind effects was not raised.</p> <p>Officers have discussed this objection specifically with Jonathon Anderson of Council's Compliance & Specialist Advice unit.</p> <p>His advice is that the District Plans Design Guide for Wind is used to consider the effects of developments in the central business district where multi storey building directly adjoin each other, rather than in residential situations</p>
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		where houses are lower level and are usually standalone.
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<p>ePetition</p> <p>'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.</p>	<p>Organiser - Ron Zoest.</p> <p>56 signatures comprising:</p> <p>17 Wellington 3 Dunedin 1 Auckland 35 South east Asia</p>	<p>The issues raised in the ePetition have been addressed in officers responses above.</p>
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<p>Legal Notice</p> <p>Refer to Appendix Two of this report, i.e. - '<i>Decision on objections to the proposed road stopping and disposal of legal road between 8 and 28 Jaunpur Crescent, Broadmeadows</i>' for a copy of the Legal Notice.</p>	<p>Ron Zoest and Stephanie Chung</p>	<p>As previously discussed in the report officers have acted prudently and appropriately by having geotechnical testing carried out to confirm whether the Land is suitable for residential development.</p> <p>While Abuild's initial testing had concluded that the Land could be built on, given the lands stability is a key objectors concern for objectors, officers took the extra step of having that peer reviewed by another independent registered company, i.e. Tonkin and Taylor.</p> <p>Tonkin and Taylor's advice was that further testing would be appropriate, which officers duly commissioned Abuild to do. The additional testing did identify that the depth of fill was greater than originally understood, but importantly that this did not preclude development.</p>
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