

REPORT 4
(1215/53/IM)

**DECISION ON OBJECTIONS TO THE PROPOSED ROAD
STOPPING AND DISPOSAL OF LEGAL ROAD BETWEEN 8 AND
28 JAUNPUR CRESCENT, BROADMEADOWS**

Please note that the Regulatory Processes Committee meeting of Wednesday 17 April 2013, commenced discussion on the report of officers. The below is the extract from the meeting and note that the Committee resolved the following:

020/13RP **DECISION ON OBJECTIONS TO THE PROPOSAL ROAD
STOPPING AND DISPOSAL OF LEGAL ROAD BETWEEN 8 AND
28 JAUNPUR CRESCENT, BROADMEADOWS**
Report of Paul Davidson, Property Advisor, Property Services.
(1215/53/IM) (REPORT 1)

Moved Councillor Gill, seconded Councillor Lester, the substantive motion.

Moved Councillor Best, seconded Councillor Foster, the following amendment.

New 4

That the Regulatory Processes Committee:

4. Request officers to explore methods to protect existing adjacent property owners, property rights and that a condition be placed on the sale to restrict the road frontage to be a single storey.

The amendment was put and declared CARRIED.

Moved Councillor Foster, seconded Councillor Gill the procedural motion that Standing Order 157 be suspended.

The procedural motion was put and declared CARRIED.

Moved Councillor Gill, seconded Councillor Best, the motion that the Regulatory Processes Committee lie the report on the table until the next meeting of the Committee.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Lie the report on the table until the next meeting of the Committee.*

The recommendations from the report of the Wednesday 17 April 2013 meeting are before the Committee for approval and also the amendment that was passed by the meeting:

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree to not uphold the objections from any of the 15 objectors, the ePetition or the legal notice to the proposal to stop 3,677 m² road land between 8 and 28 Jaunpur Crescent (the Land).*
 - (b) *Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*
 - (c) *Agree to the disposal of the Land between 8 and 28 Jaunpur Crescent.*
 - (d) *Delegate to the Chief Executive Officer the power to negotiate and conclude all matters in respect of a sale and purchase agreement for the Land between 8 and 28 Jaunpur Crescent.*
3. *Note that if the road stopping proposal is successful the Land would firstly be offered to the adjoining neighbours pursuant to section 345 Local Government Act 1974, then secondly the Port Nicholson Block Settlement Trust, and (if not sold to those parties) it would then be marketed for sale.*
4. ***Request officers to explore methods to protect existing adjacent property owners, property rights and that a condition be placed on the sale to restrict the road frontage to be a single storey.***

**DECISION ON OBJECTIONS TO THE PROPOSED ROAD
STOPPING AND DISPOSAL OF LEGAL ROAD BETWEEN 8 AND
28 JAUNPUR CRESCENT, BROADMEADOWS**

1. Purpose of report

To seek the Committee's recommendation to Council that 15 objections to a road stopping proposal concerning 3,677m² of unformed legal road in Jaunpur Crescent, Broadmeadows (the Land) not be upheld.

The objections include an ePetition and 'legal notice' also received from two of the objectors.

2. Executive summary

On 29 February 2012 Council agreed to initiate a road stopping of the Land (total area of 3,677m²).

Public consultation was subsequently carried out and 15 written objections were received. Twelve of these objectors were scheduled to make oral submissions to the Regulatory Processes Committee on 12 September 2012, however only four attended and spoke - see Appendix One for committee reports.

It was agreed at the 12 September 2012 meeting that Committee members would visit the site to familiarise themselves. That site visit took place on 17 September with no new issues being raised.

The Land slopes down from Jaunpur Crescent at between 36 to 40 degrees and contains fill. Geotechnical investigations carried out by Abuild Consulting Engineers Ltd (Abuild) in October 2011 concluded that with engineered design the Land is suitable for residential development.

A key concern for objectors is the Land's stability, so to assist the Committee in its decision officers have had Abuild's investigations peer reviewed by Tonkin and Taylor Environmental and Engineering Consultants (T&T). Further geotechnical testing was carried out in December 2012 and consisted of three boreholes. The boreholes found that the depth of fill is greater than previously understood. However the conclusions are the same, namely that with engineered design considerations the Land is suitable for residential development.

Officers believe that objectors concerns have been sufficiently addressed and any effect on adjoining properties resulting from this proposal has been appropriately mitigated.

Therefore officers are recommending that the objections to the road stopping proposal in Jaunpur Crescent not be upheld.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree to not uphold the objections from any of the 15 objectors, the ePetition or the legal notice to the proposal to stop 3,677 m² road land between 8 and 28 Jaunpur Crescent (the Land).*
 - (b) *Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*
 - (c) *Agree to the disposal of the Land between 8 and 28 Jaunpur Crescent.*
 - (d) *Delegate to the Chief Executive Officer the power to negotiate and conclude all matters in respect of a sale and purchase agreement for the Land between 8 and 28 Jaunpur Crescent.*
3. *Note that if the road stopping proposal is successful the Land would firstly be offered to the adjoining neighbours pursuant to section 345 Local Government Act 1974, then secondly the Port Nicholson Block Settlement Trust, and (if not sold to those parties) it would then be marketed for sale.*

4. Background

4.1 History of application

On 29 February 2012 Council resolved to declare the Land surplus and commence the road stopping process in accordance with section 342 and the tenth schedule of the Local Government Act 1974. A land area of approximately 3,690m² was declared surplus and, following survey, the area was confirmed as 3,677m².

4.2 Residents letters

In April 2011 officers sent letters to the owners of 19 properties immediately surrounding the Land advising them of the proposal and that they would have an opportunity to comment when the wider public consultation process commenced.

At this stage one of the residents, Ms Stephanie Chung, prepared a standard letter of objection for residents to sign. Officers met with Ms Chung on 20 December 2011 and she presented 12 signed letters which were mainly from owners of properties that did not immediately surround the Land. A good

outcome of the meeting with Ms Chung was that officers felt that she had a better understanding of the road stopping proposal. We were also able to advise her that the width of the existing footpath and formed road carriageway in Jaunpur Crescent would not change as a result of the proposed road stopping. These objections were not formally withdrawn at this time. All parties received correspondence as part of the wider public consultation to either withdraw or have their objection remain so some are included in the current objections.

4.3 ePetition

Prior to the road stopping public consultation officially commencing resident and objector Mr Ron Zoest arranged for an ePetition via Council's website. The ePetition commenced on 3 February 2012 and closed on 3 April 2012. A total of 56 signatures were received. Only 17 signatories were from Wellington, three from Dunedin, one from Auckland and 35 were from Thailand and other south east Asian countries.

4.4 Public consultation - Road Stopping

Consultation on the road stopping proposal was undertaken during June, July and August 2012. 15 written objections were received with 12 of them indicating they were also interested in presenting oral submissions.

Only four of them gave oral submissions to the Committee on 12 September 2012. They were Mr Zoest (25 Jaunpur Crescent), Ms Chung (27 Jaunpur Crescent), Mr Anderson (11 Jaunpur Crescent), and Mr Marks (105B Kanpur Road). Mr Marks spoke on behalf of his wife. It is noted that unfortunately Mr and Mrs Marks were mistakenly left off the list of objectors in section 4.2 of the committee report prepared for the 12 September 2012 meeting.

4.5 Legal Notice

Following the road stopping public consultation Council received a further written objection prepared by Mr Zoest and Ms Chung which was titled 'legal notice'. Refer to Appendix Two for a copy.

This additional objection alleges that the Wellington City Council is being negligent and would be criminally accountable for any loss, injury or effect resulting from stopping and selling the Land.

5. Discussion

5.1 Investigations to confirm land suitable for development

Officers engaged Abuild to carry out geotechnical testing to confirm the Lands suitability for development. Abuild is an established and respected consulting practice providing geotechnical and civil expertise in the lower North Island. It is a member of the Association of Consulting Engineers NZ (ACENZ), and The Institution of Professional Engineers (IPENZ).

Abuild's report concluded that the Land could be built on. While officers are proposing to sell the Land as one large lot, Abuild did recommend further geotechnical assessments specific to any smaller lot subdivided from it. The requirement for further specific geotechnical testing for any subdivided smaller

lot will be recorded by Council on its electronic and property files, and would be an integral part of marketing.

Due to the objections received, officers have had Abuild's report peer reviewed by another independent registered company, namely T&T. T&T is an environmental and engineering consultancy which carries out work throughout New Zealand, Australia, Malaysia and the Philippines.

Refer Appendix Three for a copy of T&T's peer review.

T&T's advice was that further testing would be appropriate and officers duly commissioned Abuild to conduct further testing. The additional testing identified that the depth of fill was deeper than originally understood, but it was of good quality and indicated that it had been compacted.

Abuild noted that other areas of the Broadmeadows subdivision had been filled and had been built on. So while the depth of fill in other areas is not known, this is relevant as the presence of fill does not necessarily preclude development.

Refer to Appendix Four for the conclusions of the additional geotechnical testing.

5.2 Proposal to retain land for a public lookout.

When Ms Chung gave her oral submission she suggested that the Land could be retained and used as a public lookout.

Officers carried out comprehensive consultation with internal business units on the proposal to dispose of the Land to ensure that it was not needed for Council's operational requirements. No unit indicated interest with Parks and Gardens stating they considered the Land had no recreational values.

During the recent public consultation the local residents association was advised and it did not indicate any interest.

5.3 Site meeting of 17 September 2012

A site meeting was held on 17 September 2012 with three members of the Regulatory Processes Committee and officers from Property. Other members of the Committee visited the site separately at different times.

The purpose of the site meeting was for Committee members to familiarise themselves with the general area and the Land. No new issues arose from the site meeting.

5.4 Summary of objection grounds and officers' responses

The 13 grounds of the 15 objections are summarised in Appendix Five and listed below:

1. Adverse effects - Front Yard Rule and Stability
2. Increased road congestion (on-street parking)

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
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 (earthquake stability)
13. Potential new wind channel effect

In brief officers believe all of the above have been properly addressed. Our roading engineers believe Jaunpur Crescent will more than adequately handle any additional traffic that this stopping may lead to.

Stability is covered by peer reviewed geotechnical advice that will be recorded in Council's electronic and property files. The geotechnical report will be integral in marketing the Land. Most of the adverse affects contained in the objections are appropriately dealt with by the rules in the Council operative District Plan.

This road stopping will create a uniform legal road width which will have no affect on the formed road (including the footpath) in Jaunpur Crescent. Clearly any form of development is a change but any adverse affects of future development would be addressed appropriately through the resource consent process.

Each of the above points including the ePetition and legal notice are fully detailed and responded to in Appendix Five of this report.

5.5 Northern Reserves Management Plan

The Northern Reserves Management Plan identifies future reserve requirements in the general Broadmeadows area. The Land is not included in this Plan.

5.6 Financial considerations

There are no significant financial considerations to be considered in the decision on objections to this road stopping proposal.

5.7 Climate change impacts and considerations

There are no climate change impacts.

5.8 Long-term plan considerations

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

5.9 Next Steps

The next steps in the process for this road stopping proposal are:

- The Committee will consider the submissions and officers responses, 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 the full Council agrees, then the road stopping proposal is effectively ended and the Land will not be stopped and sold.
- If the decision is to not uphold (i.e. reject) the objections and to proceed with the road stopping process, and any of the objectors still wish to pursue their objection, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.
- If the objections are not upheld and are withdrawn then the road stopping would be finalised and one large new lot would be created.
- Officers will obtain a current market valuation
- The stopped road land will be offered for sale (at current market value) to either,
 - an immediately adjoining owner or owners; or
 - PNBST; or
 - a private party after marketing the land for sale by tender on the open market.

6. Conclusion

Officers have responded to all the objections and believe the concerns outlined mitigated either through existing policies and procedures, the geotechnical report or a combination of these. Any possible adverse affects of future development will be appropriately dealt with under the Council's operative District Plan rules and Resource Management Act process.

Officers therefore believe that the committee should recommend to Council that all objections to the road stopping proposal in Jaunpur Crescent not be upheld.

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

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 a large new lot will be created, sold at market value, with future owners then paying rates on it 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 making a decision on whether objections should be upheld or not.

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 fifteen objections received.

b) Consultation with Maori

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

6) Legal implications

All legal implication relevant to this road stopping such as public consultation requirements are considered in this report.

7) Consistency with existing policy

The road stopping proposal and this report are consistent with WCC policy.

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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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APPENDIX 1



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APPENDIX 2

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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APPENDIX 3 REGULATORY PROCESSES COMMITTEE 14 FEBRUARY 2012

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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APPENDIX 3

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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APPENDIX 3

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:

<i>Service Provider / Business Unit</i>	<i>Condition</i>
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
<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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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>
<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 implication 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

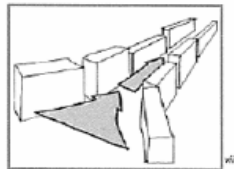
- Broadmeadows is a windy suburb...
 - Broadmeadows is located on the upper slopes of the Te Wharangi Ridge.ⁱ As a resident here, I've quickly become aware that the suburb is frequently exposed to strong winds from the northerly and southerly directions.
 - These strong winds are sometimes so strong 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.



Dirk Anderson
11 Jaunpur Crescent
Wellington
Telephone: 04 4782290

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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
W604465	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

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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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APPENDIX THREE



T&T Ref: 85581
05 October 2012

Wellington City Council
101 Wakefield Street
Wellington

Attention: Paul Davidson

Dear Paul

8-28 Jaunpur Crescent, Broadmeadows - Geotechnical Assessment and Peer Review

Introduction

As requested, we have carried out a peer review and inspection of the land at 8-28 Jaunpur Crescent, Broadmeadows. This review and inspection has been undertaken in accordance with our letter of engagement dated 25 September 2012.

Abuild Consulting Engineers Ltd (Abuild) prepared a report in October 2011 with regard to the suitability for development of land between 8 to 28 Jaunpur Crescent, Broadmeadows. The land subject of the Abuild geotechnical report is 3,690m² of unformed legal road that Council is proposing to 'stop'.

The purpose of our report is to review the Abuild Consulting Engineers Ltd (Abuild) report and to assess whether the investigations carried out by Abuild are sufficient to determine whether the subject site is suitable for residential development.

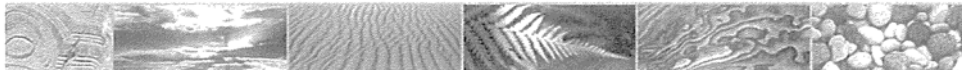
Scope of Works

In order to prepare this report, we have completed the following work:

- Review of the Abuild geotechnical report entitled "Geotechnical Investigation – Site Suitability for Residential Development Road Land Between 8-28 Jaunpur Crescent, Broadmeadows, Wellington" reference 8400 dated October 2011 (Rev A);
- Site inspection by an Engineering Geologist on 28 September 2012;

Site Description

The site is located on an east facing slope beside Jaunpur Crescent. The slope is approximately 20m high and has an average slope angle of approximately 30°. The site is circled in red on Figure 1 below.



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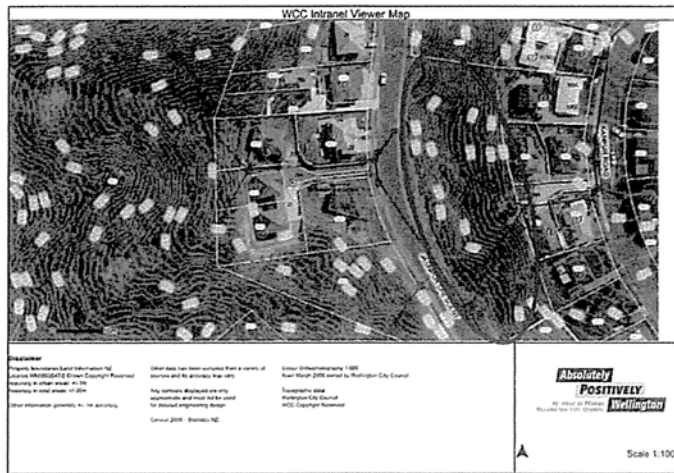
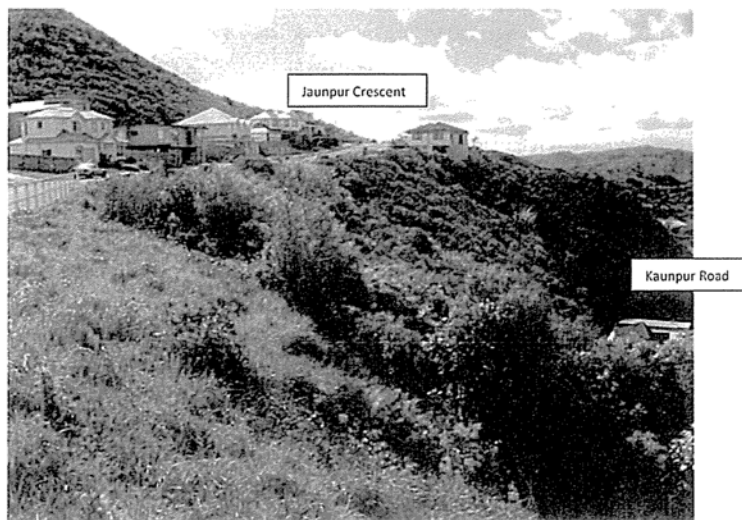


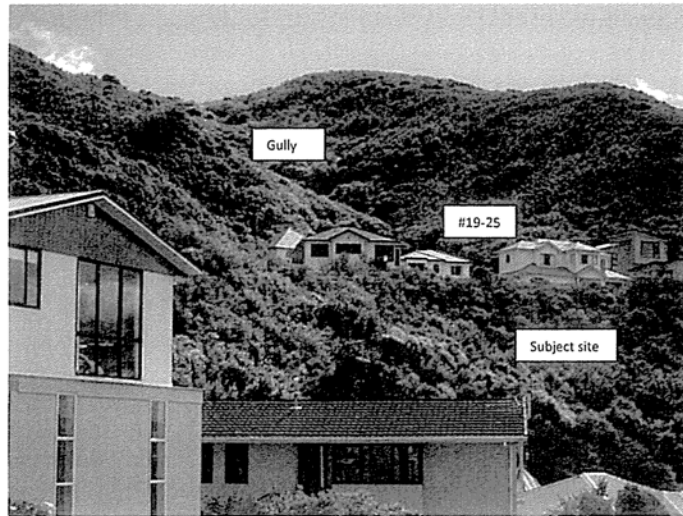
Figure 1 Site Location (taken from WCC City View Website)

The slope is well vegetated and it has been cut at the base to allow the formation of lots on Kanpur Road. We understand from the ABuild report that there is a bench extending across the slope at about mid height.



Photograph 1 Subject site (looking north)

At the top of the slope is Jaunpur Crescent, and on the inside of the road are a number of houses (#19 through to #25). Behind these houses (to the west and upslope), the natural topography is one of defined gullies and ridges. A large gully runs down behind #23 and #25. The gully profile is lost on the subject site below Jaunpur Crescent.



Photograph 2 Gullies and ridges above site

The site has been modified by subdivision earthworks. These earthworks were undertaken in the 1970's / 1980's and the extents of earthworks are shown on the TCB drawing in Appendix E of the ABuild report. The drawing indicates 9700m³ of fill is placed in this area.

The earthworks have resulted in cuts being made to the ridges, and filling of the gully shown in Photograph 2. The fills have extended out to allow the construction of Jaunpur Crescent. They have also been placed to re contour the upper part of the subject site.

Site Geology

The site is likely to comprise silty and gravely colluvium and alluvial gully deposits overlying variably weathered greywacke rock. These natural deposits have been overlain by earthworks fills to form Jaunpur Crescent, building platforms to a number of dwellings on the western side of the road, and the slope of the subject site.

The fills are likely to comprise a mixture of weathered greywacke rock fill and colluvium soils.

The depth of fill is not recorded on the TCB earthworks drawings (ABuild report Appendix E) and cannot be reliably inferred from ABuild's penetration test data.

In our opinion, the depth of fill in the infilled gully could be up to 4m deep, or possibly more. This contrasts with ABuild's assessed thickness of upper soils of 2m (Refer sections in Appendix C of ABuild's Report).

Based on the existing contours, it is inferred that the northern and southern ends of the subject site are likely to comprise shallower fills than the middle where the gully has been infilled. Fills will thicken towards the middle of the site.

Loose soils, vegetation and rubbish were observed to have been end tipped over the crest of the slope.

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Geotechnical Hazards and Consequences

Based on our observations and understanding of the site, the geotechnical hazards, risks and consequences on the site are summarised in the table below. This assessment assumes the site is developed with housing of conventional construction without specific works to mitigate geotechnical hazards. It is assumed that any new cut or fill earthworks on the existing fill slope are retained.

Measures of likelihood and risk to structures are based on the AGS (2000) Landslide Risk Management Concepts and Guidelines.

Table 1 - Geotechnical Hazards and Consequences

Item	Geotechnical Hazard	Likelihood	Consequence
1	Soil Creep	Very likely / Almost Certain	Minor downslope movement of surficial soils (top 300mm)
2	Small scale, shallow slope instability	Very likely	Small scale mobilisation of loose soils particularly during heavy rainfall events.
3	Larger scale fill slope instability assuming fill up to 4m thick (Triggered by large earthquake or intense storm event)	Possible / unlikely ⁽¹⁾	Larger translational slide through middle of gully along natural soil / fill interface. Significant damage to buildings onsite and also at bottom of slope.
4	Fill thickness more than the assumed 4m	Possible	Deeper seated instability, more expensive to mitigate.
5	Fill settlement following foundation loading	Likely in localised pockets	Localised / differential settlement causing cracking and deformation of building
6	Fill inconsistency / localised organic pockets	Likely	Localised / differential settlement causing cracking and deformation of building
7	Fault Rupture	N/A (no known active faults on site)	N/A
8	Seismicity	Fault rupture nearby	Earthquake induced landsliding
9	Liquefaction	Not expected. Groundwater level likely to be low.	N/A
10	Rupture / blockage of underground services (stormwater pipes) due to ground creep	Likely / Possible	Localised saturation of fill resulting in possible landslides

APPENDIX THREE

(1) ABuild have not investigated the full depth of the fill and thus the fill thickness and nature are unknown, as is whether or not a weak layer (topsoil horizon) underlies the fill. ABuild refers to TCB’s “Statement of Suitability” of the fill but advises that this information has not been sighted. We consider there is insufficient information available to discount the possibility of instability associated with the fill.

Suitability of ABuild Investigations

We have reviewed the ABuild report to assess whether they have addressed the geotechnical hazards we have identified in Table 1. ABuild have undertaken the following work as part of their investigations:

- Desk top review including a review of aerial photographs and earthworks drawings;
- Site reconnaissance by a geotechnical engineer;
- Tape and clinometer survey;
- Four cone penetration tests along the edge of the road
- Seven Scala penetrometer tests along section lines down the slope face;
- Stability analysis.

We consider that these investigations address the geotechnical hazards in Table 1 as follows:

Table 2 – Investigations addressing geotechnical hazards

Item	Geotechnical Hazard	Sufficiently addressed by ABuild investigations and report?	Further investigation required?
1	Soil Creep	Yes ⁽¹⁾	No
2	Small scale, shallow slope instability	Yes ⁽¹⁾	No
3	Larger scale fill slope instability	No	Yes (following a review of fill thickness)
4	Fill thickness	No	Yes
5	Fill settlement following foundation loading	Yes (Recommend piles to rock)	No
6	Fill inconsistency / localised organic pockets	No	Yes
7	Fault Rupture	Yes	No
8	Seismicity	Yes	No
8	Liquefaction	N/A	No

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9	Rupture / blockage of underground services (stormwater pipes)	No	No ⁽²⁾
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- (1) The hazard of shallow slope instability is identified in the ABuild report (Section 6) but the consequences and mitigation measures are not discussed. We would recommend that foundation design make specific allowance for the potential for shallow instability.
- (2) Further investigation of the pipes is not considered necessary however to mitigate this hazard we would recommend that easements be provided as part of the subdivision to protect the services, and that as part of subdivision development, the pipes be inspected and repaired if necessary.

Whilst the investigation techniques provide adequate information on the surface and near surface profile, we believe that it does not provide sufficient information to determine the overall soil/rock profile.

Penetration tests (Scala and CPT) have been undertaken but no boreholes or excavations. Penetration tests can refuse on large particles and thus cannot be relied on to determine the depth to rock or dense ground.

Fill Depth (Refer items 3 and 4 of Tables 1 and 2)

Based on our observations, we would expect that the middle part of the site (opposite 19-25 Jaunpur Crescent) to contain the greatest thickness of fill. This is because it aligns with the centre of the large gully observed on the hillside behind (see Photograph 2).

The investigations do not reflect this.

CPT2 on section line B-B is shallow and refuses at 1.0m. As this line is down the centre of the gully we would expect the fill to be deeper at this point. Likewise, the Scala penetrometers P3, P4 and P5 are inconclusive and could have refused in the rock fill.

The cross section lines provided in Appendix C of the ABuild report do not provide a definitive ground model. They show "Inferred layer boundary" rather than material types.

This does not confirm the depth of fill and depth to rock.

Material Type (Refer item 6 in Tables 1 and 2)

CPT's and Scala penetrometers do not provide information on the material types. They do not indicate whether there are buried organic or compressible layers within or at the base of the fill.

Further investigations and assessment

Based on the information provided, and our understanding of the site, we would recommend that some additional investigation work is completed.

These works would be focused on confirming the fill depth, profile and consistency in the middle of the site (across the gully). This will confirm whether there is likely to be significant cost implications to foundations affecting the middle lots.

Firstly we would recommend that a detailed review of the TCB monitoring and testing documentation is completed to confirm the fill type, strength and uniformity.

Physical investigations should comprise three machine boreholes drilled on the side of the road where the fill is expected to be at its thickest. Boreholes should be drilled to rock with standard penetration tests at close centres.

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We would also recommend pairs of scala penetrometers with pairs at say 0.5m spacings to confirm the consistency of the materials, and to ensure the scalas have not refused on obstructions.

Once the soil / rock profile has been established across the middle of the site, then further stability analysis can be completed.

Suitability for development

We concur with Abuild that the site can be developed if the upper soils are shallow. However, based on our assessment, we believe that the fill is deeper across the middle of the site than is inferred in the Abuild sections. As such we recommend that further assessment is required.

Without completing the works recommended above, it is not possible to confirm the suitability of the land for housing development.

However, our expectation is that further investigation would determine that the northern and southern ends of the site would be suitable (relatively shallow depth of fill) while the central portion (the infilled gully) may not be suitable depending on the depth and nature of the fill.

If the fill is deep and includes weak layers, it may not be economic to stabilise the central gully section for housing development.

Applicability

This report has been prepared for the benefit of Wellington City Council with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

Tonkin & Taylor Ltd

Environmental and Engineering Consultants

Report prepared by:

Authorised for Tonkin & Taylor Ltd by:



Nick Peters

Senior Engineering Geologist



Stuart Palmer

Principal Geotechnical Engineer

4-Oct-12
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10.0 CONCLUSIONS

The investigation has shown that:

- The main body of the site is occupied by gully filling. The gully filling comprises generally granular fill soils and insitu testing typically indicates medium dense soil which is consistent with compacted filling.
- There is a clean interface between the fill soils and underlying weathered rock at the points explored and this indicates that the gully had been cleared of any unsuitable prior to filling.
- We understand the filling was inspected and certified.
- Stability analysis carried out on the critical fill slope profile indicates substandard factors of safety, particularly under ULS level of ground shaking. The analysis was for a 2D profile whereas a 3D model would better reflect in situ conditions and undoubtedly enhance the factors of safety.
- 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 upper part of the fill batter slope is oversteep and prone to shallow seated instability under earthquake shaking. Depending on the results of a site specific investigation that must be carried out for each of the sites, any shallow instability must be mitigated by specific design works.
- 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.

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>

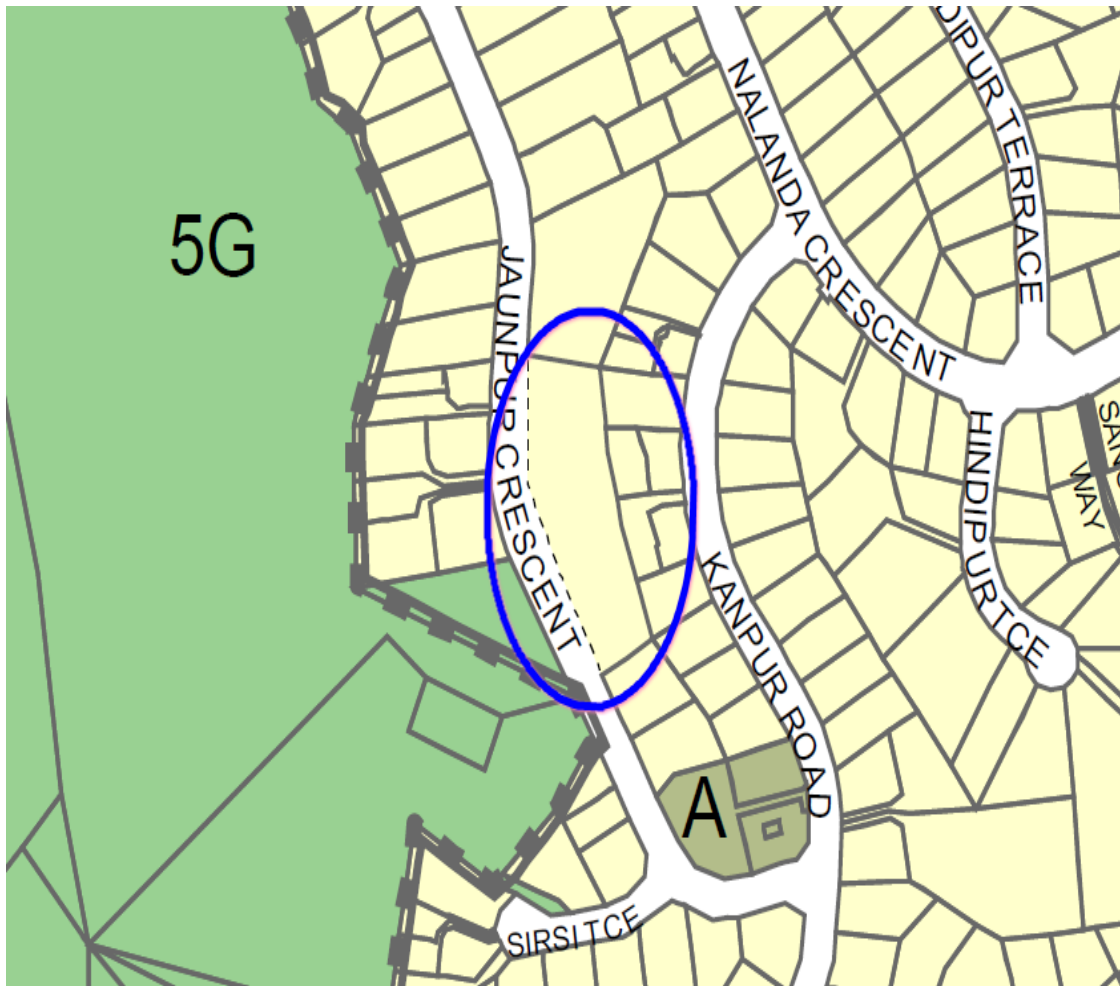
		<p>existing set backs for all four properties concerned are at least three metres. Existing use rights also apply.</p> <p>Important to note:</p> <ul style="list-style-type: none"> - Accessory Buildings (Garages etc) may still be constructed within the front yard provided they have a maximum width of 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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**Objection 5.
Abnormally large
road stopping**

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.

Julie Horn
Sam Koh
Georgina Marks
V Naidoo
P Potiki
Ron Zoest

Road stopping proposals are dealt with case by case and often relate to small areas being vested into adjoining properties.

However, all unformed legal road (big or small) must proceed through a road stopping process before it can be sold.

<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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