
**BEFORE THE COMMISSIONERS APPOINTED BY PORIRUA CITY COUNCIL
AND GREATER WELLINGTON REGIONAL COUNCIL**

IN THE MATTER OF Land use and subdivision consent (RC
RC6922-SL0046/15

BETWEEN WELLINGTON REGIONAL COUNCIL
Local Authority

AND PORIRUA CITY COUNCIL
Local Authority

AND JAGGER NZ LIMITED
Applicant

**SUBMISSION OF ASH AND CLAIRE JOHNSTONE IN RESPONSE TO THE
COMMISSIONERS 2ND MINUTE DATED 20 April 2016 ASKING FOR
SUBMISSIONS ON AMENDED DRAFT CONDITIONS**

1. This submission is ancillary to the submission we made on the Brookside Development and the oral submission made to the Commissioners
2. This submission covers the draft Consent Conditions that contain amendments which was entitled "Appendix 2 PCC Updated suggested consent Conditions-19 April 2016".

Condition 37.

3. Condition 37 has been deleted. It was that all residential lots shall contain a single storey dwelling.
4. The Deletion notates the Mr Gray Report (PCC) as the reason the condition no longer applies. The comments from Mr Gray in this respect were:
The applicant has disagreed with a specific condition that would ensure that the development will be predominantly single storied. It is recognised that under the district plan that 35% site coverage and two storied houses are generally permitted, however the applicant is proposing that other district plan rules relating to scale, location and bulk be relaxed. This does raise the question of how the applicant will achieve the statement in the AEE that the majority of houses will be single storied. (Reference AEE vol 1; 5.1.2)

Submission

5. The deletion of this condition by PCC and at the same time the comment by Mr Gray questioning how the Applicant will achieve what he advertised is a quandary. There should be no scope for doubt on what is to happen and this should be expressed in the consent.
6. If this condition is relaxed it leaves it open to the applicant to decide on the scope of the multi storied dwellings that will be built.
7. The application as it was advertised to the residents of Whitby was that the development would be single story and if this is going to change significantly then the Application needs to be re advertised to all residents of Whitby again as it affects them and is a major departure from the advertised Application.
8. Porirua Council officials have waxed lyrical about the 'mosaic of roofs' that those overlooking the development would view.
9. The adverse effect of multi stories housing on the amenity value of the whole valley is significant and some assurance in the form of a condition needs to be given to residents affected in this way.
10. Allowing this condition to be deleted could very well lead to the view as in the photograph below.



11. It seems that the implied threat is that if the Applicant cannot have the site coverage they we are asking then multi storied homes will be built to fit within the 35% standards imposed rather than increasing the lot sizes.

12. This course of action would amplify the adverse visual effect for the residential sections overlooking the valley development and would really harm those that live on the edges of that area.

Condition 44 and 45

13. This is an Increase of dwelling site coverage to 45%

Submission

14. Disagree on the grounds that it is not conducive with the amenity of the area and will show such a density contrast between the two housing (old and new) areas as to degrade the amenity value of the whole suburb.

15. This in combination with all of the other conditions sought of smaller backyards, dwellings closer to the street, narrower streets mean the overall adverse effect of the development is such that it should be declined and the Applicant advised to re draft.

Condition 49, 50 and 51.

16. These conditions concern SH 58 issues

17. I would point to the Resource Application, in 2011, Application of Winstone Aggregates for a consent to run a clean fill on a rural site which needed access from SH 58. The ruling is relevant because of the traffic safety issues that arose of entry to the site from SH 58

18. The Commissioner's on that Application reported that 2011 traffic count data indicated an 85th percentile volume of approximately 15,600 vehicles per day and identified it as a "major arterial" route between Hutt Valley, Porirua and SH 1.

19. The independent traffic safety audit was ordered by the Commissioners, overriding the NZTA transport safety manager and expert opinion.

20. The resulting independent report highlighted a number of notable shortcomings to the design work and that amongst other safety concerns;

“The intersection delay of right turning trucks and that these long delays lead to driver frustration and can result in drivers selecting gaps in traffic that are too small to safely undertake their turning manoeuvres and thereby forcing their way into the main traffic stream. This can result in crossing and turning and rear end type crashes” (Point 12.5, Winstone’s Clean fill-Summary of Decision. 2012)

21. The Traffic Design Group Limited Transportation Assessment report estimated a potential delay for right turning trucks entering SH58 as an average of 52-66 seconds per truck during morning peak and 70-123 seconds for the afternoon peak. During the inter peak periods the estimated delay was 30-32 seconds per truck.

22. The truck movements analysis was that the actual truck movements planned were an average of 44 trucks movements a day

23. The new report resulted in Mr Watkins amending his recommendation and concluded that consent should not be granted on the grounds of potential adverse traffic safety effects

24. The Winstone’s Clean fill application, which sought to have access and egress off SH58 was declined mainly because of the issues relating to traffic.

Relevance

25. Many of the same issues discussed in the Winstones clean fill application also apply to this Application with issues relating to initial site access and then continuing construction access to the site.

26. The Applicant for the Brookside Development application has stated that over 60 truck movements a day are planned for this development during the bulk soil cut and fill periods. This means an average of a truck and trailer at the intersection every 10 minutes.

27. The truck and trailers will be right turning traffic out of James Cook Drive onto SH58 as the fill will be coming from Transmission Gully

28. The traffic density and frequency has increased markedly since 2011 and will be of issue.

Submission

29. That the Commissioners ask for an independent traffic safety assessment to reveal the true effect of the extra construction traffic.

Condition 52(old 42)-Boundary Fill condition-15,21,23,25 Observatory Close

30. We reiterate our decision not to allow any infill onto our property. The reasons are well documented in previous submissions from us and there has been no attempt at any conversation or mitigation rather a silence in the hope it will go away.

31. Stated precisely we **shall** not consent to it.

Submission

32. The Applicant should be requested to present a revised plan to the Commissioners at this time rather than the start of the stage two earthworks because of the planning of drainage, roading and earthworks requirements which would require serious consideration by GWRC and PCC and not just a sign off as part of a pre-approved consent.

Condition 103-104.-Deleted requirement for single story on lots 1-5

33. We object to any major departure from the concept plans which had all of these dwellings as single storied but repeat the sentiments in our oral and written submission that this area should be kept free of dwellings on the grounds of amenity and flood planning.

Condition 115- Lot 6- cliff face dwelling.

34. The condition takes away the requirement to have an outdoor living area accessible to the dwelling because the dwelling is built on a steep cliff face. What a ludicrous condition. The lot should be declined

Condition 119- Dwelling s allowed to have 45% site coverage

35. Disagree on the same grounds as stated earlier in this submission.

Report submitted by Mott MacDonald

36. The Mott MacDonald letter dated 21 April 2016 was submitted recently and posted onto the GWRC Duck Creek hearing site so has not been submitted on to date. It was a response to Stormwater Flood model recommendations.

37. The report says that it is satisfied with the Cardo response to sea level rise.

38. The report ends by stating;

“However if future changes in the alignment or elevation of SH 58 are undertaken, consideration will be required to mitigate any adverse flooding”

39. Sea level rise is now certain and therefore SH 58 elevations or raising of the highway surface will definitely have to be undertaken. This will change the hydrology of the area as flooding events will not have that spillway or SH 58, as described in the Application to take pressure off a backing up of the flood waters of the Duck Creek catchment area.

Submission

40. The increased height of SH 58 to mitigate sea level rises and the subsequent effect on the flood potentials should be incorporated into the considerations of the Commissioners before consent is given as the adverse effects of sea level rise in amplifying effects of flooding