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LGOIMA

When releasing responses to previous LGOIMA requests, names and contact details of individual requestors will be withheld to protect their privacy.

Information requested by the media, lobby groups, public sector organisations and MPs will always be published, while information specific to an individual or their property will not generally be published.

Request from:	Private Individual
Information requested:	Kainga Ora builds
Response by:	Lesley Crichton, Group Manager Corporate Services & Risk Assurance

3 November 2023

Private Individual
Via Email:

Dear Private Individual

Official information request for information regarding Kāinga Ora Jollie St builds

I refer to your official information request dated 05 October 2023 for information regarding Kāinga Ora Jollie St builds.

You have asked for the following information:

Notifiable issues?

- **Is the change of footprint from 1 house building to major increased building foundation plan, plus the increased tenancy: from 1 current tenant to 16 or more tenants is over 1500% occupancy increase in use of the land, would these alone be a notifiable issue?**

Sections 95 to 95G of the Resource Management Act (RMA 1991) provide a step-by-step process for determining whether notification of a resource consent is required. The reasons for the Council's decision not to notify are found in the s95 report 230054.

1. **What is your risk mitigation plans for the 50-year use of this land?**
2. **What population data is this development based on? Census data? Emergency Housing Register? What projections are ascertaining future use?**
3. **What disability and long term health condition projections are the data based on? We can see improved health care means that disabled people are living longer, and we have an aging population on the coast who are more likely to acquire long term health conditions or disabilities. In the last NZ Disability Survey (2013) 24% of the population have a disability. How will all of this housing meet the needs of our HCID whanau?**
4. **What process did the Westland District Council complete to decide there were no affected parties?**

The Resource Management Act (RMA 1991) provides a step-by-step process for determining whether notification is required. The reasons for the Council's decision not to notify are found in the s95 report 230054.

5. **There appears to be a behind-closed-doors understanding alliance within both parties to be non-notifiable consent. This is a questionable decision without consulting or considering the needs of the affected parties.**

The Resource Management Act (RMA 1991) provides a step-by-step process for determining whether notification is required. The reasons for the Council's decision not to notify are found in the s95 report 230054.

6. Our Jollie Street Community Group requests an immediate review.

The Building Consent for Kainga Ora is being processed by Consentium, so while we hold some information, we are not making any decisions on the matter. You may wish to contact Tanya.Stocks@consentium.co.nz for further information.

Please find attached a Project Information Memorandum for the project build.

There are no provisions for a Territorial Authority to execute such a review under the RMA. More details about Rights of objection in specific circumstances are found in s357 of the Act.

Driveway Traffic

- **The new driveway planned will be significantly steep gradient leaving the pavement to boundary level to section at approximately 1:4.57 . This would make it impractical for tenants and visitor's urban cars so will likely render the provided onsite parking unusable, therefore increase the roadside parking to approximately x8 or more vehicles at the narrowest part of the Jollie street area where blind spots are already a problem.**

Not clear where this gradient has come from as there are several different gradients mentioned on the BC approved plans. Noting that neither the Building consent nor the Resource Consent authorise the works planned to be carried out within the legal road corridor. This work requires a Corridor Access Request and subsequent approval before any activities can be undertaken within the legal road corridor. This Consent is obtainable from the District Assets Team within WDC. This will also require the provision of sufficiently detailed construction plans that address the reinstatement of the existing crossing, footpath gradients, crossing types, driveway gradients etc.

- **If cars are parked onsite, when tenants are not able to turn a circle to drive forwards onto the street, they will reverse onto Jollie Street into blind spots across both directions of traffic. I understand it's illegal to reverse into traffic when there is not clear visibility as is the case on the side of this hill.**

The designer has allowed for residents vehicles to turn around within the site. With regards to vehicles reversing onto any legal road this is not something that Council has control over and is an enforcement matter for the Police should there be any legality issues.

The processing planner has reviewed the proposal against District Plan rules. Part 2 of the Decision Report concludes "The proposed vehicle crossing, car parking and manoeuvring will meet all applicable standards of Part 8.9-10."

The s95 report 230054 also includes the following assessment specific to this question: *"Manoeuvring has been provided on site, which will allow future occupants to enter and exit the site in a forward motion. This will preserve the safety and efficiency of the transport corridor."*

Driveway

- **The planned new driveway curbing to the gutter would be a significant cost – does this require consent?**

As stated above, corridor access approval is required for all construction/modification activities carried out within the legal road corridor.

- **The planned steep driveway position requires the street light power pole to be shifted - does this require consent?**

Activities within the road corridor require a Corridor Access Request from the relevant Road Authority. Any activity that does not meet the requirements of the proposed and operative District Plans or other relevant provisions also requires resource consent.

This would be covered within the Corridor Access approval. Additionally, these are not an activity that require affected party approval or public consultation as transport, telecommunications, power, gas and 3 water activities within the legal road corridor are all permitted activities.

Access to Driveway - Traffic hazard

- **The new driveway requires tenants and visitors driving in/out at a 90° angle from the street - driving across both directions of traffic to make the turn, this will restrict traffic flow and visibility for oncoming traffic both ascending and descending Jollie Street.**

All modern driveways are required to be at 90 degrees to the traffic. This allows for best visibility each way and the ability to approach from either direction safely. Turning across traffic will be no different to all the other driveways along this section of road.

Accessibility of Pavement

- **If the new driveway is to cut through the current pavement to decrease the gradient by removing the current flat surface pavement this will make it more difficult for pedestrians, those with low vision, pushing prams, rolling in wheelchairs and mobility scooters to move safely along our pavements. WDC is currently working on projects of improving pavement accessibility so I expect would not plan to exacerbate this situation. Currently powerchair users tend to use the actual road to avoid the poor accessibility provision of our pavements.**

This will be addressed at the time a corridor access approval application is made.

- **Tenant and visitors to this address currently park half the side of their car (x2 car tyres) on the pavement to avoid taking up parking space on road. NB as this type of parking also impedes all pedestrians safely accessing the pavement.**

A number of residents and visitors park their vehicles in this manner. This is not specific to the one property, there is one resident that appears to be operating a business from their property as company vehicles are regularly sighted parked out the front. Parking on any footpath is illegal and as such perpetrators can be infringed by the Police.

Current traffic use

- **Jollie Street is currently used by the individual emergency services personnel in their private vehicles attending their calls at speed travelling down the hill to the Fire Station, and returning back up the hill going fast to get to the plateau of the hill is the responding large Fire Engines. This already is a safety concern for current residents.**

Emergency responders are not permitted to exceed the posted speed limits while travelling to the station in their own vehicles. Should safety for users and vehicles parked become an issue consideration will be given towards creating a no-parking zone in the area of concern. Fire appliances will have greater forward visibility than cars so the matter of visibility is being somewhat overstated.

Traffic use

- **All vehicles coming up hill from Stafford Street are moving fast to ensure they make it up this hill, with a blind spot from any vehicles descending the street or coming out of driveways at 90°, this is currently observed as dangerous by residents in our community.**

Realistically this is not any different to the status quo.

Potential Traffic hazards

- **The expected additional cars parked on the street could turn the 2-lane Jollie Street without warning to a one-way at the most critical blind spot on the hill.**

The same could be said for any of the residents should one decide to hold a function and invite guests. This type of activity also creates the same situation. To date, there have been no reported incidents.

The processing planner has reviewed the proposal against District Plan rules. Part 2 of the Decision Report concludes “The proposed vehicle crossing, car parking and manoeuvring will meet all applicable standards of Part 8.9-10.”

The s95 report 230054 includes the following assessment specific to this question:
“Onsite vehicle parking has been provided for each unit, all of which will be located behind the road fronting unit.”

There is no charge in supplying this information to you.

Council has adopted a Proactive Release Policy and accordingly may publish LGOIMA responses on the Council Website at <https://www.westlanddc.govt.nz/lgoima-responses>.

The collection and use of personal information by the Westland District Council is regulated by the Privacy Act 2020. Westland District Council's Privacy Statement is available on our website [here](#)

If you wish to discuss this decision with us, please feel free to contact Diane Maitland, Executive Assistant at LGOIMA@westlanddc.govt.nz, 03 756 9038.

Sincerely,

 **Manager Corporate Services & Risk Assurance**

Attachment: PIM

LC/DM