



TL Survey Services Limited

Our Reference: 15096
Your Reference: LUC 2015-471

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25th January 2016

Melissa Shipman
Planning Officer
City Planning
Dunedin City Council
PO Box 5045
DUNEDIN

Hello Melissa

RESOURCE CONSENT – Land Use; 22 Cleghorn Street, Dunedin. LUC 2015-471

Please find attached the Hearings data as requested by you in your letter dated 11 January 2016.

The attached data includes my presentation and the applicant's presentation data. Both Tim and Anna will be presenting at the hearing.

My contact details are above should you have any queries regarding this application.

Yours faithfully

A handwritten signature in blue ink, appearing to read "J. Willems", is written over the typed name "John Willems".

John Willems
(Planning and Project Management Consultant
BSc Land Planning & Development & NZCD Survey
AMNZIS)

CONSENT HEARINGS COMMITTEE – OTARU ROOM,

CIVIC CENTRE - DUNEDIN CITY

Tuesday 9th February 2016

RESOURCE CONSENT APPLICATION - LUC 2015-471

22 CLEGHORN STREET, DUNEDIN

Good morning Chairman, Councilors, council staff and member(s) of the public.

1. My name is John Willems; my role is as a Planning and Project Management Consultant at 'TL Survey Services Limited'. My qualifications are a BSc Land Planning and Development through the Survey School of the Otago University and NZCD (survey). I am an Associate Member of the NZ Institute of Surveyors.
2. I am in attendance today with the applicants and registered owners of the property at 22 Cleghorn Street: Tim and Anna Read.
3. The Land Use Resource Consent Application 2015-471 was received by Council in October 2015, the proposal being to place a residential dwelling on an under-sized Rural zoned property, within the current District Plan and Rural Residential 1 within the proposed Second Generation District Plan.
4. The Land Use proposal has been covered in the application prepared by myself and is also included within the report compiled by council's planning staff,

Handling Officer, Melissa Shipman for this hearing together with numerous reports from Council's various departments.

5. A quick summary of the proposal follows: the property is situated at 22 Cleghorn Street and consists of an existing large horse barn, implement shed and garage. Vehicle access is provided by an existing driveway from Cleghorn Street as shown on the photographs included within the application.
6. The proposal for which we seek council's approval is the construction of one residential dwelling on the subject site positioned as indicated on the plans included within the application. The attached scheme plan included within the application depicts the preferred position and location within the property of the proposed dwelling.
7. The reason that this application is before the Committee today is because adjoining affected persons approval could not be obtained from all affected property owners. As mentioned in the application, the owner and occupier of No 26 Cleghorn Street Ms T Barringer did not provide her approval for Tim and Anna's proposed development on the adjoining property. Those who did provide their approval to Tim and Anna's new home included the owners of No 20 and 21. It should be pointed out that there is a document registered on the title for No 20 that required the owners of this property not to object to a residential development of the adjoining property (the subject site) provided such an application complied with the District Plan requirements. To save ambiguity on this matter it was decided to seek and subsequently obtain approval from these property owners.

8. From the beginning of this development process and prior to lodging a Resource Consent application Tim and Anna met with Ms Barringer several times to liaise with and negotiate with her, but to no avail.
9. The current requirement by Ms Shipman and Ms Barringer to place the dwelling as they have both proposed means that the proposed dwelling is out of alignment with the other dwellings on the southern side of Cleghorn Street. If one studies the aerial photograph within appendix 7 of the application being page 90 of Melissa's report the proposed placement of Tim and Anna's home shows it as being in virtually in line with properties on either side of their property. Whereas the proposed position by Ms Shipman and Ms Barringer places the dwelling out of alignment although closer to the existing structures on site. The alternative position being offered by Tim and Anna may appease all parties.
10. I will now ask the applicants Tim and Anna to speak to their proposal explaining the reasons for their development and answering Ms. Barringer's and Ms. Shipman's issues and conditions.
11. In conclusion, while we generally agree with Melissa's report and respect Ms Barringer's issues and concerns, we believe in offering an alternative dwelling position on the property, to that originally proposed and to that being required by Ms Shipman and Ms Barringer that this is a good compromise, which we believe should satisfy concerns raised by these reports.
12. The compromise position of the dwelling allows Tim and Anna some respite during the winter months because of the shading affect offered by the large trees along the north eastern side of Cleghorn St, that Ms Barringer's dwelling does not seem affected by due to its location. Our proposed dwelling position

also means that it will be located in such a position that it is not easily visible from North Road.

13. We ask that the Land Use consent application, with our alternative position as indicated on the plans and photographs presented here today, be approved by the Hearings Committee.

Thank you for the opportunity to attend this hearing.



John Willems

(Planning and Project Management Consultant

BSc Land Planning and Development, NZCD Survey & AMNZIS)

**RESPONSE BY APPLICANTS CONCERNING RESOURCE CONSENT ON LIMITED
NOTIFIED APPLICATION UNDER SECTION 95B, RESOURCE MANAGEMENT ACT
1991**

- To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058
- Resource Consent Number: LUC-2015-471
- Site Address: 22 Cleghorn Street, Dunedin
- Description of proposal: Establish a residential dwelling at 22 Cleghorn Street.
- Response by applicants: Mr T.G. Read and Mrs A.M. Read

This document is our response to the report by Council's planner Melissa Shipman and the submission by Ms T. Barringer, owner and occupier of 26 Cleghorn Street, Dunedin. The first section of this document is our response to the recommendations and conditions Ms Shipman has proposed. The second part is our response to Ms T. Barringer's submission.

1. Let us first state that we are generally very happy with the recommendation Ms Shipman has made. We have thought about and discussed extensively the suggestions and proposed conditions, both by Ms Shipman and Mr Knox. Overall we feel positive toward the proposed conditions. We will discuss only those points and conditions from the report that we feel need attention. We have noticed a number of inaccuracies contained in the report and these are listed in Appendix 6.

Important note:

Taking into account the many aspects of this application, including it being within a Landscape Conservation Area, a Visually Prominent Area, the slope and contour of the section, the excavation requirements at different positions, opposition and preferences from our neighbours, we genuinely feel that the location of the building platform as in the resource consent application complies with all the requirements to ensure that the effects on the landscape and the amenity values of the surrounding properties are no more than minor. Throughout this response we will refer to this position as our preferred position.

In the reports by Ms Shipman and Mr Knox (DCC Landscape Architect) a re-siting of the building platform is proposed. Within this response we detail why we believe this to be an unsuitable location (see condition 2 below). Taking into account the reasons for re-siting suggested by Mr Knox and the issues we have with this location we do however propose the following: the re-siting should be limited to approximately 5

metres to the north east (See Appendix 1 & 2, position 2). When we discuss this position below we will be referring to position 2 as our proposed position.

In the **summary of recommendation [2]** Ms Shipman states that the landscape values would be better preserved by a concentration of built development within the northern third of the site. Ms Shipman is not aware that the owners and occupiers of 21 Cleghorn Street specifically stated their objection to building in the northern third of the site as this is in direct line of view from their bedroom window. All other properties on similarly sized sites along the southern side of Cleghorn Street are set back further from the road just as all properties on the northern side of the street are set closer to the road. The position in our application fits within the general pattern of development along Cleghorn Street.

Condition 2: Relocation of the building platform 10 metres to the north east and below the 285 contour.

This condition appears to be derived from the comments by Landscape Architect Barry Knox (points [93] and [94] pg 14). We understand the reasoning behind moving the building platform 10 metres to the north east and below the 285 metre contour:

- To ensure the house is masked from view by the intervening landscape and vegetation to those travelling north up North Road.
- To have the highest point of the house below the sightline from 26 Cleghorn Street.
- To position the house such that it cannot be seen from the outdoor living areas of the dwelling at 26 Cleghorn Street.

However, Mr Knox only suggested that “consideration should be given to moving the building platform to the north east by approximately 10 metres, and below the 285 metre contour.” (Report Appendix 3, pg 145). The conditions he recommended were to limit the height of the dwelling to 6 metres above the existing ground level and limits on the colours and reflectivity of the roof and cladding.

Based on the placement of the viewing poles (see Appendix 2) we have ascertained that the entire structure of the house at our proposed location (pole 2) will not be visible above the current tree line. At our preferred position (pole 1) only a small section of the roof would become visible along a 10 metre stretch of North Road (see images Appendix 4). Along other stretches when driving north on North Road only small parts of the house (at either position) would be visible through the existing trees on the south west boundary of the property. As it is our intention to maintain,

fill in and extend this native border with additional plantings and to have a broad shelterbelt consisting of native trees and shrubs any visibility issue from North Road will be completely eliminated. Moving the dwelling further to the north east (approximately another 5 metres from our proposed location) to the location proposed by Ms Shipman would have a minor reduction but not eliminate the visibility through the trees.

There are four main reasons why we believe that our proposed building position is more suitable than that suggested by Ms Shipman:

1. Moving 10 metres to the North-East would reduce the area we have designated for our orchard space.
2. More importantly in winter months shade from the macrocarpa trees on the site opposite (31 Cleghorn Street) extends significantly onto our property for most of the morning. Every metre away from the macrocarpas will reduce this effect.
3. To stay aligned with the contour of the land moving 10 metres north east would require the angle of the house to shift from a more north western facing to a more north facing house. This by itself is undesirable (due to the angles of the sun during the winter months) but it also aligns our view at close range with the existing plantings and buildings in the gravelled area.
4. The excavated gravelled area has a battered slope as a 'retaining structure' but otherwise unsupported bank. For construction, engineering and safety reasons we do not wish to undertake additional earthworks in close proximity with this area.

In regards to staying below the 285 metre contour the following considerations need to be made:

- We could move the building platform down the slope which is undesirable because it would bring the platform closer to the existing excavated area.
- We could excavate a larger volume but as shown in table 1 a slight difference in height of the building platform makes a significant difference in excavation volume. Taking into account the limits on excavation works in a LMA/SNL (summarised in points [27] & [35] of the report) we wish to keep our excavation works to a minimum and preferably well below 200 m³. We therefore ask the committee to provide us some flexibility in this matter.

On the matter of position and contour (**condition 2**) and keeping the house below 6 metres in height (**condition 6**), we ask that the Hearings Committee adjust condition 2 as follows:

- The highest point of the dwelling to be below the 291 metre contour.

Table 1: Contour verses excavation volumes (at our proposed position).

Building platform at contour	Percentage cut	Excavation volume (min)
285.0 m	62 %	200 m ³
285.1 m	58 %	178 m ³
285.2 m	54 %	156 m ³
285.3 m	49 %	136 m ³

Condition 4: Limitation on ancillary residential buildings or residential structures.

An arbitrary line at 60 metres from the south western boundary would limit the use of the sheltered area between the planned shelterbelt and the dwelling which we have designated for our (vegetable) garden.

Our waste water management system requires placement of a small holding tank at the highest elevation of our property (on the south eastern boundary). This holding tank is for the purpose of irrigation and we would not consider this an ancillary residential structure. The tank would be lower than 1.5 metres in height and therefore completely screened by the flax and shrubs that have been planted along this boundary.

Should the Hearings Committee grant this resource consent, we ask that this condition be adjusted as follows:

- Any ancillary residential buildings and residential structures shall not be established between the south western boundary of the site and the (yet to be established) shelterbelt or within the intervening land between the dwelling and the south eastern boundary with 26 Cleghorn Street.

Condition 7 and 7a – Shelterbelt planting

From the report:

[99] It is recommended that a landscape plan which details any shelterbelt planting be submitted for landscape approval for its siting and design.

[117] Mr Knox has not identified any specific concerns regarding the proposed landscaping.

Reading these two sections, section [99] of the report seems to conflict with section [117]. Section [99] appears to be the basis for conditions 7 and 7a.

At the time of writing our resource consent, we were not aware that shelterbelts could be a sensitive point within the FMCLCA. We can fully understand that a straight line of Pine, Gum, Macrocarpa or even Pittosporum would detract from the landscape. We have however been made aware of the importance of establishing shelter in general by several neighbours and for our orchard in particular by Jason Ross (Habitat Whole Systems Design Ltd. See Appendix 3).

We are planning to liaise with Council's landscape architect (Mr Knox) regarding the design of a shelter belt that functions well but also blends into the landscape in as natural a manner as possible. We therefore ask the Hearings' Committee to reconsider Ms Shipman's proposed conditions in light of our discussions and comments.

2. Below we have followed Ms Barringer's paragraphing to share our response to the items in her submission.

(a) Background

Being a family who love nature and outdoor living we immediately fell in love with the property at 22 Cleghorn Street when we first viewed it. It has great potential for the lifestyle we want for ourselves and to provide our children (Liam, 6 and Caitlyn, 2). After talking with the neighbours several times and changing our plans as many times as we had meetings, we were able to obtain approval for our plans from two out of three affected parties (four out of five affected persons). Although we have had multiple meetings and email communications with Ms Barringer (see Appendix 5) we were indeed unable to reach an acceptable compromise with her.

As outlined in our Resource Consent Application the effects of adding one compact family dwelling in an area which already has multiple developed lifestyle sites will be no more than minor from a landscape point of view.

(b) Protection of Amenity Values

The proposed placement of the dwelling was chosen for the following reasons:

- Because of the lay of the land it is the best place for building a north west facing house. Like Ms Barringer, we also want to take advantage of the sunlight and we want to build and live in the most sustainable manner possible.
- Building on the higher part of the slope will enable us to incorporate a gravity fed waste water management system in an environmentally sound, efficient, clean and sustainable manner.
- The house is situated on a more exposed part of the site where garden or outdoor areas would be less suitable. These will be situated below the house, away from Ms Barringer's property boundary thereby ensuring her and our own privacy when enjoying the outdoors.
- The layout of our house further mitigates any privacy issue as all living areas are situated to the north-west. The south eastern side of the house will have only two small windows for the bathroom and laundry which, after accounting for the excavation of the building platform, would be within a metre of the existing ground level.

Ms Barringer's concern that *our dwelling will be imposing on her views toward Mt. Cargill* is not supported by the evidence we have gathered. Ms Barringer also states

that we have suggested that her garage will screen our building site. It appears that Ms Barringer has misunderstood our communication. We believe that Ms Barringer is referring to an email that was sent to her showing our estimate of the viewing angle from the work area beside her garage (see Appendix 5, email dated 20 July 2015). The reason for this email was due to a statement made by Ms Barringer during our initial meeting with her on 12 July 2015. Ms Barringer raised her concern about seeing our dwelling from the work area at the northern side of her garage.

We have always been mindful of the need to preserve Ms Barringer's privacy and views. Since her house is located on top of the ridge and her outdoor areas to the north are screened by a trellis fence and a thick border of shrubs we believe that she will not be able to see our house from inside her house or from her outdoor sitting areas. During our last meeting (on November 2nd 2015) we did offer to reposition our building platform approximately 4 metres down the slope so that the roof of the house would be even further below her horizontal line of sight - but this offer was declined.

Ms Barringer states that *the site is so narrow and that the location of the proposed dwelling will spread residential development over almost the full width of the site*. It should be mentioned here that our property is the same size as the neighbouring sites on Cleghorn street and our proposed home with any ancillary residential activity will take up approximately half of the total width of the site as we would not want to impose on the privacy of our neighbours at either 20 or 26 Cleghorn Street.

Ms Barringer's submission states: "The proposed dwelling is likely to be visible from North Road, contributing to the visual congestion of the skyline".

In the preferred location the house would be mostly obscured from North Road by the ridge and existing native trees (See images in Appendix 4). In the proposed location the house will also be obscured from North Road by the ridge and the existing trees in the southern corner of the site. Contrary to the statement made in the submission our application does propose measures to minimise the impact on the landscape:

- Filling in and extending the native trees at the southern boundary and the establishment of a shelterbelt will eliminate any visibility issues from North Road.
- The orchard and shrubs between the dwelling and Cleghorn street will minimize and eventually eliminate its visual impact from that direction.

- Excavating to a half cut will make the dwelling sit more in the landscape than stand on top of the land.
- Our option for a single storey, compact floor area and simple roofline in a grey-green colour and natural colour for the cladding with low reflectivity coatings will help the dwelling blend in with the environment and mitigate any visibility issues.

Ms Barringer's suggestion that we could build in the old dressage arena at the northern corner of the site does not take into account among other things:

- The 4 metre wide easement for conveyance of water that runs along the north western boundary.
- Excavation requirements in an already excavated area.
- Placement of water tanks.
- Septic requirements.
- Front and side yardage requirements.

(c) Cumulative Effect

Historically the area of Cleghorn Street was subdivided with the intention of residential development as confirmed in Ms Shipman's report. Ms Barringer acquired her property in March of the year 2000. At this time the property of 22 Cleghorn Street was owned by Mr and Mrs Carr. We have spoken with Mr Carr who informed us that they had architectural plans drawn up to construct a dwelling on this site but abandoned them when the costs involved were found to be prohibitive.

Ms Barringer's statement: *"Historic owners of the applicants' site have kept the site vacant to ensure the openness and rural values of this area are maintained"* does not match the information that we have obtained. Currently 22 Cleghorn Street is the only site remaining vacant on the south side of Cleghorn Street. We believe this draws attention to the fact that all other sites have been developed and our proposed planting of shrubs and trees across the site will create a natural connection between the neighbouring sections and reduce the current visual impact on the surrounding environment.

Before the area of Cleghorn Street was developed it was rural, and before that it was simply a hillside covered in native bush. Our wish is to live in harmony with and surrounded by nature. We want to bring back some native bush to the site for the purpose of shelter and screening and the encouragement of bird life. Ms Barringer

wishes to keep the site open but at the same time is worried the house will be too prominently visible. Our belief is that once plantings have established the development will look naturally nestled against the hillside.

In order for our proposed planting to be successful we have sought advice from **Mr P. Dunn** from **Ribbonwood Nurseries**. He has guided us with his extensive knowledge of native shrubs and trees and to plant those varieties that are suited to the conditions on site. We have carried out some experimental planting this winter along the south eastern boundary where winds are strongest and the soil driest to discover which varieties would work. At this stage all of these plantings are establishing well (without any form of irrigation). Ms Barringer's garden being right on top of the ridge would presumably get higher winds and possibly have a thinner layer of top soil over the bedrock due to the extensive excavation that was carried out during the construction of her dwelling. We believe that her experience regarding planting on her property cannot be extrapolated onto our property.

(d) Plantings

In regards to the establishment of an orchard we have had **Jason Ross (Habitat Whole Systems Design Ltd, Waitati)** come for a site visit and share his expert opinion on the topic (see Appendix 3). He specializes in fruit tree varieties suitable for the coastal region and will be providing us with those trees when the time comes to plant them.

Ms Barringer is concerned that our planting along Cleghorn Street will create an ice hazard but she also states there is already a significant hazard. On this particular section of Cleghorn Street the *Macrocarpa* trees directly across the road from our section shade the road until after midday, even in summer (see Appendix 4, image 8). With the sun setting in the north west during the winter months, our plantings will not add to any hazard that may already exist. The shrubs will be approximately 5 metres from the roadside and will grow to approximately 3 metres in height. With the angle of the winter sun taken into account, it would be late afternoon by the time any shade from these shrubs would fall onto the road.

(e) Soils and Land Disturbance

The need for excavation of the building platform is a transient activity and we can keep Ms Barringer informed when any such works are to be carried out if she wishes.

When we have a definitive answer as to where the building platform will be located we will obtain a geological survey **if required** for the building consent.

5. Amendments and conditions sought by Ms Barringer

In regards to the amendments and conditions that Ms Barringer seeks to be imposed we believe that we have addressed all these issues and have offered alternatives or reasons to either not include them or carry them out. We ask that the Hearings Committee take our information and discussions into consideration when making their decision on this Land Use application.

Conclusion

The Second Generation District Plan proposes that the properties on Cleghorn Street be changed from Rural to a Rural Residential 1 zoning. If this were to occur the proposed second generation plan states that *"as well as sites over 2ha, residential activity may be carried out on existing sites between 1 and 2ha."* [32]

The property at 22 Cleghorn Street is 8032m² and therefore slightly under the 1ha bench mark. This application would still be a non-complying activity under the proposed 2GP. However, we believe that we have addressed all the issues raised and shown that our preferred location would only have a minor effect on the surrounding landscape and amenity of the neighbouring properties.

In point [81] in her report Ms Shipman also states that: "...I consider the proposed activity will have a minor adverse effect on the amenity of the submitter (26 Cleghorn Street)." Ms Shipman also states that: "In my opinion, the adverse effect on rural amenity can be reduced by a re-siting of the dwelling," We believe that our alternative position does address all concerns raised by the submitter and Council's Planner.

Based on all the presented evidence we ask the Hearings Committee to grant this resource consent application and approve our proposed alternative position for our new home's building platform.