



**DUNEDIN CITY
COUNCIL**
Kaunhera-rohe o Otepoti

SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2017-401, LUC-2017-402 and S240-2017-1 **Applicant:** Allison Clare Charlton and Allan James Hamilton
Site Address: 1069 & 1075 Highcliff Road
Description of Proposal: Resource consents are sought to establish a new dwelling and associated residential activity at 1069 Highcliff Road, and to authorise the continuation of the existing residential activity at 1075 Highcliff Road, as a separately owned site. In relation to this, application is also made to cancel the amalgamation covenant holding the two addresses together

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: Gerald Hardie Newbury

- ☒ I would like my contact details to be withheld.
- I: ~~Support/Neutral/Oppose~~ this Application I: ~~Do/Do Not~~ wish to be heard in support of this submission at a hearing
- ☐ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

	DCC
	26 SEP 2017
	Business Information

My submission is [Include the reasons for your views]:

It will enhance the district & ie village.

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

That this should be approved.
It will enhance the district (ie) village.

Signature of submitter: [Signature]
(or person authorised to sign on behalf of submitter)

Date: 20/9/17

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Friday, **13 October 2017 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is **Alison Charlton and Allan Hamilton, C/- Allan Cubitt, Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012**.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, **including publication on the Council website**. You may request your contact details be withheld. Your submission will only be used for the purpose of the notified resource consent process.

Laura Mulder

From: hvrjlawrence@slingshot.co.nz
Sent: Tuesday, 26 September 2017 08:22 p.m.
To: Resource Consent Submissions
Subject: Resource consent application submission - 621215

This resource consent application submission has been made via the Council website on **26 Sep 2017 8:22pm**. The details are listed below.

Personal information

Name Hannah & Richard Lawrence
Address 14 Camp Road Pukehiki RD2 9077 Dunedin
Contact phone 0210719972
Email address hvrjlawrence@slingshot.co.nz

Submission details

Consent number LUC-2017-401 & 402, S240-2017-1

Position I oppose this application

Wish to speak? No

Present jointly to hearing? No

Parts of application that submission relates to

We oppose the granting of resource consent at 1069 & 1075 Highcliff Road because (a) it will have a more than minor adverse effect on the environment, by spoiling the special and protected character of the landscape; (b) it is contrary to the rural zoning and the Outstanding Landscape Area sections of the District Plan; (c) it could create a precedent which a lot of people would find deeply undesirable and (d) it would have an adverse effect on our own property. We particularly object to the request to remove the amalgamation covenant, which was put in place precisely to stop this sort of application.

Reasons for submission

The section is zoned Rural – Livestock and well under the size allowed by the District Plan for construction of two dwellings. The District Plan is a vital legal document and its provisions should not be ignored. Allowing construction of a dwelling, driveways, gardens and a large shed would completely contradict the intentions of the District Plan. It would spoil the peaceful, attractive rural character of the land. It would also spoil the enjoyment of Peninsula residents who have paid premium prices to own rural, unspoilt properties and have chosen to live on the Peninsula because it is rural. It is also quite visible from a number of public viewpoints. The land is part of the Peninsula Coast Outstanding Landscape Area. This zoning is in place precisely to protect its special features. If the land was appropriate for building on, it would not be protected by the District Plan in this way. We feel very strongly that Outstanding Landscape Areas must continue to be protected. Council has a responsibility to make sure this happens. Specifically, section 14.5.1 (a) (iii) states that natural landscapes should be dominant over human elements, the remote, isolated character should be protected, large scale structures should not diminish the impact of natural landscape forms and views should be protected – this application contradicts all of those provisions. The fact that Peggy's Hill Conservation Covenant is located on this land makes it even more special ecologically,

increasing further the importance of preserving the landscape as it is. The local roads are already overloaded and dangerous – the Highcliff Rd slips and the years of waiting for repairs are an example – and cannot cope with more traffic. The cumulative effects of further development will make local roads even more dangerous. Highcliff Rd is very obviously not suitable for carrying large amounts of traffic, being in poor repair, single lane in places, very steep and windy. Tourism is NZ's biggest earner – especially on the Peninsula – tourists are attracted by clean, attractive green spaces and beautiful landscapes, and the tourist dollar is far more important to the economy than dwellings and sheds. We do not want a precedent to be set – if further development is allowed, the Peninsula will in time become a suburb of Dunedin and lose its special character completely. This would ruin a very beautiful and special place which should be cherished and protected for all New Zealanders and visitors. This would be highly undesirable. Historically the Peninsula was divided into smaller titles and some of these still exist, however historically a huge amount of ecological damage was done to the landscape in the days before awareness of the need to preserve it, and past mistakes should not be used as reasoning for allowing future mistakes. Also all recent sub division and resource consent applications in the Pukehiki area have been allowed by Council, but this was regardless of documented community opposition and often against the rules set out in the District Plan. Another point of note regarding those past sub division and resource consent applications which were granted is that in every case, the applicant greatly increased the value of their property and then moved out of the district. The entire community and landscape suffered in order for that one applicant to make financial gains. Some details included in the application such as the relationship status of the owner oppose verbal information given to us by the property owners. We are concerned that, as has happened many times in the area, the property could be quickly sold or be subject to further inappropriate consent applications in the future. The dwelling and shed would be constructed on the paddock next to our house. We bought this house two years ago because we are from farming backgrounds and want to live in a rural area. The adverse effects which would result from allowing this application for us would be increased noise, increased traffic, and unsightly buildings as opposed to views of paddocks. We also have a lack of confidence regarding the owner carrying out and maintaining native plantings as well as controlling gorse and weeds on the property. Additionally, it will be many years or decades before new plantings screen the house and the existing Macrocarpas in that paddock are already at the end of their life and are falling down. Therefore the house and large shed will not be effectively screened as stated in the application.

Desired decision Firstly, to decline all aspects of the application. Secondly, should the Council choose to ignore both the District Plan rules and public opinion, and grant the application, we strongly feel that a covenant should be placed on the land which prevents its sale for at least 15 years. This will ensure that the applicants live in the property as they claim, rather than making a very profitable sale in the short term as is very likely.

Privacy statement acknowledged Yes

Supporting documents

No file uploaded - file name

No file uploaded - file name

Laura Mulder

From: craigww@ihug.co.nz
Sent: Monday, 9 October 2017 04:50 p.m.
To: Resource Consent Submissions
Subject: Resource consent application submission - 623650

This resource consent application submission has been made via the Council website on **09 Oct 2017 4:50pm**. The details are listed below.

Personal information

Name Craig Werner
Address 30 Howard Macandrew Bay 9014 Dunedin
Contact phone 03 476 1333
Fax
Email address craigww@ihug.co.nz

Submission details

Consent number LUC2017-401,LUC2017-402,S240-2017-1

Position I oppose this application

Wish to speak? Yes

Present jointly to hearing? No

Parts of application that submission relates to Landscape character. Cumulative effects. Precedent and Plan Integrity.

Reasons for submission

LANDSCAPE in this OLA will be negatively impacted. The serious magnitude is mirrored by significant deviation of the 8.3ha site from 15 or 20 ha minimums. The dwelling's modest size cited in the application is immaterial as the present or future owner can expand and add a half dozen outbuildings to the site. Although the application states that visibility is limited from some other residential locations, the visibility from nearby rural lands is an issue. The value of a nearby site where a complying 20ha site might be developed will be depreciated, to satisfy a this applicant's non-complying proposal. It is most unlikely that the proposed "foundation" plantings which may screen full, direct views from the road below will have any effect on more distant views. The plantings would need to be in front of the proposed residence and any future structures to provide only views of natural vegetation from nearby lands. The application suggests that houses on other undersized nearby sites mitigates the impact of the proposal. However these have either been created prior to the operative Plan, are located in dense bush and not visible, or are completely separated from the specific landscape of the proposal by a ridge of land. There is no 'precedent' justification here. Also cited is the site's proximity to Pukehiki. This would only provide continuity and visual relief if the proposed building(s) were within tens of meters of urban density Pukehiki houses. CUMULATIVE EFFECTS in addition to visual impact include detrimental effect on the dark sky initiative, the possible introduction of alien plants effecting native flora, free roaming domestic animals effecting fauna. These very possible impacts by future owners would

continue historically indefinitely. Please consider that cumulative effects relate not only to the number of disruptions, but also that they can persist in time forever. PRECEDENT AND PLAN INTEGRITY factors include the proposed breach of the Council's appropriate 'amalgamation agreement'. Also the large degree of MSS deviation for a site that has no unique, exceptional characteristics that might make a development unobtrusive. The site is neither in a depression, or a gully, nor is it flat and surrounded by tall, thick forest.

Desired decision Please decline approval as it breaches elements of the RMA, the operative and proposed District Plans, and is incompatible with the concept of the Peninsula Coast Outstanding Landscape Area.

Privacy statement acknowledged Yes

Supporting documents

No file uploaded - file name

No file uploaded - file name



DUNEDIN CITY COUNCIL
Kaunihera-a-rohe o Otago

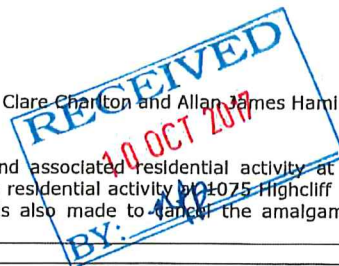
098

SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2017-401, LUC-2017-402 and S240-2017-1 **Applicant:** Alison Clare Charlton and Allan James Hamilton
Site Address: 1069 & 1075 Highcliff Road
Description of Proposal: Resource consents are sought to establish a new dwelling and associated residential activity at 1069 Highcliff Road, and to authorise the continuation of the existing residential activity at 1075 Highcliff Road, as a separately owned site. In relation to this, application is also made to cancel the amalgamation covenant holding the two addresses together



I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: LYNN SAMUELS

Address for Service (Postal Address): 59 CAMP ROAD, PUKEHIKI RD 2
DUNEDIN Post Code: 9017

Telephone: 022 0900 740 Email Address: Kat.scha@extra.co.nz

☐ I would like my contact details to be withheld.

☒ **Support/Neutral/Oppose** this Application I: **Do/Do Not** wish to be heard in support of this submission at a hearing

☒ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

Removal of covenant holding titles 1069 & 1075 Highcliff Road under section 220(2)(a) of the RMA under the previous subdivision of the property (RMA 2005-0071)

My submission is [Include the reasons for your views]:

see attached sheet.

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Refuse the subdivision,

Signature of submitter: Samuels
(or person authorised to sign on behalf of submitter)

Date: 10.10.17

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Friday, **13 October 2017 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is **Alison Charlton and Allan Hamilton, C/- Allan Cubitt, Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012**.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, **including publication on the Council website**. You may request your contact details be withheld. Your submission will only be used for the purpose of the notified resource consent process.

To enable the subdivision to proceed the covenant joining 1069 and 1075 Highcliff Road has to be removed, unless that happens the resource consent to subdivide should not be considered.

The covenant was put on titles 1069 & 1075 Highcliff Road by the DCC to enable J. Morris to subdivide his property in 2005, as these titles are within the PCOLA

Of the 13 ^{properties} listed on page 3 of the application as being 'non compliant', only 1088 Highcliff Road is within the PCOLA, & that was subdivided before the RMA 1991.

The remaining properties listed are all within the North West Peninsula landscape conservation area, which as the RMA defines these in a separate zone should not be used as examples of 'non complying' properties.

The proposed site of the house is at a higher elevation than surrounding properties, and will be visually prominent for at least 5 years, that is assuming the promised planting takes place, and is successful in establishing, notoriously difficult at this elevation.

The DCC would set a precedent for future removals of DCC imposed covenants by allowing this subdivision and compromise the integrity of the District Plan.



DUNEDIN CITY
COUNCIL
Kaunihera-a-rohe o Otepoti

SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

11 OCT 2017

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number:

LUC-2017-401, LUC-2017-402 and S240-2017-1

Applicant: Allison Clare Charlton and Allan James Hamilton

Site Address:

1069 & 1075 Highcliff Road

Description of Proposal:

Resource consents are sought to establish a new dwelling and associated residential activity at 1069 Highcliff Road, and to authorise the continuation of the existing residential activity at 1075 Highcliff Road, as a separately owned site. In relation to this, application is also made to cancel the amalgamation covenant holding the two addresses together

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: John Douglas Wells

Address for Service (Postal Address): 23 Camp Rd, RD1 Dunedin

Post Code: 9077

Telephone: (03) 4761189

Email Address: jwells@chemistry.otago.ac.nz

☐ I would like my contact details to be withheld.

☐ **Support/Neutral/Oppose** this Application ☐ **Do/Do Not** wish to be heard in support of this submission at a hearing

☒ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

I object to the listing of 12 properties as examples when only 1 (1088 Highcliff) is similarly zoned to the applicants i.e. Peninsula Outstanding Natural Beauty, and that was built before current zoning regs were in place. All the others are Otago Harbour expert, not coastal, and zoned NW Peninsula Conservation Area, and also built before current regulations were in place.

My submission is [Include the reasons for your views]:

The crux of the application is their wish for the DCC to cancel the covenant, as it is against current zoning rules. All other details of the application are irrelevant if the DCC upholds its zone regulations. Nobody but the applicants would benefit from making an exception, and they would gain personal convenience not considerable financial advantage. The DCC would set a clear precedent if it allows its own covenants to be overturned so casually for such narrow focus intentions.

There does not seem to be inclusion from ANZ National Bank as an interested party - as required - to wish to overturn the covenant.

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

I wish the DCC to uphold its decision to place that amalgamating covenant on these titles in 2005 when the property was not sold, to maintain the zone category on titles less than 15 hectares. The community needs to be able to respect the DCC zone rules even though there have been examples of them being bullied to try to ignore the rules e.g. The Harbour Castle v DCC for not following their own rules in the Bluestone Estate construction.

Signature of submitter:

(or person authorised to sign on behalf of submitter)

Date: 11th October 2017

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Friday, **13 October 2017 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is **Allison Charlton and Allan Hamilton, C/- Allan Cubitt, Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012**.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, **including publication on the Council website**. You may request your contact details be withheld. Your submission will only be used for the purpose of the notified resource consent process.



SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number:

LUC-2017-401, LUC-2017-402 and S240-2017-1

Applicant: Alison Clare Charlton and Allan James Hamilton

Site Address:

1069 & 1075 Highcliff Road

Description of Proposal:

Resource consents are sought to establish a new dwelling and associated residential activity at 1069 Highcliff Road, and to authorise the continuation of the existing residential activity at 1075 Highcliff Road, as a separately owned site. In relation to this, application is also made to cancel the amalgamation covenant holding the two addresses together

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: Laure Marie O'Brien

Address for Service (Postal Address):

Telephone:

Email Address: _

☒ I would like my contact details to be withheld.

I Support/Neutral/Oppose this Application I: Do/Do Not wish to be heard in support of this submission at a hearing

☒ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

1. Cancellation of the amalgamation covenant & the Peggy's Hill Conservation Covenant

2. Non compliance of residential activity on lots smaller than 15.0ha.

My submission is [Include the reasons for your views]:

These Covenants, and limits on Residential activity were put in place to protect the integrity of the landscape, on the Peninsula, for future generations.

Speculators have time and time again been able to circumvent the law. They change the rules, build, sell up, make a profit and move on.

This Council has a reputation of not upholding its own rules. They have already set a precedent that non-compliant activities will be given consent. If this Council has no intention of upholding its own rules, then it's time to change those rules.

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

I wish the Council to:

1. Not remove the covenants
2. Decline the building consent

Signature of submitter:

Laure O'Brien
(or person authorised to sign on behalf of submitter)

Date: 12/10/17

Notes to Submitter:

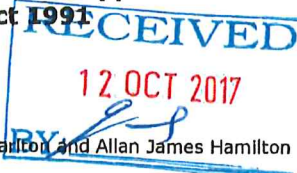
Closing Date: The closing date for serving submissions on the Dunedin City Council is Friday, **13 October 2017 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is **Alison Charlton and Allan Hamilton, C/- Allan Cubitt, Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012**.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, **including publication on the Council website**. You may request your contact details be withheld. Your submission will only be used for the purpose of the notified resource consent process.

SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under section 95A, Resource Management Act 1991



To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2017-401, LUC-2017-402 and S240-2017-1
Site Address: 1069 & 1075 Highcliff Road
Description of Proposal: Resource consents are sought to establish a new dwelling and associated residential activity at 1069 Highcliff Road, and to authorise the continuation of the existing residential activity at 1075 Highcliff Road, as a separately owned site. In relation to this, application is also made to cancel the amalgamation covenant holding the two addresses together
Applicant: Allison Clare Charlton and Allan James Hamilton

I/We wish to lodge a submission on the above resource consent application (Please read privacy statement):

Your Full Name: MS. QUENTIN FURLONG and DR. MICHAEL FURLONG

Address for Service (Postal Address): 1165 Highcliff Rd RD 2 DUNEDIN

Post Code: 9077

Telephone: 03 476 1937 Email Address: mqfurlong@xtra.co.nz

☐ I would like my contact details to be withheld.

I: **Support/Neutral/**Oppose**this Application** I: Do**Do Not** wish to be heard in support of this submission at a hearing

☒ If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Please use the back of this form or attach other pages as required

The specific parts of the application that this submission relates to are:

PLEASE SEE ATTACHED

My submission is [Include the reasons for your views]:

PLEASE SEE ATTACHED

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

DENY THIS RESOURCE CONSENT APPLICATION
PLEASE SEE ATTACHED

Signature of submitter: Quentin Furlong
(or person authorised to sign on behalf of submitter)

Date: 10/10/17

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Friday, **13 October 2017 at 5pm**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is **Allison Charlton and Allan Hamilton, C/- Allan Cubitt, Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012**.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, **including publication on the Council website**. You may request your contact details be withheld. Your submission will only be used for the purpose of the notified resource consent process.

Submission Form 13 for Resource Consent # LUC-2017-401, LUC-2017-402 and S240-2017-1

Objections:

1. The area in question is a Peninsula Coast Outstanding Landscape Area. (OLA) We are adjoining landowners. The proposed dwelling will be visible from our property, although not from our home. The current dwelling is not visible from our property. The proposed house site is quite prominent and high on Peggy's Hill- which is the second highest peak on the Otago Peninsula. It would be the highest house up on one of the hillsides of Peggy's Hill. All others are down nearer the road- either Camp or Highcliff. This will add visual clutter to a pastoral rural hill with attendant light spill, an additional highly visible water tank and general increased outbuilding density. Although the applicant's plan is for a one story dwelling, should the property be on sold there is the potential for a larger footprint and more height added to make this residence substantially larger.
2. Minimum 15.0ha rule, perhaps to become 40.0ha rule: The DCC's long term planning for the Otago Peninsula is on a clear path for *less* rural residential density than even the 15.0ha rule allows for in an attempt to preserve the rural and scenic values of this unique area. By approving this consent, a clear door would be opened as a precedent for others wanting to subdivide rural land consisting of combined titles (such as our own property) into undersized properties (<15ha) in Peninsula Coast OLA areas. We think this potential residential density creep should be prevented.
3. The longtime previous owners of 1075 Highcliff, James and Heather Morris sold off parcels of their original farm into three 15.0 ha + sections which became 1120 Highcliff Rd, 34 Seal Point Rd, and 56 Seal Point Rd. Then they sold their remaining property (which was previously listed only as 1075 Highcliff Rd) including Lot 1 (11.3697ha) and Lot 2 (8.27ha), which is now being designated as 1069 Highcliff, for a total property of 19.63 ha with one dwelling on it to the applicants. Presumably the covenant entered into was a necessity to allow the subdivision of this land and it should be respected.
4. It should be noted that applicant Allan Hamilton is a local real estate agent who has been involved with property sales in the Pukehiki area, and as such, he and Alison Charlton would presumably have had a clear understanding of the property's designation and the restrictions on subdividing therefore in place. Many submitters have already invested significant time in the previous hearing where the facts of this submission in its original form were not correctly presented by the applicant, their representative and the DCC Planner. Although this has now been rectified, the application, in its own description, is essentially the same with the addition of consent being sought to cancel the covenant condition, which would allow a subdivision.

Summary:

There is no compelling reason or precedent why an exception should be made for this resource consent. It appears to be a personal situation and desire to divide assets in a partnership dissolution.

While we have sympathy for the applicants' situation, we believe the DCC has an obligation to the ratepayers and community to support its own rules and policies in a consistent fashion and not allow such an exception to the Peninsula Coast OLA designations and the 15.0ha rule. Mitigating measures such as landscaping plans and house colours should be considered irrelevant when the basic threshold for land area is not met. The negative effects including setting precedent, further development and suburbanisation of pastoral rural land, and the proliferation of visual building clutter cannot be overestimated.

The Otago Peninsula is a unique balance of pastoral and wild. Its Rural and OLA are being encroached upon more and more every year. Otago Peninsula property owners choose to purchase and live here with a clear understanding of these restrictions. Any number of rationalisations from hired experts, working on behalf of resource consent application clients who want exceptions to the law, in our view cannot justify allowing such exceptions.

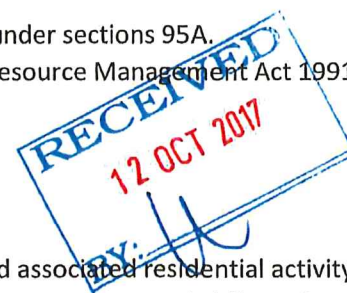
Quentin and Michael Furlong
1165 Highcliff Rd RD 2
Dunedin 9077
03 476 1937
mqfurlong@xtra.co.nz

SUBMISSION FORM 13

Submission concerning resource consent on publicly notified application under sections 95A.

Sections 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

**Resource Consent Number:** LUC-2017-401, LUC 2017 402 and S240-2017-1**Applicants:** Alison Clare Charlton and Allan James Hamilton**Site Address:** 1069 & 1075 Highcliff Road, Dunedin**Description of Proposal:** Resource consents are sought to establish a new dwelling and associated residential activity at 1069 Highcliff Road, and to authorise the continuation of the existing residential activity at 1075 Highcliff Road, as a separately owned site. In relation to this, application is also made to cancel the amalgamation covenant holding the two addresses together.**I/We wish to lodge a submission on the above resource consent application (Please read privacy statement)**Your Full Name: Save The Otago Peninsula (STOP) Inc Soc.Address for Service (Postal Address): PO Box 23, Portobello, Dunedin Post Code: 9048Telephone: 03 478 0339 Facsimile: _____Email Address: stopincsoc@gmail.comI ~~support~~/Neutral/Oppose this Application I ~~Do/Do Not~~ wish to be heard in support of this submission at a hearing~~If others make a similar submission, I will consider presenting a joint case with them at a hearing.~~*Please use the back of this form or attach other pages as required*

The specific parts of the application that this submission relates to are:

1. Proposal to cancel the amalgamation covenant currently tying the two lots.

2. Subdivision of an undersized lot in the Rural Zone

3. Residential activity an Outstanding Landscape Area

4. The danger of creating a precedent

My submission is [include the reasons for your views]:

See attached:

The decision I wish the Council to make is [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

The decision we wish the Council to make is: Decline both parts of the application.

Signature of submitter: Lala Frazer, for Save The Otago Peninsula Inc Soc Date: 8 October 2017
(or person authorised to sign on behalf of submitter)**Notes to Submitter:****Closing Date:** The closing date for serving submissions on the Dunedin City Council is Friday **13 October 2017** at 5pm. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is Alison Charlton and Allan Hamilton C/- Allan Cubitt, Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012.**Electronic Submissions:** A signature is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/rma> or sent by email to resconsent.submission@dcc.govt.nz**Privacy:** Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the notified resource consent process.

Our submission is:

Background

Save The Otago Peninsula Inc Soc, more commonly known by its acronym, STOP, has a particular interest in this property for two reasons.

1. It incorporates the Peggys Hill Conservation Covenant, for which STOP was a co-signatory, and which the society has managed since its inception, undertaking pest plant control and native revegetation on the edges. It is a stunning piece of bush containing ancient podocarps, wind sculptured to miniature size, which makes it rather different to most other covenants on the Otago Peninsula.
2. Darwin's barberry is particularly rampant on this property and is the source for spread to neighbouring properties. STOP has a DCC Biodiversity grant to control this pest plant and with the full support of both current owners, over several years and with their assistance, has successfully undertaken major work on the jointly owned property to control it.

We are certain that the applicant values highly the covenant and has made an attempt in the application to ensure that the bush is enhanced, especially around the house and along the waterway. We are also convinced that the applicant is fully supportive of STOP's assistance with ongoing control of Darwin's barberry and would continue to allow access for this.

STOP's Submission

Despite these positive aspects of STOP's relationship with the applicant and the joint owner of the land which it is proposed to subdivide, STOP is opposing the application. This aligns with our continuing attempts over a number of years to prevent buildings proliferating on smaller subdivisions that are below 15h as per the current District Plan on the grounds of reduction of landscape values, potential increased number of domestic animals affecting local wildlife, an increase in impervious surfaces, and more recently with the proposal for a Dark Skies Reserve on this side of the Peninsula, an increase in light pollution. (Inappropriate non-native planting in the formation of a garden, as often happens with lifestyle blocks, does not appear to be an issue for this application and there is no intention to remove existing trees.)

STOP has a concern that allowing this application would definitely create a precedent. As an indication of how seriously STOP takes this matter, the Society is currently in mediation preceding an Environment Court case concerning another subdivision with undersized lots.

The very fact that the two lots have had an amalgamation covenant to prevent the subdivision into lots smaller than 15h placed on it, indicates that the Council took seriously the conditions of its current District Plan as to the size of rural sections, and **did not intend for it to be overridden**. Given that the area also falls into zones with acknowledged landscape values, adds to the importance that these landscapes are not filled with buildings. Cancelling the amalgamation covenant that currently applies in order that essentially a subdivision of two undersized lots with separate titles is not in our opinion in the interest in maintaining the integrity of the District Plan.

The Application Arguments

- A. Amenity Values, Character of the Area 6.7.15 (i) The cumulative effects of an increased density of residential development in the area

A major argument used in the application is precedent in the form of other undersized blocks around Pukehiki. The majority, if not all, of these lifestyle blocks however were subdivided before the 15h rule so they cannot be considered precedents. Besides that, in terms of visibility, most are behind large mature trees including macrocarpas, eg along Camp Road, which mean they are well shielded and not particularly obvious within the landscape. None except for 1088 Highcliff Rd and the other half of the jointly owned property at 1075, have structures that are visible from the property because all the others cited are on the

other side of the ridge or further towards town than the Pukehiki Township. Thus it is considered that the statement that it is on the periphery of Pukehiki is not true in terms of landscape.

Essentially what seems to be being argued here, although not spelt out in the application, is that the zoning for the current lot changes from Rural to Rural Residential.

Before drawing up the 2nd Generation District Plan, the Council commissioned several reports (DCC Residential Study 2007; Dunedin City Residential Capacity Study 2009; Dunedin City Residential Capacity Study 2013) all of which concluded that there was no need to increase further capacity for Rural Residential subdivisions because of current over-supply. Presumably therefore either of the joint owners of this land, despite their obvious attachment to this particular property, could in fact find a similar existing property elsewhere. The DCC's own current Spatial Plan (Action Plan DP7, page 65) states that it should aim to "... prevent the unplanned spread of rural-residential activities in the rural zone".

B. Relationship to Landscape Zoning

STOP has argued for Rural Residential zoning in blocks being generally preferable to isolated residential dwellings scattered over the landscape, and Pukehiki as it exists could be argued to be one such Rural Residential Hub, but there is no allowance for extension of this area over to the Ocean side where the land in question sits, because of its Peninsula Outstanding Landscape Zoning.

The proposed block is not visually contiguous with the other properties shown, and in fact has closer ties with the ocean landscapes with their "WOW" factor that become obvious as one drives along Highcliff Road after leaving Pukehiki township. Even the existing house on the block under consideration is shielded by fully grown trees and does not detract from that landscape. Whereas this new one would be partially visible as one rounded the corner and being on the ridgeline would attract the eye.

Mr Moore has argued that "Views towards both sites from surrounding residential viewpoints are effectively screened by intervening vegetation" and therefore, "No adverse visual effects are envisaged." (p8 Landscape Assessment Report). It is important to note that a view of a structure within a landscape should be assessed not only as to whether it is visible from other residences but also whether it is visible from other land. For instance the whole of the large Hereweka Harbour Cone Block is used by an increasing number of walkers and a Coastal Walkway on the Ocean side is currently under consideration. Surrounding landowners also will expect unobstructed views, without structures to which the eye is automatically drawn, from all parts of their farms or lifestyle blocks.

Also, in terms of tourism, the proposed Dark Skies Reserve will be adversely affected by more dwellings in this area. Larnach Castle at the previous hearing indicated that they have already begun Dark Skies Tours on the area behind the proposed new dwelling, and this new light source would be directly detrimental to that new venture.

C. Structure size

Much is made of the "modest size" and the small scale of the proposed buildings, by both Cubitt and Moore in arguing that the impact will not have significant effects.

However, one needs to remain aware of the fact that under the current Rural Residential rules there is allowance on the 0.5 – 2.5 ha. area per site allowable, for one family to have the right to erect up to eight structures. While the current application may be "modest", granting it would give the owners (either the current applicant or future owners) permission to add up to another 6 structures. There is also nothing to stop them expanding the size of the proposed building/s to meet their future needs. Rural properties have similar allowance to add farm buildings.

Screening planting: Although the plan consists of fast growing trees, it will take a minimum of 10 years to shield the sight of the house both from the road and from surrounding properties. Unfortunately too our

experience where this argument has been used, is that once the vegetation reaches a certain height that obscures the view, the owners then cut or prune the trees to give themselves the outlook they wish.

The excessive winds to be expected in the area proposed for the house are likely to result in the building of artificial windbreaks before the proposed planting reaches a height that allows it to act as a windbreak.

The Society notes that there is no inclusion of the podocarps and some of the other species that mark out the Covenant above as being special, and although more slow growing and perhaps difficult to establish, should have been included in the list for revegetation purposes. It is also important in our experience that the landowner is given a timeframe for planting and also a timeframe for assessment or monitoring of success.

D. Relationships of Current Joint Owners as a Reason for Subdivision

Essentially the main reason for arguing that this application should be considered an Exception appears to be one where a joint landowner wishes to separate their titles and therefore requests what is essentially a subdivision. This in STOP's view is an inappropriate reason to argue for a subdivision and could lead to an unintended precedent whereby a marriage dissolution or the wish for children to inherit part of the land is allowable as a reason for a subdivision of jointly owned land despite that subdivision resulting in one or both of the lots being smaller than allowed under the District Plan.

STOP can cite several decisions with which we have been involved, that have apparently been based on reasons based on relationships (for example: one to enable a daughter to build on the land next to the parents and another to allow a new dwelling to be built so that the son could move into the existing farmhouse.) In all cases, the proposed scenario did not occur. Relationships are after all fluid. But the decisions allowed undersized sections to be built on, or in one case on sold within three years to be passed on to unrelated owners with the right to build.

Conclusion

STOP argues that this application fails the requirements of the Resource Management Act and both the operative District Plan and the Proposed District Plan for the reasons given above:

It fails to comply with the requirements of the Resource Management Act relating to Amenity Values, Landscape Character, and Cumulative Effects. We disagree that the effects would have no more than a minor adverse effect on the environment under Section 104D. There is no valid reason for making this an exception to the District Plan, and it is incompatible with the overall values of the Peninsula Coast Outstanding Landscape Area in which it falls. (not merely the restrictive ones highlighted in the Landscape Assessment Report p 13.)

The society therefore requests that the application should be declined.

Laura Mulder

From: nbarker@larnachcastle.co.nz
Sent: Friday, 13 October 2017 02:13 p.m.
To: Resource Consent Submissions
Subject: Resource consent application submission - 624199

This resource consent application submission has been made via the Council website on **13 Oct 2017 2:13pm**. The details are listed below.

Personal information

Name Norcombe Barker
Address 145 Camp Road Pukehiki 9077 Dunedin
Contact phone 034761616
Fax
Email address nbarker@larnachcastle.co.nz

Submission details

Consent number LUC-2017-401, LUC-2017-402 and S240-2017-1

Position I oppose this application

Wish to speak? Yes

Present jointly to hearing? No

Parts of application that submission relates to 1. Proposal to cancel the amalgamation covenant currently tying the two lots. 2. Subdivision of an undersized lot in the Rural Zone 3. Residential activity an Outstanding Landscape Area 4. The danger of creating a precedent

Reasons for submission

I act for Larnach Castle Limited. We wish the application to be rejected as it is the continuation of the decline of the rural nature of the Otago Peninsula. There has been a record of decisions that have seen the area become urbanised: 1039 Highcliff road, 949 Highcliff Road. High Court action CIV 2005/412/155 and environmental court action ENV 2007-chc-158. We wish to make the point that the community wants the rules to be followed. It is worth noting that all of the subdivisions allowed around Pukehiki as "exceptions" 1039 Highcliff road, 949 Highcliff Road and the "no more than minor" 100 camp road, in these, all of the people that got these resource consents through and raised their value of their property, then sold up & left the district. Hence, one party benefitted at the expense of the community. The decision should be for the greater good of the community, not so one person can benefit at the long-term detriment of everybody. If the council is at all serious about wildlife tourism, heritage tourism and night sky tourism, then the urbanisation of the peninsula must stop. None of these tourism areas and urbanisation mix. We will lose the opportunity to move forward as a city and we will never be able to get it back. Larnach Castle Ltd is investing into Night Sky tourism. We are working with the Otago Museum on the future of this market. This location is due south and a few hundred metres of our site of Camp estate viewing. The urban lighting would have seriously detrimental effects on the future of this venture. This is supposed to be a rural area, not an urban one. We do wish that the rules of the plan are followed, otherwise what is the point of going to great time, effort and the expense of consultation

of the community in drawing up the plans if they are then ignored? This application fails on the cumulative effects under the resource management act, it also does not meet the landscape character requirements. We disagree that the effects would have no more than a minor adverse effect on the environment under Section 104D. Council's decision to impose the condition: This condition which is the subject of this application was a considered and deliberate imposition by the Council to maintain the integrity of the Plan (still current) and to recognise and maintain the broader importance of the Peninsula landscape. The Council must be cautious and conservative in taking a different view barely a decade later and lifting that condition at the convenience of the owner. Indeed, to do so undermines the integrity of the decision that was made at the time. That is, the consent would not have been granted that the time without this condition – that is why the condition was imposed. To set aside that condition now, and not in any context of changed circumstances (save for it not now suiting the owners) is to call into question the granting of the original consent."

Desired decision Decline the application in full

Privacy statement acknowledged Yes

Supporting documents

No file uploaded - file name

No file uploaded - file name

Laura Mulder

From: norcombe@hotmail.com
Sent: Friday, 13 October 2017 02:30 p.m.
To: Resource Consent Submissions
Subject: Resource consent application submission - 624203

This resource consent application submission has been made via the Council website on **13 Oct 2017 2:18pm**. The details are listed below.

Personal information

Name Norcombe Barker
Address 80 Camp Road Pukehiki 9077 Dunedin
Contact phone 034761435
Fax
Email address norcombe@hotmail.com

COPY

Submission details

Consent number LUC-2017-401, LUC 2017 402 and S240-2017-1

Position I oppose this application

Wish to speak? No

Present jointly to hearing? No

Parts of application that submission relates to 1. Proposal to cancel the amalgamation covenant currently tying the two lots. 2. Subdivision of an undersized lot in the Rural Zone 3. Residential activity an Outstanding Landscape Area 4. The danger of creating a precedent

Reasons for submission

I wish the application to be rejected as it is the continuation of the decline of the rural nature of the Otago Peninsula. There has been a record of decisions that have seen the area become urbanised: 1039 Highcliff road, 949 Highcliff Road. High Court action CIV 2005/412/155 and environmental court action ENV 2007-chc-158. We wish to make the point that the community wants the rules to be followed. It is worth noting that all of the subdivisions allowed around Pukehiki as "exceptions" 1039 Highcliff road, 949 Highcliff Road and the "no more than minor" 100 camp road, in these, all of the people that got these resource consents through and raised their value of their property, then sold up & left the district. Hence, one party benefitted at the expense of the community. The decision should be for the greater good of the community, not so one person can benefit at the long-term detriment of everybody. If the council is at all serious about wildlife tourism, heritage tourism and night sky tourism, then the urbanisation of the peninsula must stop. None of these tourism areas and urbanisation mix. We will lose the opportunity to move forward as a city and we will never be able to get it back. This is supposed to be a rural area, not an urban one. We do wish that the rules of the plan are followed, otherwise what is the point of going to great time, effort and the expense of consultation of the community in drawing up the plans if they are then ignored? This application fails on the cumulative effects under the resource management act, it also does not meet the landscape character requirements. We disagree that the effects would have no more than a minor adverse effect on the environment under Section 104D.

Council's decision to impose the condition: This condition which is the subject of this application was a considered and deliberate imposition by the Council to maintain the integrity of the Plan (still current) and to recognise and maintain the broader importance of the Peninsula landscape. The Council must be cautious and conservative in taking a different view barely a decade later and lifting that condition at the convenience of the owner. Indeed, to do so undermines the integrity of the decision that was made at the time. That is, the consent would not have been granted that the time without this condition – that is why the condition was imposed. To set aside that condition now, and not in any context of changed circumstances (save for it not now suiting the owners) is to call into question the granting of the original consent.”

Desired decision Decline the application in full

Privacy statement acknowledged Yes

Supporting documents

No file uploaded - file name

No file uploaded - file name

From: [Jeremy Grey](#)
To: [Laura Mulder](#)
Subject: FW: Highcliff subdivision submission
Date: Monday, 16 October 2017 09:57:11 a.m.
Attachments: [HighcliffSubdivisionSubmission.pdf](#)

Hi Laura,

This is a late.

Cheers,
Jeremy

From: Hamish Forrester [mailto:hamishandbrim@gmail.com]
Sent: Monday, 16 October 2017 9:52 a.m.
To: Jeremy Grey
Subject: Fwd: Highcliff subdivision submission

Hi Jeremy, I had a wee fail on Friday trying to submit this submission. Would it be possible for it to be submitted now even though it has missed the deadline?
My details are, Hamish Forrester, 57 Sheppard Road RD2 Dunedin, 4780727, hamishandbrim@gmail.com and I would like to speak at the hearing. Are there are more details that are required?

Thanks, Hamish.

----- Forwarded message -----

From: "Jo Forrester" <jo.forrester@otago.ac.nz>
Date: 16/10/2017 9:35 AM
Subject: Highcliff subdivision submission
To: "hamishandbrim@gmail.com" <hamishandbrim@gmail.com>
Cc:



I believe all parts of this application should be declined and have outlined some of the reasons below.

Effective subdivision

The condition which this resource consent seeks to remove is the main defining condition of RMA 2005-0071. Without this condition, RMA 2005-0071 would not have been approved as a non-notified consent. This condition was to ensure compliance with subdivision minimum size of 15Ha. Removing this covenant would effectively authorise an undersized lot by the back door. This application should therefore be treated as a subdivision and comply with the current rules. The Peninsula Coast Proposed Plan has legal effect, and the minimum lot size is 40Ha. Therefore I submit that this is a massively undersized lot, even for 15Ha let alone 40Ha, and granting this consent would set an undersized precedent.

Mitigation

The 8Ha lot has a conservation covenant already in place and can not be considered as part of the mitigation offered. It appears the application is attempting to gain credit in terms of landscape effect for activities that are currently in place. Some potential screening of the activity appears to be the only actual mitigation offered. I do not believe that the actual and cumulative effects of the proposed activity have been fully shown. Under the current District Plan (rule 14.6.1(b)), once one building has been legally established it can then easily give rise to an expansion of the existing building as well as additional structures (as Mr Cubitt points out). Therefore logic suggests that the AEE by Mike Moore does not fully measure the real and potential adverse effects that will arise if this activity is permitted. Combined with the statement from Mr Cubitt “the extent of these earthworks is not yet known”, common sense suggests that it is difficult to measure the adverse effects of an unknown quantity of activity.

Legal Principles

A condition contained within a resource consent should be able to be read on its face value without reference to other documents. However when this is not possible, the interpretation of the conditions should be limited to or subject to the documents contained in the application and inferred from but not expressly referred to in the application. (Clevedon Protection Society Inc vs Warren Fowler and Manukau City Council C43/97.) I therefore believe that the rationale for the use of this covenant must be considered and the reasons for, and expectations of, the result of the covenant being granted must be taken from RMA 2005-0071 and considered in this context.

The covenant states categorically “That Lot 1 hereon shall not be transferred, leased, or otherwise disposed of except in conjunction with Lot 2 DP306650 (CT25979 Ltd).”

It seems clear from the application that the two allotments were to be joined permanently. As noted from the consent documents the only reason the titles weren't amalgamated was that both titles were “limited as to parcels” and the allotments can

only be held together by covenant preventing their separate sale. I see no compelling non-precedent setting evidence for the DCC to remove this covenant. By removing this covenant the DCC would undermine all other covenants put in place to hold titles together. The value of all current and future covenants would be significantly undermined if a simple condition removal could be sought with a potentially lower threshold than the actual implications of the resultant activity.

Undesirable precedent

I do not need to venture far to find an example; my wife and I own a 25Ha block in four titles that are held together by covenant, and have significant native vegetation worthy of QEII Covenant (as advised by QEII representative). If this application were approved, it would set a precedent for us to have our covenant removed. I am sure there are many more cases such as this on the Peninsula.

Integrity of Covenants

In order to maintain the integrity of the covenant being used as an instrument in the subdivision application, I believe the bar is set very high when a consent authority chooses to cancel a covenant. I submit that the bar in this case has not been met and that the reasons given are not extraordinary and could easily be replicated in other applications.

Conclusion

The applicants purchased the property fully aware that there were two titles effectively amalgamated by this covenant. I believe the adverse effects are too great both in terms of precedent and landscape, and the application should be declined.