

**APPENDIX 3:
SUBMISSION RECEIVED**



SUBMISSION FORM 13

Submission concerning resource consent on limited notified application under sections 95B.

Sections 95B, Resource Management Act 1991

RECEIVED

4 NOV 2016

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

Resource Consent Number:

LUC-2016-339

Applicant: S D & L M Greer

Site Address:

480 Riccarton Road West, Mosgiel

Description of Proposal:

Resource consent is sought for the conversion of an existing farm building to a dwelling. The building is closer to the boundary than the 10m required for dwellings in this zone.

I/We wish to lodge a submission on the above resource consent application:

Your Full Name:

Address for Service (Postal Address):

Post Code: 9059

Telephone:

Facsimile:

Email Address:

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.

(Delete the above statement if you would not consider presenting a joint case 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:

See Attached, 32 page Submission

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

See Attached, 32 page Submission

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]:

To Decline The Sought Resource Consent As It Presents A Significant Threat To The Integrity Of The District Plan & If Granted Would Set An Unacceptable Precedent

Signature of submitter:

Date: 03/11/2016

(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 4 November 2016 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 C/O Paterson Pitts Group, PO Box 5933, Moray Place, Dunedin 9058.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be 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.

Introduction

We wish to make the following submissions in relation to the Resource Consent Application made by Leah and Steven Greer for 480 Riccarton Road. In addition to these written submissions we also intend to appear at the hearing with our expert advisor(s).

Background Information

On or around October 2014 we were introduced to the properties located at 480 – 482 Riccarton Road. We were immediately excited by the lifestyle promised by their location and rural-residential setting as well as the aspect, outlook, privacy and seclusion. The properties offered everything we had been searching for.

At the time of inspection the shed located at 480 was occupied by a single middle aged working man. However the vendors' agent advised this was a temporary solution to extenuating personal circumstances. It was disclosed the kitchen was unconsented and the shed could not be converted to a residential dwelling. Our enquiries of Council confirmed this latter point and we therefore ended our interest in the property and proceeded to enter a contract to purchase 482 – subject to the outcome of the consent process.

The knowledge the neighbouring shed could not be converted to a residential dwelling and the reasonable expectation a change in ownership would result in it being vacated before the completion of our build were crucial in making this decision. If the advice from Council had been different we would have purchased 480.

Our Resource Consent

In June 2015 we were granted consent to build two residential units within the envelope of one building. To assist in maintaining the integrity of the District Plan we agreed in good faith to several conditions including shared access and amenities despite this compromising our design and adding significant cost. As an example the sunlight into our homes has been compromised by the use of one building envelope and conservative estimates for the shared entrance are in excess of \$50 000.

The design of our dwelling has been carefully considered to mitigate the effects of the agreed conditions. To achieve maximum sun entry into our home it is orientated to the north and our use of glass is extensive as seen in appendix 1. Our resulting outlook is directly to the eastern boundary however as the neighbouring shed was never intended to be inhabited we did not consider this to be an incumbent to our privacy and quiet enjoyment.

Our building platform has been determined as the highest point on our land due to the risk of flooding. This coupled with the breadth of our design brings our dwelling in close proximity to our eastern boundary as seen in appendix 2. The current and proposed future use of the neighbouring shed as a residential dwelling is an unexpected and unwelcome intrusion on our property.

Our consent is unique and non-transferrable and it is therefore necessary to protect it from further incumbents that would arise if the proposed conversion was allowed to proceed. It must be recognized that it would be unjust and unreasonable to expect us to compromise our design further and affect the value of our home mitigate the effects of a neighbouring activity that does not comply with regulations.

Local Authority Regulations

1. District Plan

Rule 6.2.2 (i)(a)(i) specifies the provision of a side yard of 10 m for residential dwellings. The proposal fails to comply with this rule as it lies 6 m from the western side boundary and therefore encroaches on the side yard by 4 m - or 40% - of the minimum required distance.

If the proposed conversion is legitimised it would set a precedent that signals a softening in the desire to preserve the integrity of the plan. It would result in a de facto plan change throughout all residential zones and may well be the catalyst for a flood of similar applications. It would be difficult if not impossible to deny consent to future applicants wishing to replicate this activity as Council must uphold earlier decisions for the public to have confidence in its decision making.

A decision in favour of the applicants would present a significant threat to the integrity of the plan and raise questions about Council's tolerance for side yard breaches. On the next occasion would a breach in excess of 40% be permissible?

2. Otago Regional Council

The current use of the applicants' property does not comply with bylaws pertaining to the scheduled drain which lies beyond the boundary. It is possible this breach will intensify over time.

Section 3.1 of this legislation requires no person shall without the prior authority of Council –

c) Plant any tree

- i) in any drain or overland flow path, or
- ii) on, or within, seven meters of the top of the bank of any drain

d) Construct or put any structure

- ii) on, or within, seven meters of the top of the bank of any drain

e) Dump or deposit anything in any drain or overland flow path

The poplar trees lie within 1.8 m of the top of the bank of the scheduled drain and are therefore more than 5 m - or 73% - short of the minimum distance required by the bylaw. The applicants have signalled their intention to plant shrubs or erect a fence 'along the border'. However this activity could give rise to a further breach of section 3.1 (c) and (d). The location of the poplar trees in such close proximity to the scheduled drain prevents Otago Regional Council from

bringing machinery down this boundary to undertake maintenance and as such the burden of providing access has become our sole responsibility.

At its closest point the shed is located 7.5 m from the top of the bank of the scheduled drain and its presence alters the flow of water into the drain. The Otago Regional Council has recently been required to undertake remedial work to repair damaged caused by erosion. It must be recognised the minimum required distance of 7 m must be maintained from the point of any future erosion. The location of the existing shed therefore only allows a leeway of 0.5 m to ensure continuing compliance with this bylaw.

The activities of the applicants are also in direct violation of section 3.1 (e) as the discharge of waste water from the utility areas of the shed into the scheduled drain has been observed by a representative of the Otago Regional Council. Further plumbing work has resulted in the unconsented installation of an overflow pipe from the water tank into the scheduled drain. We understand at the time of preparing this submission both activities were being investigated.

Existing Building Consent

The original Building Consent Application was for a 'farm shed with toilet facility and septic outfield' as per appendix 3. The then applicant also owned our property and had it been their intention for the shed to be used as a residential dwelling they would have applied for consent for that purpose. This would have overcome the issue of a side yard breach as affected party approval would not have been necessary.

The applicants have undertaken structural alterations since purchasing their property including establishing internal partitions, removing garage doors and installing windows which overlook our building platform. This work has been completed without consent and the applicants now seek a Certificate of Acceptance to legitimise the work already completed and the continuing use of the shed as a residential dwelling. We object to this application due to the adverse effects it will have on our enjoyment of our property.

Adverse Effects

The consent authority may have regard for the effect of the proposal on us as owners of the adjoining property as we have declined to give affected party approval.

It is a reasonable expectation in a rural residential zone that intrusion from neighbouring properties will be minimised by the regulations set out in the District Plan. Enforcing compliance with Rule 6.2.2 (i)(a)(i) is one method of maintaining the characteristics of the environment and the privacy and quiet enjoyment of all land owners. If allowed to proceed the conversion will have significant adverse effects as detailed;

1.1 *Amenities and Quiet Enjoyment*

- Any dwelling on the boundary is an unexpected and unwelcome intrusion on our property especially given the advice from Council that such a conversion was not permitted. The close proximity of the neighbouring shed forces visual interaction and noise disturbances as already experienced on our visits to site. This will affect the way we use our home and the outdoor space in the future and gives rise to a conflict with our existing consent. If the proposal is approved it would result in our life time loss of privacy, quiet enjoyment and solitude.
- It would be unreasonable to put the onus of mitigating these effects on the affected party. In order to demonstrate the extent of compromise required to reduce visual interaction we have marked out our home straight across our land rather than orientating it for maximum sun. The photographs at appendix 4 confirm in spite of this alteration the shed remains a significant intrusion.
- The applicants' argument that the permanent use of the shed as a residential dwelling would have less impact than reasonably expected from its use as an office or storage facility is without basis. The proposed conversion will ensure the intrusion on our privacy is continuous and effects such as light spill, noise and smoke from the proposed fire cannot be effectively mitigated.
- The applicants have submitted the poplar trees between our properties fall within their boundary. It is misleading to claim these trees create a 'privacy barrier' as they are deciduous and only provide some seasonal privacy. The applicants' ownership of these trees presents a further threat to our privacy as their future is not guaranteed especially as they may detract evening sunlight into the shed. Their future is further jeopardized as they fail to comply with section 3.1(c)(ii) of the Otago Regional Council bylaws and can therefore be removed on demand.

1.2 *Pecuniary Losses*

- Our professional advice confirms the desirability and therefore value of our property would be adversely affected by the incumbents of having a residential dwelling on our boundary.
- The applicants' have provided notice that it is our responsibility to ensure the scheduled drain does not flood their property. Refer to appendix 5. While this is not entirely correct remedies for contributory negligence could be sought for any damage sustained to their property. Our liability as it currently stands is for an uninhabited shed of significantly less value than a residential dwelling and it is utterly unreasonable for us to be burdened with the risk of higher pecuniary loss.
- Council may also be at risk of litigation brought by the applicants if consent is granted and damage caused by flooding occurs in the future. If a residential dwelling that complied with the minimum side yard requirement was established on the site there would be less risk of it flooding as it would be set back *at least* a further 4 m from the scheduled drain.

1.3 *Effects on the Environment*

The environment is characterised by rural residential activities. Homes in the areas are set well back from their boundary and the current rateable value of developed neighbouring properties range from \$790 000 to \$1 020 000. The rateable value of the applicants property is \$312 000. Refer to appendices 6 (i) – 6 (vi). The proposal is out of keeping with the amenities and environment and appears substandard when compared to surrounding properties. The consent decision sought by the applicants is overtly permissive and if allowed could be relied on by other landowners to promote similar applications.

(i) Sustainability

The objectives of the District Plan seeks to enhance identified amenity values which include the outlook, quietness, spaciousness and separation in rural residential areas. This necessitates the use of zoning to provide certainty as to the local amenity and ensure adverse effects are avoided, remedied or mitigated. This responsibility is also established through section 17 of the Resource Management Act 1991. As already discussed the adverse effects of the proposal cannot be avoided due to the proximity of the shed to the scheduled drain. This prevents any construction or planting of trees to reduce noise and visual interaction and will adversely affect the pleasantness of our property.

(ii) Bulk and Location

The applicants appear to consider the occupation of the shed at the time of purchase adds weight to their proposal. However it must be recognised that this was and remains an unconsented activity. We do not believe there are existing use rights in this situation as they are intended to protect innocent parties who have been disadvantaged by the introduction of more restrictive rules and this does not apply here. However if such rights did exist they would belong to the vendor and could not be brought by or transferred to the applicants. Further the shed has been altered to create two additional habitable rooms and as such the intensity of the activity has significantly increased. At the time of purchase the shed was occupied by a single man and it is now occupied by a family of four.

The proposal does not provide for vehicle garaging and it is not unreasonable to consider this would be desirable in the future. However the location for the positioning of a garage in relation to the shed is limited when having regard to the protection of amenities and sunlight. It is therefore reasonable to expect this will become a further incumbent on our property in the future.

In order to comply with the performance standards for the zone residential dwellings are required to be *at least* 10 m from the shared boundary to protect the feeling of spaciousness and openness. It is considered that setting this *minimum* side yard would ensure there is always a separation of *at least* 20 m even when development on adjoining sites lie very close to shared boundaries. However the shed extends 4 m within the *minimum* side yard requirement. We note with interest

the applicants' submissions in relation to this breach (p. 4). It is unreasonable to take our building set back into consideration in an attempt to minimise the impact of their non-complying side yard.

(iii) Disposal of Waste Water

Waste water from the utility area of the shed is currently being discharged into the scheduled drain and it appears this activity is in violation of section 3.1 (e) of the Otago Regional Council bylaws as discussed under the heading 'Local Authority Regulations'.

(iv) Hazards

The applicants' property is recognised as lying within a flood hazard zone and has a scheduled drain situated approximately 7.5 m from its boundary. There is already evidence of erosion of the scheduled drain and it has recently been necessary for the Otago Regional Council to undertake remedial work. The risk of further erosion is increased by the demands of expanding subdivisions and climate change on the local drain network. Information taken from the Otago Regional Council website confirms persistent rainy easterlies can cause serious flooding of low-lying plains. In order to relate this to the current application we have enclosed photographs which demonstrate the effects of the heavy rain fall that occurred in June 2015 on our land. Refer to appendices 7 (i) – 7 (ii). In considering the proposal Council will need to be satisfied this hazard is not going to cause property damage.

(v) Conflict and Reverse Sensitivity

In their submission it is stated the applicants will be the party disadvantaged by noise intensified by the reduced side yard. However the applicants purchased their property knowing it did not comply with the minimum side yard requirement and it is unreasonable to now claim disadvantage. Logic would also suggest this is a reciprocal disadvantage however we do not share their view that this is not a concern and reiterate our view this is an unexpected and unwelcome intrusion.

When purchasing our property we relied on advice the shed could not be converted to a residential dwelling and it was therefore not considered to be an incumbent at the time or in the future. The obvious building platform is a reasonable distance from the shared boundary as shown in appendix 8 and we considered the shed provided a buffer between our activities and those at 480. If development occurs in the expected area there would be no rule breaches and visual interaction and noise disturbance would be minimal.

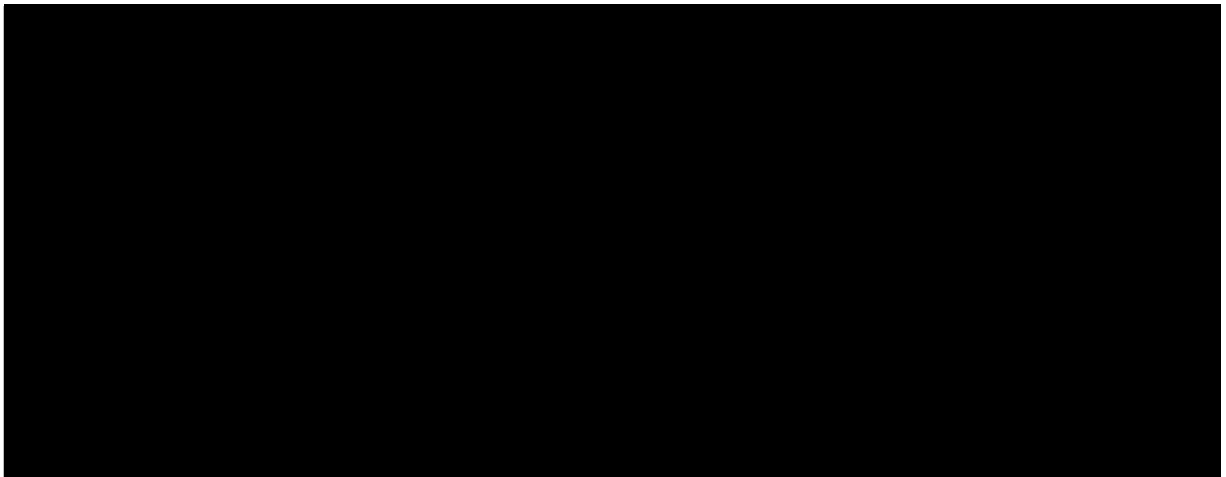
However if the proposal is approved the persistent residential activity in the shed will cause a substantial and unreasonable interference with our use and quiet enjoyment of our home and land. This encroachment on the boundary is considered a nuisance. The first significant step in the prevention of nuisances is compliance with planning regulations and Council can have regard for this according to rule 6.7.15 (ii).

1.3 *Building Delays*

Since approximately September 2015 we have been suspicious of the intentions of the applicants and our concerns grew further in October 2015 when we discovered they were residing in the shed that only contained one existing space suitable for use as a bedroom. Our plans were put on hold as a result of this discovery as we have a desire to protect the significant resources required for this development from depreciation. In the meantime build costs have continued to escalate. As our resource consent is unique and non-transferrable we are committed to building here however if the proposal is approved it will become necessary for us to seek a new consent without conditions as our existing consent would be overly punitive by comparison.

1.4 *Social Impacts*

The conduct of the applicants has become increasingly hostile since learning of our intention to object to their proposal. We have been threatened with litigation over the driveway easement and a perceived breach of their privacy in relation to the findings of their property survey - despite this information now being available in their resource consent application.



The parties are currently in dispute over the driveway easement arising from the applicants' complaints about its condition and their reluctance to contribute financially to its maintenance. Currently maintenance is the sole responsibility of the applicants as they are the only regular users however we had offered to share the costs of repairs. Instead the applicants have attempted to deflect the full cost and threatened to take legal action against us as per appendix 10. At the time of preparing this submission our lawyer had been instructed to write to the applicants outlining their legal obligations. Unfortunately we anticipate disputes over the easement will be ongoing and will further adversely affect our quiet enjoyment and wellbeing.

Our journey to securing our unique and non-transferrable resource consent has been difficult and this current dispute has been particularly stressful as it puts our existing consent into jeopardy.

1.5 *Commercial Activities*

The applicants have made their intention to undertake commercial activity from their property known to us in appendices 11 (i) – 11 (iii). If their application is unsuccessful they intend to use the shed as a rental including as a mechanics garage or to prepare and distribute firewood. Neither activity is in keeping with the setting or the zone rules and the increased traffic along our driveway would not only be a nuisance to us but also to the adjoining property owners.

1.6 *Neighbouring Properties*

We have previously given an undertaking to the neighbours to the west of our property that we would build as far away from this boundary as possible to avoid affecting their outlook and privacy. However if the shed conversion proceeds we will have no choice but to renege on this undertaking in order to mitigate the intrusion on our home. In this way the effects of the proposal extend beyond the incumbents on our property.

Due Diligence

In March 2015 the property at 480 Riccarton Road was put under contract by Leah and Steven Greer and settlement occurred in August 2015. As previously stated the vendors' agent disclosed to us the kitchen was unconsented and the shed could not be converted to a residential dwelling. We are certain this same disclosure would have been made to the applicants and to date they have not claimed otherwise.

Our own enquiries confirmed the conversion of the shed to a residential dwelling was not permitted and we are certain the applicants would have received the same advice had their intentions been disclosed. This is particularly likely given the same law firm represented both the purchaser and the vendor and would have been concerned about avoiding a conflict of interest.

At the time the contract was formed the property at 480 was not on the market. The sales of both properties were not driven by necessity and our experience was the vendor was willing to grant lengthy extensions in order for thorough due diligence to occur. This is supported by the fact our property was under contract for approximately eight months while we sought to obtain our consent. It is highly likely the applicants would have been given the same opportunity had it been sought. Section 88 of the Resource Management Act 1991 is very broadly drafted to allow any person to make an application and hence intending or conditional purchasers can apply for consent.

It is also relevant to mention that Leah is a registered real agent and therefore has knowledge of relevant legislation and the regulations and restriction that applied to this zone. Refer to appendix 12. However the applicants progressed to purchasing the property knowing it was not permitted to be used for their intended purpose. At appendix 11(i) the applicants acknowledged prior to purchase they were aware of the value we placed on our privacy however it is clear they have not given this any consideration. With this knowledge in mind it should not have been a surprise that we declined to give affected party

approval. Refer to appendix 13. It is unreasonable to now seek to obtain consent on the basis of existing use.

For over a year the applicants have resided in the shed with their family and made structural alterations while successfully circumventing the consent process. They now seek a Certificate of Acceptance for the work already completed and to legitimise the continuing use of the shed as a residential dwelling. As previously discussed a decision in favour of the applicants would set a precedent that would result in a de facto plan change throughout the zone and may well be the catalyst for a flood of similar applications. Further than that it would send a message to landowners that they may knowingly breach local authority rules and later have their conducted condoned by Council issuing consent.

The Resource Consent Application

The application for consent contains a number of factual inaccuracies as below;

1. The images supplied by the applicants and the handwritten comment 'our shed located by the drop pin covered by the established trees' is extremely misleading. It is clear from the applicants own photographs and appendices 2 and 4 of our submission that a row of deciduous poplar trees runs the length of our shared boundary. This affords little privacy between the properties and as discussed under the heading 'Adverse Effects' their future is not guaranteed.
2. In the accompanying statement the applicants have claimed the shed has always been occupied. We do not accept this is correct however even if this was the case there was technically no boundary breach as both properties were owned by the same proprietor and this existing use cannot be taken into consideration.
3. The applicants have stated 'the encroachment on the side-yard is so small that it is insignificant'. The reality is the encroachment represents a breach almost 40% of the *minimum* requirement and cannot be considered insignificant.
4. On behalf of the applicants Andrew Robinson of Paterson Pitts Group has described the effects of the proposal are 'de minimus'. We have already outlined the adverse effect this proposal will have on the desirability of our property and our loss of privacy, quiet enjoyment and solitude and we do not accept these effects are trifling.

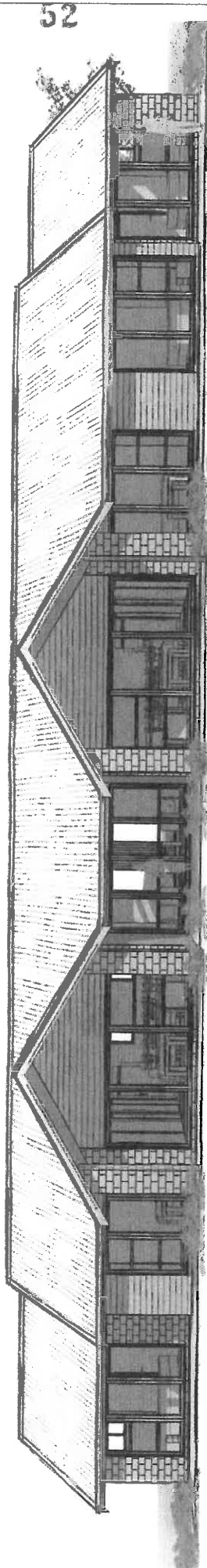
The Way Forward

The applicants have previously said if their consent is declined they will proceed with building as per appendix 11 (i) and 11 (ii). We therefore encourage Council take this into consideration rather than frustrating our existing consent by giving approval to the proposed conversion. If the applicants decide not to build here but wish to continue with a similar lifestyle there is other rural residential land available and Council could have regard to section 6.7.3 of the District Plan.

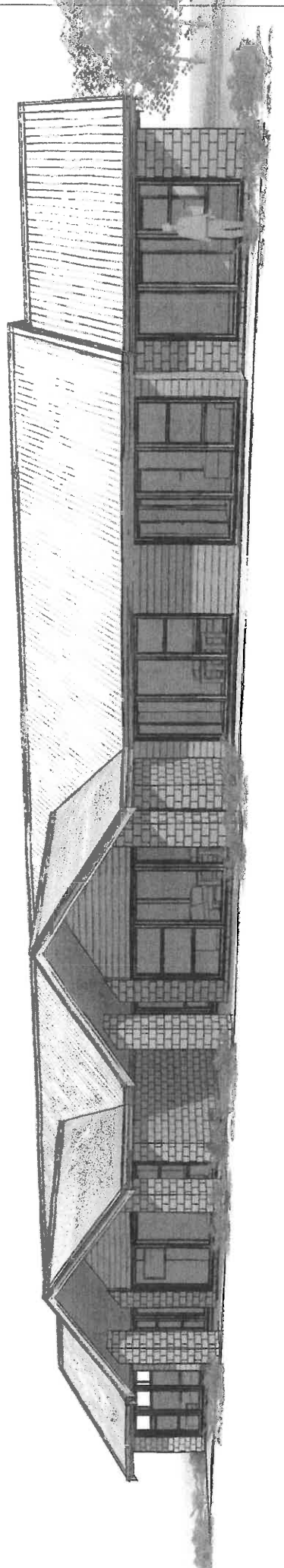
It is simply unreasonable that we would be expected to further compromise our design to mitigate the intrusion of a proposed conversion that does not comply with local authority rules. It is however reasonable for us to expect Council will uphold its earlier undertaking that this conversion is not permitted. While it is our hope to honour the agreement we entered into with Council in good faith this is contingent upon the advice on which the contract was formed being upheld. The advice the shed could not be used for residential purposes was crucial in our decision to agree to non-enforceable consent conditions. We ask Council to give weight to the intent and spirit of that agreement and recognise should consent be granted it will be necessary for us to seek to separate our homes as it is not possible for us to mitigate the intrusion on and loss of desirability of our property by any other means.

We also ask that due consideration be given to the implications of this application on the integrity of local authority regulations. The Court has previously confirmed concerns about precedent setting and coherence are legitimate matters to be taken into account when assessing applications for consent.

Revision Schedule		
Ref.	Date	Description
A	2010/12	Sketch Design
B	01/01/11	Final For Resource Consent
C	11/01/11	Final For Resource Consent
D	2011/01	Final For Resource Consent



3D View 1



3D View 2

**Proposed New Residence
for Hood**
**482 Riccarton Road West,
Dunedin**

3D Views

DATE	SCALE	JOB NO.	SHEET NO.
NOV 2014	1:100	1414	A4.0
DRAWN	CAD	REVISION	
TW	1414	D	

For Resource Consent



54

FORM 2



DUNEDIN CITY
COUNCIL
Kaitiaki o Te ōhanga o Ōtago

Building Category

1

ABA No

2008-53

PIM No

2008-544

Application for Project Information Memorandum and/or Building Consent

Section 33 or Section 45, Building Act 2004

Note: Please use a black ink pen when completing this form.

Warning: Any alterations made to this application either before or after the Building Consent has been issued may incur an additional fee.

This application is for:

- ☒ Both Building Consent and a Project Information Memorandum ☐ Project Information Memorandum
☐ Amendment to Building Consent ABA ☐ Building consent only, in accordance with project information memorandum no: _____

PART A: Complete Part A in all cases

PROJECT LOCATION

(Street Address)

RAPID 480 RICCARTON RD WEST

FIRST POINT OF CONTACT FOR COMMUNICATIONS
FOR THIS APPLICATION:

Name: LLOYD MORSHUIS 170095

Address: 15 SCHOOL RD

RD 2 MOSCORA

Mobile: 027 2040471

Tel: (daytime) _____

Tel: (evening) _____

Fax: 03 4840971

THE OWNER

Consent to be posted to: ☐ YES ☒ NOName of Owner: E. & MORSHUIS + POLSON + LIPPS
(include preferred form of address, eg, Mr, Miss, Dr, if an individual)

Phone number: Mobile: _____ Daytime: _____

A/Hours: _____ Fax: _____

Address: 15 SCHOOL RD RD 2 MOSCORA

Email address: _____

The following evidence of ownership is attached to this application:

- ☐ Copy of certificate of title ☐ Agreement for sale and purchase
☐ Lease ☒ Or other document showing full name of legal owner(s) of the building

LEGAL DESCRIPTION

Property Number: 5111884

Valuation Roll Number: 27911-05710

Lot: 1 DP: 345233

Section: _____ Block: _____

Survey District: _____

PROJECT

- ☐ Building Certifier Certificate ☐ Alteration ☐ Addition
☒ New or Relocated Building ☐ Change of Use ☐ Demolition

Description of Intended Work (in detail): FARM SHED

WITH TOILET FACILITY & SEPTIC
OUTFIELDIntended life: ☒ Indefinite (but not less than 50 years)

Specified as _____ years

Being stage _____ of _____ stages

Estimated value of work (inclusive of GST): \$ 25,000

C/T supplied by owner ☐ C/T supplied by DCC ☒

AGENT

Consent to be posted to: ☒ YES ☐ NO

Name of Agent: LLOYD MORSHUIS

(only required if application is being made on behalf of owner)

Street address/registered office: 15 SCHOOL RD RD 2

Phone number: Mobile: _____ Daytime: _____

A/Hours: _____ Fax: _____

Email address: _____

Relationship to Owner: Builder

(state details of the authorisation from the owner to make the application on the owners behalf)

THE BUILDING

Building name: (insert building name if applicable)

Number of levels: (include ground level and any levels below ground): 1

Level/unit number: (insert level/unit number if applicable): 1

Area: (total floor area; indicate area affected by the building work if less than the total area): 140

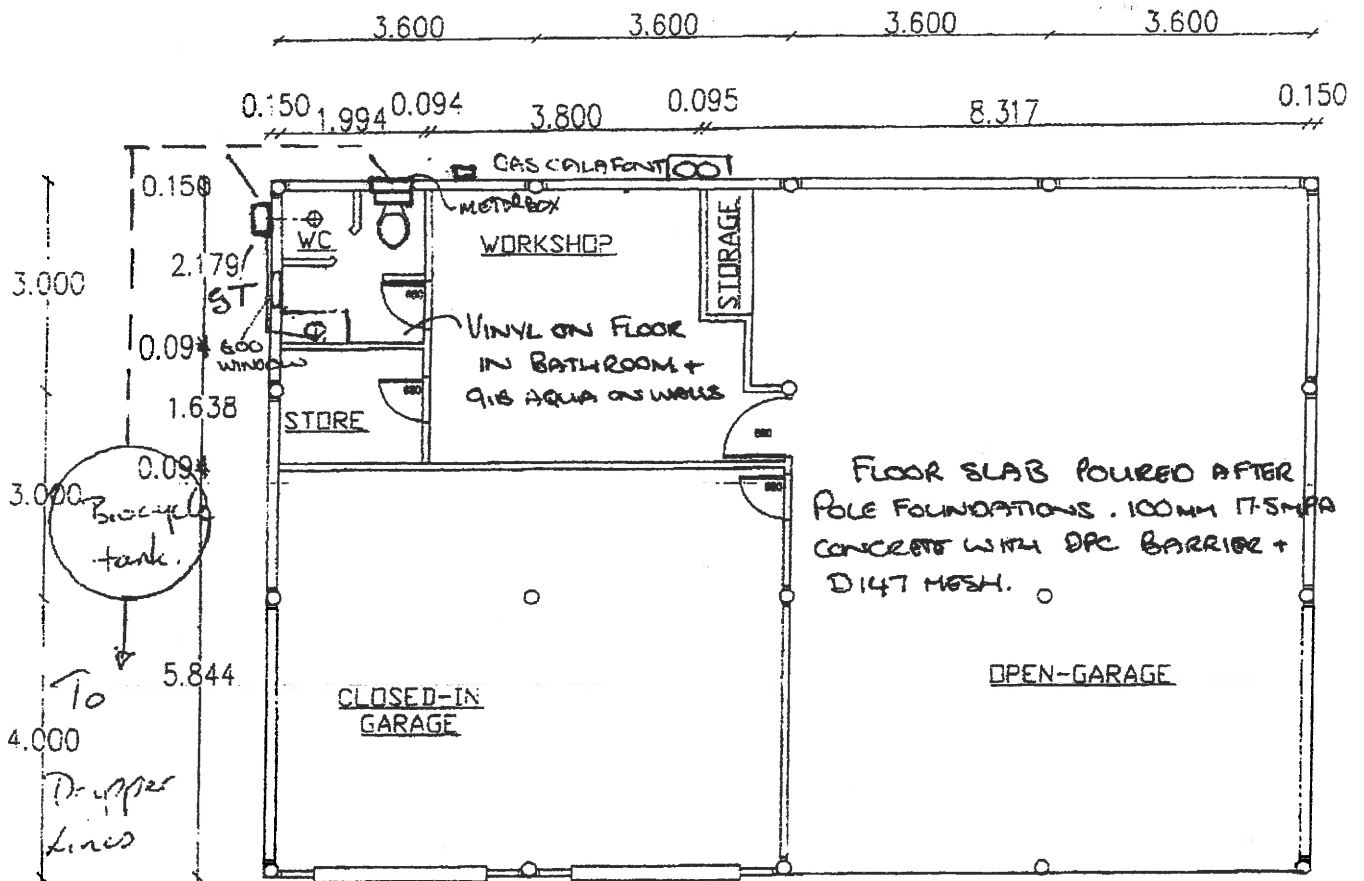
Current, lawfully established, use: (include number of occupants per level and per use if more than 1 (e.g. boarding house, domestic dwelling, hotel, motel, office, commercial))

Farm 1 Shed

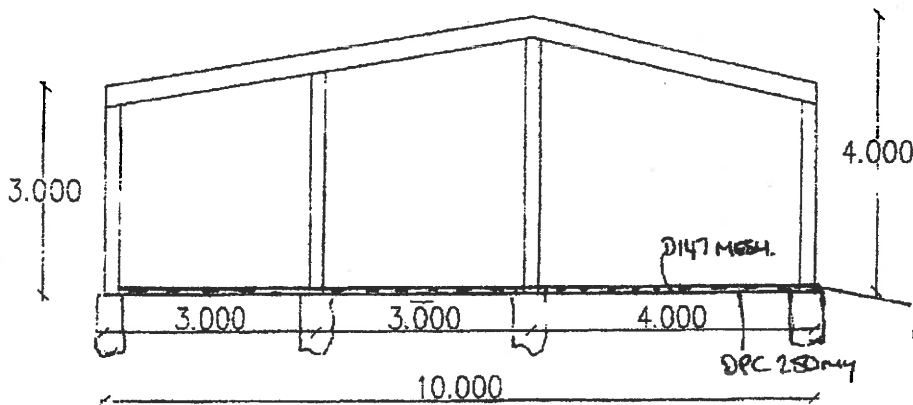
Year first constructed: 2008

(insert year; approx. date is acceptable e.g. c1920s or 1960-1970)

- Under Section 33 or 45 of the Building Act 2004 the applicant must be the owner of the land on which building work is contemplated or a person who or which has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force.
- The value of building work shall be the aggregate of the values, determined in accordance with section 10 of the Goods and Services Tax Act 1985, of all goods and services to be supplied for that building work.



PLAN VIEW



SIDE SECTION

NOTES

1. APPLICABLE CODES: NZS 3604, BUILDING ACT 2004
2. FLOOR LEVELS: -
THE HEIGHT OF THE FINISHED FLOOR SHALL BE NO LESS THAN: -
100mm FOR MASONARY VENEER WALL
150mm FOR MASONARY VENEER WALL
150mm FOR ALL OTHER CLADDING WALL
225mm FOR ALL OTHER CLADDING WALL

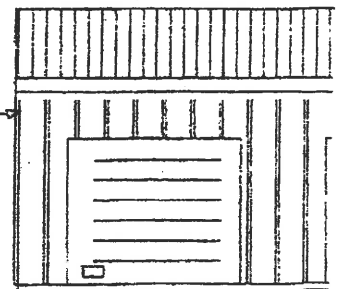
100MM SLAB POURED AFTER POLE FOUNDATIONS WITH DPC + D147 MESH.
COLOUR STEEL CORRUG.

NOTES

1. APPLICABLE CODES: NZS 3604, BUILDING ACT 2004
2. PLUMBING & DRAINAGE TO COMPLY WITH APPROVED DOCUMENTS E1/AS1, G12/AS1, G13/AS1 & 2
3. TO COMPLY WITH AS/NZS 3500.2.2 VM1 & VM2
6. ELECTRICAL METER BOX &
7. SEE PRODUCERS STATEMENT FOR ALL CONSTRUCTION DETAILS

BATTON OVER PLY

3.000



PROJECT:

TITLE:

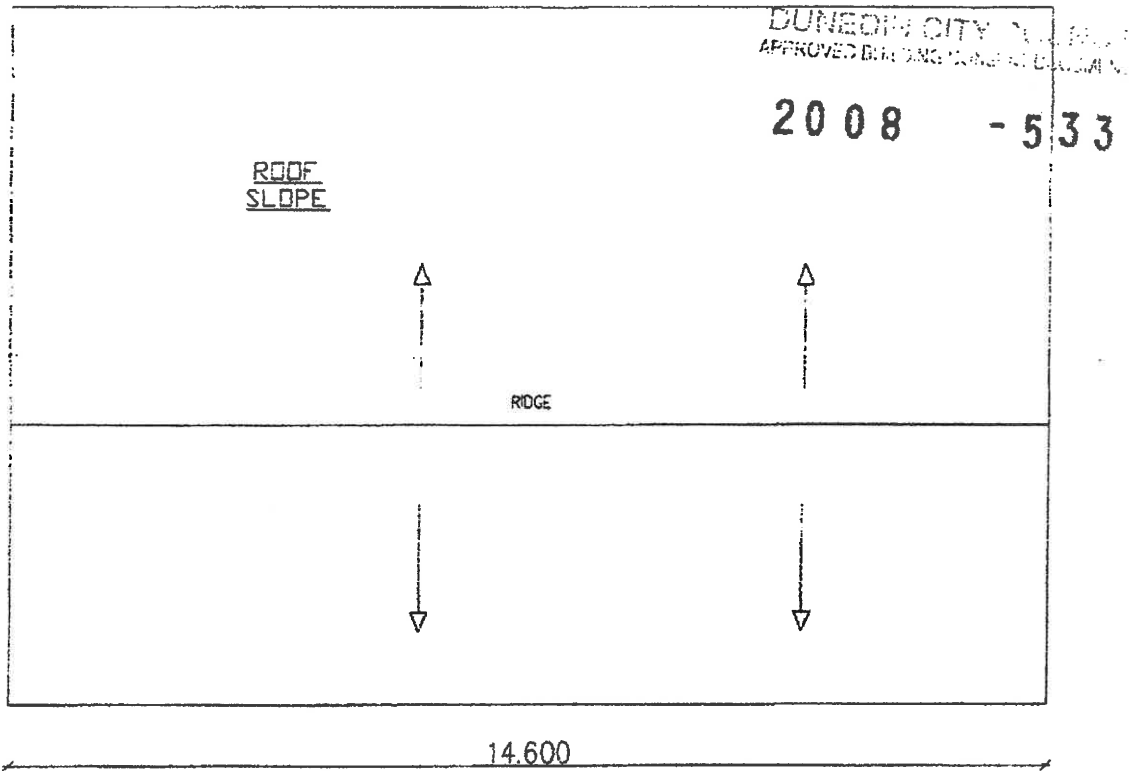
POLE BARN

POLE BARN

e

See Producers Statement for design details

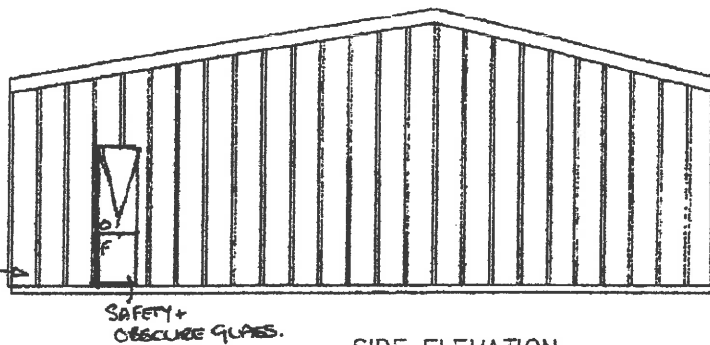
ROOF PLAN VIEW



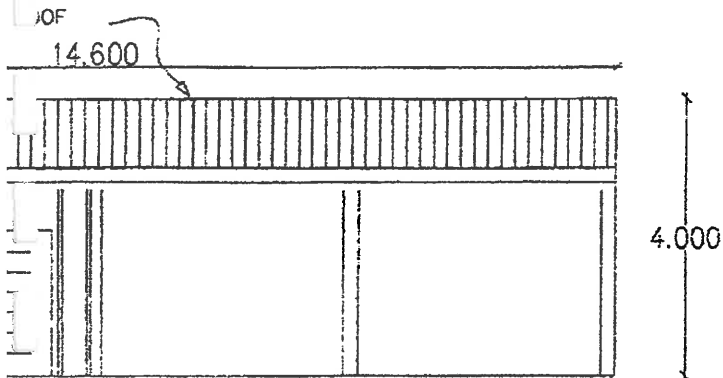
2004

- 2 ADJACENT GROUND
- 3 WITH GROUND PERMANENTLY PAVED
- 3 WITH GROUND PERMANENTLY UNPAVED
- D PERMANENTLY PAVED
- F PERMANENTLY UNPAVED

BATTON OVER
PLY



SIDE ELEVATION



FRONT ELEVATION

BUILDING AREA:
180 Square Meters
59.75 mtr. Perimeter

STUD HEIGHTS:
2.4 mtr. ALL AREAS

Edon Ltd
15 School rd, North Taieri

DATE:
17-February-2008

SCALE:
1/1000

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Covert

steven.leah <

Fri, Jul 1, 2016 at 9:52 PM

To:

Hi

Hope you are all good,

Regarding the covert how would you feel if we maintain this for you?

Reason being, we have no fence on our side so it is easier for us to do this.

Also this has to be maintain to stop it flooding?

Obviously If it was to flood it would be your responsibility to make sure it doesn't flood at our house as you own the covert.

We will maintain the covert from the top end right down to our concrete covert.

All we ask is for you to sign the papers to let us change the inside of the barn please Kathy.

We are hoping we can put this all behind us and get along as we have no hard feelings.

We are going to be neighbours after all and it would be great to get along with you, and anyone else that lives with you.

Could you please let us know your thoughts or questions so we can try and get this sorted ASAP.

Kind regards

Leah & Steve

If you would like to ring and talk to us that's fine with us as well.





Property Information

Search Results:
 Date of Imagery: February 2013
 Report Date: 09 Jul 2016

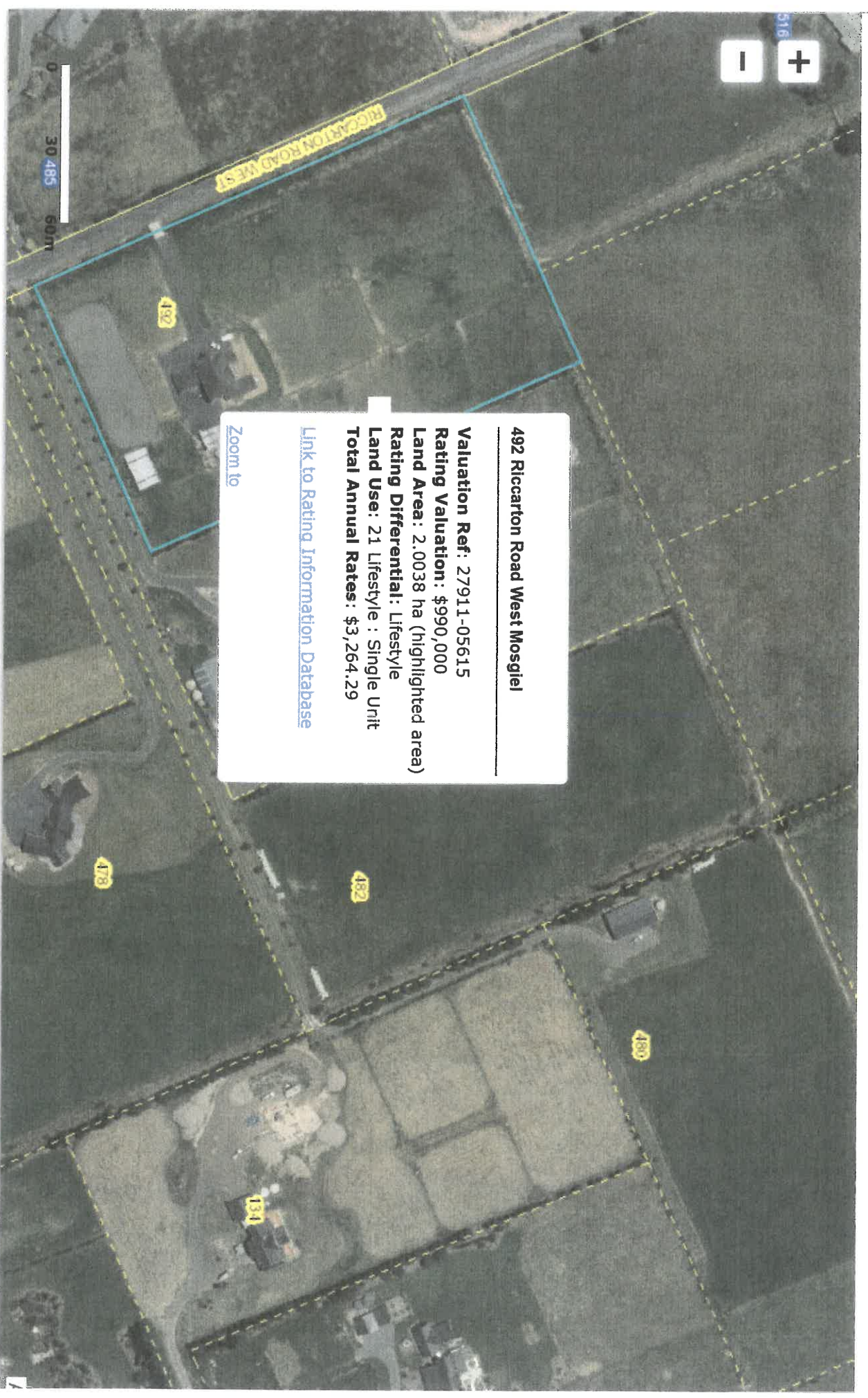
Copyright Notice

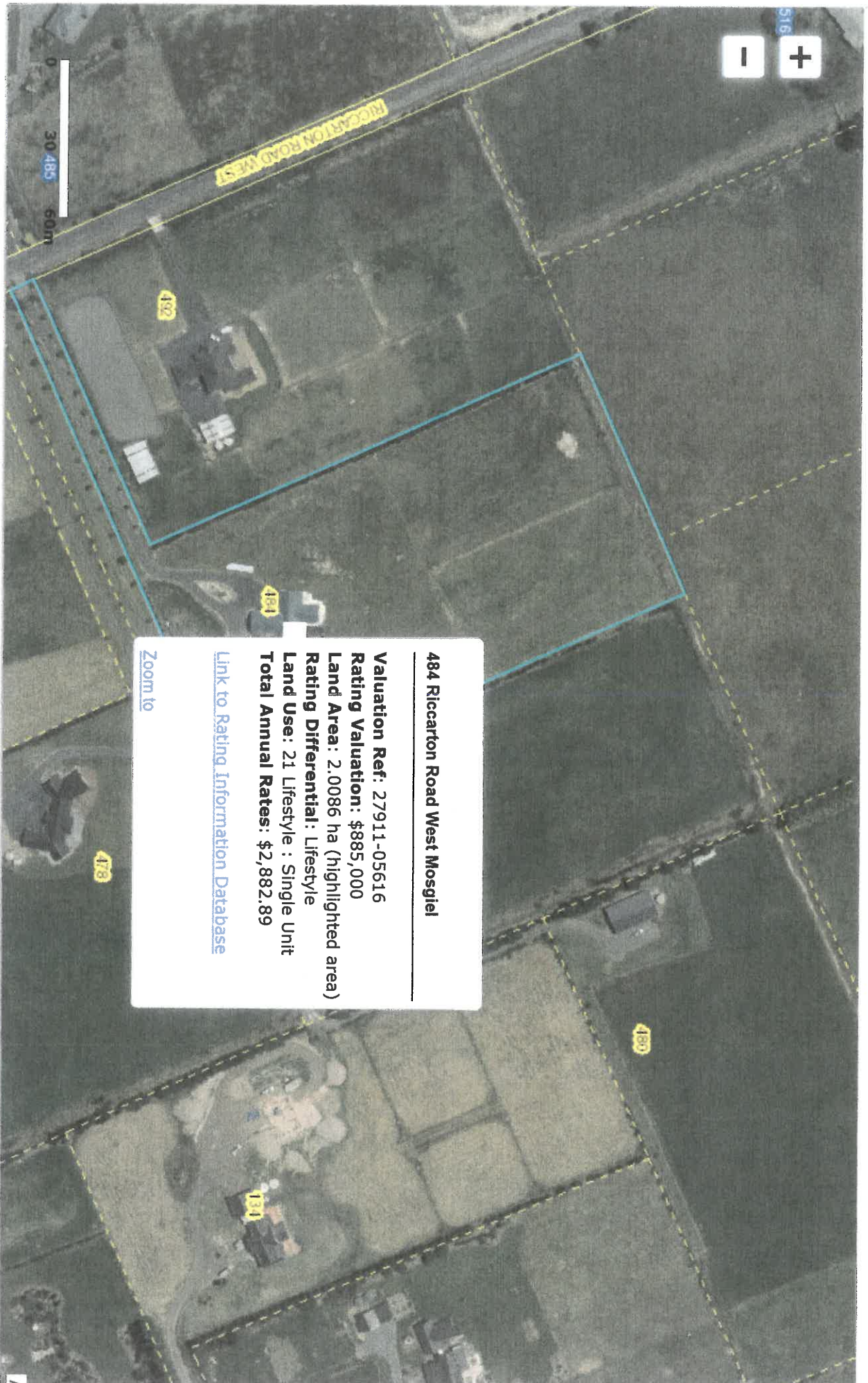
Copyright 2006-2016 CoreLogic NZ Limited.
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 from LINZ. Crown copyright reserved.

Data Statement

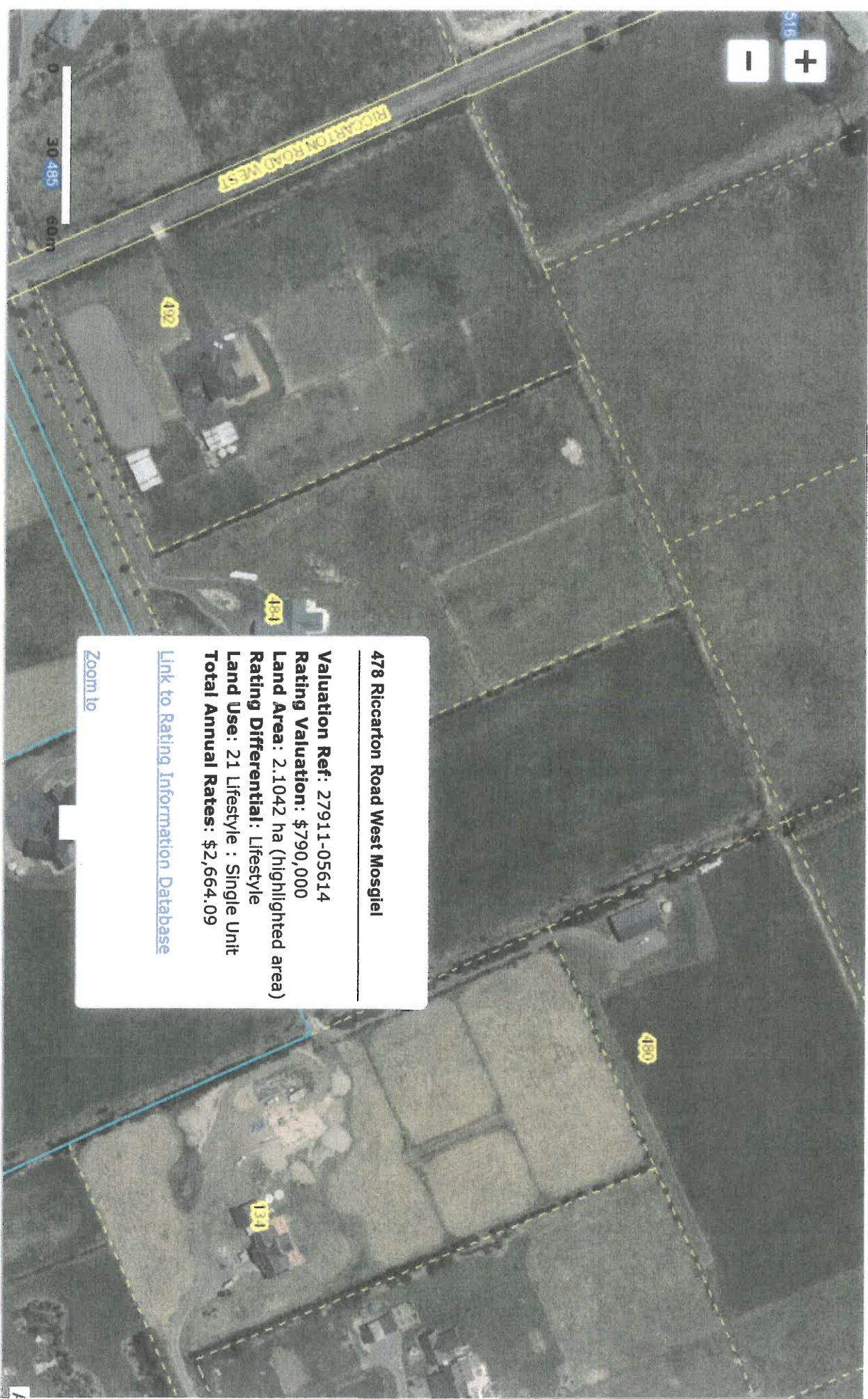
Accuracy of aerial imagery +/-0.5m. Accuracy of property
 boundaries 1-3m in urban areas, up to 30m in rural areas.
 Property boundaries and legal descriptions sourced from LINZ.

Layers





Layers



478 Riccarton Road West Mosgiel

Valuation Ref: 27911-05614

Rating Valuation: \$790,000

Land Area: 2.1042 ha (highlighted area)

Rating Differential: Lifestyle

Land Use: 21 Lifestyle : Single Unit

Total Annual Rates: \$2,664.09

[Link to Rating Information Database](#)

[Zoom to](#)

Layers



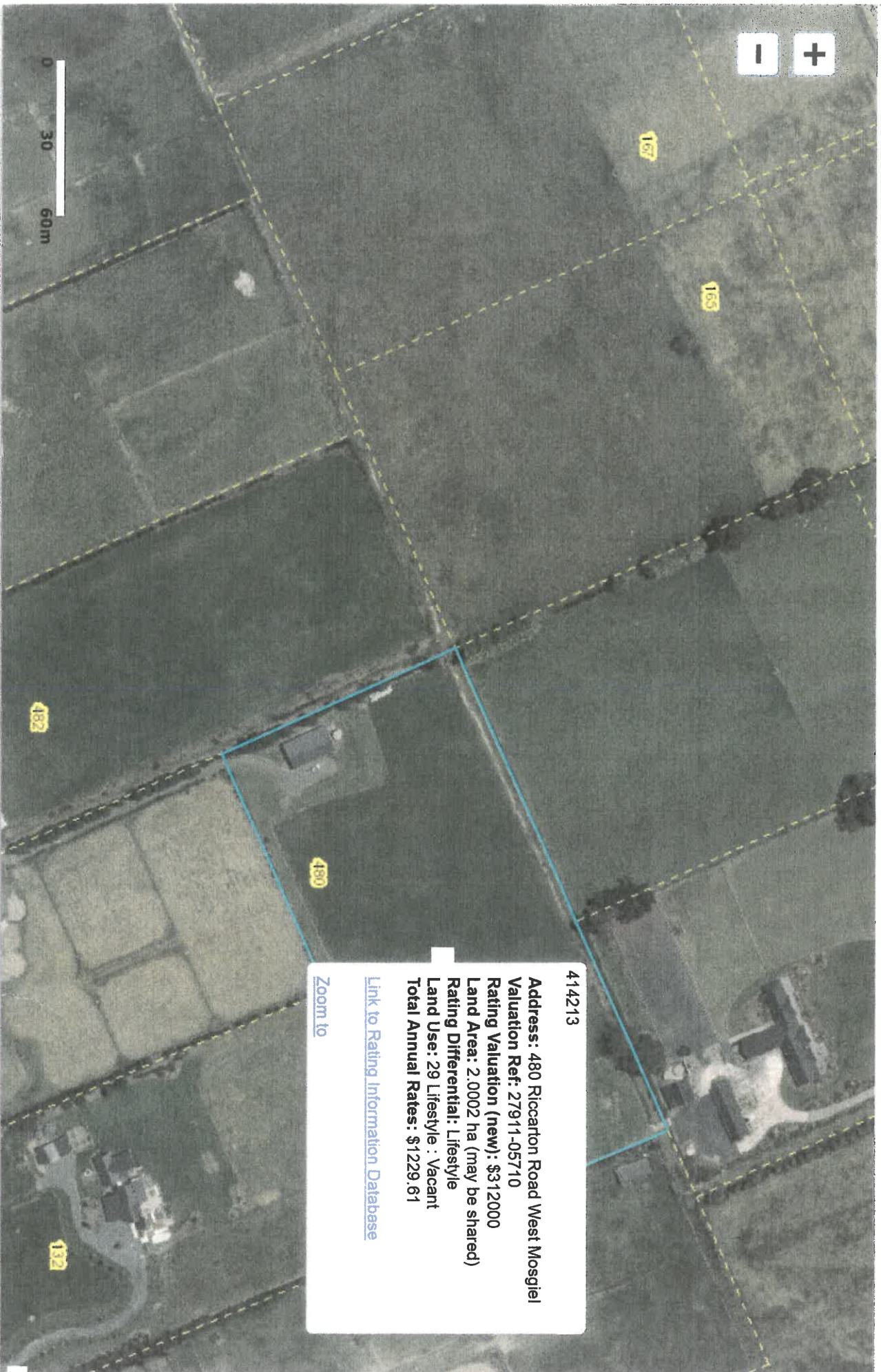
134 School Road Sth Taleri

Valuation Ref: 27911-05708
Rating Valuation: \$1,020,000
Land Area: 2.0063 ha (highlighted area)
Rating Differential: Lifestyle
Land Use: 21 Lifestyle : Single Unit
Total Annual Rates: \$3,354.32

[Link to Rating Information Database](#)

[Zoom to](#)

Layers



414213

Address: 480 Riccarton Road West Mosgiel

Valuation Ref: 27911-05710

Rating Valuation (new): \$312000

Land Area: 2.0002 ha (may be shared)

Rating Differential: Lifestyle

Land Use: 29 Lifestyle : Vacant

Total Annual Rates: \$1229.61

[Link to Rating Information Database](#)

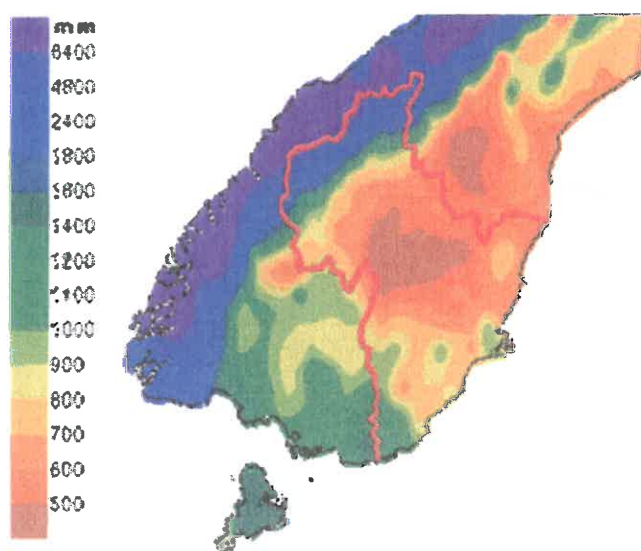
[Zoom to](#)

Storms and floods

The succession of weather systems (highs and lows) brings periods of good weather and bad, with no rain to excessive rain. Winds from the south bring cold weather and snowfalls in the winter that can smother sheep and damage power lines. Heavy warm rains from northwesterlies can overload rivers and rapidly melt alpine winter snows, causing floods in western lakes and rivers, such as occurred in Queenstown in January 1994, December 1995 and January 1999.



In the east of the region, persistent rainy easterlies can cause serious flooding of low-lying plains. This variability of the climate is perfectly natural, but the impacts can be made much worse by human activity such as building houses or altering the landscape in known floodplains.







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**FIRST CUT OR TRIM INTEREST TREE NOTICE****Vegetation Site Reference Number:** 9903**Physical Address:** 482 Riccarton Road West Mosgiel**Certificate of Title:** 140262**Registered Owner:** N/A**Vegetation Species:** Willow

As the registered property owner / registered property owner's legally appointed agent I / we declare interest in the vegetation described above and shown on the attached map.

I/ we accept responsibility for the vegetation and will manage the vegetation in a manner that achieves the Electricity (Hazard from Trees) Regulations 2003.

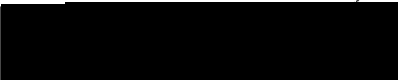
✓ We wish Delta to complete the first cut / trim at Aurora's cost to the extent of the Notice Zone being (HV) 2.6 Metre clear of Aurora's asset.

Steven David Greer

Full Name (registered property owner / registered property owner's legally nominated agent)

Date: 6-6-16

Signature: 

Daytime Contact Phone Number 

Land Entry Consent

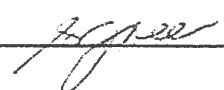
I / we hereby give land entry consent to Delta (as Aurora's representative) to undertake works as required.

Land Entry Conditions (if any): Nil

Steven David Greer

Full Name (registered property owner / registered property owner's legally nominated agent)

Date: 6-6-16

Signature: 



Driveway maintenance1 message

steven.leah

Sun, Oct 16, 2016 at 4:32 PM

To: [REDACTED]
[REDACTED]

When are you going to fix the driveway.

You did mention you received a quote(We do not consider leaving the maintenance and repair of the access way until after our build is a reasonable option. Deferring this is only escalating matters and therefore we intend to obtain quotes to have this work undertaken. Please advise if you would like the quotes to include a price for compacting. As you are aware this is a joint cost so I think it is reasonable that the account(s) are made out to both parties. Just to give you a heads up one contractor has already estimated the cost for material would be \$2 000 - \$2 5000 + GST which seems reasonable to us.)

Not our land, but have right of way...

so...how are you progressing with this.

If you do recall i have sent you a few emails now

If you don't respond, we will serve you notice and get some results that way

Thanks

Steve and Leah



Consent

From: steven.leah [redacted]

Sun, Jun 26, 2016 at 12:37 PM

To: [redacted]

Hi again

There is no intrusion on the boundary as the boundary is a culvert

Regarding your peace and privacy, Yes we understand this that is why we bought 480 ,
We were looking at 482 but were told this would be unfair to put an offer on this as you
were dealing with the council on some issues.

Regardless whether we turn the barn into a house or not, we will build on the block
either by converting the barn into a home(most desirable) or rent the barn as a
mechanics shed or just rent the barn out completely and build further north west of the
shed.

Yes we have put through to the council as the structural engineers report has come back
all good.

Regards...Steven and Leah

From: [redacted]**Sent:** Sunday, June 26, 2016 12:11 PM**To:** [redacted]**Subject:** Re: Consent

[Quoted text hidden]



This email has been checked for viruses by Avast antivirus software.
www.avast.com



Tree maintenance

steven.leah

Sun, Jul 31, 2016 at 4:42 PM

To:

Hi again,

Yes Patterson Pitts were the surveyors, and we realise this isn't the answer you were hoping for regarding the trees but it is what it is.

If you are wanting to pay for something we already know about the trees, again that is totally up to you.

However the trees on our side is been a huge thing for us and very helpful.

If we aren't granted consent we will build here anyway.

This shed would come in handy for someone, if we were to build on the land either way.

Regards

Leah & Steven

[Quoted text hidden]

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Lawns

steven.leah <[redacted]>

Thu, Oct 6, 2016 at 12:03 AM

To: [redacted]

Hi [redacted]

The driveway and grass maintenance is a shared operation by both parties.

Can we have a copy of the contract that states it will be done by the owners of 480 Riccarton road, not sure that it exists.

We live here now, this might have been agreed at the time of you purchasing your land with the previous owner, but not us, not our contract.

If we had your details a year ago we would have sorted something out then but as you try to remain hidden and off grid, we did not pursue the issue

Hence we are asking you to do your share now that we have your details,

As you are well aware the lawns have been done for you by us for over a year now.

If you are not going to maintain the grass etc, let us know, we will carry on with what we were going to do to the drive, there is some trees that need to be removed.

If you aren't going to do your share, it makes us responsible for this and we will do what needs to be done.

As you remain hidden, delta came to us with tree maintenance issues that needed to be rectified, they will be doing this when they have caught up on there maintenance.

Again we have already asked you this question why are you waiting for us?

Why don't you build, you have five acres, and I believe you are building up the front so you can start anytime.

We are already living here like the other owner and tenant since 2008 as you were aware.

We aren't sure why you are making this a problem now, as you knew people were living here, but I guess they were doing the maintenance and it wasn't a problem for you.

Whether you build now or another 50 years down the track the lawns are still your responsibility as well.

As for the actual driveway, we are maintaining this as we do use this everyday, and will be getting used a lot more with the truck and trailers coming down delivering logs to chop up, people will also be picking up there firewood, but when you do eventually build, the driveway will also then become your responsibility as you will then be using it.

By the way, if you are getting quotes for a simple job that your husband/partner could do, if I was you, I would get more quotes.

Compacting is not a joint cost, as I have done this at my cost for the past year and haven't sent you any invoices to be paid.

Do we need to send you a years worth of invoices to be fair? As you have done nothing or even attempted to offer.

We will not be needing your quotes or anything else, but for you to do your share.

As you were aware someone was already living here since 2008 we aren't sure why this has become a burden on you now or is that a convenient excuse ?

Looking forward to being neighbours...

Kind regards

Leah & Steven

[Quoted text hidden]

Licence Details

Personal Information

First name:

Leah

Middle name/s:

Marie

Surname:

Greer

Former name:

McAnally

Preferred name:

Leah

Licence Details

Licence number:

10005541

Licence type:

[ps://portal.reaa.govt.nz/public/register-search/individual/?licenceid=437cf4e7-6e40-e211-bc9b-005056ae3d46&org=&ind=leah greer&loc=&lic=&emp=&sort=licenceename&pp=25&pageno=0&sr...](https://portal.reaa.govt.nz/public/register-search/individual/?licenceid=437cf4e7-6e40-e211-bc9b-005056ae3d46&org=&ind=leah%20greer&loc=&lic=&emp=&sort=licenceename&pp=25&pageno=0&sr...)

Licence Details · Licensee Portal

Individual

Licence class:

Salesperson

Current status:

Suspended

Date first entered in register:

17/11/2009

Current suspension period:

16/03/2013 - 16/03/2017

Expiry date:

31/03/2017

Suspended voluntarily: The licensee is not actively engaged in real estate agency work and has chosen to put their licence on hold.

There is no disciplinary history for this licensee. Only disciplinary history for the last three years is recorded on the public register.

[Back to search results \(.../register-search?org=&ind=leah%20greer&loc=&lic=&emp=&sort=licenceename&pp=25&pageno=0&sres=True\)](#)

[reaa.govt.nz](http://www.reaa.govt.nz) (<http://www.reaa.govt.nz>) [Privacy](http://www.reaa.govt.nz/Pages/PrivacyStatement.aspx) (<http://www.reaa.govt.nz/Pages/PrivacyStatement.aspx>)

[Terms & conditions](http://www.reaa.govt.nz/Pages/Terms-and-Conditions.aspx) (<http://www.reaa.govt.nz/Pages/Terms-and-Conditions.aspx>)

[Public Register \(/public/register-search/\)](/public/register-search/) [Contact us](http://www.reaa.govt.nz/Pages/ContactUs.aspx) (<http://www.reaa.govt.nz/Pages/ContactUs.aspx>)

0800 367 7322 or 04 471 8930

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Riccarton road neighbor

Mon, Jun 20, 2016 at 7:35 PM

To: "steven.leah" 

Hello Leah and Steve,

I must say I am surprised by your email seeking our approval for the conversion of the shed to a permanent dwelling. Our pre purchase enquires of Council established consent would not be granted due to the sheds close proximity to the boundary.

Had Council's advice been different we would have immediately ended our interest in 482 and proceeded to make a conditional offer on 480.

I believe you will both be aware a boundary dwelling would have a significant impact on our block and those losses simply can not be mitigated.

I appreciate this isn't the answer you hoped for however I feel it is what is expected. I suggest you step back and consider if this was our proposal, would you believe it to be reasonable.

Until this matter is resolved our plans are on hold therefore I would be grateful if you could advise us if you intend to proceed with your resource consent application.

Regards,


[Quoted text hidden]