

DCC

14 NOV 2016

DUNEDIN CITY  
COUNCIL

Kaitiaki a-rere o Otepoti

## 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-2016-481

Site Address:

1069 Highcliff Road, Dunedin

Applicant: Alison Charlton

Description of Proposal:

Resource consent is sought to authorise residential activity on the site at 1069 Highcliff Road, Dunedin. The Site comprises 8.3ha and the minimum lot size for residential activity in the rural zone is 15ha. The application is a non-complying activity.

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

Your Full Name: Gerald Hardie Newbury

Address for Service (Post Office Box):

ON Behalf of my son Jason who is overseas.

Post Code: 9077

Telephone:

Facsimile: N/A

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:

1069 Highcliff Rd To give Resource Consent To  
authorise Residential activity on the site.

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

on speaking with Jason.  
My son does not have any objection to  
this application as he does not think it  
will adversely have a detrimental effect  
for him or the area if this proceeds.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]:Is to approve that resource consent is  
given.

Signature of submitter:

(or person authorised to sign on behalf of submitter)

Date:

7/11/16

## Notes to Submitter:

**Closing Date:** The closing date for serving submissions on the Dunedin City Council is Friday 25 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 Alison Charlton C/O 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](mailto: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.



**DUNEDIN CITY**  
COUNCIL  
Kaurihera-a-rohe o Otepoti

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

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

**Resource Consent Number:**

LUC-2016-481

**Site Address:**

1069 Highcliff Road, Dunedin

**Description of Proposal:**

Resource consent is sought to authorise residential activity on the site at 1069 Highcliff Road, Dunedin. The Site comprises 8.3ha and the minimum lot size for residential activity in the

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

Your Full Name: GILBERT & LYNN SAMUELS

Address for Service (Postal Address):

[REDACTED]

Post Code: 9077

Telephone:

[REDACTED]

Facsimile:

Email Address:

[REDACTED]

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. YES  
(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:**

OBJECT TO SUBDIVISION OF UNDERSIZED RURAL ALLOTMENT

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

SEE OVERLEAF

RECEIVED

15 NOV 2016

BY:

[Signature]

**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]:

DECLINE THE SUBDIVISION

**Signature of submitter:**

[Signature]

**Date:** 14.11.2016

(or person authorised to sign on behalf of submitter)

**Closing Date:** The closing date for serving submissions on the Dunedin City Council is Friday 25 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 Alison Charlton C/O 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](mailto: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

Quoting 13 properties within a kilometre of the proposed subdivision does not indicate when these properties were built e.g. 59 Camp Road was built in 1989, 1027 Highcliff Road was built in 1910. This was before the PCOLA was instigated.

1069 Highcliff Road was the final block of the former Morris family farm, which has been subdivided under the PCOLA rules - a minimum of 15 h.a. 1069 was purchased with the larger amount of land as it was not possible to subdivide further.

A. change of personal circumstances is not a valid reason to allow this development.

Previous non compliant buildings have been allowed, against DCC planning department advice, and both were submitted by property developers who ticked all the boxes, got consent and sold up - contributing nothing to the settlement. There are still sections within the settlement area that have not been developed.

Resource consent has previously been used as a Trojan horse, a small house proposed in the application, the land is then sold with resource consent, and the new owner then applies to put a much larger property on the section.

**From:** [Craig.wv@gmail.com](mailto:Craig.wv@gmail.com)  
**To:** [resconsent.submission@dcc.govt.nz](mailto:resconsent.submission@dcc.govt.nz)  
**Subject:** Resource consent application submission - 566231  
**Date:** Monday, 21 November 2016 11:15:16 a.m.

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This resource consent application submission has been made via the Council website on **21 Nov 2016 11:09am**. The details are listed below.

## Personal information

**Name** Craig Werner

**Address**

**Contact  
phone**

**Fax**

**Email  
address**

## Submission details

**Consent  
number** LUC 2016 481

**Position** I oppose this application

**Wish to  
speak?** Yes

**Present  
jointly to  
hearing?** No

**Parts of  
application  
that  
submission  
relates to** Amenity values, visual impact Landscape character Cumulative effects

**Reasons  
for  
submission** Application doesn't detail structure numbers or location or visibility. Claim of "low levels of impact" is unsupported by evidence. Location appears to be high on the slope, visible from all lower roads. The peninsula is of course a tourism route. Visibility on an ONL on an undersized site that is not contiguous with a Pukehiki house is inappropriate development. Being close can just be likened to sprawl and provides no visual relief. More than minor impact on the env. And contrary to plan results. Cumulative effects will be more than minor, and even the application states that they will only be "unlikely". Statement regarding "density anticipated for the area" is erroneous. What is anticipated, IS THE PLAN being honoured, of course. The community does not anticipate replication of past inappropriate development such as the 10 other undersized developments cited in the application.

**Desired  
decision** Decline approval





**DUNEDIN CITY**  
**COUNCIL**  
*Kaitiaki-a-rāke o Ōtepoti*

# **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-2016-481 **Applicant:** Alison Charlton  
**Site Address:** 1069 Highcliff Road, Dunedin  
**Description of Proposal:** Resource consent is sought to authorise residential activity on the site at 1069 Highcliff Road, Dunedin. The Site comprises 8.3ha and the minimum lot size for residential activity in the rural zone is 15ha. The application is a non-complying activity.

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

Your Full Name: Laura Marie O'Brien

Address for Service (Postal Address):

Post Code: 9077

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:**

1.1 Description of Site - not "complying" rural properties

5. Section 104D - notion of "True Exception"

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

1.1 My property, [redacted], is one of 13 properties described as a non "complying" rural property. My 10ha block and Title were drawn up June 18, 1900. To say my property size is "non compliant" is quite ridiculous.

Section 104D - I too am separating from my partner and located on the fringe of the township. By granting consent, I believe the Council will be creating an "undesirable precedent". I am surrounded by properties that have been given consent for dwellings on less than 15ha, why can't I?

## **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]:

Decline

**DCC**

23 NOV 2016

Business Information  
Services

**Signature of submitter:**

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

**Date:**

20/11/16

### **Notes to Submitter:**

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**From:** [hvrilawrence@slingshot.co.nz](mailto:hvrilawrence@slingshot.co.nz)  
**To:** [resconsent.submission@dcc.govt.nz](mailto:resconsent.submission@dcc.govt.nz)  
**Subject:** Resource consent application submission - 566464  
**Date:** Wednesday, 23 November 2016 07:39:40 p.m.

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This resource consent application submission has been made via the Council website on **23 Nov 2016 7:39pm**. The details are listed below.

## Personal information

**Name** Hannah & Richard Lawrence

**Address** [REDACTED]

**Contact phone** [REDACTED]

**Fax**

**Email address** [REDACTED]

## Submission details

**Consent number** LUC-2016-481

**Position** I oppose this application

**Wish to speak?** No

**Present jointly to hearing?** Yes

**Parts of application that submission relates to** We oppose the granting of resource consent at 1069 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 huge number of people would find deeply undesirable and (d) it would have an adverse effect on our own property.

The section is zoned Rural – Livestock and is only just over half of the size allowed by the District Plan for construction of a dwelling. 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 precisely because it is rural. The application claims that the land is on the outskirts of Pukehiki village but in fact it is outside the village boundaries and is visually clearly farm land rather than part of the village. Further housing would look out of place amongst the farm land. It is also quite visible from a number of public viewpoints. You can see from the photographs included in the geotech report just how rural and beautiful the area is and that it looks nothing like part of a village. The land is part of the Peninsula Coast Outstanding Landscape Area. This zoning is in place precisely to protect its

**Reasons  
for  
submission**

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 slip 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, so they can all be considered to be wrongly issued. 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. We paid a premium to achieve this. We also left our previous lifestyle property in South Otago because the Clutha District Council illegally issued a non notified resource consent for a large milk powder factory on our neighbour's land. We expected that when we moved to Pukehiki we could trust the council to follow the laws set out in the District Plan and protect the special landscape around us. The adverse effects which would result from allowing this application for us would be increased noise, increased traffic, unsightly buildings as opposed to views of paddocks and stress caused by the reduction in enjoyment of our own property. It could also reduce the value of our own property. 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. Another

local building had to plant trees as a condition of their consent, which have since died due to lack of maintenance. 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**

To decline the application in its entirety 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 huge number of people would find deeply undesirable and (d) it would have an adverse effect on our own property.

**From:** [REDACTED]  
**To:** [resconsent.submission@dcc.govt.nz](mailto:resconsent.submission@dcc.govt.nz)  
**Subject:** Resource consent application submission - 566507  
**Date:** Thursday, 24 November 2016 11:50:43 a.m.

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This resource consent application submission has been made via the Council website on **24 Nov 2016 11:50am**. The details are listed below.

## Personal information

**Name** John Wells

**Address** [REDACTED]

**Contact phone** [REDACTED]

**Fax**

**Email address** [REDACTED]

## Submission details

**Consent number** LUC-2016-481

**Position** I oppose this application

**Wish to speak?** No

**Present jointly to hearing?** Yes

**Parts of application that submission relates to** Exemption from minimum size of titled land so as to create a smaller title and building permission.

**Reasons for submission** My own property was mentioned as a similar below 15 hectare titled example, whereas in fact the building consent for my property building was issued before the rules to build were changed, and have been in place since somewhere around 1996 or 1997. If that consent had not been granted by the date the rules changed then I would not have been permitted to build as my title applies to a smaller area than is now the case. Any comparison of my property building with this application therefore is irrelevant, as the rules are different now. I built when it was (just) possible to legally do so, and I would not have bought and built if the now current rules were in place, so I knew the rules were changing and acted accordingly. This does not constitute an equivalence to this application for LUC-2016-481, and I object to the suggestion that my situation is the same. My southern boundary is right against the Pukehiki Rural Residential township, so is effectively part of the village by location, not far out alone on the hillside as the applicant is attempting.

**Desired** The applicant from LUC-2016-481 bought their property knowing the limitations it implied, and to wish to bend the rules now because of changed circumstances doesn't seem a convincing reason why the 15 hectare rule

**decision**

title/building ruling should be changed just for this situation. The current ruling had a purpose which I gather was to prevent rampant subdividing of rural land and which could have littered this Area of Outstanding Beauty with houses and could have demanded further services from the DCC.

**From:** [REDACTED]  
**To:** [resconsent.submission@dcc.govt.nz](mailto:resconsent.submission@dcc.govt.nz)  
**Subject:** Resource consent application submission - 566589  
**Date:** Thursday, 24 November 2016 08:46:53 p.m.

---

This resource consent application submission has been made via the Council website on **24 Nov 2016 8:46pm**. The details are listed below.

## Personal information

**Name** Michel de Lange

**Address** [REDACTED]

**Contact phone** [REDACTED]

**Fax**

**Email address** [REDACTED]

## Submission details

**Consent number** LUC-2016-481

**Position** I oppose this application

**Wish to speak?** Yes

**Present jointly to hearing?** Yes

**Parts of application that**

**submission relates to** Building a house on an undersized rural plot on Otago Pensinsula.

**Reasons for submission** The district plan requires that -for residential building- a rural site should be at least 15HA in size. I think that deviating from this rule would set a bad precedent. Otago Pensinsula should be kept free of urban sprawl, and of more and more building. The dissolution of a partnership is not a good reason for deviating from this rule, or a good basis for planning decisions. This is because the consequences of such decisions will be with us long after the people to whom it was useful may have gone.

**Desired decision** That the application be declined, and the 15HA rule properly enforced.

**From:** [REDACTED]  
**To:** [resconsent.submission@dcc.govt.nz](mailto:resconsent.submission@dcc.govt.nz)  
**Subject:** Resource consent application submission - 566649  
**Date:** Friday, 25 November 2016 02:35:45 p.m.

---

This resource consent application submission has been made via the Council website on **25 Nov 2016 2:35pm**. The details are listed below.

## Personal information

**Name** Norcombe Barker

**Address** [REDACTED]

**Contact phone** [REDACTED]

**Fax**

**Email address** [REDACTED]

## Submission details

**Consent number** LUV-2016-481

**Position** I oppose this application

**Wish to speak?** No

**Present jointly to hearing?** Yes

**Parts of application that submission relates to** Outside the rules: Subdivision of an undersized lot. Residential activity in an outstanding landscape zone.

**Reasons for submission** This application is against the district plan rules. The area is fast changing from a beautiful rural area to an urban suburb. The cumulative effect of the continual allowance of subdivisions is destroying what makes the Peninsula special. Once the rural fabric is gone as an effect of the decisions, it can never be brought back.

**Desired decision** Decline the application.

**From:** [nbarker@larnachcastle.co.nz](mailto:nbarker@larnachcastle.co.nz)  
**To:** [resconsent.submission@dcc.govt.nz](mailto:resconsent.submission@dcc.govt.nz)  
**Subject:** Resource consent application submission - 566658  
**Date:** Friday, 25 November 2016 03:23:41 p.m.

---

This resource consent application submission has been made via the Council website on **25 Nov 2016 3:23pm**. The details are listed below.

## Personal information

**Name** Norcombe Barker

**Address** [REDACTED]

**Contact phone** [REDACTED]

**Fax** [REDACTED]

**Email address** [REDACTED]

## Submission details

**Consent number** LUC-2016-481

**Position** I oppose this application

**Wish to speak?** Yes

**Present jointly to hearing?** No

**Parts of application that submission relates to** Outside the district plan rules

**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. 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 are asking that the rules of the district plan are followed and the application is declined.

**Desired  
decision**

Decline the application.



**DUNEDIN CITY**  
**COUNCIL**  
*Kaunhera-a-rohe a Otago*

### 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-2016-481 **Applicant:** Alison Charlton  
**Site Address:** 1069 Highcliff Road, Dunedin  
**Description of Proposal:** Resource consent is sought to authorise residential activity on the site at 1069 Highcliff Road, Dunedin. The Site comprises 8.3ha and the minimum lot size for residential activity in the rural zone is 15ha. The application is a non-complying activity.

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

Your Full Name: MS QUENTIN FURLONG and DR MICHAEL FURLONG

Address for Service (Postal Address):

Post Code: 9077

Telephone:

Facsimile: N/A

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)

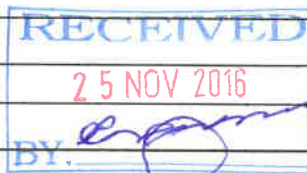
Please use the back of this form or attach other pages as required

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

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 J M Furlong  
(or person authorised to sign on behalf of submitter)

**Date:** 25 Nov 2016

#### Notes to Submitter:

**Closing Date:** The closing date for serving submissions on the Dunedin City Council is Friday 25 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 Alison Charlton C/O Allan Cubitt, Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012.

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Objections:

1. The area is a Peninsula Coast Outstanding Landscape Area. (OLA) We are adjoining landowners. The proposed house site is quite prominent and high on Peggy's Hill which is the second highest peak on the Otago Peninsula. It will be the only house actually 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 and smoke spill. I have attached 3 photographs showing the clear and far-reaching visibility of the proposed dwelling location from: 1. And 2. Public view- Highcliff Road at Buskin Road and 3. Private view- from our land. This dwelling will be visible from our property, although not from our home. (Please note the photo of the view from Highcliff Rd at Buskin Rd provided in the applicant's resource consent application does **not** show the proposed dwelling site in the view photographed.)
2. Minimum 15.0ha rule, soon to be 40.0ha rule: The DCC's long term planning for the Otago Peninsula is on a clear path for lesser 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 into undersized properties (<15ha) in Peninsula Coast OLA areas. We think this potential residential density creep should be prevented.
3. Personal circumstances and family relationships are unpredictable and should not be factored in when considering permanent land use outcome for this property. Approval of this resource consent application would effectively allow a subdivision and property development with two distinct non- complying residences on two distinct titles in perpetuity, regardless of the configuration of who is resident in each. At present, the property is listed as jointly owned on the DCC rates plan. The longtime previous owner sold off parcels of his original farm in 15.0 ha + sections. Then he sold this property which was previously listed only as 1075 Highcliff Rd and included Lots 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. The application states that Allan Hamilton, who it should be noted is a local real estate agent who has been and is involved with property sales in the Pukehiki area, will become the sole owner of 1075 Highcliff Rd and designates 1069 Highcliff as Alison Charlton's property. This effectively is a subdivision of one complying dwelling/property on two Lots into two non-complying activities on two Lots. By allowing this subdivision it appears 1075 Highcliff Rd, would itself become non-complying with the 15.0Ha restriction. It is interesting to note that the applicants include Lot 1 of their property- 1075 Highcliff Rd as an example of a dwelling allowed on less than 15Ha, and yet this will not be the case unless this application is granted.

**Summary:**

We believe the DCC needs to back up its own rules and policies in a consistent fashion and not allow exceptions to the Peninsula Coast OLA designations and the 15.0ha rule (or the 40.0Ha rule once that is in force.) Rural and OLA are being encroached upon more and more every year and Otago Peninsula property owners choose to purchase and live here with a clear understanding of these restrictions. Any number of rationalisations from paid 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





VIEW of Proposed Building Site from M11/117 Rd at Bushin Riv.

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VIEW OF PROPOSED BUILDING SITE FROM FULCON PROPERTY



**Laura Mulder**

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**From:** Save The Otago Peninsula Incorporated-Society <stopincsoc@gmail.com>  
**Sent:** Friday, 25 November 2016 04:05 p.m.  
**To:** resconsent.submission@dcc.govt.nz  
**Subject:** LUC-2016-481  
**Attachments:** Submission 1069 Highcliff Rd,.docx

Please find attached submission from STOP Inc

--

Lala Frazer  
For Save The Otago Peninsula (STOP) Inc Soc  
P O Box 23, Portobello, DUNEDIN 9048, New Zealand  
Contact Phone: [REDACTED]

### 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-2016-481

**Applicant:** Alison Charlton

**Site Address:** 1069 Highcliff Road, Dunedin

**Description of Proposal:** Resource consent is sought to authorise residential activity on the site at 1069 Highcliff Road, Dunedin. The Site comprises 8.3ha and the minimum lot size for residential activity in the rural zone is 15ha. The application is a non-complying activity.

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

Your Full Name: Save The Otago Peninsula (STOP) Inc Soc.

Address for Service (Postal Address): PO Box 23, Portobello, Dunedin Post Code: 9048

Telephone: [REDACTED] Facsimile: \_\_\_\_\_

Email Address: stopincsoc@gmail.com

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:

1. Subdivision of an undersized lot in the Rural Zone
2. Residential activity an Outstanding Landscape Area
3. 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 the application.

Should the councillors decide to approve the application, then place strict conditions relating to reducing visibility and relating the screening revegetation to adjoining bush including the Covenant, and place time frames including monitoring

Signature of submitter: Lala Frazer, for Save The Otago Peninsula Inc Soc Date: 24 November 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 25 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 Alison Charlton C/O 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](mailto: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.

It is noted that by subdividing off this section, the other section of the current jointly owned block will automatically also become undersized (1075 Highcliff Rd 11.3697 ha)<sup>1</sup> It is therefore not clear, even though it is a separately rated section, why the subdivision application does not apply to the whole block?

### **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.

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<sup>1</sup> Note: This is the size according to the DCC ratings map. In the Application it is given as 11.46 ha. Either would be undersize.

Before drawing up the 2<sup>nd</sup> 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.

## **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, will take a minimum of 10 years to shield the sight of the house both from the road and from surrounding properties.

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 pertaining to a relationship change. This in STOP's view is an inappropriate reason to argue for a subdivision and could lead to an unintended precedent whereby a marriage settlement was 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.