

SUBMISSION FORM 13

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

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

Resource Consent Number: SUB-2017-74, LUC-2017-407, 2017-548, LUC-2017-555

Applicant: A W and S J Montgomerie

Site Address: 34 Gorman St, Macandrew Bay, Dunedin, being that land legally described as Part Section 69 Block II Otago Peninsula Survey District (Computer Freehold Register OT271/67)

Description of Proposal: Resource consent is sought to subdivide an 18.49 hectare Rural Zoned site into 3 lots. One lot will contain an existing dwelling with access from Gorman St. The other lots are to have building sites with access from Porterfield St. Land use consent is sought for residential activity on each of the proposed lots.

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: 478 0339 or 027 8756 020 Facsimile: _____

Email Address: stopincsoc@gmail.com

I/We would like our contact details to be withheld: **NO**

I/We Am/Am Not (delete one) a trade competitor for the purposes of Section 308B of the Resource Management Act 1991

Trade Competitors **only**:

I Am/Am Not (delete one) directly affected by an effect of the subject matter of the submission that –

(a) Adversely affects the environment; and

(b) Does not relate to trade competition, or the effects of trade competition

Note: if you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

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: (give details)

The subdivision itself, which does not comply with the District Plan.

The size of the lots proposed and the precedent this sets.

The cumulative effect of more residences above the current suburb on the overall landscape.

The lack of proof that the new residences can be independent of Council infrastructure

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

Save the Otago Peninsula Inc Soc (commonly known by its acronym, STOP) is a 37 year old incorporated society that serves to address issues, especially those relating to conservation and landscape issues on the Otago Peninsula and around the Harbour.

Introduction and Background

In the past couple of years the Society has joined local environmental groups on both sides of the Harbour, tourism operators, and concerned individuals to form the informal Harboursides Coalition, to protect and promote what has been consistently recognised as an outstanding and valued backdrop to the city in the form of a stunning skyline surrounding the harbour with green hillsides, rather than residences, flowing down to the suburbs along the edges of the Harbour itself. This recognises amenity values that emphasise the importance of the predominance of natural over human features that is valued by both local residents and visitors to the city. In the 2GP this has further been emphasised by creating the Rural Hill Slopes Zones and being given the status of a Significant Natural Landscapes overlay. For this reason alone, the Society is unwilling to endorse further unnecessary residential building above existing housing.

It is therefore somewhat of a shock to read (2.3) the Cubitt Consulting statement that, while it is acknowledged that under the Resource Management Act (RMA) Section 7f local authorities are required “to have particular regard” to the “maintenance and enhancement of amenity values”, Cubitt considers that “it is not appropriate to retain the status quo **purely for landscape reasons**”. (Bolding added) This to our way of thinking disregards the reason for developing District Plans, and decisions that disregard the reasons for those rules and allow such exceptions, lead to a dangerous precedent.

While it is argued that the proposal, by siting the proposed new residences low on the block, behind Porterfield and Wharfedale Streets, will retain that open nature in the upper parts, it puts that at risk by providing a precedent for **significantly** undersized lots (**2 lots of only 2ha**) adjoining neighbouring properties which will allow future owners to further subdivide the upper areas, because they will by then be adjacent to residential structures.

The property is zoned Rural in the Dunedin City District Plan. Subdivision in the Rural Zone is a restricted discretionary activity provided that each resulting site has an area of at least 15ha [Rule 18.5.1(i)]. The proposed subdivision into two 2ha sites and one 14.49ha site makes it significantly non-complying. (The proposed District Plan – commonly referred to as the 2nd Generation Plan (2GP), in which the area is zoned Rural Hill Slopes, raises the bar further and makes subdivision non-complying for an area less than 25ha.)

Given that residential activity is similarly restricted to sites of a minimum of 15ha [Rule 18.5.2], the proposal of an additional two houses to the existing house is again non-complying [Rule 6.5.7(i)]. This remains unchanged in the 2GP.

Across the Otago Peninsula there appears to be a concerted attempt to undermine the District Plan rules to allow residences on rural blocks which are of a minimum size of 15ha. Each one that is approved, leads to a precedent that can then be quoted by other applicants and while the initial ones may seem to have minimal effect, in our opinion it is the cumulative effect that needs to be considered. The case here is argued in isolation and does not take into consideration the effect if this precedent is then used to argue for further subdivision of 15ha blocks into smaller lots. Also, once a lot is under 15h it becomes easier to argue that it should be allowed to be split up into further 2h house lots, using the precedent of this subdivision which creates two 2ha lots.

No reason is offered for this subdivision into non-complying lots, that could make this into an exception.

The Effects on Amenity (Section 2.2)

The Society disagrees with the statement that “the proposal integrates well with the existing environment”. (Section 2.2, p 4)

The admission (Section 2.2, p 5) that the current un-used farm sheds on proposed Lot 3, “can be used for a range of activities that one might expect to find on a farm property” and that the, “Use of farm sheds can generate a range of amenity effects including noise, glare and odour”, combined with the admission that “However that does not mean that the buildings will remain unused if the property remains as is”, should acknowledge that extra farm buildings are allowed as of right on 15ha blocks. This will presumably **also** apply to the proposed 14.95ha lifestyle block. (In Section 2.7, p 8, Cubitt asserts that Lot 3 is essentially a complying rural allotment.) So, the subsequent statement that, “Effects from the site under domestic residential use are likely to be less offensive than farm related amenity effects” is nullified.

Given that the neighbours were not consulted, Mr Forsyth's belief that the removal of the pine shelterbelts will be of benefit to them "on the basis that *"the level of sunlight and air circulation will increase significantly and the level of dampness and frost is expected to drop"* (Section 2.2, p5), may well be disputed by the neighbours. After all, shelterbelts - whether they be exotics or natives - are normally planted as wind breaks. Given the height of the area in question, the fact that it is above and behind and not east or west of the neighbouring properties, the reduction of sunlight to neighbouring properties would in our opinion be minimal. As is recognised in the previous paragraph, "the focus and view from the adjoining properties is likely to be more north west- west across the harbour and away from the property behind them" and the Landscape Report admits that the purpose of removal of the pines is more to enhance the view from the proposed building platforms, rather than to provide a positive outcome for the neighbours. Will they now receive more southerly winds instead? In Section 2.10, p 9, the pines are referred to as "nuisance trees" but no reason for this is given. In the Landscape Report, the pines are referred to as being removed as a "potential health and safety issue" (Section 6.6) again with no actual health and safety reason, and to "increase the amount of morning sunlight in the lower gully area on the south/west boundary" rather than to the neighbours who are on a slope below the pines so would be unlikely to gain any such benefit.

Overall, STOP disagrees with Cubitt Consulting's conclusion that the adverse effects on amenity values of the area will be less than minor.

Landscape Effects (Section 2.3)

While this may not be a designated Outstanding Landscape Area, it is in the Society's view an extremely important one for the reasons given above.

The Society's views are echoed when quoting the current District Plan, on the "landscape conservation area" within which most of the area under question falls, as such "*....areas which have particular impact on landscape quality due to high levels of visibility from major public viewing locations and/or the presence of particular landscape character and values.*" The next sentence quoted as being "*..**generally** the higher land visually containing the most densely settled urban and rural area of Dunedin*", (bolding added) obviously does not apply here and the different nature of the Rural Hill Slopes in the 2GP has been recognised in the rezoning, rather than lumping it in with the city hill suburbs.

The Landscape Architect's report that forms part of the application states clearly "The views from the north/west side of the Harbour Channel indicate that the northern and mid to upper slopes are **widely visible** from different viewpoints along the coastline." (bolding added) Views from within Macandrew Bay and the surrounding slopes repeatedly refer to the pine shelterbelts restricting the views – but it is intended to remove these, and proposed native plantings will not have the same screening ability for a number of years, if ever, because landowners in our experience tend to favour their own views over those of others and plant or prune trees to achieve this.

As noted above, we consider Cubitt's assertion that "it is not appropriate to retain the status quo purely for landscape reasons", (Section 2.3, p 6) surprising, and disagree.

STOP considers that by assessing the landscape effects of **only** this property there is a danger of disregarding the cumulative effects of such residential subdivisions on the landscape values of the neighbouring hill slopes on both sides of the Harbour which could be created by this precedent of allowing upward creep of the built environment. The society believes that the role of the Commissioner is to look at the wider picture and the long-term effects. In particular, the overall objectives of the District Plans need to be taken into consideration.

Transportation (Assessment matters 6.7.24, 20.6.1, 20.6.5, 20.6.7, and 20.6.10)

It is argued (Section 2.4, p.7) that two more houses accessed from the end of Porterfield St will have no noticeable effect. Given that every new house that is added adds at least one new vehicle movement (and in our experience from new buildings occurring in Company Bay, generally adds **two** more vehicles), that statement minimises the effect on this very steep narrow street. (It is referred to in the document as a full width street, but anyone who has

tried to turn at the top will be aware that this is painting a somewhat rosy picture.) Not only that, but it also minimises the effect of adding 2-4 more vehicles to the Portobello Road – the only route into town.

Provision of water supply and disposal of stormwater and sewage (Assessment matters 6.7.10 and 21.6.5)

New houses generally add further strain on already stressed stormwater drains into the Otago Harbour. Unfortunately, new houses generally tend to come with an increased area of hard surfaces around the new dwelling which increases the problem of water runoff – whether to stormwater drains or adjoining properties.

It is argued (Section 2.5, p 7) that disposal of stormwater and sewage can be managed on site. It is suggested that “on-site servicing is proposed for domestic water supply and the disposal of stormwater and sewage”.

It is of interest to discover from the Landscape Report that this is **not** already happening in the proposed 2h lot surrounding the existing house, which is in fact connected to water and waste, although further away from the neighbouring properties than the proposed new buildings. It therefore does not provide an example of the viability of such independent systems, one of them on only a 2ha site, and both the two new proposed building sites are lower than the existing site, and will therefore be closer to the neighbours below, with potentially less suitable area to dispose of excess water and effluent. (Landscape Report Section 7.2)

It is noted that Council in a letter dated 30 August 2017, queried the location of the proposed effluent and stormwater disposal fields and whether they can comply with proximity to watercourses. Given that a significant stream passes through the back yards of a number of the houses in Porterfield St, this is a not insignificant consideration. This issue has not been addressed in the reply to the letter from Council.

District Plan Policy Framework

STOP disagrees with the conclusion (section 3.5, p11) that the proposal is not inconsistent with the policy framework of the District Plan nor with the 2GP. In particular, there is no consideration of the setting of precedent.

Section 104D of the Act and the “True Exception” Test.

STOP argues that the proposal is contrary to the policy framework of both the current and proposed District Plans and therefore is not a “True Exception”. The Society considers that given the fact that there are a number of similar lifestyle blocks above the harbourside suburbs, this application could create a precedent that could in fact imperil the Plan integrity.

I/we seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

The Society wishes the Commissioner to decide against approving the application, given that it does not comply with the District Plan nor the Proposed District Plan and it will provide a precedent that will encourage significantly undersized lots being created from rural lots which will in turn undermine the integrity of the District Plan.

If granted, it will encourage further undesirable residential creep up the Hill Slopes on the sides of the Harbour.

The application has not provided a reason to create an exception in this case that would not set a precedent.

The assertion that the proposed new residences will not have an effect on Council infrastructure (stormwater, wastewater, and transport) or neighbourhood amenity has not been proven.

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)

Pursuant to Section 100A of the Resource Management Act 1991:

I request that you delegate your functions, powers, and duties required to hear and decide the application to 1 or more hearings commissioners who are not members of the Council **YES NO** (tick one)

Note: If you make a request under Section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: _____ Date: _____
(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 Wednesday 29 November 2017 at 5pm. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is C/O Cubitt Consulting Limited, 11 Bedford Street, St Clair, Dunedin 9012.
.allan@cubittconsulting.co.nz

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

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the notified resource consent process.

Amy Young

From: Lorna Jackson
Sent: Monday, 27 November 2017 09:56 a.m.
To: Lorna Jackson
Subject: FW: Resource consent application submission - 629282

From: craigwerner.ww@gmail.com [<mailto:craigwerner.ww@gmail.com>]
Sent: Saturday, 25 November 2017 3:21 p.m.
To: Resource Consent Submissions
Subject: Resource consent application submission - 629282

This resource consent application submission has been made via the Council website on **25 Nov 2017 3:20pm**. The details are listed below.

Personal information

Name Craig Werner
Address
Contact phone
Fax
Email address

Submission details

Consent number SUB2017-74,LUC2017-407,LUC2017-548,LUC2017-555

Position I oppose this application

Wish to speak? Yes

Present jointly to hearing? No

Parts of application that submission relates to Environmental Effects; Plan policies and objectives; Plan integrity; Precedent.

Reasons for submission

ENVIRONMENTAL EFFECTS Landscape Visual Impact-----The development will have a moderate to significant negative effect on neighbors, the surrounding locale, and residents across the harbour who will see residences and ancillary structures creeping up the hillside, and the blurring of the sharp urban-rural boundary. Rural Amenity--- The predominance of the natural features will be lost. What will also be lost to a degree is the locals enjoyment of having a Rural area adjacent to those residents of Macandrew Bay. While most home buyers choose to buy a particular house because of the structure and garden features, many Dunedin residents choose the proximity of natural environments and views in villages similar to Macandrew Bay. They can see the possibility of perhaps a paddock walk, with one phone call to the single owner granting permission. As that adjacent rural landscape becomes fragmented into undersized lifestyle blocks, the possibility of that sort of natural encounter right in their village neighbourhood is greatly diminished. Cumulative Effects--- This proposal will add to the lifestyle dwelling

fragmentation of the upper slopes surrounding the Otago Harbour. Rural Residential in this area already allowed in our zoning already places the landscape area at a cumulative tipping point. PLAN POLICIES AND OBJECTIVES--- The magnitude of the discrepancy between the proposed 2 ha sites and those allowed, permitted sizes of 15 or 20 ha constitutes a repugnant contrariness to the Plan. PLAN INTEGRITY---- The creation of 2 ha Rural Residential sites in this Rural zone threatens Plan integrity, as this sort of Proposal is only appropriate as a "Plan Change", or what could have been a submission for a change to the 2GP during that process a very short time ago. PRECEDENT--- Fragmentation of the Rural zone unless so minor (i.e. 14 ha instead of 15 ha) , or unless a 'true exception' is present, sets a precedent and alters developer expectations regarding the Dunedin Plan. This consent application is no exception, and follows the well established pattern of applicants 'gaming' the District Plan for personal financial gain.

Desired decision Decline consent.

Privacy statement acknowledged Yes

Supporting documents

No file uploaded - file name

No file uploaded - file name

Amy Young

From: Lorna Jackson
Sent: Monday, 27 November 2017 09:56 a.m.
To: Lorna Jackson
Subject: FW: Resource consent application submission - 628792

From: shag.inc@orcon.net.nz [<mailto:shag.inc@orcon.net.nz>]
Sent: Monday, 20 November 2017 9:05 p.m.
To: Resource Consent Submissions
Subject: Resource consent application submission - 628792

This resource consent application submission has been made via the Council website on **20 Nov 2017 9:05pm**. The details are listed below.

Personal information

Name Regan and Sue Boucher
Address
Contact phone
Fax
Email address

Submission details

Consent number LUC-2017-407, LUC-2017-548 & LUC-2017-555

Position I support this application

Wish to speak? No

Present jointly to hearing? No

Parts of application that submission relates to All parts of every application.

Reasons for submission

We believe that this application for subdivision will provide other families the opportunity to experience the Otago Peninsula for what it offers with the bonus of a small parcel land. The subdivisions are of a good size which can not be further subdivided thus providing future protection of the area. Its nice to see applicants with thought, foresight and care for the environs seeking consent from the DCC unlike previous applications and consents eg. the Mission Cove development. These sections will have little to no visual impact or effect on the wider Peninsula environment than what is already evident within the area's Macandrew Bay, Broad Bay and Company Bay areas. From reading the application careful consideration by the applicants has been applied, and subsequently supported by Mr Forsyth, with regard to the following: - Ensuring good native plantings and the removal of unsightly Pines which will assist with positively enhancing the current appearance of the area while also in turn providing a new environment for local wildlife. - Building structure heights, retaining walls and potential fencing, reflectivity

values and external lighting to ensure little to no impact on the area. The granting of this application will also provide potential positive spin off's for other properties within the area enhancing property values and from what also appears to be good use of unproductive land. This application should be considered with the view of granting as it is no different to the other side (Port Chalmers, St Leonards, Maia, Roseneath areas etc) where consents have been granted for building in rural zoned areas. In summary we wholeheartedly approve of this application as RESIDENTS of the area and see no reason for the forward looking council to refuse such application.

Desired decision Agree to DCC consenting to the submission.

Privacy statement acknowledged Yes

Supporting documents

No file uploaded - file name

No file uploaded - file name



DUNEDIN CITY
COUNCIL
Kaunihera-a-rohe o Otago

SUBMISSION FORM 13

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

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

Resource Consent Number: SUB-2017-74, LUC-2017-407, LUC-2017-548 and LUC-2017-555 **Applicant:** A W and S J Montgomerie
Site Address: 34 Gorman Street, Macandrew Bay, Dunedin being that land legally described as Part Section 69 Block II Otago Peninsula Survey District (Computer Freehold Register OT271/67)
Description of Proposal: Resource consent is sought to subdivide an 18.49 hectare Rural Zoned site into 3 lots. One lot will contain an existing dwelling with access from Gorman St. The other lots are to have building sites with access from Porterfield St. Land use consent is sought for residential activity on each of the proposed lots.

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

Your Full Name: SANET COX

Address for Service (Postal Address): 37, WHARFDALE STREET,

MACANDREW BAY

Post Code: 9014

Telephone: 021 4500 37 Email Address: SANETCOXONF@GMAIL.COM

I would like my contact details to be withheld: Yes ☐ No ☐ (tick one)

I Am/Am Not (delete one) a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Trade competitors **only:**

I Am/Am Not (delete one) directly affected by an effect of the subject matter of the submission that—

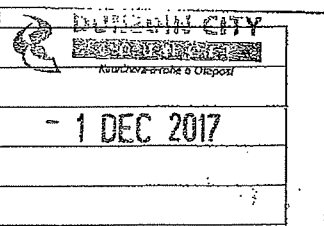
- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: Support/Neutral/Oppose this Application (choose one)

The specific parts of the application that this submission relates to are [give details]:

PINE TREE REMOVAL



Please attach other pages as required

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

I HAVE NO PROBLEM WITH THE PINE TREES BEING
REMOVED. THEY WILL CONTINUE TO GROW AND WILL HAVE
TO BE REMOVED IN THE FUTURE AT SOME STAGE.

I HAVE NO OBJECTION TO THE SUBDIVISION.

PLEASE TURN OVER

Please attach other pages as required

I seek the following decision from the Council (give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought):

Please attach other pages as required

I: **Do/Do Not** wish to be heard in support of this submission at a hearing (delete one)

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

Yes ☒ No ☐ (tick one)

Pursuant to section 100A of the Resource Management Act 1991:

I request that you delegate your functions, powers, and duties required to hear and decide the application to 1 or more hearings commissioners who are not members of the Council Yes ☐ No ☐ (tick one)

Note: If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter:

(or person authorised to sign on behalf of submitter)

Date:

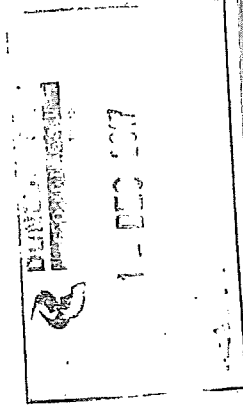
30/11/17

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Wednesday, 29 November 2017 at 5pm. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is C/O Cubitt Consulting Limited, 11 Bedford Street, Dunedin 9012; allan@cubittconsulting.co.nz.

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

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



HI AMY,
 THIS WAS IN MY
 MAILBOX. I'M NOT
 SURE IF IT'S A COPY
 THAT YOU ALREADY
 RECEIVED, OR IF IT'S
 TOO LATE.
 -ALISTAIR M.

~~ALISTAIR MONTGOMERY~~

AMY YOUNG