

## **LUC-2016-245 and SUB-2016-45**

### **LANDOWNER EVIDENCE – LORETTA RICHARDSON**

The information provided below serves several purposes. Firstly, information expanding on the demand for residential development on the proposed sites is introduced. Secondly, expert evidence based on the landowner's experience is supplied in relation to a number of relevant matters. Lastly, several aspects of the Wouter's submission are addressed where these require correction.

#### **Demand for Proposed Sites**

This application is totally based on two young couples (as of today this has reduced to one young couple) who would like to complete the purchase of their section at Westacott Heights Dalziel Road (refer appendix pages 1 and 2). Attached also is a copy of the draft house layout design for the proposed dwelling on Lot 3 (refer appendix page 30).

Prior to having our last consent declined, these two couples had already signed sale and purchase agreements in the hope that the consent would have been approved. One of the couples had even paid the 1% deposit to ensure they were able to keep the site they had chosen. When they were informed of the decline decision the purchaser of Lot 19 (now proposed Lot 3) contacted the ODT immediately to let them know how they felt, you may have read the ODT article at that time (refer appendix page 3). They inquired if we had appealed the decision, we confirmed that we had. However, because the 2gp hearings and process were down the track and the DCC suggested that we place the appeal on hold until after the 2gp hearings. We also took on board clause 19 of the decline report which the committee indicated was their preferred vehicle to make the changes to the density of the land use, rather than to approve the consent at that time.

We agreed to place the appeal on hold, but subsequently found out that the 2GP hearings and decision were stretched out until March 2017 and not September/October 2016 as we originally thought (refer appendix page 4).

This placed our purchasers and their plans on hold for too long and they felt they needed to have something positive happen sooner, so did we all, the applicant is also getting numbed by disappointment, and differing views of the DCC councillors and staff and needed to try and achieve a positive result for everyone. We did offer the already titled Lot 8 or Lot 9 to both couples, but they were too big for their wants and needs. Be assured we would not have embarked on this expensive exercise nor put ourselves in front of this DCC Hearings procedure so soon after the previous one, if we could have avoided it, and been able to sell an existing titled section to them.

I have attached a report from Nidd Realty Ltd confirming the current demand for residential sections (refer appendix page 29).

What is in front of the applicant and is providing the motivation for this Hearing is

1. a delay of some 10+ months before any result can be achieved from either the 2GP process or the Environment Court Appeal decision.
2. two excited and committed purchasers (now a single excited and committed purchaser) who have as much right to have options as to where they would like to live after a long time searching, have found an area in the Dunedin city urban area, the exact location where they want to build their new home. They have signed a sale and purchase agreement and paid their deposit and even when the RC was declined they still wanted to hang in and see what happened thereafter short term, and what the developer could do.

### **Comments in Relation to Submissions**

The occupiers of 31 Dalziel Road need to remember that their own property is zoned rural and is non-complying, yet they are enjoying their 2ha block of land within that rural zoning. Further they also had consented a very large garage which was not notified and perhaps should have been, as the land is zoned rural and they have non-complying side yards of 26m from the applicant's property. It can be assumed that the DCC took a pragmatic approach when consenting their building consent application, thus avoiding the time consuming and expensive notified resource consents as we are required to undertake. As their neighbouring property, it may have helped with this pragmatic decision for them by the DCC. Currently prior to the 2GP hearings and decisions, the 31 Dalziel Road property currently forms part of the subdivided rural non-complying block of land.

There is an irony to this opposition from 31 Dalziel Road, I must state very clearly is that these purchasers would not have been the owners of this property if they had not signed a clause in their sale and purchase agreement (refer appendix page 5) which stated that they cannot unreasonably object to any further subdivision. I believe that in all regards their opposition and obstruction has been more than unreasonable on all occasions.

Ms Hayes needs to be credible. Her horses are equestrian horses, they are accustomed to loud speakers (music and voice), children quiet or otherwise, dogs, floats and 4wd vehicles all the event day. Equestrian horses are not timid animals, and are totally comfortable around noise, they would be useless as an equestrian horse, if they balked at every sound. I watched the freestyle dressage at the Olympics recently, and they had the horses working their routine to music. The cross country had noise and people and obstacles during the event. Show jumping, obstacles, and noise all the time. So the reality is that once a horse hears a new sound, ascertains it is not a threat, it continues grazing.

There is always an underlying assumption that the occupier and tenant are the only ones that are responsible pet or horse owners, when the fact is, most people are responsible for their own pets care and safety, and love their pets dearly, as the applicant does too. There are 15 horses on our land; we personally have 2x broodmares, 2x weanlings, 2x 2 years old and a retired brood mare. Our tenant has 8 horses on the land, on paddocks by the driveway, and next to house construction and on the eastern boundary of 31 Dalziel Road.

This tenant enjoys the use of the Rietveld's sheds and yard, by using the only possible street access available, which is owned by the applicant. The applicant has given the tenant a lock combination, so that she can have the access whenever she requires it. I am unsure this illustrates as to the character and principles of a person, who can use another person's generosity on a daily basis, yet sits here again today, in opposition to the applicant. She also ventures onto the applicant property to assist a fellow horse owner (our tenant) and the applicant allows this without animosity. It is agreed that Ms Hayes has grazed this land for over 10 years, 4 of these as the tenant of the Wouters, and the tenant of the applicant for 6 years. Pictures paint a thousand words so here is a collage of photos of all horses on the land (refer appendix pages 6 and 7). I will also advise everyone that it is applicant's water that is used for her horses.

I am further bewildered why Ms Wouters cannot own animals because of houses on their boundary. Ms Wouters has had 4 years to own an animal and yet as I understand all she has at the moment is 3x shared sheep with her tenant. Please refer the photographs in refer appendix pages 8 and 9, her sheep and alpacas on the roadside paddock. This road has a speed of 70kph.

In respect of the mystery water supply, I am unsure why Ms Wouters thinks it is her business to know about the water supply for this property, but for everyone here today I can confirm that 37 Dalziel Road has a water tank, making the property self-sufficient. Again another mischievous comment made without being informed, and thinking always the worst of the applicant, and the properties on the subject land.

Ms Wouters needs to advise this hearing that they at 31 Dalziel roads have a septic system. And if she reads the consent application document more carefully she will have read that these sections and in fact all sections on the applicants site will be reticulated. This means no septic tanks. Perhaps Ms Hayes can take notice of this fact also. The property at 37 Dalziel Road does not have a septic system, but uses an Ecoflow macerating unit (the basis for the reticulated system) which is pumped to a holding tank and emptied monthly. One must be mindful to comment on informed information rather than comment on assumed knowledge. Once the reticulation system is installed, then the Ecoflow unit will be connected to that, and the onsite holding tank will be dispensed with.

In respect of boundary issues, the proposed deer fencing, shade cloth and plantings will mitigate any concerns on the eastern boundary including visual. What Ms Wouters relates to is 33 Dalziel Road and the planting of rhododendrons on the boundary (refer appendix page 10). I spoke with Mrs Hawker after reading the submission, and confirm that Mrs Hawker was quite cross with Ms Wouters, but never yelled at her. Ms Wouters had spent a significant amount of time instructing the landscapers where she wanted the plants. Mrs Hawkers was of the opinion that Ms Wouters should have addressed any concerns to her, being the employer of the landscapers. Further it was the third time in as many days that Ms Wouters had instructed her requirements as to the boundary plantings and nerves were getting frayed by all parties. Please refer photo of the hoggets and the rhododendron plant in the Wouters small paddock (refer appendix page 8) and other rhododendron plants close to the existing Wouters boundary (refer appendix page 11). These appear to be closer than those on the hawker boundary. Please refer to photos (refer appendix pages 12 and 13),

which indicate no lowering of the ground level on either side of the boundary of 33 Dalziel Road.

To clarify that the reasons that this land has been proposed to be rezoned Large Lot Residential one is:

1. It had nothing to do with the 2012/13 consent.
2. In May 2014 the DCC extended the boundary for reticulated sewer and water to include the applicant land. Please refer the Consent and the ODT article quoting DCC Policy Planner.
3. The DCC considered that this land was a natural expansion of the city boundary.
4. Please refer to a letter from the DCC to the president of the Keep Halfway Bush Semi Rural Society advising that the 2012 consent was correct (refer appendix page 14).
5. The minimum size for services sections is 2000m<sup>2</sup> and un-serviced 3500m<sup>2</sup> so Ms Wouters is not correct with her size (there are 2 Large Lot Residential zones).

### **Planting Mitigation**

I would like to illustrate to this committee that with specific plantings and regular care and attention this is the growth that can be achieved in less than 4 years. This is my property built in July 2007 and which I sold in October 2012 (refer appendix pages 15 and 16).

If you can imagine all the houses in this sub division with growth such as this within 4 years, complete with post and rail fencing and parks and other community features, I just don't understand the level of objection. This will promote and be a haven for all the birdlife, and all typical garden animals and insects there could possibly be, and sustain far greater nature life than what is currently being sustained on the land

To assist the Committee in appreciating the nature of the ground shape at the boundary between the proposed application site and the property at 31 Dalziel Road, we have attached a number of photographs looking from different places within the development land towards the existing dwelling on the submitter's property (refer appendix pages 17 to 22).

Loretta Richardson  
30 August 2016