

SUBMISSION FORM 13
**Submission concerning resource consent on limited notified application under
section 95B, Resource Management Act 1991**

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

Resource Consent Number: LUC-2021-619

Applicant: Jessica-Lea Thompson and Joe Junior Taylor

Site Address: 317 Chain Hills Road Taieri

Description of Proposal: To establish a residential dwelling on the site

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

Your Full Name:

Sam & Rebecca Grest (Males of Grest McLeod Family Trust)

Postal Address:

297 Chain Hills Road, RD1
DUNEDIN

Post Code: 9076

Telephone: _____ Email Address: _____

I wish the following to be used as the address for service (choose one): email post other:

sam@ghplaw.co.nz

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]:

See Attached

Please attach other pages as required

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

See Attached

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]:

See Attached

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

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)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 22 March 2023 midnight**. 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/- 32 Paterson Road, RD 2 Mosgiel 9092 or email to thompjessica@gmail.com

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, 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 limited notified resource consent process.

Strike Out: Please note that your submission (or part of your submission) may be struck out if the Council is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Oppose this application

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

- The breach by the applicant of the 20m side boundary/proposed set back of the dwelling from the boundary.
- The proposed building envelope of the dwelling, with respect to the extent of earthworks/bedding in the dwelling to reduce the height and impact on the skyline
- A residential activity on an undersized rural lot having regard to the impact on our property

My submission is:

Some background on us:

We settled the purchase of our property in June 2015. We purchased it from the then deputy chair of Forest & Bird (Mark Hanger). He and his wife had situated the building platform and built the house (1990) where we reside today. They initiated a restoration project on the land.

During the purchase process we gave the vendor an assurance that we would continue their restorative work on the property.

Since our purchase we estimate we have planted in excess of 2000 native trees, shrubs, flaxes and sedges (including obtaining support from The DCC Biodiversity Fund). These have been planted on hill slopes and wetland areas on the property, which were previously covered in gorse and blackberry. We source local seed and grow a significant portion of our own plants at the property.

Our intention is to continue with the restorative work including extending the wetland planting and continuing planting Kanuaka/Manuka and mixed broadleaf-podocarp forest. We have developed a small camping area and a number of recreational/playground spaces.

We purchased the property for its privacy, the amazing environment (including biodiversity values and potential) in the knowledge of the surrounding zoning and the unlikelihood of further development.

We are very much invested in the health of the wider Chain Hills environment. We established the Chain Hills Restoration Project (Charitable Trust) several years ago and have built up significant support from the Chain Hills and surrounding community. The goal is to restore the habitat of this area (some 1000 ha of mostly private land) to a point where south island robin can be re-introduced. Currently the focus of the project is on trapping introduced predators.

The proposed development:

Concerns with the process:

In our experience with this application, it has been difficult to obtain clear and precise information regarding 1/ the proposed set back of the dwelling from our shared boundary, and 2/ the height plane of the proposed dwelling; both of which are required for us to make a detailed assessment of the impact of the proposal on the amenity value of our property.

We consider that the location of the dwelling will influence the degree of the effects (in relation to our property and on a wider basis) in terms of visual amenity, light and noise, and in terms of reverse-sensitivity: the impact our noise and rural activity will have on the applicants.

Allowing the proposal in its current form (as proposed in design sketches by Taylored Spaces dated "Autumn 2022 – Issued 16.5.2022) will create adverse effects on our property.

Visual impact:

The application is to construct a residential dwelling on a significantly undersized rural lot, making it a non-complying activity. In addition the proposal would seek to build within the side yard boundary. We therefore would expect that the onus should be with the applicant to take reasonable steps to mitigate the impacts of the proposed activity on affected parties, including neighbouring properties. We argue that this should include complying with side yard boundaries and taking steps to mitigate any structure protruding and compromising the natural features. In our opinion, the applicant does not appear to be sensitive to the receiving environment in this regard.

We feel that the impact on our property has not been adequately assessed in the application (partially because the actual building site and envelope has changed during the application process and because the actual building lines have not been clearly illustrated).

Zone characteristics

We note that Appendix 7 Rural Character Values, A7.5 Hills Slopes Rural Zone describes and identifies the values associated with this zone as including Backdrop/enclosure, Distinctive hill features, Recreation, A predominance of natural features over humanmade features, and Pockets of important and varied biodiversity.

We strongly submit that all of these features/values will be impacted in varying extents if the application is to proceed.

The proposed building's location will interrupt the skyline, immediately above a native kanuka bush line (an area that we have been protecting since our ownership through trapping and planting). It will be visible from our house and other important areas that we enjoy (including the playground and camping ground). We believe the interruption of a previous natural space is significant. This impact could be avoided through moving the building and benching the footprint.

We have noticed an increase in noise from people, dogs and machinery from the proposed building site since the proposal was put forward. Although we accept that there is a baseline for rural activity we believe this will only be magnified with the introduction of residential activity. We note that the s95 report records *"It is not considered the effects of any permitted activities is comparable to the effects of residential activity on an undersized rural allotment"*. Light and Noise will be amplified when the dwelling is on the ridgeline. This is why residential building and rural building side yards and set backs are differentiated in the plan.

The application states that "... the rural character value is maintained by the proposed dwelling... set back from the site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones (DCC 2GP, policy 2.3)." [Resource consent proposal, Section Character Value and Amenity]. We do not believe that this statement is accurate. At this point in time it appears that the building is to be located on a spur (within the anticipated side yard) and will now no longer be bedded into the slope to mitigate visual impacts. We note at the time the applicant wrote this statement the proposal was to have a 20m side yard.

We also believe the true impact has been suppressed as building envelope guidelines have not been established. We find it difficult to accept that a side yard breach could be granted consent without the actual building envelope lines being illustrated and then the impact considered by adjacent properties. We are disappointed that this was not required as a Request For Further Information. We note that Mike Moore's Report has not addressed the impact on our property.

Currently there are no plants within the development area which will mitigate the appearance of and dampen noise effects from a new dwelling. The applicant is solely reliant on neighbouring planting and proposed future planting over a 5 year period. It will take a significant time to grow plants to screen a 5m structure.

Although a minimum set back of 20m from the boundary and extensive earthworks/site preparation in order to "bench" the dwelling into the slope (hence reducing the height plane) was presented in the initial application, more recent information (preliminary sketches from Taylored Spaces) includes a 10m set back from our shared boundary and a cut into the site of only 0.6 m. The applicant sought written approval based on the initial application. With hindsight we are satisfied with our decision to wait for further information in considering our position.

We also note that the s95 Report Writer's site visit took place at a time a 20m side yard was proposed and the building was to be bedded into the slope (as per fig 6 and 7 of the application). The amendments to the application post visit are significant, in our submission, and dramatically increase adverse effects.

Our understanding of the planning rules are that, for Rural Hill Slope designated areas, the minimum lot size to enable residential activity is 15 ha (2GP, Rule 16.5.2 1 D), and side yards of a minimum 20 m (2GP, Rule 16.6.10.1a.I) are required. Whilst we do not object to a residential dwelling on this property, we would expect that at the least the minimum side yards of 20 m would be adhered to and in addition the dwelling would be bedded in the slope to be more sympathetic to the receiving environment. This would reduce the overall height plane.

The most recent plan (as proposed in design sketches by Taylored Spaces dated "Autumn 2022 – Issued 16.5.2022) appears to seek to maximise the view for the applicant, to the detriment of our property. We do not oppose some form of residential development within the site, but we do oppose the application in what we understand to be the current form.

Integrity of the District Plan:

We submit that there should be an element of integrity in the District Plan in that we purchased our property in 2015 in the knowledge that the land surrounding us, in that particular site being zoned rural, was unlikely to be developed. Should this application be granted consent as requested in the application, now-private spaces on our property will no longer be as such.

We have developed our property with privacy in mind having regard to the district plan and the likely spaces which could have been developed. The 20m side yard has been a long standing rule and did not appear to be affected by the 2GP.

Ideally, we do not want to be able to see the dwelling from our property, as seeing the dwelling will have a more than minor affect on our amenity values.

Given the non-complying status of the application we believe that integrity of the plan and genuine mitigation of the impacts are matters which need to be at the forefront of the committee's mind. This is especially the case given that our submission is that the application creates adverse effects that

are more than minor and it is contrary to the objectives and policies of the plan (by not satisfying the Rural Character Values and visual amenity of rural zones).

I seek the following decision from the Council:

To pause the application and request the applicant to erect the building envelope lines so the true visual impact/bulk and location of the dwelling can be assessed and considered.

Then the submitters and the DCC/hearings committee can genuinely consider the impacts of the non-complying activity, with further submissions being made. It may well be that mitigation measures could be discussed and agreed upon.

Or as an alternative the application be modified to accommodate and address the concerns outlined in our submission

Or the application be declined.