



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-2022-117

Applicant: Callum Bond

Site Address:

124 Abbotts Hill Road Abbotsford

Description of Proposal:

To authorise the operation of a contractors depot on the site

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

Your Full Name: Matthew Adam + Laura Jane Hayes

Postal Address:

Telephone:

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

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]:

Please see the attached submission

Please attach other pages as required

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

Please see the attached submission

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 see the attached submission

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: 18/01/23

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is **Wednesday, 18 January 2023 at 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 Callum Bond C/O Paterson Pitts Group, PO Box 5933, Dunedin 9054 or via email vyvienne.evans@ppgroup.co.nz

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.

I, Laura Hayes, have chosen to oppose this application for resource consent number LUC-2022-117 for 124 Abbotts Hill Rd, Abbotsford and would like to be heard.

My husband, Matt & I have lived at 127 Abbotts Hill Rd, since December 2016.

I have thought long and hard about how I feel about the notice of resource consent and the prospect of living directly opposite a proposed commercial industrial yard. I don't wish to prevent the applicant from utilising the property for his own enjoyment or develop it into the lifestyle he wishes to live – however I also wish to protect the reasons why I chose to join this community and purchase our property and believe that the consent applied for is not in fitting with the purpose and amenity value of the area and that it would put that in jeopardy for the rest of the neighbourhood and would affect the enjoyment and way of living here in the future.

I believe that it is impertinent to give council an insight into why we chose to purchase this property, what we love about living here and what we have experienced since living here over the years.

We bought 127 Abbotts Hill Rd after living in our first house in Helensburgh, Dunedin and having leased a property on Three Mile Hill for my horses.

We had been looking for a while for a property, something near the city, that was of a rural-residential nature and would be suitable for my horses. Somewhere that was quiet, had a road that would be suitable and safe for me to ride my horses on and would mean we could spend more time at home, enjoying 'pottering' about and caring for it, maybe even living a little more self-sustainably with no reason to leave on our days off.

When we came across our current property, it ticked all the boxes, paddocks for the horses, sheds for storage, garage for Matt and a solid home that needed just enough work that we could make it ours.

Since this time, I have watched the lifestyle market closely and there are very few areas and properties that come up that meet the criteria of our current property, essentially, we could not replace/move from our property to one of the like easily, nor do we wish to or be forced to, if we found our enjoyment of the property was affected. Our area is sought after and as previous sales along the road would suggest, most others who reside here would tend to agree and we are all looking to utilise our properties in a way in fitting with rural-residential living. I believe that the demand for our area and the lifestyle it affords would be affected by the presence of an industrial site within such proximity to neighbouring houses.

I quickly came to love early mornings before work, calm evenings, and the beautiful sunsets from this side of the city, walking the dog down the road or up the paper road behind us, listening to the native bird song and getting to know the neighbours while out and about on the horses.

Our neighbours were welcoming, all are friendly and here to enjoy their properties in the same way, respectful of our privacy and solace that we all seek and sharing the unsealed narrow road, with its at times difficult to see around bends, on my horses, cycling, walking the dog, and running.

The road and area we live in is frequented by others, from the residential area of Abbotsford at the bottom of our hill. It is an especially popular place to walk for families, those with dogs, for people to Mountain bike up and down due to the track behind us, a place of recreation as well as the farming lifestyle, while not looking into or over your neighbour's house and instead being able to enjoy amazing views out over green island and beyond to the ocean and to the other side of us of the farmland and hills

Best of all, living at the end of a gravel road, means very little traffic except when neighbours are heading to and from work.

My husband works shift work both days and nights, so his sleeping hours change week to week. A 7-7 shift meaning he doesn't see weekends as most do. My own work is either mornings or afternoons, so I am often around the property during the working week in the morning or the late afternoon depending on my hours and the day of the week, which can also often change.

My time is mostly spent outdoors, all days of the week, rain, hail, snow, wind, and sun. Often in the top, flatter paddocks nearer the road and the neighbouring properties 124 and 128 with horses being attended to morning and night before and after work, training occurring both on and offsite, undertaking farriery, grooming, preparing for competitions, shifting sheep, spraying weeds, harrowing and mucking out paddocks, maintaining gardens and treelines, shifting fences, preparing firewood for winter and picking fruit from the orchard – just a few of the many tasks required and enjoyed living on a 'lifestyle block' or hobby farm.

Our property is my solace and peace and quiet, a place for me to recharge my batteries and escape the bustling city and life of a public facing health & exercise professional. My hobbies, which coincidentally also mostly occur on my property are essential to my wellbeing and the quiet enjoyment of our property (which we are entitled to under the Property Act) is what I wish to protect as I fear what approving this activity may leave the door open to.

I say this as prior to this resource consent being lodged the applicant chose to unlawfully operate from his property as a place of work which was then reported to council by another neighbour due to the noise, parking on the roadside affecting access to neighbouring properties, many more comings and goings from the property and use of the road from traffic and heavy vehicle movements increasing even after the building of a large shed on the property, with work of a commercial and industrial nature taking place from the site. I, at the time, was tolerant but the work undertaken on the site over that period was disruptive and affected the enjoyment of my property and the time I spent with my horses, which are flight animals and easily spooked.

When we were researching the suitability of our property for us, we checked the zoning, at the time 2Gp was just starting to be being discussed, so was taken into consideration. We checked the zoning of all areas surrounding us, all of which was either rural, rural-residential, or rural industry (the forestry which was logged in 2015/16), never did we anticipate that we would have a commercial or industrial activity operating full time next to us, nor that it could even be permitted or considered.

I wish for the council to decline the application.

Matthew Hayes Personal Statement
127 Abbotts Hill Road.

I Matthew Hayes have chosen to oppose the application for resource consent application LUC-2022-117 for 124 Abbotts Hill Road, Abbottsford, Dunedin and would like to be heard.

6 years ago, Laura and I moved into 127 Abbotts Hill Road after moving out of a town house located in Helensburgh. The location of the property at the end of a road is one of the reasons we bought it. The area appealed to me as, the lack of traffic noise and general noise that comes from living in the city cannot be heard. My wife Laura is an avid horse rider. Having the lifestyle area and quiet road which is safe for her to ride her horse down is great. I enjoy the quiet outlook of the area by, walking, running or biking up or down the road. When we have friends or family over, they often comment on how lovely it is to stay and how quiet the area is.

I am a shiftworker and often have to work night shift. During my days off I spent most of the time outside on the property. I have setup possum and rat traps around the property to help with reducing the impact on the local ecosystem. It is true that a lifestyle block consumes as much time as farm. Spraying weeds, helping Laura with the horses, seeding out new grass, harrowing the paddocks, maintaining fences, doing firewood, flying my drone.

I am concerned that approval of this activity will impact on my enjoyment of the property. I never thought that an industrial yard could happen in the middle of a lifestyle area. We checked the zoning in this area before purchasing the property, all lifestyle land around us, with the exception of the forestry. Lifestyle property is getting harder to find this close to the city.

I wish for the council to decline the application.

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

The inaccurate application of the terms (Temporary) commercial activity and Work from Home as applied for. This is non applicable to this application and resource consent when there is no dwelling onsite and the activity is clearly a non-complying Industrial activity.

1. The Site
2. The Surrounding Environment
3. The Proposal
4. 2GP
5. Assessment of Environmental Effects
7. Objectives and Policies Assessment
8. Section 104D Assessment
9. Section 104 Assessment
11. Conclusion

Submission Points:

The proposed activity as applied for.

The applicant has referenced a "future dwelling" throughout the application. We wish to ensure the council only focuses on what has actually been applied for and does not consider any potential future use.

While the development of part of the site as residential would be permitted, the current application is only for a commercial activity, not proof that a residential activity will still be progressed.

As such we oppose any consideration within this application which references the potential future residential use.

The use of the site as a Work From Home activity should be restricted to the home existing in the first place and the definition as it is read.

Definitions as referred to incorrectly.

Ancillary

For the purposes of this Plan, an activity being "ancillary" means it is subordinate to and part of the operation of the primary activity identified. It is not a stand-alone activity that is operated outside of or distinctly apart from the operation of the primary activity.

Please note the proposed activity on the site is the primary activity and not ancillary to any other activities as no other activities at the time of the application exist on the property.

I note that the activity proposed is Incompatible with the amenity expectations of the rural-residential zone and that **Policy 18.2.1.13** – suggests to ‘Avoid Industrial Activities due to residential character.’ Of note – there is NO residence on the site and this activity meets the definition of Industrial activity not the **Incorrectly applied for activity and use of word “temporary”**.

The applicant has applied for a “temporary” commercial activity. The applicant has made no effort to apply the objectives, policies or rules relating to temporary activities outlined in 4. Temporary activities. As such this application should have been returned under s88 as an incomplete as the activity fails to show that it meets Schedule 4 of the RMA (as outlined by MFE in ‘A guide to section 88 and Schedule 4 of the Resource Management Act 1991 Incorporating changes as a result of the Resource Management Amendment Act 2013’).

The categorisation of the activity as a commercial activity seeks to diminish the ongoing possible effects on the environment (including persons) from the existing and proposed use of the site. The definition of commercial as read is:

Commercial Activities:

The category of land use activities that consists of:

- *ancillary licensed premises*
- *commercial advertising*
- *conference, meeting and function*
- *entertainment and exhibition*
- *office*
- *restaurants*
- *restaurant - drive through*
- *retail*
- *service stations*
- *stand-alone car parking; and*
- *visitor accommodation.*

This definition does not include depots, storage yards and the operation or storage of heavy vehicles and equipment.

In contrast, the definition of **Industrial Activities** includes the following.

*The category of land use activities that consists of industry including industrial ancillary tourism, rural industry and rural contractor and transport depots, which are **sub-activities of Industry**.*

Under the sub activity of Industry, the definition as read is:

Industry

The use of land and buildings for any of the following:

- manufacturing, assembly, processing, **storage**, repair, maintenance, and packing of goods and materials, **including machinery or vehicles**
- **transport facilities including distribution centres, collection points**, courier depots and bus depots (except where passengers are picked up or dropped off)
- depots for the storage and dispatch of vehicles, equipment, and/or materials, and the administration and dispatch of workers using these in the field
- bulk fuel storage facilities
- laboratory or factory-based research
- waste management facilities including refuse transfer and recycling stations
- **property and equipment maintenance services**
- vehicle repair and testing stations; and
- wholesale.

It is believed that the applicant is trying to stretch the definition of WFH to include the activity is so it cannot be classified as an Industrial activity which is not compatible with residential use of the site.

The definition of Industry

excludes:

- *bakeries ancillary to food and beverage retail; and laboratories ancillary to any major facility activities or office activity, which are included as part of those definitions, respectively*
- *activities otherwise defined as **working from home***
- *direct 'customer facing' retail sales, which is provided for under the definition of retail and included in 19.3.3 activity status table as 'retail ancillary to industry'; and*
- *activities otherwise defined as operation, repair and maintenance of the rail network.*

The following activities are managed as sub-activities of industry:

- industrial ancillary tourism
- rural contractor and transport depots; and
- rural industry.

Industry is an activity in the industrial activities category.

For the sake of clarity, definitions in the commercial activities category include all normal parts of that activity, for example warehousing, staff offices and facilities, even when those activities might on their own meet another activity definition.

This means to say, that even though the associated offices may be in the area of a residential dwelling where the applicant normally resides, this activity is still by definition an industrial activity. Therefore, as above, by definition the activity is an industrial, which is not temporary in nature and should be applied for as such. This could have potential ongoing issues on the site if the applicant ever wishes to develop a residential use without assessing soil contamination and discharges on site.

Under s88 this application should have been returned to the applicant as incomplete and should never have got to notification.

The existing and proposed activity is inconsistent with the intent of the zone:

The Rural Residential 1 Zone has been categorised as those areas close to urban Dunedin areas that cater for demand for rural residential activity in different parts of the city. The application is for a commercial activity, which is a non-complying activity. The non-complying activity status in itself suggests that such an activity is inconsistent with the principal purpose of the zone.

In the assessment of the Objectives and Policies for this zone, the applicant has failed to outline how the proposed activity is consistent with the proposed intent of the zone as the incorrect activity has been applied for and the temporary nature of the proposed activity hasn't been assessed or proven.

Which leads me to the other obvious indiscretion of the Work from Home definition.

The definition of Working From Home (WFH) and the permitted baseline:

The AEE repeatedly references classification of the proposed storage activity as working from home. The AEE also suggests that this forms part of the permitted baseline argument. As the applicant has admitted that "he typically employs 5 staff" who pick up and drop off equipment, this is inconsistent with the definition of what is a WFH activity as read in the 2GP.

The applicant has noted this inconsistency with the definition of WFH and has stated that the applicant's ability to meet the performance standards should be considered adequate for the definition to be extended to cover their intended use of the site as a storage facility and business depot.

It is noted that the noise assessment submitted as part of this application demonstrates their inability to meet the requirements of Rule 9.3.6 Noise. The acoustic fence will only mitigate the noise issue for one property and has not considered all notified properties. The reason the existing activity has come to the attention of council is due to the inability of the applicant to meet standards consistent with the purpose of the zone. Currently and prior to this consent being applied for the activity has been operating in a manner that has disturbed the quiet enjoyment of those property

owners located on its periphery. These property owners and ourselves bought into the area to enjoy a semi-rural lifestyle.

There is a glaringly obvious problem with the classification as WFH. At the time of the application, no home exists on the site. It is therefore unclear why the applicant believes they could be classed as a WFH activity class when there is no existing home, no building plans for a home to be built in the future and a residential building not being applied for as part of this application. In addition, the time that the applicant has already owned property for without establishing a dwelling is currently 41 months. It calls to question whether there has ever actually been an intention to establish a household on site? Especially as the applicant also wishes to push this out another 30 months according to the application.

A resource consent application can't consider possible future use of the site. While building a home is not a fanciful use of the existing site, for the purpose of this application the council should only consider the application in front of them. This application doesn't include the plan to build a home as part of the site's use, but does include an industrial activity which can't be treated as a WFH activity for any part of the proposed industrial activity as defined in the Definitions chapter of the 2GP.

While WFH would be considered part of the permitted baseline if a residential dwelling existed and there were no staff employed and it wasn't an industrial activity. In this instance however, the definition of the activity as being compatible with the zone as a WFH activity is fanciful as the home does not currently exist, does not form part of the application and the activity applied for is for an Industrial activity in the rural residential zone.

The storage component of the activity is also non-complying and not permitted use of the site, since this is an industrial activity (all of which is non-complying with no exceptions) and not work from home or a temporary commercial activity.

Section 104D - Objectives and Policies Assessment and gateway test.

As the AEE has heavily relied on the WFH activity as forming part of the permitted baseline, they have not adequately demonstrated how the activity can meet the following objectives and policies.

Objective 17.2.1

*The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a **limited range** of other compatible activities.*

A commercial activity is considered as a non-complying activity and therefore not necessarily compatible with residential land use. As the applicant has a history of non-compliance with the residential zone rules and has not provided expert evidence to suggest that the mitigation proposed will be adequate to minimise any potential adverse environmental effect. There has been no demonstration that the proposed activity can meet this objective for the reasons outlined below.

Policy 17.2.1.1 Enable farming, grazing and conservation in the rural residential zones.

This has not been demonstrated as being able to be met by this application as the application is a net loss of farming, grazing and conservation in the rural residential zone due to the commercial nature of the activity and no existing residential activity.

Policy 17.2.1.2 Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms.

- This has not been demonstrated as currently the activity is commercial and there is no residential dwelling on site.

Policy 17.2.1.3 Require rural ancillary retail and working from home to be at a scale that:

is ancillary to, and supportive of, productive rural activities or conservation activity on the same property, and supports objectives 2.3.2 and 2.4.3 and their policies.

- The activity is not consistent with the working from home definition and the activity is not a rural ancillary retail activity. There is no home and there has been no demonstration of any productive rural activities. Therefore, the application doesn't support objectives 2.3.2 and 2.4.3 or their policies.

As the above policies and objectives cannot be met by the applicant or the application for the activity as is has been applied for currently, it does not meet the section 104D threshold test for the non-complying activity as applied for. This part of the test can't be passed using the current iteration of the AEE and proposed activity.

Deficiencies with submitted technical assessments or lack of technical assessment.

- The applicant has a history of non-compliance with the rules of the rural residential zone, specifically their ability to meet the noise threshold for the rural residential zone, but also, they have not proved that their activity is not creating a future HAIL site under the NES-CP.
- A detailed soil investigation (DSI) should be supplied as a minimum as the washing down of equipment and storing of hazardous substances is inconsistent with residential or rural uses. The onus is on the applicant to prove the activity is not considered a HAIL activity which they have not done. Further it is not fanciful to consider if the activity is granted consent, the business could expand to include other machinery and plant to be washed down. Without any proof that the activities aren't already impacting the soil health there is no proof that this won't cause the site to be contaminated in the future due to the proposed use.
- The cumulative effect of years more use as an industrial site should not be discounted and should be a reason for the applicant to provide a DSI. The cumulative effect of years' worth of use as an industrial activity may lead the soil to be highly contaminated, to a degree where it can't be remediated to a state which would make it compatible with a residential or a rural use.
- There has been no provision of swale mapped area or outline of requirements under the HSNO act, no containment for run off established or mentioned within the application.
- Storage of hazardous substances or release of hazardous substances into the environment – the application mentions that none is stored – but what if they were to be in the future – has mentioned this is a 'storage site' not fanciful to consider this may occur in the future and there doesn't appear to be any provision for management of either storage or release into the environment.
- Limits to expansion of site – none mentioned – Would not be fanciful to expect that if the business were successful that it could expand to include more equipment, an increase in worker numbers and therefore vehicle movements, noise, odour, etc – no mitigation for or mention of how this would be managed if that were to occur. Would this be able to occur without further consultation with neighbours?
- We personally would like to ensure this could not occur and that no transfer of resource consent would occur upon the sale of the property – eg. it would be unable to be sold as an industrial site in future.
- Limitations to expansion of area for storage – how much land area for it to remain in keeping with expectation of land use of area. Current storage site – sits on what has been mentioned by the applicant in conversation, but not identified as such in the application, will be the house site. What would stop the applicant from adding another area for storage and further affecting the amenity value of the area, decreasing the land area available to use for rural farming purposes.

Demonstrating the application for an activity to Discharge Water to Land and compliance with Otago Regional Council – Regional Plan: Water or Regional Plan: Air.

The applicant has specified that there will be washing down of machinery, but no area on the plans has been highlighted, no stormwater infrastructure has been shown and no evidence has been submitted to prove that this activity will not include hazardous substances or cause biodiversity effects.

The applicant needs to demonstrate at the least their ability to comply with 12.B Discharge of hazardous substances, hazardous wastes, specified contaminants, and stormwater; and discharges from industrial or trade premises and consented dams.

Objective 19.2.1 b. ensuring the potential for reverse sensitivity is insignificant.

Policy 2.2.6.1 ‘protect people from noise, light or offensive emissions that may create adverse effects on health & well-being through rules that: encourage heavier industrial activities into industrial zones...’

- This activity creates noise, odour, traffic movements, emissions, light spill, vibrations in an area sensitive to those effects.
- I note that Odour, emissions, and vibrations from heavy machinery/loading/unloading/shifting gear have not been identified or noted by the applicant, despite these occurring onsite, nor mitigated for within the application at all and would need to be considered.

Noise Rule 9.3.6

- The acoustic report as supplied by Marshall Day demonstrates the inability for the activity to meet the minimum standard during the day. However, activity was only measured at one time of the day on one day, there was no average level or proof that the 3-decibel breach was not an isolated breach and that the noise levels aren't louder overall given a larger sample size of site visits.
- The acoustician did not include all affected persons as notified by council, it only included 3 properties. The reason the existing activity came to the attention of council was consistent non-compliance of the noise levels which extends well beyond the site boundary.
- Further this report did not consider the washing down of equipment nor running the diesel generator for 15 min periods. Both activities were noted in the original and subsequent applications to have an effect on adjoining properties, even if the applicant self-described these adverse effects as minimal.
- Current daily noise levels to be considered – not at all like living in a densely populated residential area.
- Residual noise level was measured as 47dB – significantly less than 55dB (a 3 dB difference is a doubling of energy levels, yields a 100% increase in sound energy and just over a 23% increase in loudness). In this case we are seeing an increase of 8dB.
- No consideration taken for wind direction or natural features that increase noise travel.
- Noise testing did not include low frequency noise, which can resonate through buildings eg. loader or truck exhausts. Frequency (Hz) does not appear to have been reported upon.
- No reassessment has been undertaken since gaps between palings have been covered to ensure the dB rating is indeed acceptable and a ‘prediction’ has been provided of a lowered noise level but has not been ‘proven’.

- What about consideration to possible/probable cumulative effect of 15mins burst of noise from site?
- Loader operation just for 12seconds was 71 Db (70db max allowed for area)
- Log splitter noise – not measured for in acoustic assessment, is onsite but not included.
- Consideration of limits to operational time – pick up and drop off at either end of the day is indicated in the application, however there is no promise that there wouldn't or couldn't be more activity on site during the day. If this were to be the case the noise assessment indicates that only 'limited duration of activity on site during the day', that 'noisy activity will occur for less than 30% of the daytime period' and that 'a full day of noisy activity, such as grinding, in the workshop may also exceed the noise limit'. It would also then be fair to say that the application of the -5-decibel duration adjustment in accordance with NZS 6802:2008 'Environmental noise' would not apply, and this rating would instead be 63dB (also noting that this is the actual, not calculated rating level. Again, significantly higher than the 55dB rating requirement. Eg. Actual noise is much louder than calculated.) and again significantly higher than the residual measured (not calculated) noise level of 47dB.
- The times of day of operation on the site seems to be planned for approx. 7.30-8.30am and approx. 6-7pm, based on the comment with in the noise assessment 'typically not more than an hour at a time' (also noting this is longer than a 15minute duration) either end of the day, meaning that the nearest property will be dealing with at least 68dB of actual sound at these times of day – when still in bed, just waking or when sitting down to enjoy dinner, pottering about outdoors after work, feeding animals, or putting young children to bed - possibly already in bed sleeping. The effect on neighbours at these times of day must be considered eg. young families, shift workers, recreation time, enjoyment of property will all be affected.
- There is no information in the noise assessment that takes into consideration the noise 25m from our boundary. What if we established a living site at the top of property eg. granny flat which is allowed for land use within our zone. Noise has not been mitigated against from our property boundary. I also spend a large amount of time in the paddocks on the borders of our property. My animals live in these paddocks and will also be subjected to noise from the site.
- Of Interest: the nearest dwelling 128 Abbotts Hill is 33m from house to shed, 98m to 127 Abbotts Hill Rd and 60m to 110 Abbotts Hill Rd. The shed also faces east open to 128 Abbotts Hill Rd, 127 Abbotts Hill Road and 141 & 143 Abbotts Hill Rd.
- I wish to make the council aware that there has been a Change of Ownership of 110 Abbotts Hill Rd, and note that written approval from this address, is longer applicable due to the signatories no longer being the owner/occupiers.
- Notification to new owner/occupiers, as far as I have been made aware, was not sought, or advised by applicant – there silence should not be assumed as being compliance.
- Risk to road to users which are not restricted to vehicles. As mentioned in my statement our road is low user and is enjoyed by many walkers, horse riders, cyclists, dog walkers at all times of the day multiple days of the week. There is a safety concern for wide loads, heavy traffic frequently utilising the road that the risk will increase. Areas of the road are very narrow and there are 3 blind crests and corners on what is essentially a single lane, gravelled road.
- There has been no traffic study for vehicle management submitted in this application, only a mitigation measure proposed of no more than 20 per day.

- It may be worth pointing out that there has recently within the past months (October, '22) been a serious accident involving a light commercial vehicle/truck hitting a child at the Abbotts Hill, North Taieri Rd intersection. There was also a letter circulated soon after from a 'concerned resident' which I will include in the submission for you to read that indicated that there have been previous near misses on the road and which also highlights that others in the area (not just notified affected parties, as this was not written by any of us that I am aware of) are concerned with an increase of traffic on the road.
- Days of operation, a generic Mon-Fri has been suggested, however nowhere does it limit the activity to these days only. We would like to have it clarified that this would not include weekends or public holidays.
- We wish to consider future use of area and protection of the rural-residential amenity of the area and are concerned that allowing this activity to occur would set a precedent for others along the road and neighbouring roads, to set up similar commercial or industrial activities.







Dear Neighbours,

In light of recent events at the bottom of our street this past Wednesday. Coupled with my own incident involving a vehicle on this street. I thought a friendly reminder, especially to our newer residents, about safe driving was needed.

Many of us let our children walk home along Abbotshill and McMeakin Roads, as well as walk our dogs or ride our horses. Children and animals have a habit of being unpredictable, although we do our best to keep them under control, I urge everyone to **please slow down** when you come across them. Shaking your head when they wave you to slow endangers them, and you.

We are all very privileged to live in this wonderful rural community, but with this comes the responsibility of keeping everyone who uses our roads safe.

Yours,

A concerned resident



DUNEDIN
CITY COUNCIL

kaunihera
a-rohe o
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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-2022-117

Applicant: Callum Bond

Site Address:

124 Abbots Hill Road Abbotsford

Description of Proposal:

To authorise the operation of a contractors depot on the site

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

Your Full Name: MICHAEL SIMON DWYER, DR KIRSTYL DWYER

Postal Address: [REDACTED]

Telephone: [REDACTED]

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

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 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]:

S2E 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: 16/1/2023

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is **Wednesday, 18 January 2023 at 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 **Callum Bond C/O Paterson Pitts Group, PO Box 5933, Dunedin 9054** or via email vyvienne.evans@ppgroup.co.nz

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.

M.S.Dw
17/01/2023

17/1/2023

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We are Mr M.S. Dwyer and Dr. K.L. Dwyer, and we are the last property at 141 Abbotts Hill Road. As such, we pass the Bond's industrial yard and oversized shed on a daily basis. Though our gateway is at the end of the formed part of the road, our house is situated curved back towards the Bond's property and is roughly level with the activity; our deck, garden, lounge, and bedroom face their direction.

This submission has been prepared by us personally, through referencing the 2GP and RMA as required, and reading the documentation sent to us by the DCC. We have taken a common-sense approach to this submission.

We have endeavoured to be as impersonal as possible and just state facts (as we know them to be) based on our experiences since 2020. We have only addressed those points that are relevant, or are of concern, to us as stated in the Bond's initial resource consent application (LUC-2022-117) and in the 'further information' document requested by the DCC from PatersonPittsGroup (PPG).

We oppose in full Callum Bond's application for resource consent to operate a non-complying industrial activity in a RR1 zone. We believe it to be an encroachment, irrespective of its size, that would set precedents on RR1 land use activity.

We note that the yard and oversized shed have been assessed as a "commercial activity" in the initial resource consent application dated 25 March 2022 from PPG to the DCC. Whereas the correspondence from PPG, in response to DCC queries, has accepted that the activity should be defined as an "industrial activity" as it meets the depot/contractors yard definition of 17.3.3.25.

We have used the term "industrial activity" throughout our submission to cover all the activity being undertaken by Callum Bond, his workers, and the Bond's company in the vicinity of the roadside oversized shed and yard at 124 Abbotts Hill Road.

Specific parts of the application that this submission relates to:

- | | |
|--|-----|
| ○ 2GP | p2 |
| ○ 2GP: Effects on character and amenity and the RR1 zone (17.2.1) | p4 |
| ▪ Amenity of surrounding properties (17.2.2) | p6 |
| ▪ Rural residential character and amenity (17.2.3) | p10 |
| ▪ Long term maintenance of rural land for productive rural activities (17.2.4) | p13 |
| ▪ Safety and efficiency of the local transport network | p14 |
| ○ We seek the following from council | p16 |
| ○ Appendix 1: Pictures of the entirety of Abbotts Hill Road | p17 |

Our submission is:

2GP

We note that the Bond's application breaches several areas of the 2GP, namely:

1. The current industrial activity is a **non-complying activity** in the RR1 zone (17.3.3.25). Even if the Bonds lived onsite they would still be in breach due to staff accessing the site daily.
 - There is no way to mitigate the adverse effects of staff vehicle movements arriving and leaving the 'workplace'. Nor vehicle movements (heavy and otherwise) during the day (i.e. forgetting equipment and returning to the storage shed to get it).
 - The entire Abbotts Hill Road community is adversely affected through the increase of vehicles carrying/towing heavy equipment on a low user road. **This is an encroachment of a non-complying activity (irrespective of its size or stated daily vehicle movements) into the RR1 zone** that would be better suited to being situated in one of the many industrial zones around Dunedin. This is addressed in more detail in the next section.
 - **The adverse effects on the character and amenity of this RR1 zone are major** to the residents of this road and other users due to the safety issues inherent in a 50% increase in daily vehicle movements on a narrow road (discussed in detail further on), some of which are large truck movements.
 - This is not the vehicular movements of say a house being built, which are finite. These are daily heavy vehicle movements for an indeterminate number of years.
2. The floor area of the shed breaches the gross floor area of 100m² as allowed under 17.5.7, by 44m². As such, it becomes a **restricted discretionary activity** as per 17.5.7.4 maximum gross floor area:

Activities that contravene this performance standard are restricted discretionary activities.

 - As per the RMA (<https://www.environmentguide.org.nz/rma/resource-consents-and-processes/>):

*A restricted discretionary activity requires a resource consent **before** it can be carried out.*
 - It cannot be argued that this breach was a mere oversight. 5m² could be deemed to be a foundation measuring mistake, increasing the size by nearly half as much again (an increase of 44m²) is not a measuring mistake made by an LBP.
 - Why was this significant breach not realised and corrected when the shed was consented and identified before (or as) the foundations were formed and wall posts erected?
 - The nature of the Bond's business (Callum Bond Rigging & Construction Ltd, established 2013) is such that ignorance of this rule cannot be used as an excuse for breaching the 100m² maximum gross floor area. As a Licensed Building Practitioner, as advertised on his website (rigger.co.nz), he would have been aware of the requirement to meet 17.5.7, or at the least to know where to check that the shed they had architectural drawings, or measurements for, complied with RR1 size limits **before** building it in 2020 during the first lockdown.
3. The resource consent documentation states that the driveway width contravenes 6.6.3.9.a.vi. Namely, the driveway is narrower than the 5m minimum formed width and 6m minimum legal

width. As such, it becomes a **restricted discretionary activity** as per 6.6.3.9b.

- Further, we note rule 6.2.3.3 has not been complied with:

Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network.

- Breaching the driveway width requirement of 6.6.3.9.a.vi has resulted, since 2020, in Abbots Hill Road being used as an extension of the yard. We have noticed that towing vehicles especially have difficulty turning into the yard as they approach it, and so will do one of two things:
 - Continue past the entranceway to use the turnaround area at the end of Abbots Hill Road before retracing their course to attempt to drive in forwards to the yard from the other side.
 - Reverse into the yard, using the entirety of the width of the road, thereby blocking Abbots Hill Road for the duration of the manoeuvre.
- It is normal for empty trailers to be manhandled out on to the road before being attached to a vehicle, be that the large truck or ute.
 - How many Health and Safety regulations are being broken by the Bond's company in undertaking such behaviour?
 - Who is liable when one of the boy racers we've had in the past decides to blast on up the road to practice their handbrake turns?
- We note that the original LUC-2022-117 submission also mentions that rule 6.6.1.2.a is not met, "so the minimum manoeuvring space dimensions for parking areas performance standard does not apply", and that "Nonetheless, it appears the parking area has manoeuvring space in accordance with this performance standard".
 - Thus, implying that the standard is met by the size of the yard. However, reality since 2020 implies that the standard is not met, as if it was then we would not have witnessed the spectacle of vehicles reversing in and out of the gateway on a regular basis since 2020 due to an inability to manoeuvre in the yard.

4. Related to driveway width is that of parking onsite for workers. 6.2.3.4 states:

Require land use activities to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated.

- This is discussed in more detail later on. But suffice to say, we and other neighbours kept complaining that the roadside was being used as staff parking in 2020 and 2021 and thereby creating difficulty in passing. 2022 has been relatively free of staff parking vehicles on the roadside all day. However, the road is used as parking for attaching trailers or when arriving or leaving (vehicles are left parked across the road after reversing out to close and lock gates).

5. In regard to light spill, we believe that the gate security lighting is in breach of 9.3.5.3:

All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries.

- The gate security lights are sensor driven and come on when driving past the gateway at night.

The first time this occurred, as we drove home one evening, was startling to say the least.

6. Regarding noise, we note that a noise assessment was conducted on site on 22 August 2022 early in the morning as per the report we were provided with in order to make our submission.

- The noise coming from the site failed to comply with rule 9.3.6 as it exceeded the decibel limit.

- We note that the activities that were used for testing purposes do not include the, to us, most annoying background noise.....that of the truck idling for significantly longer than necessary (occasionally for up to an hour) with no pitch change to indicate that it was moving or having load applied (i.e. the crane being used).

Parked.

For up to an hour.

Just idling.

If the wind is southerly then we don't just hear it, we get the diesel fumes to go with it.

- To give you an idea of what we can hear from our property, due to where and how our house is situated, we can hear, from our lounge and bedroom: the rumble of the trains passing in lower Abbotsford to the south and as they enter and leave the tunnel to the south west of us; vehicles on the Southern motorway are usually a solid background hum (the 'boy racers' are great entertainment) and in the right evening conditions, we can hear the ocean from our deck. We've even heard footsteps on gravel one evening as a garage door was shut in Christie Street from our deck....that property in question would be below the Bond's land.

- Let's put it this way, it's like roosters crowing. A new rooster in the neighbourhood just learning to crow (and communicating this to all the roosters around) eventually becomes just part of the background noise that you hear, dismiss, and just don't focus on. It is a common rural residential noise, just like chainsaws, ATVs, tractors, baaing, neighing, mooing, or dog barking. Even being on the flight path for helicopters bringing patients into Dunedin hospital is of less annoyance than what we have experienced from the Bond's industrial activity.

- The type of noise they create is atypical and incompatible with a rural residential zone. It can be jarring, and after a couple of years of being afflicted by it, it has yet to blend into the background; some days it's nothing, others it's highly irritating.

7. Hours of operation and the continual breach of rule 17.5.4 are discussed in the next section.

2GP: Effects on character and amenity and the RR1 zone

Objective 17.2.1

*The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and **provide for a limited range of other compatible activities.***

We believe that the industrial activity currently undertaken by the Bonds is 100% incompatible with a RR1 zone, irrespective of the size of operation.

- It is **encroachment** of an industrial activity into a rural residential zone.

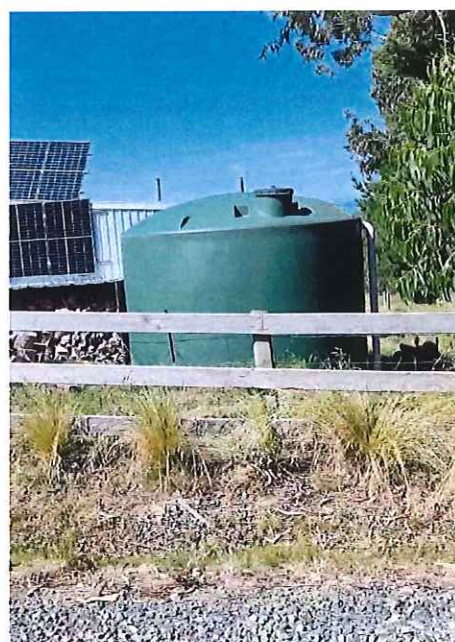
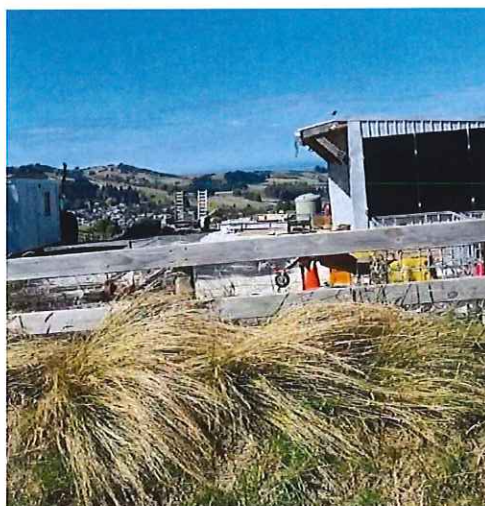
- We could not find any specific rules or policies addressing this direction of occurrence, but did find Section 19 Industrial Zones interesting as it does have rules and policies in place to stop encroachment of activities that are incompatible with an industrial zone from moving into that zone, for instance 19.3.3.25: that residential activities are non-complying activities.

The effects of the industrial operations occurring since 2020 have been **major effects that adversely affect both the residents of Abbots Hill Road and the wider community** users who used to regularly,



sometimes daily, use the road for recreational activity (walking, cycling, and horse riding). These are addressed in more detail in terms of four areas: amenity on surrounding properties; the rural residential character and amenity; the long-term maintenance of rural land for productive rural activities; and the safety and efficiency of the local transport network.

We would not normally take photos into a neighbour's property, but this is all in full view of the road...anyone passing can see this. The white container has always been parked alongside the fence with 128.



Amenity of surrounding properties

Objective 17.2.2

The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure:

- a. the potential for reverse sensitivity is minimised; and*
- b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public spaces.*



1. Visual destruction of RR zone

The oversized shed and associated yard are an industrial-level eyesore that are not in keeping with the character and amenity of a rural residential zone. We note that,

17.2.2.3: Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.

- Being that the floor area of the shed breaches the gross floor area of 100m² as allowed under 17.5.7 by 44m², being surrounded by a sea of concrete and gravel, and with detritus stored everywhere, it can be argued that the oversized shed's 'adequate distance from site boundaries' should have been significantly increased to cater to its non-complying size and activity.
 - The oversized shed cannot be mistaken for, or even be disguised as, a hayshed, stables, or indoor arena. It would not be out of place on a 500ha farm, it is significantly oversized for a 2.8ha property.
- Situated right on the roadside, everything alludes to a character and amenity that is an industrial activity in nature and would not be out of place in any of the industrial areas surrounding Dunedin city. There is no way that it can be mistaken for farm buildings.
- We note that the site was given a tidy up in early 2022. Photos of the site, taken February 2022 by PPG, have been taken from angles that disguise how close it is to neighbouring properties, especially 128. The photos also allude to a level of privacy provided by 128's foliage that frankly is not there when the yard is viewed from the lounge of 128.

- Anyone passing has been able to enjoy a view of the accumulated detritus placed wherever in piles against the boundary with 128, the roadside fence, and yard in front of the oversized shed throughout 2020 and 2021. Various trailers and other items being stored for friends have also been on full display throughout 2020 and 2021.
 - Of particular note was the large, boxed trailer, gaudily coloured and sign written all over advertising Speights alcohol. This was parked for months right on the roadside fence and made for an interesting talking point with friends and family who visited. Alas, we took no photos of this gaudy behemoth.
 - The white container seen in the above photos has always been parked in the same spot alongside the fence with 128.
- We have read through Section 19 Industrial Zone in the 2GP and what would be required if the Bonds had built in an approved zone for their industrial activity. We note that:
 - 19.1 states that industrial zones are under threat regarding,

the encroachment of non-industrial activities (particularly retail and residential activities) into industrial zoned land, and that,

Such encroachment also exacerbates potential reverse sensitivity issues. For this reason, one of the primary focusses of the Industrial Zone is the protection of industrial zoned land for industrial activities.

 - **If industrial zones are to be protected from activity that is not industrial, nor compatible with industrial activity, then RR1 zones should be provided equal protection from encroachment from activity incompatible with daily living.**
 - 19.2.2.2 states,

Require development along an amenity route mapped area to provide a high level of streetscape amenity by:

 - a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to mitigate the visual impact of industrial activities and development; and*
 - b. setting back buildings an adequate distance to allow this landscaping.*
 - Whilst 19.6.1 on boundary treatments and other landscaping states,

19.6.1.2.a: be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;

19.6.1.2.b: have an average of one tree for every 5m of frontage;

19.6.1.2.f: for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;

19.6.1.2.g: be planted prior to occupation of any relevant building(s) or upon completion of site development activities;

19.6.1.3: Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule.

19.6.1.4: Fencing must be provided along any boundaries which adjoin a residential or school zoned property. Fencing must:

- a. be constructed from solid timber paling;*
- b. have vertical palings which are butted together;*
- c. **only have palings visible from the residential zone (have posts and rails on the Industrial Zone side);and***
- d. be a minimum of 1.8m high.*

- If the Bonds had been serious about mitigating the visual effect of their industrial activity back when the property was bought in 2019 then mass plantings of trees and other dense shrubbery would have been planted. They did not. Nor did they undertake any mass planting in 2020 whilst building the oversized shed. Nor have they undertaken mass planting along the road frontage whilst proceeding through the resource consent process throughout 2022.
 - There are only low grass type plants at the base of a wood post and rail fence along the road boundary and very low shrubs along the wooden fence with 128.
 - The fence with 128 Abbotts Hill Road has the vertical palings on the Bond's side.
- There has been no attempt to seriously proactively hide (visually) the industrial activity irrespective of the statements made in seeking neighbour's permission to operate or in the resource consent application.

2. Noise levels

- A wood fence was erected between the industrial activity and the neighbouring property at 128 in 2021 in an attempt to mitigate adverse noise and visual effects. We note that the noise is now being reflected more towards us (our lounge, deck, garden, and bedroom catch this noise easily).
- As previously stated, the site failed a noise test in August 2022.

3. Hours of activity

- Hours of operation are stated in the resource consent application as being "7.30am to 7pm summer and 7.30am to 6pm winter".
 - We have been woken at midnight to the crashing and bangings of gear and machinery being unloaded, the idling of the large diesel truck during this activity, and then staff vehicles leaving.
 - The site is regularly operated outside of those hours, including on weekends. For example, what we believe to be welding or grinding occurred until roughly 10pm on Tuesday 20 December 2022. As there is no activity at the house site it is hard to argue that this was anything but work related.
- Who enforces non-compliance and how do we report such non-compliance for subsequent consequential action?
 - Our understanding is that all industrial activity was to stop from the end of 2021 whilst the Bonds applied for resource consent (the activity level dropped, but did not cease, throughout 2022).

4. Staff parking.

- We note that the application states that no "staff vehicles" are to be parked on Abbotts Hill Road. We acknowledge that we have failed to keep photographic proof from 2020 showing the contrary. The road is regularly used as a parking lot and extension of the yard; several

attached photos show recent behaviour. We wish we had taken more photos of the daily incidents where the road has been used (and blocked) as the parking lot and extension of the yard for various sized vehicles, trailers, and equipment.

- Towing vehicles regularly reverse into the yard. The resource consent application states that rule 6.6.1.2.a does not apply and that “it appears the parking area has manoeuvring space in accordance with this performance standard”.
 - We firmly reject the implication of that statement – that vehicles would have sufficient room to manoeuvre. If there was sufficient room then there would be no need to reverse trailers in or park on the road to collect a trailer.
- There is referral to the equipment that operates from the site, we draw your attention to the “small truck”. The only truck that we have seen (other than oversized utes with various storage lockers on their decks) and have had the misfortune to also meet on the road, is a large truck with a crane on the back.
- This truck is akin in size to a logging truck and takes up as much room on the road as the logging trucks which logged the forest at the end of Abbotts Hill Road roughly 6 years ago. The photo shows the “small truck” parked and partially blocking the road on 21 December 2022 – having the truck being parked here (or any other vehicle for that matter) is a normal occurrence. It is difficult to pass let alone if we, or one of the other neighbours, were towing a trailer or horse float. Sometimes utes are parked angled across the road, stopped where they have been reversed out to whilst closing gates or whilst opening them. This photo was taken whilst walking up the road, but we stood where we would be if we had been driving....to pass our passenger side wheels would have been in the drainage ditch.



5. Financial impact

- 19.1 states that

The use of industrial zoned land for retail and residential activities reduces the availability, and increases the value, of industrial zoned land and consequently reduces the potential for industrial activities to be able to successfully operate in these locations. Such encroachment also exacerbates potential reverse sensitivity issues. For this reason, one of the primary focusses of the Industrial Zone is the protection of industrial zoned land for industrial activities.
- We are concerned that the granting of resource consent to the Bonds will reduce our property values.
 - We wondered back in 2020 as the shed and yard took form whether they had been

damaged already. Who wants to live near an industrial activity?

- Reduce protection for RR zones by setting a precedent stating that though it's not okay for residential to encroach into an industrial zone, it's perfectly fine for an industrial activity, irrespective of its size, to encroach into residential.

In summary, the adverse effects on the amenity of surrounding properties are not minor as alluded to in the resource consent application. For those of us who live near this industrial activity, and the rest of Abbotts Hill Road, they are instead, **major adverse effects experienced on a daily basis.**

Rural residential character and amenity

Objective 17.2.3:

The character and amenity of the rural residential zones are maintained, elements of which include:

- a. a high presence of natural features such as trees, bush, gully systems and water bodies;*
- b. a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas; and*
- c. land maintained and managed for farming, grazing, conservation and rural residential activities.*

Abbotts Hill Road is classed as a low user road by the DCC for maintenance purposes; two thirds of its length is gravel with tar seal at the beginning and pedestrian safety bollards narrowing its entrance from North Taieri Road. As a low user road, it is not maintained, nor was it originally formed, to handle an industrial activity level of traffic on a daily basis. It is maintained at a level in keeping with a low population rural residential area. As a windy narrow dead-end road with no footpath, and with five blind corners, it has a total of 20 households on it (not including the Bond's property), whilst McMeakin Road joins towards its beginning where our mailboxes are located. Abbotsford Primary School is located just along from where it exits to North Taieri Road.

Due to the winding narrow nature of the road, when walking or horse-riding people usually use the right-hand side (western side) as it's the safest side for visibility. There are times that you need to balance on the edge of the ditch or scramble into driveways to get out of the way of traffic. Horse riders can have a terrible time due to inconsiderate drivers not giving them space (to do so means you fully cross the imaginary centre line) and reducing their speed considerably.



Appendix 1 has photos of the road in its entirety; a ute provides context as to the width of the road.

- The level of vehicle activity proposed is that of 20 vehicle movements per day. Assuming that there are two vehicles per household, and that both depart and return on a daily basis, the proposed vehicle movements would increase the vehicle road activity by 50%. This is significantly more than if a dwelling was the only activity occurring on the property, irrespective of general public vehicular movements.
 - Our greatest fear each day is travelling (leaving and returning) and meeting the truck or staff vehicles (a combination of utes and cars) with an oversized trailer attached travelling in the opposite direction. Throughout 2021 our timing became impeccable to be meeting staff travelling out whilst we headed home. Blind luck was involved in that we never lost a wing mirror, were sideswiped, or pushed into one of the drainage ditch's steep areas.
 - If both vehicles slow then they can safely pass each other, though both will have the passenger side wheels on the edge of the drainage ditch in places; the tar sealed portion can be dangerous in that it has been laid narrower than the road, so it is easy to slip off the tar seal into loose gravel if you're not prepared for it.
 - Abbotts Hill Road is not of a uniform width throughout its length due to the 'wandering' and sometimes steep-sided drainage ditch, some places are easier for oncoming vehicles to pass than others.
- Low user road does not mean 'no user' road.
 - We are concerned that the current level of maintenance would not be able to handle ongoing heavy vehicle abuse. Currently the road is in a relatively good state, however, when we have rung in the past asking for the road to be graded due to corrugations and potholes we have also stated that the road needs the actual clay base repaired/graded, then gravel layers reinstated and rolled in. In winter rains, the road can easily be damaged by vehicles as the clay base is exposed and ripped into.
- Abbotts Hill Road is a dead-end road that continues as a walking track between regenerating pine forest and rural pasture. The landscape is breath taking. Due to the road's historical low level of vehicle use, it has always been regarded by wider community users as a safe road to walk, cycle, or horse ride up and down.
 - My husband has lived here for almost the entirety of his life, myself it is 25 years and counting. It was normal to meet walkers of all ages, kids on ponies being led by an older sibling or mum, adults horse riding, mountain bike riders of all ages and ability, and numerous dog walkers. The 2020 lockdowns brought even more of the wider community out to enjoy nature and our rural aspect in safety. When the lockdowns passed we noticed a normal drop-off of this activity as people were free to travel elsewhere. However, throughout 2021 when the Bonds were operating in their normal manner (i.e. the level of activity was what we were all going to have to put up with indefinitely) then our regulars, the ones who have used the road for years or even decades, who we knew by sight if not by name, who would stop to chat about the weather or the state of the walking track, or just to wave and say hello as they passed, have slowly disappeared. **Abbotts Hill Road is no longer considered by the wider community to be a safe road for recreational activities of walking, horse riding, or cycling on.** Discussions with our old regulars indicates that they no longer feel safe using the road due to the level of industrial activity and associated vehicle movements occurring, including on weekends, and sometimes well into the evening. There is no predictable safe time to use the road by users. A neighbour's elderly mum will no longer drive up the road as she does not feel safe doing so.
- The resource consent mentions "density of development" and that the site will eventually have (via the oversize shed and future dwelling) no more level of development than

anticipated in a RR1 zone. It also mentions that the remainder of the site will still be available for “small-scale rural activities”.

- What this section fails to mention is that the property in question is L shaped with the entirety of its small road frontage taken up with the oversized shed and yard. You cannot see the rest of the property from the roadside as it falls away (as seen in the previous photos). You can see it from Christie Street (below and looking upwards). Thus, when passing the Bond’s property there is no visual aspect that can in any shape or form allude itself to the objective of 17.2.3 and especially in relation to 17.2.3.3:

*17.2.3.3: Only allow rural tourism, rural research, community and leisure large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities **where any adverse effects from development on rural residential character and amenity will be avoided or, if avoidance is not practicable, adequately mitigated.***

- We have included photos taken from our dashcam as to what someone passing in a vehicle would see; anyone walking, riding a bike or a horse would have even more time to fully absorb the non-rural nature of the visual spectacle.
- It cannot be argued that such an in-your-face industrial activity is balanced by unseen rural features. Especially as no attempt has been made to either site the oversized shed away from the road and further into the property (thus mitigating the visual and audial adverse effects of an industrial activity), or when the property was bought to immediately plant 1.5m high trees on the roadside that are fast growing (such as gums) to provide an initial level of mitigation to any future planned development.
- The implication of the visual environment, along with daily activity (including weekends) occurring on site, as well as heavy vehicles travelling to and fro, implies to anyone passing, living in the area, or contemplating living in the area, that such in-your-face industrial activity is perfectly acceptable in a rural residential 1 zone. The size of the operation is irrelevant in this context.
 - It is one thing to observe activity associated with building a house, i.e. builders vehicles parked on the roadside so that truck deliveries can be made. Such activity has a limited time span of operation, and it is inherently implied when viewing the type of activity occurring. However, it is entirely another thing to observe routine industrial activity taking place in a residential rural zone with visual features implying a permanency and an unending timespan to the activity (i.e. the infrastructure of an oversized shed, shipping container, piles of detritus, lights, motion sensors on gates, signage, equipment stored/parked, vehicles travelling in and out and vehicles regularly towing excavation equipment etc).

In summary, the adverse effects on rural residential character and amenity are not minor as alluded to in the resource consent. **Granting resource consent would set a dangerous precedent to the RR1 zone via encroachment of an industrial activity, irrespective of its size, and be contrary to objective 17.2.3.** For those of us who live on Abbotts Hill Road, and the wider community who used to enjoy using the road for recreational purposes, **they are major adverse effects experienced on a daily basis.**

Long term maintenance of rural land for productive rural activities

Objective 17.2.4:

The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.

It has been stated in the original resource consent application document that any activity would be allowed due to 'working from home' conditions being met once the Bonds reside onsite. The 'further information' document is not clear on the 'working from home' aspect with the activity being classed as industrial. Nor could we find any clearly stated objectives or policies in section 17 on rural residential zones that addressed this issue directly. We believe that this is because such industrial activity is too incompatible with a rural residential zone as to fail to even be remotely close to any 'compatible activities' as stated in 17.2.1 and thus falls under 17.3.3.25.

A clay pad was formed closely adjoining the boundary with 128 Abbots Hill Rd, it has become over time weed-infested and grazed by sheep and cattle. If this is the intended build site for a house then it is the first time that we have ever witnessed a building site in the Abbotsford rural area be neglected to the degree that is evident. This has led us over the past 1-2yrs since the site was formed, to wonder if the Bonds have ever really intended to build a house and reside here. We base this opinion on two things:

1. In our experience living in the Abbotsford rural area (of 25 years and 48 years duration and counting) it is usual to see houses being built shortly after foundations are formed, we have never witnessed such a delay. Usually, trees are the first things added by new owners and usually planted against boundaries or existing internal fences to establish privacy as soon as possible.
2. The resource consent application stipulates that the Bonds are applying for resource consent for the industrial activity "to not exceed 30 months" whilst deciding to build a home.
 - o When does this time limit start, has it already started, and can it be applied retroactively as this resource consent process has taken all of 2022 when they have been operating an industrial activity since 2020?
 - o What happens if they fail to build within the self-imposed time frame?
 - o What happens if they decide to sell the property?
 - Will this RR1 zoned neighbourhood be left with an industrial-grade oversized shed on the roadside, or will it be removed, and the land remediated to pasture?

As previously mentioned, the oversized shed that has been built cannot be disguised as anything else; it is an industrial shed irrespective of the size of the Bond's company and operation. The yard and its concrete and gravel surroundings are not conducive to safe stock management. Anyone passing on Abbots Hill Road could easily argue that the only activity occurring on the property is of an industrial type as the remainder of the property and any rural residential activity undertaken cannot be viewed from the road.



Safety and efficiency of the local transport network

As has been discussed, it is normal to encounter numerous vehicles travelling or parked on Abbotts Hill Road associated with the industrial activity.

During late 2020 and throughout 2021 it was normal to squeeze past the worker's parked vehicles as we came home. This was a combination of idling trucks (as in this photo as we walked past 21 December 2022) and utes parked on the road outside the gateway or in front of 128, and staff vehicles parked either semi on the verge or at times just on the left-hand side of the road with all tyres on gravel; these will have been impeding traffic all day.

Past behaviour is usually a good indicator of future behaviour; 6.2.3.3 is contravened weekly:

Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network.

We also note that the resource consent (begun in February 2022) is stating that vehicles will not be parked on the road. Implying that they never have, and will not, once consent is given. The large truck was left idling on the road on the 21 December 2022 as we walked past; we believe a trailer was being man-handled from the yard out to it, this is a normal way of hooking a trailer up to a vehicle we have found. As we walked past we deliberately walked in the centre to show what an oncoming driver would be faced with in attempting to safely pass. The photo looking back towards the truck has the 4th blind corner in the distance.





We believe the caravan had been stored in the yard. It was left parked in front of 128 Abbotts Hill Road as we left. The photo, 23 December 2022, shows it still there when we returned. It was parked in a position that would have made it impossible for the neighbours to leave their driveway to the right with their horse float. Even in their car it would have been a sharp turn.

In summary, the adverse effects on transport on the road are not minor as alluded to in the resource consent. For those of us who live on Abbotts Hill Road, and the wider community who used to enjoy using the road for recreational purposes, **they are major adverse effects, in terms of safety and ability to travel on the road, that have been experienced on a daily basis including weekends.**

We seek the following from the council:

We oppose in full Callum Bond's application for resource consent to operate a non-complying industrial activity in a RR1 zone. We believe it to be an encroachment, irrespective of its size, that would set precedents on RR1 land use activity.

If the Bonds were applying for the reverse, that of building a residential activity in an industrial zone, then we would expect that any application would be declined as it is a non-complying activity 100% incompatible with objectives and policies of the zone. Their application should be provided the same consideration as they are seeking to operate, irrespective of size, an industrial activity in a rural residential zone.

We seek the following from the council:

1. That resource consent to operate an industrial activity in a rural residential 1 zone be declined.
2. That the Bond's business (and all assorted vehicles, equipment, and storage) be immediately relocated to an approved industrial zone.
 - If the Bonds appeal then they should still be ordered to move to appropriate premises. Their resource consent application was started in February 2022, the entire neighbourhood should not have to put up with their industrial activity over the coming year whilst any appeals wind their way through the system.
3. That the gross floor area of the oversized shed be reduced to 100m² as per 17.5.7.

Appendix 1: Pictures of the entirety of Abbotts Hill Road – imagine the truck and utes navigating this

Leaving
Abbotts Hill Rd
and about to
turn onto
North Taieri Rd.



The reverse
image, having
turned off
North Taieri Rd,
onto Abbotts
Hill Rd

McMeakin
Rd on the
left, all our
mailboxes
on the left
(still on tar
seal). Just
room to
squeeze
past a car
stopped
checking
their mail.



Having just left the mailboxes and following a ute approaching blind corner #1. This picture provides a great example of the width of the road and the issues surrounding heavy vehicle traffic using it on a daily basis.



Blind corner #1

Having just turned blind corner #1



Blind
corner
#2



Having just
turned blind
corner #2,
just about to
leave tar seal

Onto the
gravel
past blind
corner #2



Blind
corner #3



The
longest
straight
part of
the
road,
just
past
blind
corner
#3

The other
end of the
straight.
Blind
corner #4
in distance



Blind
corner #4



Just
turned
blind
corner
#4

The Bond's property on the right behind that low post and rail fence



The Bond's property as seen from the other direction. This is all of their property that you can see from the road.



Blind corner #5

End of the formed section of road and where vehicles turn around.





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kaunihera
a-rohe o
ōtepoti

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-2022-117

Applicant: Callum Bond

Site Address:

124 Abbotts Hill Road Abbotsford

Description of Proposal:

To authorise the operation of a contractors depot on the site

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

Your Full Name: Sharon Anne McCraw

Postal Address

Tele

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

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]:

Refer to attached documents

Please attach other pages as required

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

Refer to documents.

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]:

if resource consent was granted -

- No Machinery visible over fence
- Size of shed made smaller or removed preferably
- Trees planted to hide the commercial/industrial area visible from road and any surrounding lifestyle properties to try make it look somewhat in keeping with surrounding grazing/lifestyle
- No loading diggers onto vehicles in middle rd or blocking

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:

J McCraw

Date:

17/01/2023

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is **Wednesday, 18 January 2023 at 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 Callum Bond C/O Paterson Pitts Group, PO Box 5933, Dunedin 9054 or via email vyvienne.evans@ppgroup.co.nz

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.

Road when accessing property trying manouvere vehicles into yard where there is no space to turn a car around let alone swing a cat!!

- Decline application for consent!
- Remove all vehicles associated with commercial/industrial machinery that is not in keeping with rural/residential living!

Regarding 124 Abbots hill Road, this property does not maintain landscape character, a commercial yard in rural area, you do for one you have do for others!!

Reasons for rural residential living:

1. Enjoyment of rural lifestyle.
2. Health Reasons.
3. Space.
4. Quiet, peaceful enjoying birds watch animals happily grazing.

Lifestyle choice enables us to enjoy living a lifestyle avoiding adverse effects of living amongst commercial and residential; values of lifestyle living are immense, but not when a commercial yard is developed 19METRES from my house where they operate heavy machinery, welding, consistant use of diggers and bobcats, hi ab, noisy vehicles – v6 ute and diesel vehicles. They have constantly operated commercially for 14months plus when DCC informed me they were closed down so that is a total breach and disrect, he informs DCC it is for personal use and it is clearly not!

Loading and unloading of vehicles is a 7 day operation going through til 6pm on a sunday. Vehicle movements are constant over the day, trucks, trailers that are too wide for the road safety of users. Abbots Hill road is a NARROW gravel LOW USER ROAD with a ditch on one side other side is sloping hill side, two medium sized cars can pass at a squeeze. Balustrades at intersection Abbots Hill Rd and North Taieri makes it dangerous enough for vehicles to exit let alone large trucks and trailers which will have to encroach the opposite lane heading in other direction, balustrades were erected after a young child was run over by truck exiting Abbots Hill road, even before then exiting and entering were limited.

School crossing is approx 40 metres from exit Abbots Hill Road.

No infrastructure to accommodate heavy vehicle which would be 30 plus manouvres a week, along with more than 35 plus a week from employees cars, it not just the commercial traffic associated with the yard,the hanger onners that go to yard to retrieve trailers, truck, machinery, and equiptment they have stored there, movements from hanger onners be 20 a week, the classic being the speights caravan there for months parked next to fence. The state of the yard is unkempt, was only tidied for photos taken Feb 2022, nearly 1 year ago, has

been mentioned by the few walkers that still walk up here it's an eyesore and why it allowed in which was once a lovely rural area. People don't ride horses up here or walk as they say it too dangerous now, even I take my dog down to abbotsford to walk instead of from home.

My Mother will not drive up the road as it dangerous encountering large vehicles, she did once now I have pick her up North Taieri Rd for her to come my house, at times i've had take her back down to her car as the noise you cannot enjoy, like if friends visit sitting outside the noise the smell unpleasant, so inside we go there is no reprieve. December 24 2022, visitors from out off town, lunch time 12-1pm bobcat was operating ruined conversation and lunch, they left, 8.17pm same evening un-loading truck, visitors had returned cooking dinner, there response was OMG! How do you live with this!

A lot of machinery operated on-site they use earmuffs – do I have wear earmuffs inside my home as remember they only 19METRES away. As for the acoustics report by Marshall Day it was a FAIL!! even with a wooden fence, but what's a wooden fence going to do, NOTHING!! And why did Marshall Day say it a storage area, it is for the hanger ons that store stuff there, but it is solely a commercial active yard that operates 7 days a week with heavy machinery activity.

Grinding/welding went all afternoon in september, most nearly 2 hours – the air smelt of burning substance, so did inside my house even with no windows open.

Noise level was based on 15 minute period, no activity on site lasts for 15 minutes e.g. big truck idling for well over hour and half outside my lounge which DCC will have record off as I rang them because of the fumes entering my house giving me headache, ORC were also notified by DCC regarding emissions I was informed, along with the regular use off bob cats and diggers they exceed more than 15 minutes!

Noise effects reasonable for rural residential – NOT MINOR but VERY MAJOR!

No heavy machinery is not incorporated into rural/residentail!

- lawn mowers are!
- weed eaters
- ride on lawn mowers

- quad bikes for harrowing and feeding out
- sounds of sheep bleating, horses calling out, roosters crowing,
- dogs barking!

This is what living in a rural/residential is about – not constantly hearing the noise of machinery which you associate living amongst a commercial/industrial area.

Assuming PARTIALLY open windows as said by Marshall Day will eliminate some of the noise! NO my windows have to be kept closed to try block noise, odour and fumes, WHY should I not be able open my windows WIDE as previously done living rural to let fresh air in, not fumes, smell and noise – there is no fresh air here anymore!!

When outside and the noise starts I return inside but it is no better, and the fact that my FLOOR VIBRATES.

Living 19 METRES from a commercial yard in a rural residential area is a living hell, I cannot open windows or hang washing on line, diesel fumes, welding smell, and smoke from lit fires that ORC and fire department have attended more than once, the effect on environment is greatly affected! My life is affected hugely, taken away is a country living, where I am meant to enjoy the outside with my animals and tending to my property but often when he starts up I just leave or turn television up to drown out the noise which has no effect; feel it through the floor

Even with windows and doors closed my house smells of diesel and fumes, giving me headaches, irritated eyes, affecting my breathing, left truck running for over hour outside my place called DCC reply was truck hadn't been started for awhile so he need run it, truck was driven up here that day!!!

20 years I have lived up here, never had greasy windows, when washed the water has oily substance, so WHAT is happening with the residue on house roof when it rains, being on tank water straight into my water tank ie. Drinking water, shower water, dish water, cooking, animals water, and the residue on grass animals eating!!

Mentioned is the wash down of trucks and machinery will be limited because of water supply – well how can he irrigate 3 days in a row?? Obviously water supply is not limited!

Loss of privacy can view right into my lounge, especially when on back of truck and container, hence why I have to keep lounge blinds closed for privacy and to block out the mess off trucks, diggers, container, hi ab which are higher than a fence that does not eliminate noise, fumes and privacy. Not the lookout for living rural, more like living next to a commercial yard!! Even my kitchen is open to view as often when preparing meals or making a coffee or even washing my hands they look straight into my kitchen when entering yard as they have been known to wave, it's not a friendly wave it's a oh you saw me looking gesture!

RE SALE VALUE effects on SURROUNDING lifestyle blocks!!

This is affected immensley, WHO wants to BUY lifestyle block next to or near a commercial yard???? Especially when you can buy something rural/residential elsewhere and have the life of country that we pay for, or is this becoming the thing allow commercial yards in zoning.

Real Estate agents I've spoken to, they mention Re-sale value affected immensley, anything up to 100,000K as people will look elsewhere for the life and peace, reason for buying a lifestyle block.

So WHO comes to the party to pay for LOSS of valuation in our properties if and when can be sold?? The Bonds or DCC??

DO FOR ONE HAVE DO FOR OTHERS!! Ruin other lifestyle owners lives! You have nothing, not a quiet life or stress free you may as well be living next to airport! Who wants it, imagine young family with children trying to get children settled, dinner, homework done within the hours he says yard be operating and all you can hear is banging of vehicles being unloaded which are always left idling some for over a hour – the fumes the smell the vibration of floor.

WELL IT DOES NOT LOOK GOOD! Hours of operation are spasmodic anytime to suit him, midnight arrived to unload, myself and neighbour was woken by unloading truck, 2 diesel vehicles plus large truck left idling while unloading finally left 12.30am after being asked twice to turn vehicles off which didn't happen, same week large truck left idling on my road lawn 9.30pm, asked twice to turn off, completely ignored, obviously didn't hear me above the noise – hence house full diesel smell and fumes, DCC was notified so it will all be on record!

So how can times stated be abided by as they and the yard are not acceptable in

RURAL RESIDENTIAL, there are shift workers living on the road, one just across road from this yard.

Operating he states, well he can't abide by anything now, so why would that change. e.g Arrives yard 12 midnight with truck and trailer along with two other diesel vehicles, unloading til 12.30am, awakens the neighbour and myself!

- leaves big truck idling in the summer months 8.30pm outside my front door for hour, fumes, diesel smell in the air and my house, asked to turn truck off never did.
- Loading off container onto back off truck one Saturday morning, two hours truck running near the wooden fence, noise control was called so DCC will have records of that, noise control said he couldn't do anything about it as he had nowhere to put impounded machinery – simple he could have just taken the keys!!
- December 23 welding/grinding, big truck idling 20 minutes, the stench was horrible giving me a headache and irritated eyes.

Covid TOTAL LOCK DOWN, bringing employees and friends on to site to build OVERSIZED shed which was constructed with no notification to lifestyle owners, neighbours, obviously was non-notified and is not in keeping with rural surroundings.

HOW can a commercial yard be developed with no notification? Surely a RESOURCE CONSENT should have been applied for and obtained, neighbours notified before there was anything even started.

So operations of yard have been operated and still are against the law with NO CONSEQUENCES, which DCC planning will have records off phone calls and e-mails regarding the operations it is MAJOR not minor these operations.

Rateing no doubt will come into account as property values will devalue immensley living commercial area, so the excessive rates which I didn't mind paying to live rural I dare say will decrease if commercial activity is allowed in this once quiet haven that has developed into a nightmare!

Awareness of the noise is obvious as txts from Callum;

21st August – Just advising we are doing noise testing tomorrow morning as for

DCC consent. Will be heavy machinery moving about.

21st November – Hi, There be an engineer working in my shed tomorrow, he is doing private, non commercial work and will keep noise to a minimum. Work has been discussed with DCC already. On contacting DCC they knew nothing about it.

Security Lighting goes all night, I don't need turn lights on to attend bathroom as they give me light, been absent last few weeks with the xmas lights adorning the LARGE shed.

MANOUEVERABILITY!!

There is no space to turn trucks around or manouvere in yard, everything has to be reversed in or reversed out. To access yard with trailer on, to reverse in it takes approxiamately 6 manouveres, more when reversing container in and driving way beyond driveway to access gate.

Most of the reversing means blocking road and going onto neighbours frontage so close to fence where horses are grazing, have seen horse bolt away and looked like going over the fence, (which has happened with one of my horses when grazing and the Hi Ab just popped up over the wooden fence). A tree was removed from the neighbours frontage with no consent from them across the road so they could obtain space to exit commercial/industrial yard with machinery as well as allow space to reverse into and out of yard.

Removal of tree a lot like, I returned home to discover my trees along boundary in my backyard had been cut back with chainsaw to make way for a wooden fence without asking.

DCC has received a lot from myself over the last months so will have a very good record on the effects operating commercial/industrial yard amongst residential lifestyle. Before this was developed it was grazing land within keeping of the surrounding lifestyle blocks, desireable, a paradise! Now it's a eyesore with a white elephant that emits pollution and excessive noise!!

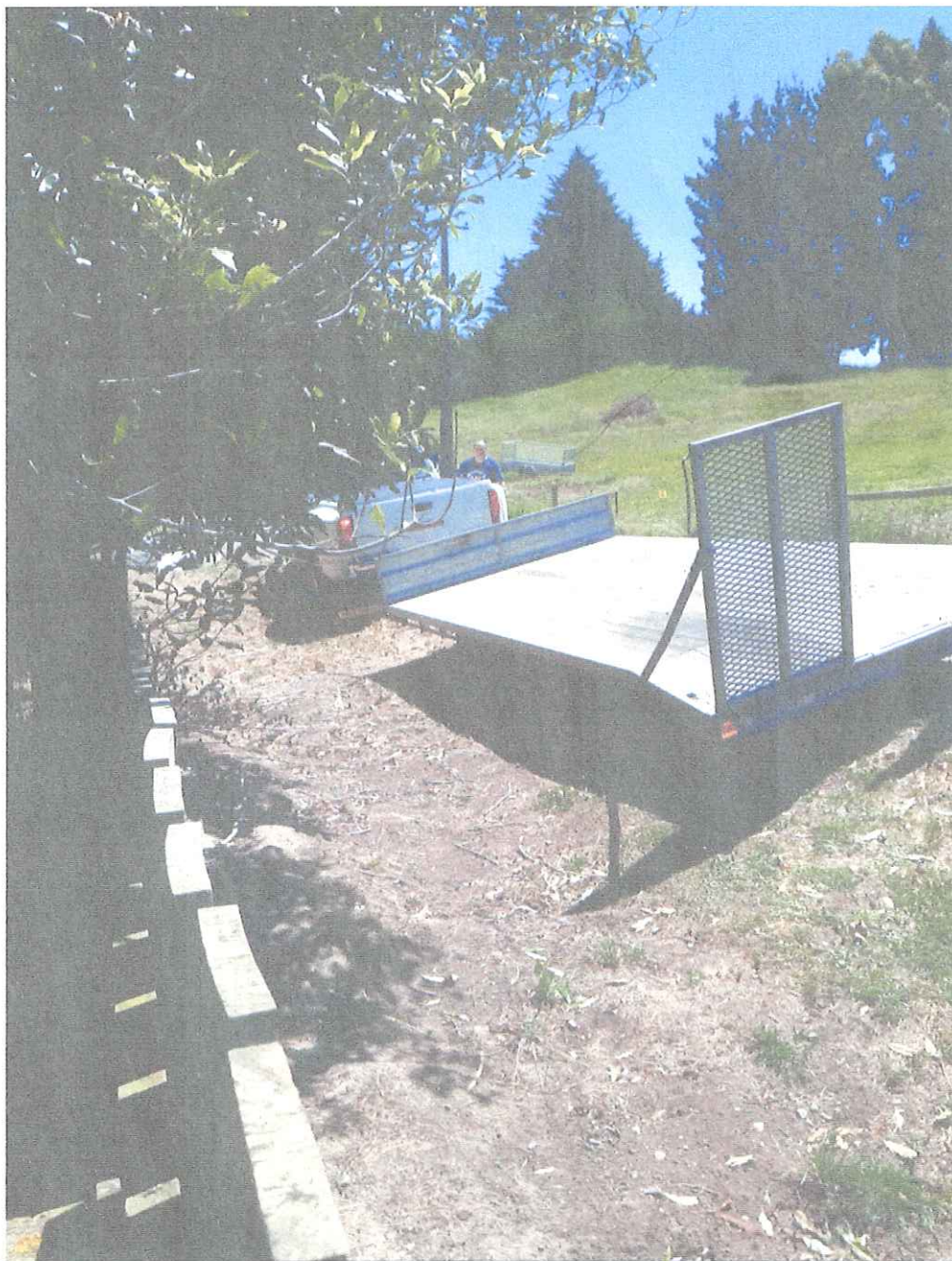
Minor does not come into this, there is nothing minor, it is very very MAJOR!

Thankyou!

Sharon McCraw
128 Abbotts Hill Road.



Table 4 page 18 states that no vehicles will be parked within Abbotts Hill Road reserve? This is a common occurrence vehicles parked outside my property restricting road usage and blocking suitable access/exit for 127 Abbotts Hill Road and limiting any vehicle travelling on road. Recent photos, that shows it does happen. January 7th 2023 trailer parked for period 2 hours.



Trailer being retrieved by employee who abused me, saying I was a stupid B...., to get a life and go have a drink and what the hell did I think was doing. Took trailer back into yard with more than one manouver on road to access driveway!

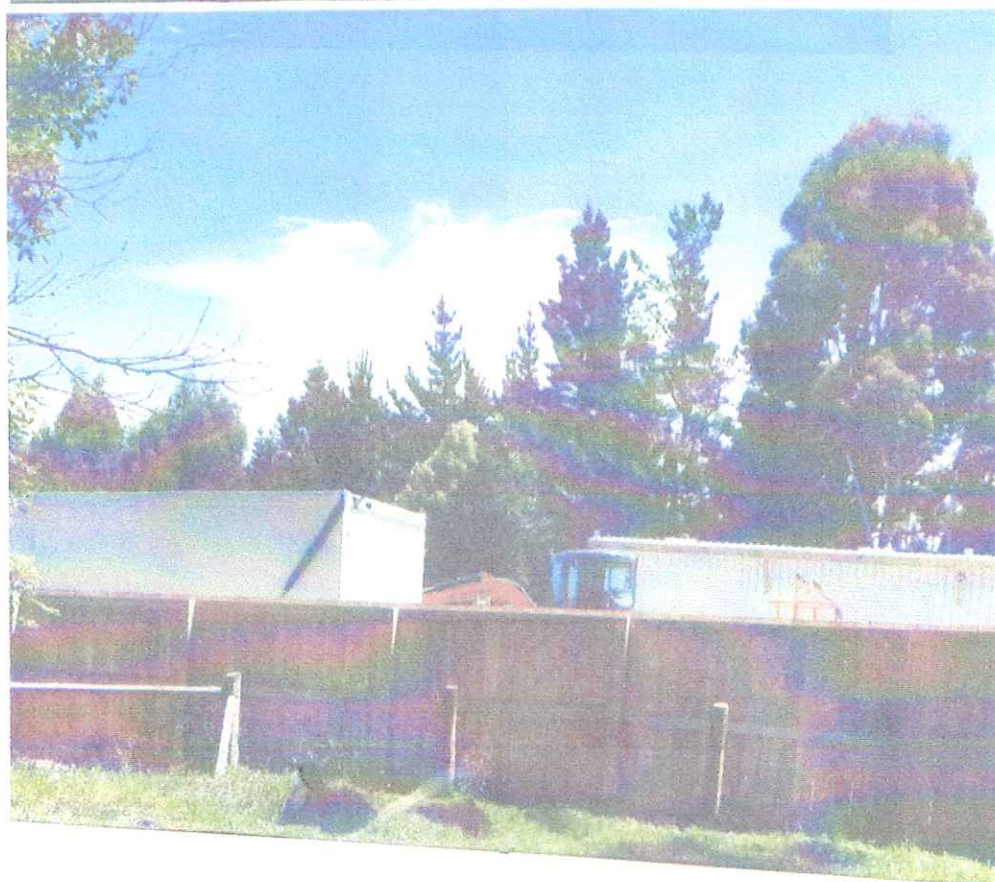


Again 7th January 2023, truck parked on road for duration up to one hour after trailer removed!



23rd December caravan and large vehicle parked for about 4 hours, could not finish road side mowing as parked on road/verge outside my place again restricting exit from 127 Abbots Hill Road.





Views from my lounge window which is not associated with rural living which I have to block out with a blind and to retain my PRIVACY!!



View from my paddock adjoining commercial/industrial yard

