

To Hearings Committee

We have summarized our thoughts on the Planner's report and Hearing below and commented on parts we think is prudent to do so.

Overall the Planner's report summarises that the consent be granted. We agree with this of course.

The earthworks have already been completed and any requirements to fix any issues eg the battering of the bank at 12 Annie Street have been met.

The owner now knows that he should have got consent before he started the earthworks but at the time he thought he was being helpful. In hindsight putting a fence around his property and letting the neighbours deal with the DCC for access would have cost less both in money and stress for the owner of 12 Annie Street.

We consider the cut across 12 Annie Street is a track that happens to be wide enough for vehicles to cross at the goodwill of the owner yet the report varies from track to driveway to road which then causes different policies to be adhered to.

The opposing submitters are not opposing the earthworks done on 12 Annie Street but are concerned about future access if the owner was to fence it. The new track was created in the first place to help the neighbours but not be so invasive on 12 Annie Street.

Access across 12 Annie Street is a civil matter which if the neighbours want to pursue that we are open to this. The owner of 12 Annie Street has spent time and money and not prepared to spend anymore plus wants contribution from the neighbours for costs incurred. The DCC know this.

The applicant met with the DCC several times but it was omitted from the report that one of the times the meeting was to say the DCC would buy the new track part of Annie Street for \$3000 but the owner had to pay South Roads \$30,000 to bring the road up to standard. This is when the breakdown in communication has escalated as the owner of 12 Annie Street feels that the DCC are trying to appease everyone at a sole cost to him and he can't do anything on his own land.

This even leads onto why there was even a hearing which will cost the applicant but the DCC had discretion to sort before a hearing was had.

We have found the whole process to be very confusing as it switches back and forth from the works done at 12 Annie Street (which is what the consent is for) and the works on the unmaintained and unused legal road (which the DCC are still saying they won't maintain). So who's problem does it become then?

Point 28 says the report following is based on the scope for 12 Annie Street but point 30 then talks about the whole area. Again this is confusing.

The Planner's report mentions 6 main headings to which we put our input below:

Effects on visual amenity

The landscape architect was in attendance at the hearing and his report states that the visual amenity impact will be relatively low and only recommends that any proposed planting consists of locally appropriate native species. The landowner is happy with this and currently has a relationship with HALO and has been instrumental in planting 5 Rowland Street. In other words he knows what he is doing.

The applicant does not wish to spend any more time or money dealing with the planning department of the council and therefore rejects having to provide a planting plan to them as per the revised proposed conditions.

The applicant also rejects the condition to hydroseed as this is more cost and will have a negative visual effect if not maintained.

Effects on amenity of surrounding properties

17 & 19 Bradley Road don't need to cross 12 Annie Street and any development of these properties has only been done since 2000 and they have legal road access but it is not formed.

Apart from access what is the effect?

There is an effect of 12 Annie Street where there seems to be landowner who has to get everyone else's input/permission on what can/cannot be done on his own land.

Effects on the stability of land, buildings, and structures

Drainage has been assessed by DCC Building Compliance Officer as acceptable as noted in the report.

Remediation to batter the bank has been completed and reported

Effects on health and safety (in terms of earthworks within setbacks from network utilities)

No earthworks were completed near the power pole which is in Bradley Road, only a concrete driveway that was imposing had been partially cut and removed and was impeding on 12 Annie Street.

Effects on efficient and effective operation of network utilities

There was a telecom pole and cable that was put on 12 Annie Street without permission early 2000s but has since been removed by Chorus.

Since the earthworks have been completed the power company has put a concrete pole on Annie Street that they used the new track for as this is the first time they have had been able to access Annie Street with their big gear. This was of benefit to the Annie Street residents.

Effects on the safety and efficiency of the transport network

There are 3 houses that need to cross 12 Annie Street, the Transport Planner in his report said the effects of result of the proposal on the network will be less than minor.

Thanks for reading our comments above, we have also attached the letter that was read out at the hearing.

Paul, Abby and Sarah

Resource Consent Application LUC-2023-26

Hearings Committee Consideration Friday 13th 2pm

Applicant Paul Napier

Good afternoon Committee Members, first of all please accept my apologies for not attending the meeting due to illness. On my behalf, my daughters Abby Napier and Sarah Mason will be representing me. They have my full authority to act on my behalf regarding the new retrospective earthworks that I have completed on my land at 12 Annie Street.

History

I have lived in Osborne permanently for over 60 plus years. My family surround me, My dad, Mum and Grandson are scattered off the the Mt Mopanui behind home. Over the last 45 years I have tried to make Osborne a better place to live by being a go to person in the Osborne Township Amenities Society and serviced in the local Port Chalmers Fire Brigade for 15 years as a first responder. I have always made people to feel welcome here and do my best to help people. Over the last few years I have become concerned with individuals who seem to think they have a right to do what they want and think they are entitled. They are not.

The existing track through my property 12 Annie street was bulldozed through in 1969 on the request of the Osborne Township Amenities Society, and the crib owners who lived down Annie Street.

The local farmer Ron Birchall Senior who owned the land at the time let them do it as the existing formed road stopped outside 25 Bradley Road. There was only a walking track to the properties below which made it hard to carry supplies and coal to their cribs. Ron made it clear that to all parties that it was only available at holiday times as it was fenced off with a gate outside holidays.

The Birchalls and the Napiers were the only permanent residents at this time in Osborne. All the rest were cribbies. Annie Street was still a walking track. As years passed more cribs became permanent residences. Homes were built and people sold the cribs and sections to new people. I was informally approached by these people for access to my property. I agreed on the understanding that at some stage that I would like my land back but would help them out. A young couple who had bought a section in Bradley Road asked me to make an access for them so they could build. That was a big mistake on my part as they all decided to turn on me once I was halfway through the work making a new access that wouldn't be so evasive on my land.

Complaints were made to the Council and here we are now. I was told to stop making the access until the council investigated. I have attended multiple meetings with the DCC including one where they quoted me over \$30K to fix the road. This did not feel like a negotiation either but a standover to which we left the meeting. This has not been documented in the Planners Report.

It has now been 3 years with lots of cost for me and abuse from these ungrateful neighbours for me trying to help out them out in the first place with community spirit as always.

I have never blocked off the original access and want everyone here today to know that I feel hurt and aggrieved by all of this mess. The consent was for earthworks (which have been completed). The opposed submissions are all about access which is a civil matter and I don't believe the correct process has been followed to avoid a hearing. Therefore, I question who will be liable for the cost of this hearing.

I also ask the Committee that consent be granted without the planner's recommended conditions as I understand the transportation team are doing future work on Bradley Rd and will be diverting water run off to the existing drain on my property.

Regards Paul Napier