

**Statement to Hearing Commission re application of  
Regina Properties Limited, 1-3 Dawson Street, New Plymouth**

**Ref: – NPDC Ref: LUC21/47890**

We, **Bill (WJ) and Diane (DE) MacArthur** lodged a formal submission opposing the above application for resource consent. We now state in evidence before the Hearing Commission as follows:

1. Just over two years ago we purchased 122 St Aubyn Street. While the spec home was being built, we regularly visited the site checking on sun and shading as this has always been an important issue when purchasing our previous homes. After inspecting the shell of the house, we felt it had everything we were looking for including lift, minimal section, close to CBD, sea views to the north and east, open plan living and sun throughout the day.
2. We investigated the possibility of further development at 1 and 3 Dawson and considered the possibilities. We felt comfortable that with 1 Dawson Street already being over the 10 metre permitted height restriction and the location being mainly residential, Council would not support an even higher extension. We are now faced with the possibility of about 54% over the permitted height with this proposal.
3. Number 3 Dawson St, which has only recently been bought by the applicant is a different issue. We considered the 10-metre height restriction, the minimum number of car parks required for commercial, and the North boundary wall would be a challenging development.
4. The developers of 122 St Aubyn, named Oceanview, planned for three top quality homes facing north and east and a commercial building behind on the south and west side of the site – this is now the Lees Dental rooms. All three homes are within the 10-metre height restriction and all three get full north facing sun with the two larger homes (between ours and the coast) getting unobstructed views of sea and coast.
5. With reference to Landscape and Visual Effects Assessment Receptor I, we argue that we will have a significant “loss of sky” and do not agree with the assessment as “minimal” and that the southeast corner of the building will be approx. 13m from our living, balcony and bedroom areas. Overall, this has been assessed as “negligible” (Appl Doc 12/2/21 Pg23 Blue

Marble Report). Having enjoyed our home for the past two years and being able to readily visualise the extent of the applicants proposed development from our living area we challenge the Blue Marble Report. We consider the adverse effects on our privacy and views will be “very high”. While we have a view to the north up the coast, the north-west orientation of our living areas means the natural view lines from our house is in that direction toward the two residences in front and the applicants property. The bulk of the building, and the bedroom wing in particular, will be in plain sight just a few metres away from our living areas.

6. The 42A Hearing Report Pg28 No83 – states owners of 122 St Aubyn St maintain their main outlook and the amenity associated with this outlook toward the northeast and for these reasons conclude that the effects over and above the permitted baseline are anticipated to be acceptable. We would like to point out that the lounge and bedrooms have north/west outlooks and strongly disagree with this comment. We have never raised a problem with the views to the west of our property, however strongly object to the proposed development taking away our sun, privacy and loss of sky space leaving us with a damp, shaded and dark environment for 10 months of the year.
7. The existing building is already in excess of the 10-metre height restriction and the extension into 3 Dawson Street will also be over the 10 metres. We are going to be significantly adversely affected with the extra shading and loss of sunlight, to our north facing windows, ranchslider and balcony. We also have 3 skylights to the top-level giving sunlight and extra warmth. There are 4 large windows ranging from 1.95m x 2.15m down to 1.34m x1.94m plus 1 ranchslider. These windows provide sunlight and daylight to our ground floor two bedrooms, and our living area on the 1<sup>st</sup> floor. These two bedrooms and the 1<sup>st</sup> floor living area covers in total over approx. 80% of the floor area of our dwelling, all facing north. The Shading Effect Summary SK5.06 clearly shows that the extra shading February to November is substantial each and every sunny day and a large portion of that time is the highest degree of additional shading. After several visits from both the applicant and some of our neighbours who are submitters, it has been unanimous that we at 122 St Aubyn Street are most significantly affected. ~~Listed below are obvious effects and changes on our lives.~~
8. The shading we will have to live with nearly 10 months of the year. All times of the year are important in their own right. Exposure to direct sunlight is good for our health we are told. Health experts advise us to keep out of direct sun without sunscreen from 9ish to 4pm. This means we will have no direct sunlight available from 3pm at least 8 months of the year to

gain the necessary good times of sun exposure. This will force us to leave our home in the afternoons as there will be no direct sun. During the months of April to September the loss of direct sunlight will prevent natural warming of the home and force us to use heating. The “loss of sky” will also make our home darker not just on the sunny days but will also make the bleak days even bleaker.

9. Using extra heating will be at a cost and an unnecessary use of gas. We are all meant to be taking steps to reduce the use of gas and electricity to save the planet. Extra height leaving us with extreme shading will mean it will be impossible to save. Buildings complying with the 10-metre height restriction allows us to conserve energy. If the Regina development goes ahead, we anticipate our heating costs will increase through earlier loss of winter sun; there will also be a cost to keep our north facing wall free of dampness and mould throughout the year.
  
10. In the Blue Marble report, (Page 3 Preamble) it states - rather than create a compare and contrast landscape assessment between the previous proposal and the new, to assess the new proposal without reference to the 2020 lodged proposal. We would like to point out that while the new plans were in progress the applicant made efforts to sort out as many of the objections to the first application as possible. For example:
  - a. Stepped back on the seaward side thereby avoiding any dominance effects on the coastal walkway.
  - b. Extension on the western side now not projecting to the western boundary. Better view from further up the road on Dawson Street.
  - c. Consideration for the visitors and rate payers to enjoy a better environment when approaching the walkway.
  
11. The above steps appear to have been regarded as being more important than the interests and maintenance of the quality of life of nearby existing residential homeowners. In contrast, the main point of the objections, the excessive height of the building, was not addressed. All those to the east (10 objection submitters) were not given any consideration regarding shading and loss of sunlight, daylight and loss of sky. All those to the east of the development are residential sites and any loss of sunlight and extra shading would affect owners lives both now and for the rest of their ownership of their residences. Not to mention possible lower house prices because of this development.

12. We are also concerned that the excessive shading and loss of sunlight to the north wall of our dwelling (total living area) during February to November will result in our home becoming cooler with higher moisture content.
13. The height and mainly glass on the east facing wall situated on 3 Dawson St will have a major effect on our privacy as our living areas, plus balcony and 2 bedrooms are north facing. This east facing wall (mainly glass) is only approximately 13m from our living area which includes the balcony. We would have to explore avenues to block our windows from the neighbours not only from the bedrooms and gym facing east but also the top floor looking down on us. In addition to loss of privacy, we maintain this to be a cost we should not have to think about as the options will give us even less direct sunlight into our living/bedroom/balcony areas - all north facing.
14. If the development goes ahead, we will be forced to mitigate the worst effects it will visit upon us, such as needing to install curtains at our cost to protect our privacy and suffer ongoing expense due to the need for more heating in the winter. We cannot replace the loss of afternoon sunlight, or reduction in daylight levels or loss of sky. By contrast the applicant has the option of converting the GQ building at its existing height into a luxury apartment or two without the need to so badly affect our environment.
15. In August we enjoy sun in our lounge and dining area to around 5.15pm. Looking out to the GQ building we envisage it will be gone by around 3.10pm if the development goes ahead. The BOON shading study confirms our estimate. The BOON study shows over the winter months (May to August) we will be affected by additional shading on our property commencing at 2.30pm (early afternoon). At the present time if friends call in for coffee around 3pm we either sit inside or on the balcony enjoying the warmth of the sun, privacy, and openness. The experience will be totally different with the changes – sitting in the lounge with heating on, no natural sunlight and not being able to enjoy using the balcony. The times change over the months and in the Autumn and Spring when we still get cooler days we will still be adversely affected and even more loss of sun with an over 10-metre-high building towering over us.
16. Over the last three months we have been approached on three separate occasions by the applicant to purchase our home. After the first approach we made it clear we did not want to sell and were prepared to challenge the application. Late August the situation became

overwhelming, and we approached the applicant to advise that we would like to talk about his offer proposal. He rejected this approach and advised he would rely on the advice he had received and would see us at the hearing.

17. After living here for the past 2 years we enjoy the total experience – living in a warm, sunny, open home surrounded by mostly residential properties with happy folk who enjoy each other's companionship and support throughout the area. When we purchased, we were fully aware the building on 1 Dawson St was over height and were surprised and found it unbelievable that an application to go even higher had been submitted.
18. We note that there has also been a precedent set by past applications with the repeated objection being height, shading and views. These include Waterfront Hotel, Reef Apartments and Dawson Developments 122 St Aubyn Street for a 7-story residential building. All the applications were over the permitted height and were either voluntarily reduced in height (The Reef) or declined by the Council for essentially the same reasons that will adversely affect us.
19. The applicant states that the new development will enhance the area and define the change from commercial to residential. (BTW Evidence Number 64 page 17 Darelle Martin) – 42A 119/120 Luke Balchin) We don't agree. Improvement to the area would better be achieved by designing a residential home with commercial offices underneath but keeping to the existing height. There are options to redevelop within the 10-metre restriction. However, we and all residents to the east of the building have no option.
20. At page 27 of his report (42a) the Council Planner says the building will play a key role in defining the edge of the business zone. We take issue with this. We question why it is so important to define the business zone like this (and with a large dwelling), when so many people and their living environment will be so badly affected by a building that exceeds the maximum permitted height.
21. At this time of our lives, we should not have to be worrying about the impact both present and future this will have on our lives. The costs, time and energy of this process is not what we envisaged when we purchased our lovely home. All this time and energy because a family wants to build a luxury apartment with all day sun, unobstructed views with no shading and can only achieve this by getting an application approved that will be up 5.4 metres and 2

metres over the 10-metre restricted height and without any consideration for neighbouring residential properties

22. At meetings attended by those opposing this application the applicant has commented more than once that all he wants is to get this approved and underway so he can enjoy coming into the neighbourhood. We would welcome the applicant family to be living in our lovely neighbourhood by the sea provided any development is built to within the maximum permitted height levels of the District Plan and avoid the reduction in the quality of our lives and our environment. As it stands, we totally oppose this application and request the Council to decline it.

23. Finally, we want to say that we did not have a visit from the applicant or any of their advisers, until well after we had lodged our submissions. We were not approached nor had any of these people on our site during the designing of the building. The first visit we had from a council officer was this year, well after the second application had been notified to us.

24. Two photos are attached.

Dianne and Bill MacArthur

Photo 1 – A view from our living area to GQ Building – 9 August 2021 at 3.17pm

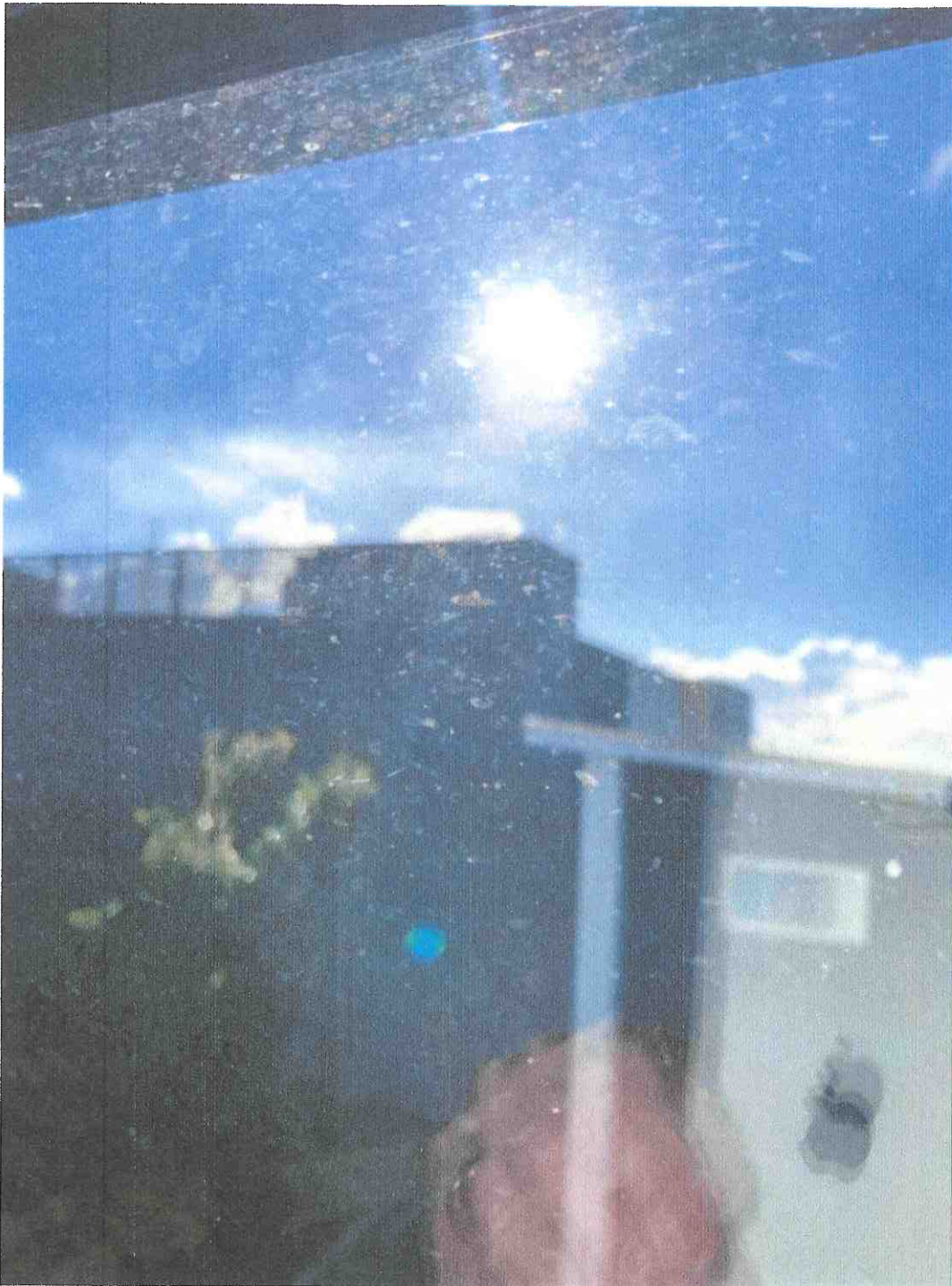


Photo 2 – View of living area showing late afternoon sun 10 August 2021 at 4.57pm

