



**Submissions must be received by the end of the 20th working day following the date the application was notified.**

If the application is subject to limited notification, New Plymouth District Council may adopt an earlier closing date for submissions once the Council receives responses from all affected parties.

Email to: applications@npdc.govt.nz

Or post to: The Planning Lead  
New Plymouth District Council  
Private Bag 2025  
New Plymouth 4342

### 1. Submitter details

1a. Full name	Colin Michael & Margaret Josephine	COMBER
	First name(s)	Surname
1b. Contact person's name if different from above e.g. lawyer, planner, surveyor	Colin	COMBER
	First name(s)	Surname
	Designation	Company
1c. Electronic service address	colin@comberconsultancy.co.nz	
1d. Telephone	027 249 2864	n/a
	Mobile	Landline
1e. Postal address or alternative method of service under Section 352 of RMA 1991	122A St Aubyn Street, NEW PLYMOUTH 4310	

#### Serving of documents

The Council will serve all formal documents electronically via the email address provided above. Where there is no email address provided the documents will be posted to the above postal address.

### 2. Application details

2a. Resource consent number	LUC21/47890
2b. Applicant	Regina Properties Limited
	First name(s) Surname
2c. Site address	1-3 Dawson Street, NEW PLYMOUTH
2d. Description of the proposed activity	Additions and alterations to an existing commercial building to provide for a new roof-top apartment

### 3. Trade competition

- ☒ I am **not** a trade competitor for the purposes of section 308B of the RMA. (Proceed to 4.)
- ☒ I am a trade competitor for the purposes of section 308B of the RMA.

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 RMA.

Select one of the following:

- ☒ I am ☐ I am **not** directly affected by an effect of the subject matter of the submission that:
- Adversely affects the environment, and
  - Does not relate to trade competition or the effects of trade competition.

Please turn over

#### OFFICE USE ONLY

Date received		Property ID		Application #	
Time received		Land ID		Document #	
Received by					



#### 4. Submission

Before making a submission, please ensure you have read/seen the full resource consent application, including the assessment of environmental effects (AEE) and all the plans.

- 4a. ☐ I/we support the application in whole or in part ☒ I/we oppose the application in whole or in part ☐ I am/we are neutral to the application

4b. Please specify below:

- i. The matters within the application you support or oppose, or wish to comment on.
- ii. The reasons for making this submission (please give precise details).

Attach additional pages if required.

1) Out of Character with neighbourhood - The proposed development, due to its location and height, is out of character with the existing built development in the local environment. With the exception of the Richmond Estate tower block, the local built environment is one, two and three stories in height. The proposal seeks to impose the bulk of a five-six storey equivalent development into what is predominantly a residential neighbourhood of one, two and three level properties.

2) Exceedence of Permitted Height - The proposal will exceed the permitted height of 10m by some 5.4 metres i.e. 54% in excess of the permitted building height, both for the Environment Area and the Cameron Street and Marsland Hill/Pukaka Viewshafts. As such it will be out of character with the environmental amenity of the Business B Environment Area and Viewshafts in which it is to be located.

3) Uncertainty re location of building in relation to adjoining property. From the plans and elevations provided we are unable to determine the extent of the proposed southward extension of the applicants building or the finished ground levels in relation to our own property. This is relevant in being able to assess the potential effects relating to shading, and loss sunlight and privacy.

4) The plans and accompanying shading diagrams are inaccurate as they do not show all of the habitable buildings on the Richmond Estate. Refer Plans SK4.13 - 24 inclusive.

5) South elevation SK3.04 is unreliable as the part elevation marked 'adjacent buildings shown approx.' (Comber residence) scales off at 5.1m overall height when in fact the finished overall height from garage entry level is nearer 5.5m. Note: We have invited the applicants surveyor onto our property to take spot levels to validate the application information but they have declined.

6) South elevation SK3.04 is unreliable and ambiguous. The plan shows 2 horizontal parallel lines to represent ground levels at 122A St Aubyn St (Comber residence) but neither are labelled or references to indicate where they occur in plan view. If the upper most line is intended to represent the Comber residence garage entry at ground level, the vertical height at the boundary between 122A St Aubyn and 3 Dawson scales off on plan SK3.04 at 1.0m. The current vertical differential is approx. 2m; it can therefore be inferred if the existing ground level at 3 Dawson St is to be lowered by 0.5m the finished height levels between the properties at the common boundary will be nearer approx. 1.5m.

7) Given that the applicant is applying to significantly exceed permitted height levels and the resultant adverse effects from shading that will be caused to adjoining and nearby properties, the application calls for transparent survey accuracy in determining the existing and proposed ground levels of the applicant's site and all affected neighbouring properties. The application does not state what base survey data has been adopted for the purpose. Given these critical matters (building heights and shading effects) we would request that Council undertake an independent review of these critical aspects of the application.

8) At 4.4.1 of the Assessment of Environmental Effects (AEE) the height exceedences are not accurately stated and the assessment of effects is inadequate.

9) At 4.4.2 of the AEE, the adverse effects of shading and loss of daylight and sunlight is inadequate as it fails to assess the adverse effects on the living areas (indoors and outdoors) of adjoining and nearby residences.

10) The AEE, in large part, fails to acknowledge that the proposed development is in a neighbourhood that is primarily residential in character and fails to consider the adverse effects that will be visited upon the occupants though excessive building height and loss of sunlight and shading.

11) Uncertainty as to Location of Mechanical Services – The assessment against Rule Bus22 ODP is inadequate as it is general in nature and fails to identify the proposed noise sources that have been assessed. In the interests of completeness and transparency it would be helpful if the type, number and location of the mechanical services (e.g. swimming pool equipment, HVAC etc) for the total building were identified along with the sound attenuation proposed and the acoustic design certificate sighted. Our preference is for such equipment to not be located in the eastern yard, but to be wholly within the building or on the western side of the building. Excessive noise emission will have the potential to adversely effect the amenity of our home and property.





#### 4. Submission - continued

4c. I seek the following decision from the Council:

☐

To grant resource consent

☒

To decline resource consent

☐

Grant resource consent with amendments and/or conditions (as described below)

4d. Please specify details of the decision you seek from the Council, including the parts of the application you wish to have amended and the general nature of conditions sought:

Attach additional pages if required.

It is somewhat ironic that the application seeks to establish an apartment dwelling designed to maximise unobstructed and expansive seaviews while enjoying all day sun in a neighbourhood predominantly residential in character but which has been designed with no regard for neighbouring residential properties.


The location and excessive height of the proposal will result in a building that will visually dominate nearby properties. It will also result in excessive shading of neighbouring properties, an adverse effect while varying with the seasons, is nevertheless a permanent adverse effect that will diminish the quality of life (and potentially the wellbeing) of the neighbouring residents.

The existing GQ Building at 1 Dawson Street in the ownership of the applicant could be adapted/re-purposed within its existing built envelope to provide an executive apartment/family home (perhaps two) with expansive sea views and all day sun while preserving the status quo in the immediate built environment. It is respectfully suggested that the applicant should pursue this alternative.

With good design we are confident a more than adequate apartment could be developed that would be in keeping with, and respectful of, the character and amenity of the immediate neighbourhood and environment.

Such an outcome would result in a building that would be considered a good neighbour by the majority of neighbouring residents.

Such an approach would also most likely overcome the need for a notified landuse resource consent application.



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## 5. Attendance and wish to be heard at hearing

A formal hearing may be held for notified applications if any matters are not resolved at a pre-hearing meeting. It gives the applicant, and all submitters who stated in their submission that they wish to be heard, the opportunity to formally present their views to an independent commissioner.

It is recommended that submitters speak to their submission for all but minor issues. Stating that you wish to be heard at the submission stage does not obligate you to appear at the hearing later if you change your mind.

If you state that you do not wish to be heard, the Council is not obliged to advise you of the hearing or send you the hearing documents. However you will be sent a copy of the decision and retain your right to appeal the decision.

5a. If a hearing is held, do you wish to be heard in support of your submission? ☒ Yes ☐ No

5b. If others make a similar submission, would you consider presenting a joint case with them at the hearing? ☐ Yes ☒ No

You may choose to contribute toward the cost of engaging a professional e.g. a planner or lawyer to represent your combined interests.

## 6. Privacy statement

The Privacy Act 1993 applies to the personal information provided in this submission. For the purposes of processing the resource consent application the Council may disclose your personal information to another party. If you want to have access to, or request correction of, that personal information, please contact the Council.

## 7. Declaration and privacy waiver

☒ I will/have served a copy of my submission on the applicant, as required by Section 96(6) of the Resource Management Act 1991.

By signing\* this submission or by submitting this submission electronically, I confirm that the information contained in this submission is true and correct. I agree to the disclosure of my personal information in respect of this submission.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



Signature of submitter (or person authorised to sign on behalf of submitter)

11 May 2021

Date

\*A signature is not required if this submission is submitted electronically.

### Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one 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.
3. You may wish to obtain your own professional advice, such as from a lawyer, surveyor or planner, before finalising your submission. 'An Everyday Guide to the RMA' found on the Ministry for the Environment website [www.mfe.govt.nz](http://www.mfe.govt.nz) has useful information for submitters. If you have any further questions regarding this process, phone the Council on 06-759 6060 and ask to speak to the planner processing the application.