

Speaking Notes: Kevin & Marie Pugh - Foodstuffs Resource Consent Application SR517439 - May 2024

- Good morning - I am Kevin Pugh and along with my wife Marie Pugh we are the owners of 7 Dekka Street, Khandallah.
- We purchased 7 Dekka Street in June 2008 as a family home for ourselves and three children. The attraction of the property was a private off-street location down a driveway within a well-established residential address.
- Built in the early 1970's our two-story house is orientated to provide outdoor living to the northwest which we further re-developed in 2016 to enhance the outdoor space for our young family through the creation of a new deck area with opening doors to the north boundary.
- Our property is bounded by both the properties owned by the Applicant at 3 Dekka St and 31 Nicholson Rd, therefore we consider ourselves the most directly affected neighbour by the proposal.
- As stated in our submission we oppose the proposal in its entirety due to:
 - a. The proposed development is not compatible with the surrounding residential area and;
 - b. the significant changes in amenity it would bring to our residential property, in particular the direct impact of having a supermarket car park bounding our property on two sides with a carpark walkway which is essentially a public thoroughfare.
- Whilst it not our intention to go into the full detail of our submission with reference the specific Wellington District Plan rules and objectives, we would like to outline to the Commissioners the areas that directly impact us as the owners of 7 Dekka St, which in our view are more than minor, noting some of the points are interlinked:
 - **Character/Amenity**
We purchased our house in a residential zone which we regard as a 'pristine' address with established residential dwellings on all boundaries. The proposed scale and nature of the application is a departure from this and what you would expect from a residential area, e.g. living next door to 62 new car parks & public car park walkway.

The applicant's planning advice suggests Dekka St has an existing commercial element therefore the proposal is acceptable.

We note the commercial use in Dekka St is on the Western side, opposite the current supermarket site. Our property being a rear site does not have frontage to Dekka St so is not visually exposed to, or directly affected by current commercial activity.

We note also, the accessway between the existing Supermarket, which is jointly owned by the adjoining residential properties via 1/6th share each

provides a demarcation or buffer zone between commercial and residential uses.

- **Noise**

Our primary living areas, outdoor area and three upstairs bedrooms are on the northern boundary with 3 Dekka St with one of the bedrooms also being bounded by 31 Nicholson Rd. We believe the acoustic fence will provide no protection as shown in the cross section response to Minute 3 our second storey sits well above the proposed fence.

Our concern is with the level, duration and type of noise associated with a supermarket carpark.

The applicant's evidence is modelled on theoretical car movements and noise from car doors opening and closing. There does not appear to be any consideration to other noise such as trolley movements and stacking, car idling car alarms, car horns, cars moving drainage grates, conversations, nor the duration of noise.

It cannot be expected in a residential zone that carpark noise near zoning limits for the periods 7am to 9pm or 14 hours a day, 7 days a week is acceptable and consistent with the current amenity. Further noting from yesterday submissions parks being provided for staff and therefore access outside these time periods also.

The Applicant's acoustic reports/evidence identifies the need for ongoing controls in order to ensure that operational noise compliance is met, however no detail has been provided as to how these controls will be monitored and enforced on an ongoing basis to ensure that limits are met.

What we would like to add at this is point that our 15-year son has very high special needs, he experiences sensory sensitivities, has difficulty sleep and relies on daily repetitive routines including many hours spent in the outdoor area previously mentioned. His bedroom is on the north/western side of our house also. It is of **acute concern** for us that his health, routine behaviours, and wellbeing is not undermined by this proposal, for example car fumes/air quality when outside and additional noise & light affecting his sleep. We really do emphasis this.

These same points/principals apply for construction noise. No assessment of potential construction noise or vibration effects on our property during construction has been undertaken or provided.

- **Lighting**

Consistent with noise, the same principles also apply for us in terms of lighting as the direct neighbour.

Currently our property is shielded from the adjoining properties by mature trees on our property together with a high fence and vegetation on 3 Dekka Street.

Under the Applicant's proposal this high fence and vegetation on 3 Dekka Street is to be removed. Currently this fence shields us from 3 Dekka Street and also light currently emitting from the supermarket at 26 Ganges Road. We have a photo to highlight this point.

Once again, the same concerns in respect of light spill for our son's sleep apply here also. He goes to bed before 8.30pm each evening.

We record trees on our property cannot be relied upon for light & also noise mitigation as part of the application, e.g the large magnolia tree referenced yesterday.

- **Privacy**

As outlined, our outdoor areas and bedrooms directly face the Applicant's site.

From our perspective we will be losing the current protection of the existing fencing and vegetation and faced with a direct view of a car park which is not what you would expect from a residential area.

Viewing back from the existing accessway that adjoins the proposed site at 3 Dekka St will have a direct sightline to our bedrooms. We have a photo to evidence this.

Currently we have trees that have matured since we purchased the property which we would like to either remove or scale back, however at this point we are unable to do so as they would need to be retained for site privacy should consent be granted. This creates the current undesired effect of further shading on our property.

Our position is any assessment of privacy effects needs to be objectively informed by an understanding of the outlook of the neighbouring property and how it is utilised by its owners.

- **Other Effects**

- As a further point no assessment has been provided on potential air quality, odour, or health effects of having carparking located adjacent to private outdoor living spaces.
- We recognise the Applicant and their consultants have provided statements and recommendations to either support a position of compliance or steps to mitigate in relation to our property, however we struggle to understand how these can be provided when no parties have taken any steps to view our property as part of their respective assessments, nor has there been any direct engagement from the Applicant during this consent process nor at any time in the intervening period since the adjoining properties were purchased in 2012. If anything, it appears the minimum is being provided or undertaken at each step throughout this consent process to mitigate any raised concerns.

- In my professional capacity with experience in commercial property development I would deem it necessary to engage with any directly affected party pre-application to understand their concerns around any development and to discuss the proposed Construction Management Plan.
- Having been involved in a number of commercial developments in Wellington I would again see this as a pre-requisite not only for transparency but also for good neighbourly relations throughout the consent process and construction phase.
- It is noted we have attempted to make contact with the Applicant via their planning consultant to discuss our submission and outlined concerns with no response.
- As Further point we note a number of submitters have raised concerns around traffic management and in particular the Nicholson Rd entry point and issues with safety and also being out of character with the residential nature of Nicholson Road. We also support these views.
- Submitters have recommended a scheme amendment or consent condition be provided removing the Nicholson Road entrance. Whilst this would remove safety causes for Nicholson Road, the same effects we have outlined would remain in perpetuity for us as the neighbour of 3 Dekka St and 31 Nicholson Rd.
- To sum up the proposed development is inappropriate, out of character and scale and not reflective of the expected use of the adjoining residential sites and fails to maintain the amenity of our residential property. The effects conflict with the reasonable enjoyment of our property by our family which is of utmost concern to us and re-emphasis our position around our son and his health and wellbeing needs. Accordingly, it is requested that the Commissioners decline this Resource Consent application in its entirety.
- Thank you for your time and we happy to provide a copy of these speaking notes along photos – Kevin & Marie Pugh

7 Dekka St Boundaries 1



View from Upstairs bedroom – existing fence and vegetation



Existing fence and vegetation on 3 Dekka St



View to 31 Nicholson Road



Boundary fences



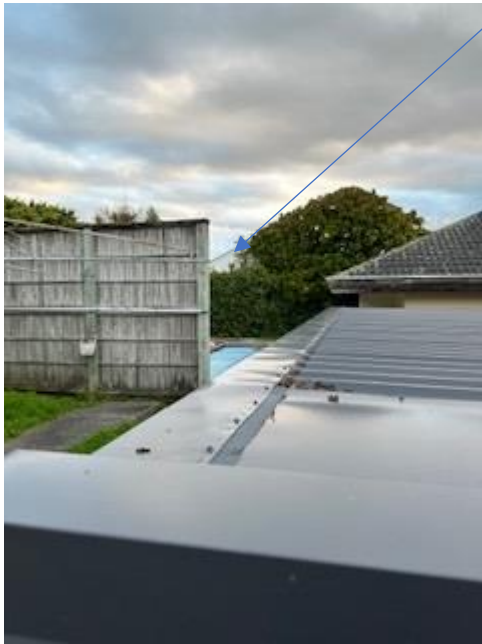
Existing trees on 7 Dekka Street



Existing trees – Son in yard



View from Accessway looking back to 7 Dekka St



View to 3 Dekka Street 1

View to existing 'pool fence' on 3 Dekka Street



View to 3 Dekka Street

