

REQUEST FOR THE REMOVAL OF 20 MACMILLAN AVE FROM THE RESIDENTIAL HERITAGE AREA

1. Thank you for taking the time to hear us. We have the greatest respect for what the council hope to achieve in making a Heritage Area. We are here to explain the difficulty the Heritage Area is creating for myself and my wife Alex and our children. Let me talk you through the issues at hand and clarify our situation.
2.
 - Our home does not fit the Heritage criteria
 - This proposal splits our property in two, making one section of the property non-viable for building (a unique hardship others in the Heritage area don't face).
 - This Heritage area order creates financial hardship for us now and in the future.

ENFORCED SUBDIVISION

3. **We are on two titles.**
It may not be obvious that our property is on two titles. 20 MacMillan Ave and 20b MacMillan Ave.
The boundary of the Heritage area cuts through the middle of our property and splits the property into two separate pieces, resulting in an enforced subdivision of our land. At present the title at 20b is long and narrow, on steep land.
4. **This subdivision of land makes title 20b a non-viable section - effectively waste land.**
5. We've always known we'd need to move the position of the boundary between our two titles to a more practical location, to make building on the second title practical in the future and to make it a viable section. **However, we consider that it will now become very difficult to get approval to make a boundary adjustment, once the edge of the RHA lies directly on that boundary.**

*Please Note -This splitting of the property into two zones, is unique and not the case with any of the other properties in the Heritage area

6. The reasons for the boundary adjustment are twofold.
The existing position of the internal boundary is not practical, as the section is narrow, and any future building would be crammed against the boundaries. It would also not allow for road access or room for building platforms on 20b, because there is a steep drop-off from the road to the section at 20b.
Solution - widen the title at 20b, to allow more space to enter the property and access building platforms.
7. **To make 20b viable under the enforced Heritage area order, we would be forced to resurvey our properties and move the boundary between the two titles as soon as possible.**

FINANCIAL HARDSHIP

8. **The Heritage area will cause significant financial hardship for our family.**
The Heritage area order would force our hand, to make 20b a viable section immediately.
This would cost us around \$25,000-\$30,000. This is a costly exercise, during a cost of living crisis and a slowdown in the construction industry. We have been advised its unlikely the bank would lend us that amount of money in a post-covid, high-inflation economy. We currently don't have these funds set aside.
9. **Our plan to downsize in our retirement, and build a modest home on 20b is now in jeopardy.**
We intend to stay on our property until we need to be in a retirement home.
The Heritage area will unfairly penalize us financially, devaluing the potential of 20b to be effectively used, by splitting the property in to two zones.
10. As we grow older, the existing layout of the property will be too large and expensive to maintain as it is, with a house and very large garden. **The Heritage area order assumes that we will pay ongoing costs to maintain the property as it stands, which is not viable for us financially once we are older.** This property has been our home for 30 years, we don't wish to leave to be able to retire.

20 MACMILLAN AVE DOESN'T MEET THE HERITAGE AREA CRITERIA

11. In reality, adding our home to the Heritage area is not a good fit anyway, it doesn't match the Heritage area criteria and here's why;
- (a) 20 MacMillan has had **no historically significant owners** (Cultural and Spiritual significance),
 - (b) **Has not been designed by a significant architect** (Architectural and Aesthetic significance)
 - (c) **The house is not visible from the road or public places.** It is located behind a skyline garage, down a long right of way, and screened by dense planting around the entire boundary. (Contextual Significance).
 - (d) **The house has been extensively renovated and changed due to earthquake damage.**
Repairs and renovation include all of the fireplaces being removed, walls were removed, remaining walls were gibbed, new windows and doors were put in, a modern kitchen, office and ensuite bathrooms were installed, and so on.
(Technological and craftsmanship significance).

12. Qualifying matter

We have a large significant tree - this is mentioned as a qualifying matter to include us in the Heritage area. To update the hearing - we are presently in negotiations with the council regarding its removal. This tree will be removed, so it will no longer be viable reason to put us in a heritage area.

CCC Tree Policy document, page 6. - Trees that are posing unacceptable safety risk to the public and cannot be mitigated through pruning or other engineering solutions will be removed -

This non-native Tasmanian Gum tree and the (non-significant) Macracapa tree its interwoven with, are losing major branches due to strong El-nino winds and age. The interwoven dangerous tree will be removed in the new year due to losing its crown and rot. This will compromise the dangerously large 50 ton significant gum tree that grows directly over our home. The gum tree will no longer have protection from high winds, and will pose significant danger to our family and home, so will also need to be removed.

13. OUTDATED INFORMATION IN THE REPORT

The material you have been supplied is not up to date. Our home does not fit the Heritage area criteria. The house has been extensively gutted and renovated, it's no longer visible from public spaces, had no interesting historic owners or designers and the dangerous significant tree is in the process of being removed.

We also bring to your attention as Cashmere residents of 30 years. We know the Cashmere area well.

Much of the text and photography in the Macmillan Ave RHA record form refers to properties and locations outside the defined area of the proposed RHA (such as Garth Terrace, and the southwest end of Macmillan Ave). These areas might have originally been considered for inclusion, but are not within the final boundary. We consider that this information distorts the document, and doesn't accurately display information about the proposed area. Once again that information is out of date.

14. IN SUMMARY

- (a) • Our home does not fit the Heritage criteria
- (b) • This proposal splits our property in two, making one section of the property non-viable for building (a unique hardship others in the Heritage Area don't face).
- (c) • This Heritage area order creates financial hardship for us now and in the future.

A PROPOSED SOLUTION

15. Please adjust the Heritage map to exclude 20 MacMillan Ave.

It would be a simple adjustment excluding one house on the very edge of a decent sized heritage map.

We are on the edge of the boundary of the heritage area (the last property).

Why - because neither of our titles fit the criteria and this proposal will penalize us significantly financially, unlike our neighbours.

16. **Note: We do not wish 20B to be in the heritage zone either.**

It's not a park, it's our own private property that we have purchased with the intention to build a home on it. (i.e. build our small retirement dwelling) unencumbered by additional regulations and extra council costs.

N.B additional information on the council's use of 20b on the following appendix.

Thank-you very much for your time, and for the opportunity to be heard.

Appendix - Other background notes around 20 & 20b MacMillan.

We believe the council have not fulfilled their obligations to our property for the following reasons;

THE PIPING TO AND DUMPING OF LARGE AMOUNTS OF STORM WATER DIRECTLY ONTO OUR PROPERTY AT 20b

The council are dumping stormwater out of an open pipe onto the land of 20b.

(The pipe literally has an opening onto our property) this large stormwater pipe (owned by the council), drains much of Dyers pass road and the surrounding buildings, up to Cashmere primary school, and all of Whisby road.

That's a catchment of approximately 10 acres, discharging onto the 20b title.

The 225mm pvc pipe is capable of discharging over 12,000 litres of water per minute onto our property during extreme weather events, or even day to day events such as clearing a swimming pool of water.

There is no clear pathway for the water, so we are currently managing the water flow situation at our own cost. Currently we are clearing the water pathway of vegetation in 20b after every rain event, to deal with stagnant pooling water that remains. This stagnant water is creating a major mosquito problem on our property.

Which we have to spray, to contain every two weeks from Autumn though to the end of Spring.

Its extremely unpleasant to be on the 20b site despite the spraying. It is also depositing significant rubbish (plastics etc) on our property. This requires constant tidying, at cost to us. The large amounts of water being discharged onto our property are eroding the unprotected hillside, carting significant amounts of sediment into the waterways and eventually emptying them into the Heathcote river.

We believe this is unacceptable council use of private property and have suggested the council pipe the water down the council-owned (paper road easement) walkway adjacent to our south boundary, to eliminate the water discharge onto 20b. We consider it to be unreasonable that the council are piping such large amounts of water onto our land, and want it rectified as soon as possible. We have been asking the council to remedy this situation for over 20 years.

Note 20B is not a park or a reserve, its our own private property.

Legal Considerations

a. The amount of water has significantly increased since we arrived here 30 years ago, due to increased asphalt, concrete and roofed areas in the upslope catchment area.

It has increased the amount of water flowing onto our property above the amount of natural flow expected through 'natural servitude'. It is not legal to increase the natural flow of water flowing downhill onto our property, causing damage to our property.

b. The flow of water being dumped onto our property is not just rain water. It is also water from taps and hoses. All that water flows down gutters and onto our property. Three weeks ago, a swimming pool was emptied above us, down the stormwater and we ended up with an entire swimming pool of water in our garden. These are the kind of events that effect us daily. We would like the council to help us resolve the problem.

We understand that it is not legal to have introduced ('foreign') water flowing onto our property. It is a legal nuisance or trespass.

THERE IS A STRAIGHTFORWARD SOLUTION

Citycare have made it clear to us that they can easily extend the existing 225mm pvc pipe to correct the problem.

Solution - A PVC pipe outlet is available to pipe waste water on to the paper road right beside our property.

They could easily do the work with approval from the council.

LEAKING WATER PIPES ABOVE US

The council-owned mains pipes above our property are constantly getting leaks, and the council refuse to replace them. (We're not sure why) This causes under-runners and regular flooding on our property and is a waste of a precious resource we are all trying hard to protect. They replaced the 50mm mains water pipes on Macmillan Ave, stopping just short of our property, despite our request to carry the replacement on a further forty meters or so to remedy the situation.

Legal Considerations

This is also introduced ('foreign') water flowing onto our property. It is a legal nuisance or trespass.

These are day to day examples of how the council are incorrectly treating 20b as wasteland or Council reserve.

It is not, its private property purchased to have a house built on it by us.

These issues make it difficult to use 20b productively. We feel that the Heritage area exacerbates that, and we wish to be excluded from it.



Valley Road

MacMillan Avenue

Whisby

House

Garage

20

20b

Proposed boundary between titles

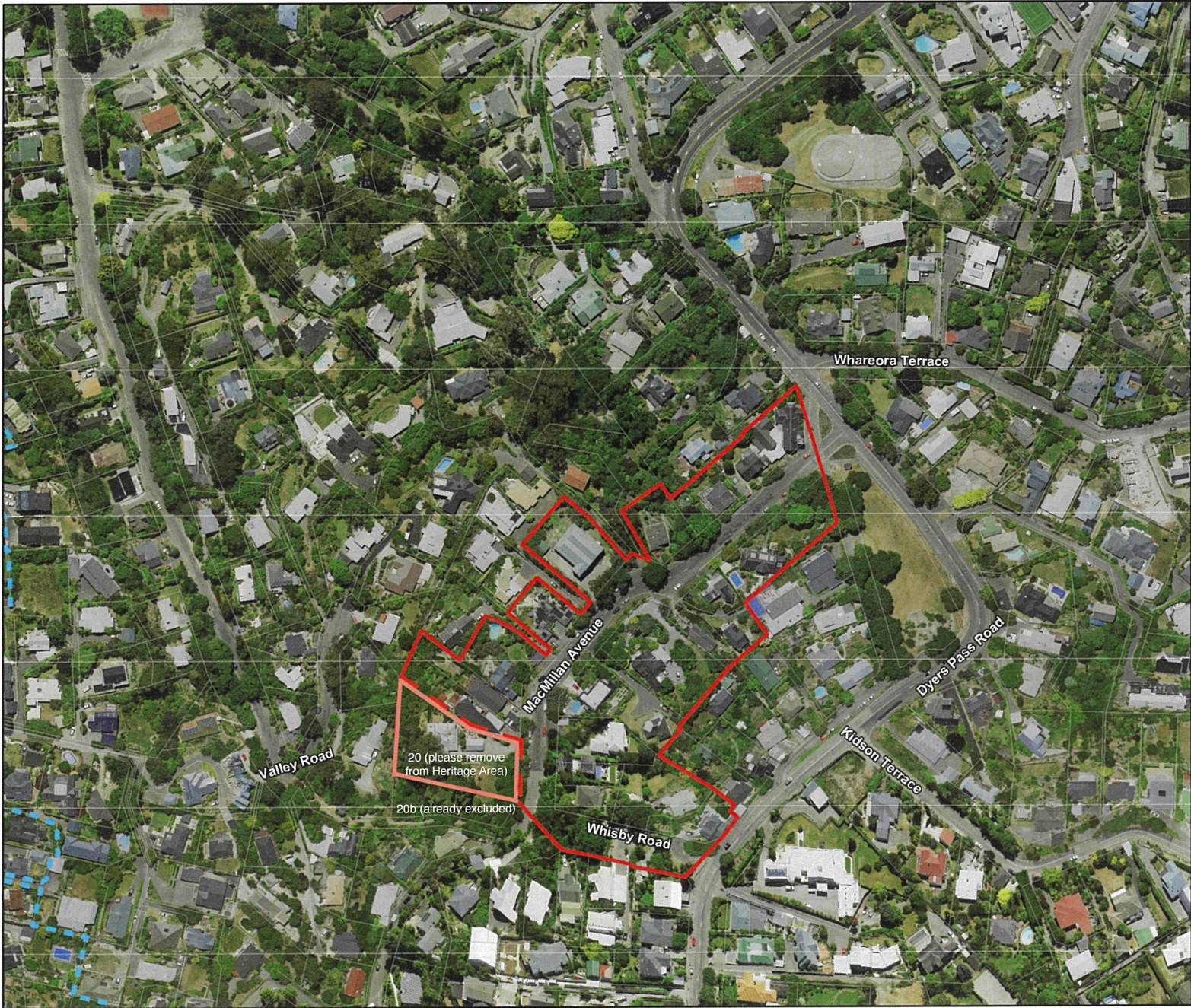
Existing boundary between titles

Existing open waterway

Existing stormwater channel

Proposed piped stormwater

Existing Piped stormwater



Key

- Proposed Character Area
- Proposed Residential Heritage Area

Requested boundary changes

- Requested boundary adjustment of the Proposed Residential Heritage Area
- Area of land being requested to be removed from Residential Heritage Area

SCALE 1:3000

GIS & Analytics Team
Christchurch City Council

Heritage_PC_HeritageArea.gws
Date:04/02/2022

Christchurch
District Plan

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City Council

PC13 - MacMillan Avenue Residential Heritage Area