APPLICATION NUMBER:	LUC-2016-339
RELATED APPLICATIONS/LICENCES:	

PLANNING APPLICATION DETAILS FORM

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Property Ad	aress			480 Riccarto	n Ro	ad Wes	Mosgiei				
Property Description:			Property No: 5111884,								
			Legal Description: LOT 1 DP 345233								
Name:				S D Greer and L M Greer							
First	Mail A	ddre	ess:	C/O Paterson Pitts Group, PO Box 5933, Moray Place, Dunedin 9058							
Contact: (Applicant)				Andrew Robinson							
(Applicant)	Phone	e Number:		477 3245							
Second Name:											
Contact:	Mail A										
jent)		Phone Number:									
	Contac	ct Person:									
Description of Application:			Residential activity - conversion of farm building to dwelling								
Application	Type:	I ST		Land Use Co	nser	nt					
Consent Type: Reside			ntial Activity		Con	Consent Nature				v Dwelling Breaching formance Standard	
Major Category				Land Use Category C							
Minor Category			Non-Notified - Restricted Discretionary								
Senior Planner or Responsible Officer:			John Sule								
Lodgement D	ate:			29 July 2016			Lodgemen	t Of	ficer:	L	aura Mulder
Sinount Paid	l:	\$82	20.00			Invoice	Number:		59050	5	
Waived: □											
Application Requirements		Sig	ned Appl	ication Form		Сор		y of Title	е		
Locality Plan		n			Site Plan		Plan				
Plans and El		levations				AEE			-1		
Affected Per			rsons Consent								
Counter Com	ments:	Difference in effects between proposal and permitted baseline marginal in a physical separation from adjacent development indicated on the building produced that the trees partially screening building are on the applicants land. A has indicated that further planting between trees proposed. Applicant has continuous with but has not obtained consent of the neighbour.					e building position ants land. Applicant				

PATERSONPITTSGROUP

Your Land Professionals www.ppgroup.co.nz 0800 PPGROUP



29 July 2016

City Planning
Dunedin City Council
PO Box 5045
DUNEDIN .

Attention: Senior Planner

Dear Sir/Madam

Re: RESOURCE CONSENT APPLICATION (LANDUSE)

ACTIVITY: REDUCED SIDE YARD AS A RESULT OF CONVERTING NON-

RESIDENTIAL BUILDING TO RESIDENTIAL USE.

LOCATION: 480 RICCARTON ROAD WEST

NORTH TAIERI

Please find attached on behalf of our client, a Plan and Application for consideration by Council under the provisions of the Resource Management Act 1991.

Attachments

1. Site plan

2. Form 9 Application

3. Copy of relevant Certificate of Title

4. Building Plans and supporting information

\$820 Application Fee

2 9 JUL 2016 BY

Background Information

Our clients own a 2ha block of rural residential land in North Taieri. When they purchased the site, it contained a lawfully established building that featured a well-appointed office with teamaking facilities (that was a kitchen in all but name) and an ensuite bathroom for a "workshop" that had its own walk-in wardrobe (2008 consent plan attached). Subsequently, a non-residential portion of the building had been altered professionally to create two further habitable rooms. We believe that a certificate of acceptance has been sought from Council's Building Control department to legitimise the residential use of the building.

We believe that City Planning have identified a side yard breach due to the wider side yard requirement for a dwelling compared to non-residential buildings. Therefore, this application seeks consent for the technically non-complying side-yard.

1

T 03 928 1533

T 03 445 1826

T 03 443 0110

Site Information

Location

This property is accessed via a right of way off Riccarton Road West and is one of a number of 2ha blocks in the area. Housing and buildings in the area are generally new and well presented. Dwellings in the area are generally built on a single level and relatively expansive; the subject building being one of the more modest in the vicinity.

Characteristics

The subject site is generally flat and rectangular, being predominantly pastureland. The property is accessed via a metalled right of way and there is a gravel parking area on the site. Property delineation is provided by post and wire fences. There are no site specific designations, hazards or memorials that need to be addressed as part of this Land Use application. Beyond the boundary lies an Otago Regional Council Scheduled Drain. In the area adjacent to the house, it varies in width between 4.2 and 4.6m.

Ownership Status

The land is held in Certificate of Title (Computer Freehold Register) 185365 and is registered in the name of Steven David Greer and Leah Marie Greer. The title contains 2.0002ha.

Development Proposal

Our client seeks to complete the process of obtaining a "Certificate of Acceptance" under the relevant provisions of the Building Act for the work already completed, relating to altering the building from storage and office space to residential use.

The building is a visually recessive colour and located between 6.08 and 6.22m from the boundary, as outlined on the attached plan. This position has been confirmed by survey. A line of trees is located on the applicant's side of the boundary.

The building was intended to be non-residential but always envisaged to contain a well-appointed office. It was constructed under ABA 2008-533. Anticipated effects include noise from vehicles entering and exiting the four large vehicle bays, as well as servicing and maintenance activities common to farm vehicles and machinery. Light spill from the office and other human activity in the building, day and night would be inevitable for a structure of this size.

The District Plan requires that non-residential buildings that don't house animals have a side yard of 6m, residential buildings have a side yard of 10m and buildings designed or used for the housing of animals have a 15m side yard.

As previously mentioned, the existing structure is located a little over 6m from the boundary, which is a complying situation for a non-residential building but a little under 4m below the required side-yard width for a residential dwelling. There is no intention to extend the building in a manner that increases the level of non-compliance.

District Plan Provisions

The subject property lies in the Rural Residential Zone. This proposal is a non-complying application as it fails to comply with the side yard rule for this zone. A 10m side yard is specified as a minimum in the District Plan for residential activity in this zone. (Rule 6.6.2 (i) (b) (i).

However, we feel that this proposal fits reasonably comfortably within the Objectives and Policies for the zone. This proposal relates to an existing rural-residential parcel, therefore a number of provisions relating to subdivision and the Rural zone, aren't applicable to this site. The relatively conservative nature and scale of the structure is such that the amenity values associated with this rural area are maintained. Formalising the use of this building as a dwelling avoids the necessity to build a new dwelling on the site and allows more of the site to be maintained in open pasture.

We haven't identified any conflict between this proposal and any existing land-uses on adjacent properties. No aspect of this application will have an adverse effect on the natural character and amenity values of the waterway.

We believe that there is adequate mitigation of the effects associated with the residential use of the structure, as outlined in the preceding and following sections. The existing structure is self-sufficient for water supply and on-site effluent.

Assessment of Effects on the Environment

Section 88(2)(b) of the Resource Management Act 1991 requires that every application for a resource consent is to include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which adverse effects may be mitigated. Section 88(2)(b) requires that every assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act.

The proposed change in purpose of the existing building from non-residential (not housing animals) to residential will create few effects for the surrounding environment, and in our view, the effects created by the continued residential use are less than those that could be reasonably expected from the use of the building as an office and for the storage and maintenance of agricultural equipment.

Therefore, we submit that the technically non-complying side-yard that will be created as a result of formalising the existing residential use of the building will have minimal effect on neighbouring properties. Key factors to this include the physical attributes, such as the height of the building being reasonably modest and the subdued tones of the structure allowing it to blend into the background when viewed from the neighbouring property. The effects beyond the baseline established when the original building was consented to, are relatively modest.

Side-yard requirements are designed to maintain separation between structures in adjoining ownerships. Normally, it would have been possible to erect a dwelling on the adjacent site in a position not less than 10m from the boundary. However, in this case, there is an Otago Regional Council scheduled drain on the property. There is a 1.4m strip between the boundary and the edge of the drain, the drain is at least 4.2m wide and the required building set-back from a scheduled drain is 7m. Therefore, the closest that a new dwelling on the adjacent site could be constructed to the boundary is 12.6m, effectively increasing the minimum separation between the two dwellings. This provides a separation distance of 18.6m between the existing dwelling and any potential dwelling on Lot 9 DP 334190, whereas the District Plan provisions require 20m. This is in essence a reduction of 1.4m.

The bulk and location aspects of the structure have been lawfully established, and the proposed formal change to the consented activities within it, are relatively benign compared to the effects that could be anticipated from a non-residential building of this nature and scope. The applicant has young children and it is unlikely that loud vehicle and work-shop activities that could otherwise have been undertaken in the building would occur with the building primarily used as a dwelling. The potential for light-spill is dramatically reduced by the windows being curtained.

We consider that there is no appreciable difference in terms of amenity for stakeholders beyond the boundary; between the current situation and a complying 10m side-yard. A key role for side-yards in the rural residential zone, is their function as a buffer between residential activities and rural activities on an adjacent site. Therefore, if any party is disadvantaged, it is our client; as machinery noise associated with harvesting crops, bailing hay, ploughing etc. can occur between 3.78 and 3.92m closer to their dwelling than would otherwise be the case. The applicant acknowledges this and has no concerns about reverse sensitivity from effects that are intensified by the reduced side-yard; as ceteris paribus (with other conditions remaining the same) the effects are minimal and rural activity is part of the charm of the area.

Normally, we'd argue that the effects of a proposal are no more than minor. However, considering the baseline position, we feel that the rather dated term "de minimus" (short-hand for "de minimis non curat lex") finds context. This is a higher threshold to achieve than the usual "no more than minor". But given that the structure was lawfully established under a building consent, it is toned to blend with the land-scape, it is effectively screened and noise and light-spill from a residential building (containing a young family) will be less than that which

could be reasonably expected from a non-residential building of this size; it seems to find

application in this instance.

A point of difference with this proposal, is the regional council scheduled drain that lies just beyond the applicant's site. The drain is covered by a robustly worded bylaw and is a permanent landscape feature that will always provide separation between activities on the two

properties.

The proposal is non-compliant with the provisions of the Dunedin City District Plan, as they pertain to the Rural-Residential 1 Zone. The proposed activity is judged to have a noncomplying status. However, we believe the effects to be de minimus. Accordingly, we believe that it is appropriate for Council to consider the application under delegated authority, and see

no need for a public notification process.

We detect no issues arising from the proposal which are in conflict with Part II of the Resource

Management Act 1991.

An assessment of effects, in accordance with the Fourth Schedule of the Act, and in terms of the matters over which Council has discretion, has identified no adverse effect arising from the proposal to be more than minor. All anticipated environmental effects from urban development have been anticipated for this zone. Any effects have been judged to be

acceptable within those bounds.

We have attached a cheque for \$820 being the resource consent application processing fee for

a non-notified, category C consent application.

Conclusion

A very limited number of new environmental effects will be introduced into the site as a result of this proposal. The negative effects seem very minor when compared with the permitted baseline. Positive effects include a more sustainable and practical use for this well-built

building that seems well-suited to residential use.

We thank you for considering this Land Use Application.

Yours faithfully

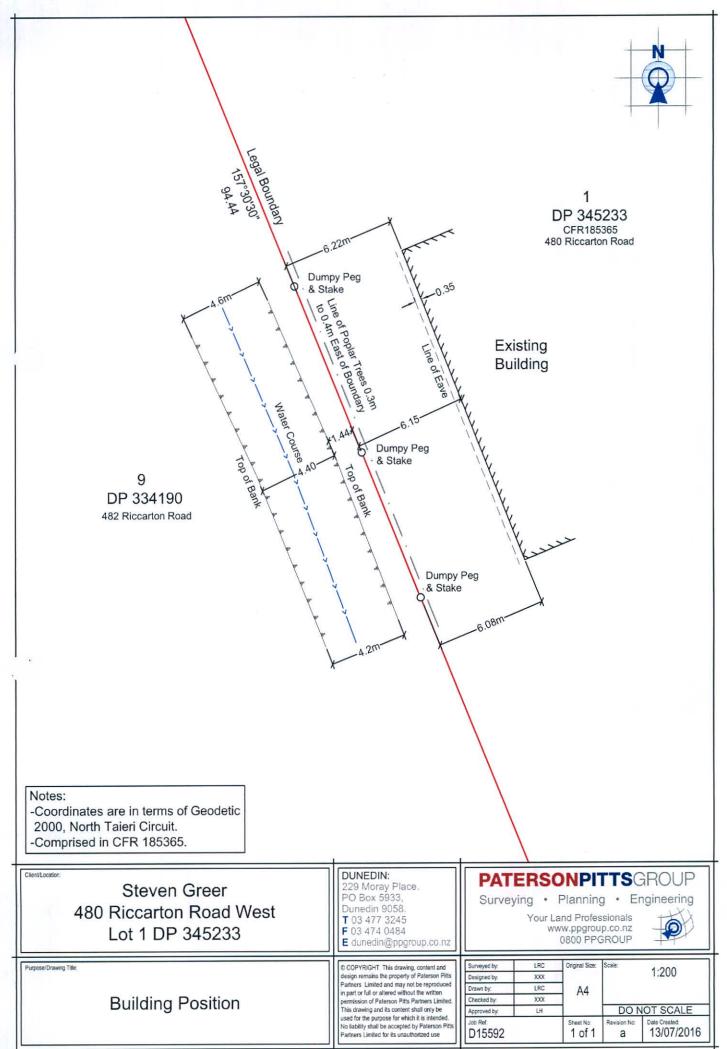
PATERSON PITTS GROUP

ANDREW ROBINSON

e-mail: andrew.robinson@ppgroup.co.nz

as Robinson

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APPLICATION FORM FOR RESOURCE CONSENT

APPLICATION DETAILS

We Ste	even D	avid Greer, Lea	h Marie Greer			hereby apply for
Land Use	e Conse	ent	Subdivision	Consent	Other	(select one)
Brief descripti	ion of p	roposed activity	: Land-use (no building to re		ard) associated with	changing a non-residential
(eg Alter house,	construct	t garage, establish a	commercial activity,	subdivide the site	e, remove a tree etc)	
Have you app	plied for	a building cons	sent? Yes,	Building Cons	ent Number: ABA	No
The following	additio	nal resource co	nsents are requir	ed and have/l	nave not (delete one) be	en applied for:
☐ Water	Permit		Discharge Pen	mit 🗌	Coastal Permit	Not applicable
SITE	DESC	RIPTION/LOCA	TION			
We are the	_(Owners		of the site	(owner, occupier, lessee,	prospective purchaser etc)
Street addres	ss of site	e: <u>480 Ricca</u>	rton Road West			
Legal descrip	otion:	Lot 1 DP 345	233			
Certificate of	title:	185365	Valuation No.	27911-0571	0 Property No.	5111884
ADDF	RESS F	OR CORRESP	ONDENCE			
Name (agent))		Paterson Pitts G	Froup Ltd		
Address: F	O Box	/5045 M oray Pla	ace 9058			
	Dunedin	-				
Phone: Dayt	time:	(03) 477-3245	<u> </u>		Fax: <u>(03) 474</u>	-0484
E-mail: <u>An</u>	ndrew.re	obinson@ppgro	up.co.nz			
OWN	ERSHII	P OF THE SITE				
Who is the cu	irrent o	wner of the subj	ect site? App	olicant		
If the applican	nt is not	the site owner,	please provide the	ne site owner	'	
Address: _						·
				PI	hone:	
MONI	ITORIN	G OF YOUR RI	SOURCE CONS			
What is your t	best es	timate of the da	te of completion of	of the work for	which this resource of	consent is required?

What is your <u>best estimate</u> of the date of completion of the work for which this resource consent is required? Your resource consent will be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your resource consent will be monitored six months before it is due to expire, which is normally 18 months after the date the consent is granted.)

DETAILED DESCRIPTION OF PROPOSED ACTIVITY

Describe your proposal in detail, including refere comply with.	ence to the rules in the District Plans that the proposal does not
Refer to separate letter attached.	
····	
	
	<u> </u>
	(Continue on a separate sheet if necessary)
AFFECTED PERSONS' APPROVALS	following people/organisations and they have signed the plans
of the proposal:	iollowing people/organisations and they have signed the plans
Name:	Name:
Address:	Address:
Name:	Name:
Address:	A .d.d.u.e
Name:	Name:
Address:	Address:

Please Note:

You must submit the completed written approval form(s), and the plans of the proposed activity <u>signed by affected persons</u>, with this application for resource consent, *unless* it is a notified application in which case affected persons' approvals need not be provided with the application.

ASSESSMENT OF EFFECTS ON ENVIRONMENT

What effects will the proposed activity have on the environment? Discuss both positive and adverse (negative) effects. Effects could include things such as the generation of noise or odour, positive and/or negative visual effects, shading, loss of sunlight or privacy, traffic/car parking effects, earthworks, effects on the landscape or townscape etc. The extent of the assessment must be proportional to the degree of potential effects of the proposed activity.	! -
Refer to separate letter attached.	
	
	_
(Continue on a separate sheet if necessary)	
DECLARATION	
I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.	
I accept that I have a legal obligation to comply with any conditions imposed on the resource consent should this application be approved.	
I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the application is notified and the cost of processing it exceeds the deposit paid.	
Signature of Applicant/Agent (delete one) Date: 28/07/2016	
Have you read the notes on the following page?	

PRIVACY – Local Government Official information and Meetings Act 1987

Under this Act, any person can request applications lodged with Council. Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld. Council will make a decision, following consultation with you. If Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen. Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to: (tick those that apply) Avoid unreasonably prejudicing your commercial position Protect information you have supplied to Council in confidence Avoid serious offence to tikanga Maori or disclosing location of waahi tapu WHAT HAPPENS WHEN FURTHER INFORMATION IS REQUIRED? If an application is not in the required form or does not include adequate information, the Council may not accept the application. In addition, section 92 of the Resource Management Act 1991, allows the Council to request further information from an applicant at any stage through the process where it is considered necessary to better understand the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. **FEES** the Council has set application fees. These may be subject to change by resolution of the Council and will be publicly notified. Enquire at the planning enquiries counter for the details. **FURTHER ASSISTANCE Planning Enquiries** If you require any further help, please contact: First Floor, Civic Centre 50 The Octagon PO Box 5045 Phone 477 4000 Dunedin Fax 474 3523 This is also where you can lodge your resource consent application. We are there to provide you with planning information. If you consider you need further planning advice, you may wish to discuss your application with an independent planning consultant. INFORMATION REQUIREMENTS **OFFICE** USE Completed and Signed Application Form Description of Activity and Assessment of Effects **Plans** Site Plan and Elevations Certificate of Title (less than 3 months old) Written Approvals Forms and Plans signed by Affected Persons **Application Fee** In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the Proposed District Plan. OFFICE USE ONLY Has the application been completed appropriately (including necessary Yes No information and adequate assessment of effects) Application: Received Received by: Counter / Post / Courier / Other Comments:

Planning Officer: Date:

Include reasons for rejection and/or notes to handling officer.



COMPUTER FREEHOLD REGISTER **UNDER LAND TRANSFER ACT 1952**



Search Copy

Identifier

185365

Land Registration District Otago

Date Issued

06 December 2006

Prior References

408

90409

Estate

Fee Simple

Area

2.0002 hectares more or less

Legal Description Lot 1 Deposited Plan 345233

Proprietors

Steven David Greer and Leah Marie Greer

Interests

5596167.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 22.5.2003 at 9:00 am

Appurtenant hereto are rights of way and rights to drain water created by Easement Instrument 5702474.5 -21.8.2003 at 9:59 am

The easements created by Easement Instrument 5702474.5 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 5702474.6 - 21.8.2003 at 9:59 am

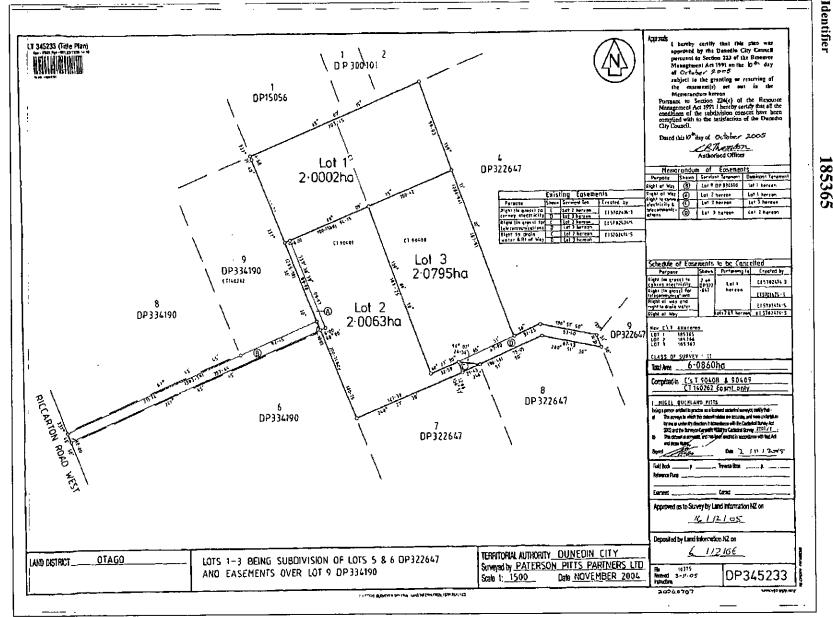
6001754.3 Partial surrender of the Land Covenant contained in Easement Instrument 5702474.6 - 12.5.2004 at 9:00

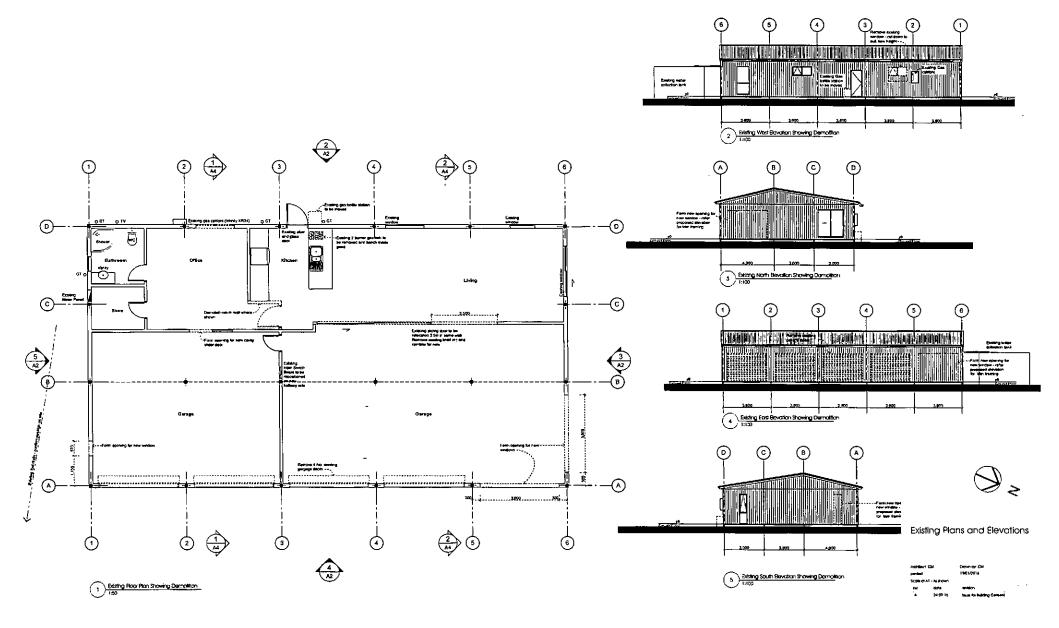
7147288.2 Surrender of the right of way and right to drain water marked J DP 322647 over lots 2 and 3 DP 345233 purtenant to lots 1 and 3 DP 345233 specified in Easement Instrument 5702474.5 - 6.12.2006 at 9:00 am

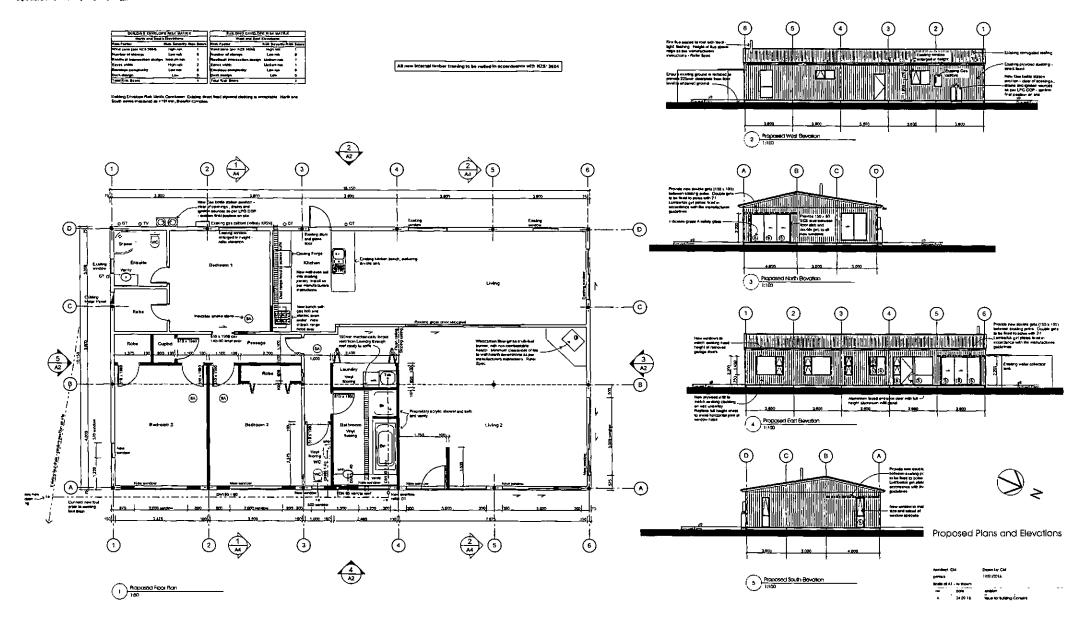
Appurtenant hereto is a right to convey electricity, telecommunications & computer media and rights of way created by Easement Instrument 7147288.4 - 6.12.2006 at 9:00 am

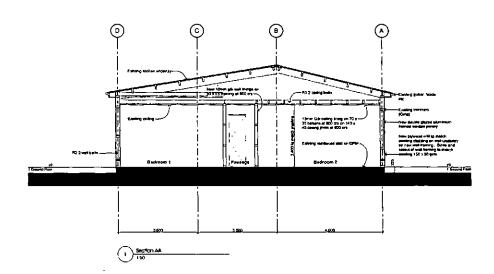
The easements (except computer media) created by Easement Instrument 7147288.4 are subject to Section 243 (a) Resource Management Act 1991

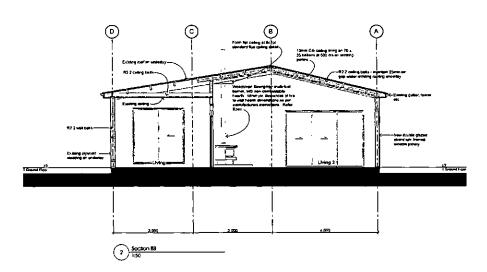
10089649.2 Mortgage to Westpac New Zealand Limited - 28.8.2015 at 1:44 pm

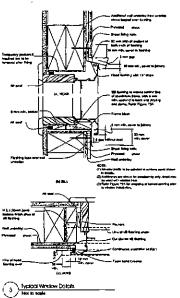


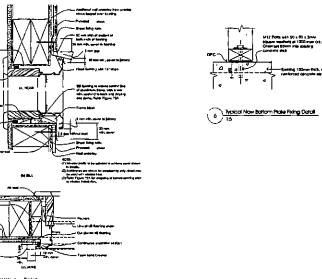


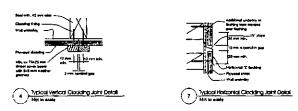


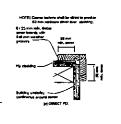












5 Typical Cladding Come Datall
Not to saile

Cross Sections and Typical

Resource Consent - 480 Riccarton Road, West,

RD2

Mosgiel 9092.

We have owned our property at 480 Riccarton Road West for a little over a year and really enjoy the outlook and amenity that the site offers.

We would like to get DCC consent to modify the shed and develop it in to a dwelling. We sought approval from the land owner next door, but did not receive a positive response.

We have no impact on the empty section next door as this shed has been here since 2008 and has always been occupied.

We have 82 established trees on our side of the section boundary, creating a privacy barrier just before the Otago Regional Council drain way.

Our building is orientated to look over our land on the northern side, not beyond the boundary on the south side.

We are not expanding beyond the existing building outline, but improving the internal layout to suit our family, as shown on our building consent plans.

We are not going to be encroaching any further into the side yard.

On our land, we have a lifestyle farmlet with 14 sheep, 3 cats, 2 dogs, 5 rabbits, and a pony. The wide-open spaces and animals are providing a great environment for raising children, and a great alternative to social media and electronic devices.

We all really enjoy it here and are wanting to make it acceptable to the DCC requirements.

We are also looking at planting some more shrubs along the border to create even more privacy or maybe even a fence.

Please refer to our supplied photos.

Our shed blends in to the back ground on the section.

In our opinion we have no privacy effect on the section behind us, and the encroachment on the side-yard is so small that it is insignificant.

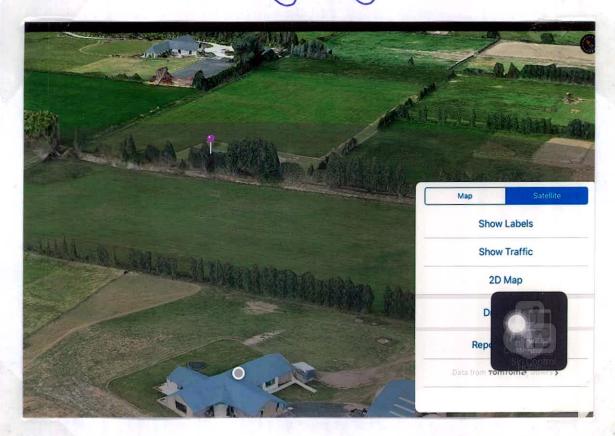
Please refer to the information from Paterson Pitts.

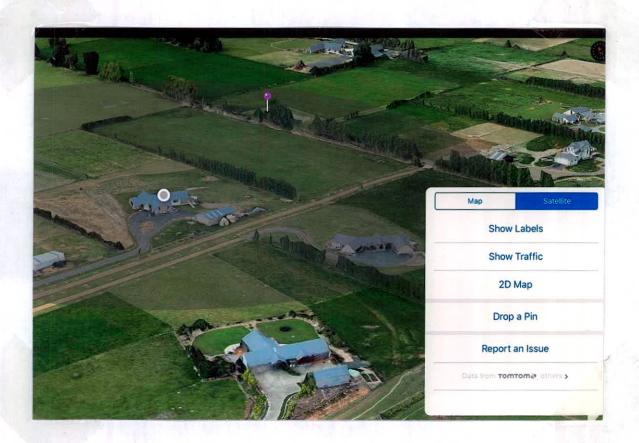
Thanking you

Steven & Leah

Leah Green

Our shed, No privacy effect on the surrounding neighbours.





Otago Regional Council drain way and some of the 82 established trees.

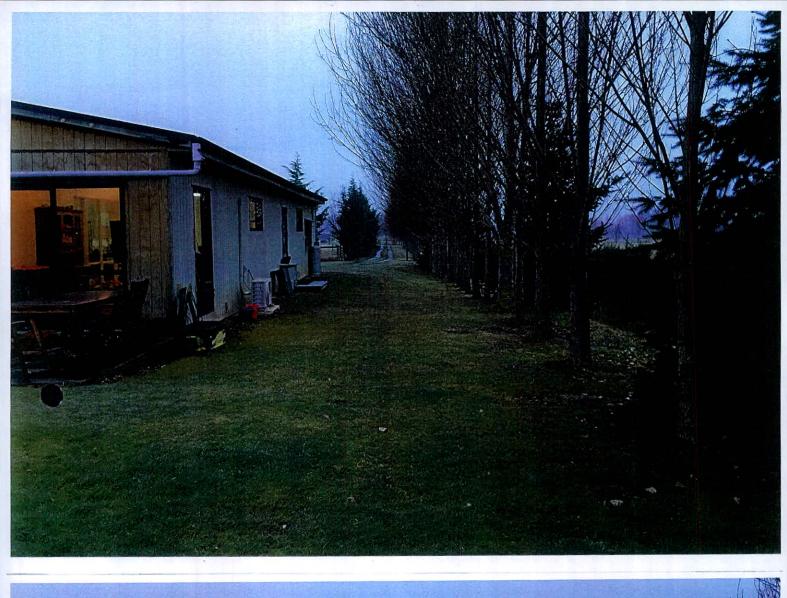




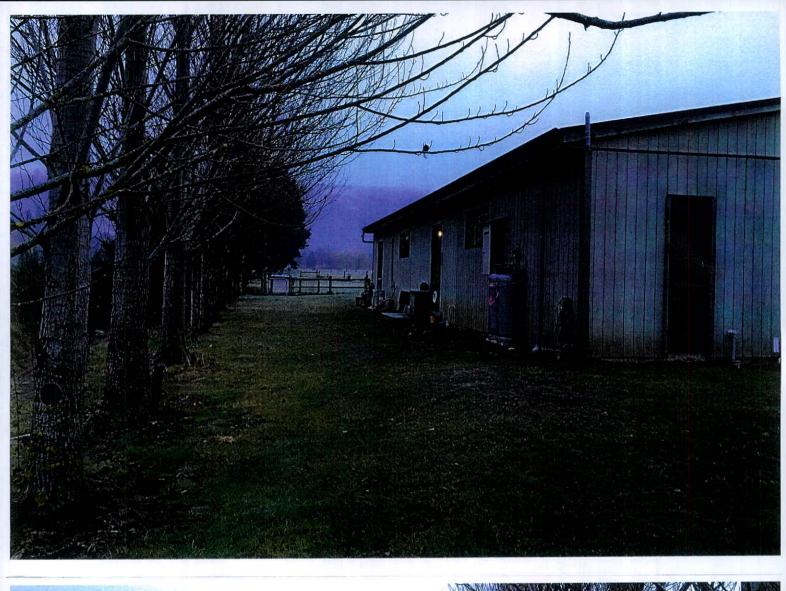
Our shed located by the drop pin Covered by the established trees.



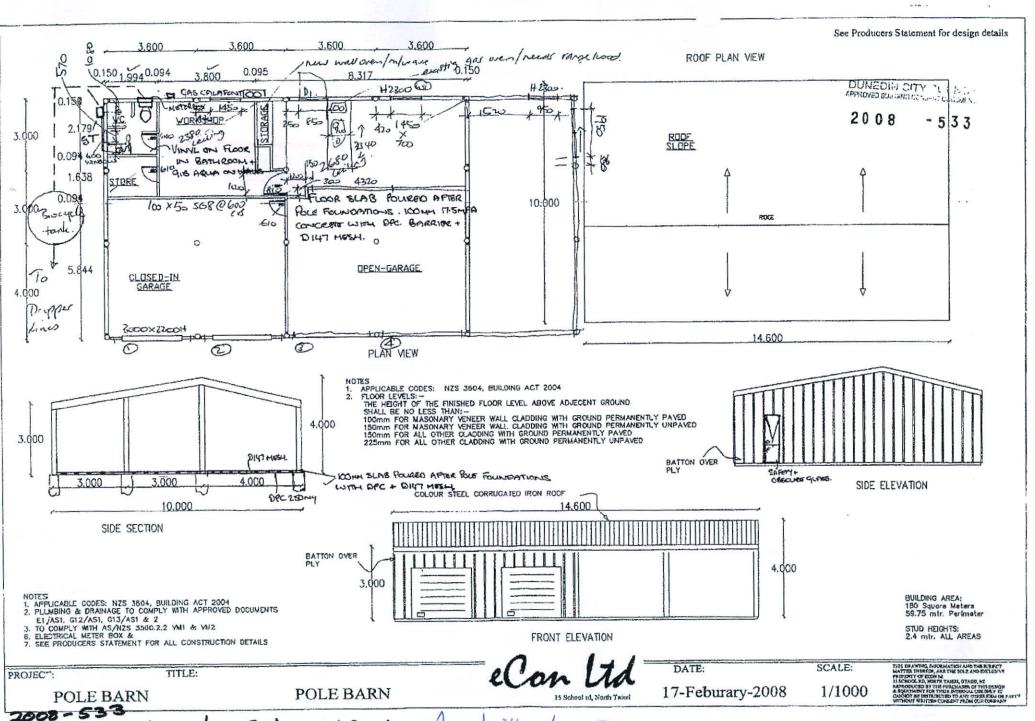












As-built plan 2008

