

HEARINGS COMMITTEE AGENDA

WEDNESDAY, 15 FEBRUARY 2023, 9.00 AM
Council Chamber, Dunedin Public Art Gallery,
30 The Octagon, Dunedin

MEMBERSHIP: Commissioner Megan Justice

IN ATTENDANCE: Campbell Thomson (Senior Planner/Committee Advisor),
Nicola Petrie (Processing Planner) and Wendy Collard
(Governance Support Officer)

PART A (Committee has the power to decide these matters):

1 RESOURCE CONSENT APPLICATION – LUC-2022-337, 64 PASSMORE CRESCENT, DUNEDIN

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Nicola Petrie, Processing Planner
Refer to pages 1 - 13

The Applicant's Presentation

Application
Refer to pages 14 – 33

The Update to Application
Refer to pages 34 - 40

Submission

Refer to pages 41 - 63

Council Officer's Evidence

- Email from Urban Designer
Refer to page 64 - 66

The Planner's Review of their Recommendation

The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response

The Applicant to present their right of reply

PLEASE NOTE: The **only** section of the hearing which is not open to the public is the Committee's final consideration of its decision, which is undertaken in private. Following completion of submissions by the applicant, submitters and the applicant's right of reply, the Committee will make the following resolution to exclude the public. All those present at the hearing will be asked to leave the meeting at this point.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
1	Resource Consent application – 64 Passmore Crescent, Dunedin	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

TO: Hearings Committee

FROM: Nicola Petrie, Planner

DATE: 23 January 2023

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC-2022-337
64 Passmore Crescent, Dunedin
Clifford Ashley Muir and Kaye Louise Muir

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 23 January 2023. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] For the reasons set out below, I consider that the proposed extension to the attached garage into the side yard and front yard will have minor adverse effects on streetscape amenity, neighbourhood character and on-site amenity and these effects can be managed. I also consider that the proposal is generally consistent with the relevant objectives and policies of both District Plans. As a result, I have concluded that the proposal should be **granted** subject to conditions.

DESCRIPTION OF PROPOSAL

- [3] Resource consent is sought to extend the existing garage by 2.2m into the side yard. The proposal initially reflected the extension will be 300mm off the shared boundary with 64a Passmore. The walls will be 100mm in thickness. The extension is to accommodate a new laundry and an internal lift. The addition will also encroach on the front yard setback, being 2.8m from the front boundary.
- [4] On 09 December 2022, the applicant updated the proposal with revised plans. The proposed setback from the side boundary is to be increased to 500mm. The email included a site plan reflecting the lesser proposed encroachment and concept elevations for the proposed extension.
- [5] The increased setback, to 500mm, is intended to protect the hedge and tree roots to help their health and retention.
- [6] A copy of the application, including plans of the proposed extension, is contained in Appendix 1 of this report. For completeness, both the original and revised plans are included for comparison and are identified accordingly.

- [7] The proposal in its revised form is for a breach of yard setbacks only. While a breach of a height plane rule was also applied for the proposed addition is in fact compliant.

DESCRIPTION OF SITE AND LOCATION

- [8] The site is located on Passmore Crescent, in the suburb of Māori Hill. The property at 64 Passmore Crescent is a front site with a dwelling close to the road frontage. The house on the adjacent land at 64A Passmore Crescent is situated to the rear of the subject site. Refer to Figure 1.



Figure 1 shows the aerial photography of 64 and 64a Passmore Crescent.

- [9] The dwelling on site contains a double garage with internal access, flowing into a sitting room with adjoining terrace, WC, kitchen and entry lobby with adjoining porch. There is an internal staircase to the first floor. The proposed lift will be positioned where the garage meets the lobby and allow passengers to be transported to the first-floor landing to access bedrooms. These renovations will future proof the property for the current owners.
- [10] The site is rectangular in shape and the topography of the land gently slopes down from the road. The applicants' site is slightly higher than the direct neighbour and identified affected party.
- [11] The site is legally described as Lot 2 DP 4509 (held in Record of Title OT272/230). The site has an area of 415m².
- [12] The side yard breach is in relation to the immediately adjacent property at:

Site	Area	Owner (from DCC Ratepayer info)
64a Passmore Crescent	670m ²	Gareth John Treharne

HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

- [13] The existing environment includes a garage at the front of 66 Passmore Crescent adjacent to the boundary with 64A opposite the current proposal. It is noted that this was the subject of a resource consent in 2014 (LUC-2014-136).

ACTIVITY STATUS

- [14] Dunedin currently has two district plans: the operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (the "Proposed 2GP"). Until the Proposed 2GP is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.
- [15] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.

Operative District Plan (Dunedin City District Plan 2006)

- [16] The subject site is zoned Residential 1 in the Dunedin City District Plan. Passmore Crescent is considered a Local Road in the Plan's Roading Hierarchy.
- [17] The relevant rules of the Operative District Plan for this proposal have been superseded by those of the proposed 2GP and are deemed inoperative under Section 86F of the Resource Management Act 1991. Accordingly, the activity status of the proposal has not been assessed any further under the rules of the Operative Plan.

Proposed Second Generation Dunedin City District Plan (Proposed 2GP)

- [18] The subject site is zoned General Residential 2 and is subject to the Variation 2 mapped area.
- [19] Proposed 2GP was notified on 26 September 2015, and some Proposed 2GP rules had immediate legal effect from this date. Some rules became fully operative following the close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved.
- [20] At the time of writing there are no outstanding appeals on the 2GP rules relating to the proposed activity. The 2GP rules are therefore considered to be fully operative insofar as they relate to the application.
- [21] The proposal falls under the definition of 'standard residential' activity. Under the Proposed 2GP, activities have both a land use and a development activity component.

Land Use Activity

- [22] Standard Residential is a permitted activity under Rule 15.3.3.3 subject to performance standards which include density, outdoor living space, service areas and ancillary residential units.

- [23] Note the proposal is considered to meet the relevant Performance Standards, being Rule 15.5.2.1.a Density¹ (1 habitable room per 45m² of land) and there is sufficient outdoor living space for the residence.

Development Activity

- [24] The proposal will breach Rule 15.3.4.2.a, which requires all buildings and structures activities to comply with boundary setbacks, which are set out in Rule 15.6.13.1. The General Residential 2 setbacks that apply to the subject site and proposal are as follows: 4.5m from a road front boundary and 2m from a side boundary.
- [25] The application identifies the proposed extension will also encroach into the height in relation to boundary plane. However, the applicant has used a measure of a 55-degree recession plane inclined inward from a point 2.5m vertically from the boundary, which is a rule which applies to certain sites in the General Residential 1 Zone. The correct rule for height in relation to boundary for the subject site, being a property situated in the General Residential 2 zone, is for a 55-degree recession plane measured from a point 3m vertically above the boundary. Consequently, there is no breach of the height in relation to boundary plane based on the plans provided on 12 December 2022.
- [26] A breach of boundary setbacks, Rule 15.3.4.2.a is assessed as a **restricted discretionary** activity. The plan prescribes the following assessment matters (Rule 15.10.4.1) should be considered: a) effects on surrounding sites' residential amenity, b) effects on neighbourhood residential character and amenity and Rule 15.10.4.2.a which is effects on health and safety. Effects on health and safety is required when a garage or carport is situated in the front yard.

Overall Status

- [27] Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.
- [28] In this case, there is more than one rule involved, encroachment of the front yard setback and side yard setback. The breaches hold the same status and will be considered to be a **restricted discretionary** activity.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES")

- [29] A preliminary check of the Council records does not indicate any likelihood of a history of HAIL activities at this site.

NOTIFICATION AND SUBMISSIONS

- [30] No written approvals were submitted with the application.
- [31] A limited notified public notice was issued on 01 November 2022 with submissions closing on midnight of the 30 November 2022. One submission was received on the 30 November 2022

¹ Site is 415/45 = 9 HR current dwelling under that quota (5HR not counting the store room).

Name of Submitter	Address	Support/ Oppose	Summary of Submission	Wish to be heard?	Delegate to commissioners
G Treharne	64a Passmore Crescent	Oppose	Concerned about privacy and streetscape and residential amenity. Including, shading of the off-street carpark. Concerns about the subsequent death of the hedge and tree on the shared boundary. Concerns about rights of access. The submission requests council for a single legible version of the plans	No	No

- [32] It is noted that the submission requests that the applicant have the boundary surveyed and arrange a legal covenant for limitations on their rights to access over the submitter's property. It is noted that as part of the building consent process it is anticipated that the boundary will be required to be confirmed by survey prior to any construction. However, any encroachment for access by the applicant on the land at 64A Passmore Crescent is a civil matter between the landowners. The applicant should nevertheless consider the implications for property maintenance if access over the adjacent property will not be available.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [33] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including-

- a) Any positive or adverse effect; and
- b) Any temporary or permanent effect; and
- c) Any past, present, or future effect; and
- d) Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration or frequency of the effect, and also includes –
- e) Any potential effect of high probability; and
- f) Any potential effect of low probability which has a high potential impact.

Permitted Baseline

- [34] An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect from the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity.
- [35] In this situation, the Proposed 2GP provides for standalone or attached garage to have a reduced setback of 1m where the maximum height of the garage within the side yard is 2m and the maximum length is 6m. Additionally, there is a reduced setback from a road boundary of 0.5m, for standalone or attached garage, where the maximum height in the road boundary setback is no greater than 3m and a maximum width of 4.5m.
- [36] The Proposed Plan also allows for a solid fence, up to 2m high, to be erected on a boundary. This has been illustrated in Appendix 1 with the elevations Mr. Muir submitted on the 09 December 2022.

- [37] The existing and reasonably foreseeable receiving environment is made up of:
- The existing environment and associated effects from lawfully established activities;
 - Effects from any consent on the subject site (not impacted by proposal) that are likely to be implemented;
 - The existing environment as modified by any resource consent granted and likely to be implemented;
 - The existing environment as likely to be modified by activities permitted in the district plan.
- [38] For the subject site, the existing and reasonable foreseeable receiving environment comprises residential activity in the form of a single stand-alone residential unit.
- [39] For adjacent land, the existing and reasonable foreseeable receiving environment comprises residential activity in the form of single stand-alone residential units. There are some buildings in the vicinity which are located close to boundaries including the garage opposite the proposal on the other side of 64a Passmore Crescent.
- [40] It is against these that the effects of the activity, beyond the permitted baseline, must be measured.

Assessment of Effects

- [41] This section of the report assesses the following environmental effects in terms of relevant assessment matters of the Proposed 2GP:
- Surrounding sites' residential amenity (15.10.4.1.a);
 - Neighbourhood residential character and amenity (15.10.4.1.b);
 - Positive Effects;
 - Cumulative Effects;

Surrounding sites' residential amenity (Assessment Matters 15.10.4.1.a)

- [42] The concerns of the submitter, regarding residential amenity, includes loss of privacy and shading. It also includes issues with potential encroachment on 64a by the owners of 64 Passmore to access the exterior of their property for maintenance purposes.
- [43] The proposal seeks to reuse a window in the new laundry which will overlook the pedestrian access to 64a Passmore Crescent. The applicant has offered mitigation in the form of obscure film to be applied to the window to allow for privacy.
- [44] The 2GP suggests some circumstances that may support an application to permit buildings to encroach into the boundary setback. These circumstances include residential buildings on neighbouring sites receive adequate natural light and privacy, the reduced setback will mirror the setback of the adjacent residential building, both in minimum distance from the boundary, and the maximum extent to which the encroachment occurs along the boundary (including length and height). Additionally, there are no windows from living or sleeping area proposed along the wall of the new building or existing along the wall of any adjacent parallel residential building (Rule 15.10.4.1.a.vi).
- [45] The height in relation to boundary rule and the maximum height controls are the principal means by which the Proposed Plan Standards seek to avoid shading effects and loss of natural light. While compliance with yard setback may contribute to this by providing

physical separation between dwellings, the benefit from this will depend on the height of any structure concerned.

- [46] The proposal complies with both the height in relation to boundary plane and the maximum height rules. The application plans also illustrate that the additional shading from the extension is very minimal. As shown by Figure 2 below. Based on the architectural plans and the compliance with the height in relation to boundary rule, it is considered the neighbour at 64a Passmore will still receive adequate light and privacy (Rule 15.10.4.1.a.iv), having regard to the effects anticipated by the District Plan. The effects on the amenity of 64A Passmore Crescent are limited in scope as the encroachment occurs on a parking space / access pathway. Consequently, it will not affect the residential dwelling and assumed outdoor living space of the submitter's property. The submission identifies a loss of amenity in terms of shading of an on-site car park and the hedge and an ash tree. Given the compliance with the height plane, the actual effect of the yard reduction on amenity appears to be more in terms of the proximity to the root system of the hedge and tree, as well as concerns about maintenance of the buildings at 64 Passmore Crescent.



Figure 2 shows the solstice shading, illustrating the additional shading effect

- [47] The effects on amenity of the submitter's property do not detract from the compliance with requirements of the District Plan for outdoor living space. The Proposed Plan sets out the criteria for where an outdoor living space should be situated. The leg-in to 64a Passmore does not fit the criteria identified in the Proposed Plan. This is because it is south-facing and is not directly accessible from a principal living area. From the aerial photography, it is also noted, 64a has a large, north facing, mature garden which would be a better fit for this criterion.

Streetscape amenity and character (Assessment Matters 15.10.4.1.b)

- [48] The concerns of the submitter regarding streetscape amenity are that the extension will negatively impact the way their property is viewed from the street.
- [49] 64a is a rear site, the outlook from the streetscape will be narrowed but given the permitted baseline in is considered the effect of the proposal is largely anticipated by the plan and the permitted activities of the Proposed Plan.
- [50] Council's Urban Designer, Maria Callaú, has assessed the proposal and feels that the form, height and setback of the extension is appropriate for the neighbourhood. She notes the

roof pitch being lower than the garage on the other side minimises the negative effect on the neighbouring property. And comments that the use of existing material and colours will enable it to blend in to the existing house which reduces the visual impact.

- [51] Ms Callaú is complimentary of the space that has been retained. This space allows for landscaping along the face of the garage's external wall.
- [52] She comments that should the hedge and tree not be able to be retained, a landscaped strip garden in the western corner of the site along the area between the extension and the north-east boundary would assist in softening the entrance of 64a Passmore Crescent and enhance the proposed development in relation to streetscape character and amenity.

Health and safety (Assessment Matters 15.10.4.2.a)

- [53] The proposed extension is located within the road boundary setback, which is 4.5m from the road front boundary. It is relevant that the proposed protrusion is very minimal compared to the existing garage which is located also within this road boundary setback. Therefore, it is considered, the effects on health and safety are well established and do not need to be assessed as part of this consent.

Positive Effects

- [54] The extension will allow the owner of 64 Passmore Crescent to future-proof his use of the property by allowing this laundry to come up to the ground floor and install a lift for access between the ground floor and the first floor.

Cumulative Effects (Assessment Matter)

- [55] The concept of cumulative effects, as defined in *Dye v Auckland Regional Council & Rodney District Council* [2001] NZRMA 513, is:

"... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration".

- [56] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'.
- [57] In this case, a relevant question is whether the garage extension represents a tipping point where the character of the streetscape changes. In this situation, I do not consider that the granting of this consent will lead to this tipping point, as it is a very marginal change to the existing residential environment. This conclusion is further solidified by the Council's Urban Designer's comments.
- [58] Cumulative effects are relevant for this property, as the application in 2014 saw a garage encroach into the side yard opposite the proposal. Some consideration should be given to whether a similar building encroachment on the other side would create an undesirable effect on the frontage of 64a Passmore Crescent. However, the proposal is only a minor extension to the side of an existing garage.
- [59] It is further relevant that caselaw advises that Council is not formally bound by a previous decision of the same or another authority.

- [60] It is also relevant, from Ms. Callaú's conclusion, that the proposal is not as intrusive as it could be due to the restrained height of the extension and the downward sloping nature of the roofline. Additionally, Ms. Callaú advice offers the effects can be mitigated planting that will soften the overall impact on the streetscape.

Effects Assessment Conclusion

- [61] I consider the proposed extension will have minor adverse effects that can be managed provided the suggested conditions are adopted. It has been discussed earlier that the width of the access leg provides a generous access into 64a Passmore Crescent. With the retention of the existing hedge and tree or the introduction of mitigation planting coupled with the limited size and scale of the extension on the subject site, it can be concluded that overall impact could be adequately reduced to less than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [62] Section 104(1)(ab) of the Resource Management Act 1991 requires that the Council have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
- [63] In this case, no offsetting or compensation measures have been proposed or agreed to by the applicant.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

- [64] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Dunedin City District Plan and the proposed 2GP were taken into account in assessing the application.

Dunedin City District Plan – 2006 Operative Plan

- [65] Although many of the objectives and policies of the 2006 District Plan may be deemed inoperative, as there are some appeals against the Objectives and Policies of the Proposed 2GP, the following have been considered as a conservative approach:

Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin. Policy 4.3.1 Maintain and enhance amenity values.	The amenity values of the surrounding area are considered to be maintained. Consistent.
Objective 4.2.3 Sustainably manage infrastructure Objective 4.2.5 Provide a comprehensive planning framework to manage the effects of use and development of resources. Policy 4.3.5 Require the provision of infrastructure services at an appropriate standard. Policy 4.3.7	

Use zoning to provide for uses and developments which are compatible within identified areas.	
Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	
Policy 4.3.10 Adopt a holistic approach in assessing the effects of the use and development of natural and physical resources.	

Residential Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 8.2.1 Ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied and mitigated.	The amenity values and character of the area will be maintained. Consistent.
Policy 8.3.1 Maintain or enhance the amenity values and character of residential areas.	

Proposed 2GP

- [66] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following 2GP objectives and policies were considered to be relevant to this application:

Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 2.4.1.5 Maintain or enhance the attractiveness of streetscapes, public open spaces and residential amenity by using rules that manage building bulk and location, site development and overall development density.	The extension has been designed to not be intrusive, whilst it is breaching boundary setbacks it will be compliant with height in relation to boundary. Overall consistent.

Residential Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 15.2.2 Residential activities, development and subdivision provide high quality on-site amenity for residents.	The on-site amenity values for residents will be maintained. Mostly consistent.
Policy 15.2.2.1 Require residential development to achieve a high quality of on-site amenity by: a. Providing functional, sunny, and accessible outdoor living spaces that allow enough space for on-site food production, leisure, green space and recreation; b. Having adequate separation distances between residential buildings; c. Retaining adequate open space uncluttered by buildings; d. Having adequate space available for service areas.	
Objective 15.2.3	

Activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces.	Proposal will not be introducing any additional shading and effects on access to sunlight for outdoor amenity spaces remains unchanged. Consistent.
Policy 15.2.3.1 Require buildings and structures to be of a height and setback from boundaries that ensures that there are no more than minor effects on sunlight access of current and future residential buildings and their outdoor living spaces.	
Objective 15.2.4 Activities maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood.	The introduction of an extension to the existing residential unit is reflective of the current or intended residential character of the area. Consistent.
Policy 15.2.4.1 Require activities to maintain or enhance streetscape amenity by ensuring: a. Garages, carports and carparking do not dominate the street; b. There are adequate green space areas free from buildings or hard-surfacing; c. Buildings' height and boundary setbacks, and scale reflect the existing or intended future residential character; d. Shared service areas are not visible from ground level from outside the site; and e. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects.	

Conclusion on Objectives and Policies Assessment

- [67] As the relevant rules in the Proposed District Plan (2GP) are deemed operative and the relevant rules in the Operative District plan are deemed inoperative, significantly more weight is given to the objectives and policies of the 2GP.
- [68] When looked at on the whole, the application could be said to be generally consistent with many objectives and policies of the 2GP, given the specific characteristics of the site and the proposed nature of the residential activity, all as outlined in the assessment of effects above.
- [69] It is with this in mind, I consider that when focusing on the key objectives and policies, the objectives and policies of the Proposed Plan do support the granting of this consent.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [70] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. Given the localised nature of the activity, the Regional Policy Statement for Otago is not considered to provide any specifically relevant provisions.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [71] Based on the findings above, it is evident that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of this consent would promote the sustainable management of Dunedin's natural and physical resources.

Section 104

- [72] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be minor and can be adequately avoided remedied or mitigated provided recommended conditions of consent were adhered to.
- [73] Section 104(1)(ab) requires the Council to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects.
- [74] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be consistent with the key objectives and policies relating to both the Dunedin City District Plan and the Proposed 2GP.
- [75] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application is consistent with the relevant objectives and policies of the Regional Policy Statement for Otago, is not particularly relevant to this localised application within the residential area.

Other Matters

- [76] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. I consider there are no other matters to be considered.

CONCLUSION

- [77] Having regard to the above assessment, I recommend that the application be granted subject to appropriate conditions.

RECOMMENDATION

Land Use LUC-2022-337

*That pursuant to section 34A(1) and 104C and after having regard to section 104 of the Resource Management Act 1991, and the Operative Dunedin City District Plan 2006 and the Proposed Second Generation Dunedin City District Plan, the Dunedin City Council **grants** consent to a **restricted discretionary** activity being the establishment of a dwelling extension into the road and side boundary setback at 64 Passmore Crescent, Dunedin, legally described as Lot 2 DP 4509 (held in Computer Freehold Register OT272/230), subject to conditions imposed under section 108 of the Act.*

REASONS FOR RECOMMENDATION

- [78] Provided that the recommended conditions of consent are implemented, I consider that the likely adverse effects of the proposed activity can be adequately mitigated and will not be significant.
- [79] The proposal is considered to be mostly consistent the key relevant objectives and policies of both the Dunedin City District Plan and the Proposed 2GP.
- [80] The proposal is considered to be consistent the objectives and policies of the Regional Policy Statement for Otago.

- [81] Overall, the proposed development has been assessed as not being likely to give rise to adverse effects on those elements of the General Residential 2 zone that the Dunedin City District Plan seeks to protect. Further, had the scope of the proposal to be considered is the impact on streetscape amenity, neighbourhood character and on-site amenity. The report above reflects that these points of consideration have been assessed and determined to remain unaffected.

Report prepared by:



Nicola Petrie
Planner

_23 January 2023_____
Date

Report checked by:



Campbell Thomson
Senior Planner

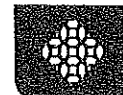
_23 January 2023_____
Date

APPENDIX 1: THE APPLICATION

APPLICATION NUMBER:	LUC-2022-337
RELATED APPLICATIONS/LICENCES:	

PLANNING APPLICATION DETAILS FORM

Property Address		64 Passmore Crescent Dunedin	
Property Description:		Property No: 5016304 Legal Description: LOT 2 DP 4509	
First Contact: (Applicant)	Name:	C A Muir	
	Mail Address:	64 Passmore Crescent, Dunedin 9010	
	Contact Email:	Ash.kaye.muir@gmail.com	
	Phone Number:	021 333 077	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		Side yard and front yard + slight HRB breach	
Application Type:		Land Use Consent	
Fast Track?			
Consent Type:	Residential Activity	Consent Nature	Garage/Carport
Major Category		Land Use Category B	
Minor Category		Non-Notified - Restricted Discretionary	
Senior Planner or Responsible Officer:		Campbell Thomson	
Lodgement Date:		15 August 2022	Lodgement Officer: Kerry Hamilton
Deposit Amount:	\$1,000.00	Invoice Number:	937275
Waived: ☐			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:			



APPLICATION FORM FOR A DEEMED PERMITTED BOUNDARY ACTIVITY

PLEASE FILL IN ALL THE FIELDS

Application details

I/We CLIFFORD ASHLEY MUIR

(must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

Deemed Permitted Boundary Activity

Have you applied for a Building Consent? Yes, Building Consent Number ABA

No

Site location/description

I am/We are the: (☒ owner, ☐ occupier, ☐ lessee, ☐ prospective purchaser etc) of the site (tick one)

Street address of site: 64 PASSMORE CRESCENT, MAORI HILL, DUNEDIN

Legal description: LOT 2, DP 4509

Certificate of Title:

Contact details

Name: ASHLEY MUIR

(☒ applicant ☐ agent (tick one))

Address: 64 PASSMORE CRESCENT

MAORI HILL, DUNEDIN

Postcode: 9010

Phone (daytime): 021.333.077

Email: ash.kaye.muir@gmail.com

Chosen contact method (this will be the first point of contact for all communications for this application)

I wish the following to be used as the address for service (tick one): ☒ Email ☐ Post ☐ Other:

Planning Application Fees Payment Details (Who are we invoicing)

THIS FORM MUST BE COMPLETED FOR ALL PLANNING APPLICATIONS THAT ATTRACT A FEE. ALL FIELDS ARE MANDATORY.

This information is required to assist us to process resource consent invoices and refunds at lodgement and the end of the process. If you have any queries about completing this form, please email planning@dcc.govt.nz

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company): CLIFFORD ASHLEY MUIR

Mailing Address of Deposit Payee (please provide PO Box number where available):

64 PASSMORE CRESCENT, MAORI HILL, DUNEDIN, 9010

Email Address of Deposit Payee: ash.kaye.muir@gmail.com

Daytime contact phone number: 021.333.077

Important Note: The Payee will automatically be invoiced for the deposit and/or any additional costs. Should a portion of the deposit be unspent, it will be refunded to the payee.

Boundary activity description

Description of the proposed activity:

THE CONSTRUCTION OF AN ADDITION TO THE
EXISTING GARAGE AT THE HOUSE AT
64 PASMORE CRESCENT, MAORI HILL, DUNEDIN

Note, in order to be considered a boundary activity:

- The only rule infringements allowed are in regards to the structure associated with the activity.
- The structure can only infringe boundary rules in the district plan e.g. a yard/setback rule, a height plane angle/height in relation to boundary rule, a building length in relation to boundary rule, maximum fence height in yard rule, etc.
- The structure cannot infringe a public boundary e.g. a front yard with a road, a yard next to a reserve, a yard next to the coastal marine area, etc.

(Public Boundary means a boundary between an allotment and any road, river, lake, coast, esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown.)

- ✓ The only rule breaches are from the proposed structure.
- ✓ The only rules being infringed are boundary rules in the district plan(s).

There are no boundary rule infringements with public boundaries.

Site plan

- ✓ I have provided plan(s) to scale showing the site at which the activity is to occur, showing the height, shape, and location on the site of the proposed activity.

Ownership of the site

Full name and address of each owner of the application site:

Name: KAYE LOUISE MOIR

Address: 64 PASMORE CRESCENT, MAORI HILL, DUNEDIN

Name: CLIFFORD ASHLEY MOIR

Address: 64 PASMORE CRESCENT, MAORI HILL, DUNEDIN

Infringed boundary identification

All non-public boundaries where there is infringement are deemed to be infringed boundaries, except where there are private ways adjoining land.

There are no private ways next to the boundary rule infringement(s), OR

There is a private way next to a boundary rule infringement. The property on the opposite side of the private way is deemed to contain an infringed boundary. The private way itself is not deemed to contain an infringed boundary.

(Private way means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of [Part 21 of the Local Government Act 1974] exists within any district.)

Where there is a rule infringement on a boundary corner, all adjoining properties become infringed:

There are no rule infringements adjoining any corner of the site. OR

There are rule infringements at the corner of the site. This means every adjoining property touching the corner point (even on a diagonal) contains infringed boundaries.

The full name and address of each owner of an allotment with an infringed boundary is listed below:

Name: CARLETH TREHARNE
Address: 64A PASSMORE CRESCENT

Name:

Address:

Name:

Address:

Written approvals

Written approvals must be provided on the correct form for deemed permitted boundaries activities.

I/We have obtained the written approval of each owner of an allotment with an infringed boundary. They have signed the plan(s) showing the height, shape, and location on the site of the activity.

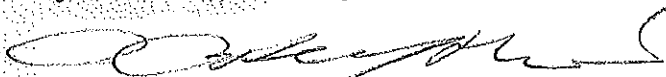
Note: If the owner has signed on behalf of a trust or company, you will need to include with your application the written evidence that they have signing authority.

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, 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 cost of processing the application exceeds the deposit paid.

Signature of ☒ Applicant ☐ Agent (tick one):



Date: 15.8.2022

Privacy - Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The 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, the Council will make a decision following consultation with you. If the 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

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. If the total is below the initial deposit, you will be sent a refund of the unspent money. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

IN WRITING: Dunedin City Council, PO Box 5045, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

BY PHONE: (03) 477 4000

BY EMAIL: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz

Information requirements

Completed and signed application form

Payee details

Description of activity

Plan(s) (drawn to scale) showing the height, shape, and location on the site of the activity

Full name and address of each owner of the site

Full name and address of each owner of an allotment with an infringed boundary

Written approval of each owner of an allotment with an infringed boundary (using correct form)

Signature of each owner of an allotment with an infringed boundary on the plan

Written evidence of signing authority for written approvals (for owners signing on behalf of a trust or company)

Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))

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.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information)? Yes No

Application: Received Rejected

Received by: Counter Post Courier Other:

Comments:

(Include reasons for rejection and/or notes to handling officer)

Planning Officer:

Date:

ADDITION TO THE GARAGE at the EXISTING HOUSE at

15 August 2022

64 Passmore Crescent

Maori Hill

Dunedin

APPLICATION for RESOURCE CONSENT**Description of the Proposal**

The Proposal is to construct an Addition to the Existing Garage extending into both the Front Yard and the western, Side Yard of the Property.

The existing, street-facing wall of the Garage at the House - incorporating the garage door - is set back at an oblique angle to the street boundary ranging from 900 mm at the east side and 1.8 metres at the west side following the issue of Consent prior to its construction.

Notably, the street boundary of the site is set back 6.4 metres from the kerb and channel at the Street.

The Proposal is to extend the West Wall of the Garage to 350 mm from the Western Site Boundary so encroaching into the Side Yard Setback, extending nearly the length of the Garage, so encroaching into the Front Yard Setback and breaching the Maximum Building Height/Height Recession Plane.

The Western Site Boundary is shared with a "leg-in" providing access to a No 64A Passmore Crescent to the north of this Lot.

The Addition is designed as a visual extension of the architectural form, materials and colouring of the Existing House adopting a continuation of the existing Roof Shape/slope/material in Terracotta Clay Roofing Tiles with the walls clad with roughsawn, timber board and batten cladding to complement the texture of the walls to the Existing House, in the same stain colour as the Existing Garage Door.

The Passenger Lift shown on the Drawings does not cause effects which require Resource Consent.

Assessment of Environmental Effects

In the **Dunedin City District Plan (2006)**, the Site is Zoned **Residential 1**.

The Existing House is a **Permitted Activity** in this Zone.

The **Front Yard** requirement is 4.5 m for which the Existing House, at a minimum dimension of 900 mm, has been Consented.

The Addition to the Garage is set at a minimum distance of 2.5 m from the front site boundary.

The **Side Yard** requirement is 2.0 m. The Addition extends to 300 mm from the Side Boundary.

The **Height Plane Angle** is 63 deg. The Addition extends above this angle.

The Addition breaches the Height Plane Angle but lies below the **Maximum Permitted Height**.

The Existing House and the Addition comply with each of the remaining **Conditions Attaching to Permitted Activities**

In the **Second Generation Dunedin City District Plan – 2GP**, the Site is Zoned **General Residential 2** and is subject to **Variation 2**

Again, the Existing House is a **Permitted Activity** in this Zone and complies with all applicable provisions under Rule 15.5, Land Use Performance Standards.

At Rule 15.6.6.1, **Height in relation to Boundary**, the Existing House complies with the exception of a part of the south-west corner of the two-storied part of the House which breaches the Height Recession Plane due to the fall of the land. Similarly, the Addition to the Garage complies with the exception of a small part of the roof at the north end.

The **Front Yard** requirement (at Rule 15.6.13.1) is 4.5 m for which the Existing House, at a minimum Front Yard dimension of 900 mm, has been Consented, however the Addition to the Garage - set at a minimum distance of 2.0 m from the front site boundary - is non-complying.

The **Side Yard** requirement is 1.0 m as the site boundary adjoins a right-of-way however the Addition extends to 300 mm from the Side Boundary.

A special characteristic of the proposed Addition to the House is that it lies beside a narrow, right-of-way offering access to a House located some distance away, to the north of the subject, Existing House. It follows that the environmental effects of the Proposed Addition with respect to the adjoining property are minimal or even, absent.

The location of the Addition relative to the Front Boundary is non-compliant with each of the District Plans, however this location does not create harmful effects perhaps as is acknowledged in the Consent offered for the particular siting of the Existing House a significant distance away from the Street.

The location of the Addition and its Height relative to the west boundary of the Site does not create harmful effects as it is a low – approximately 2 metres high – and due both to its height and orientation, will not create shading greater than the Existing House.

In summary, we submit that the Addition to the Existing House will not create adverse effects to the adjoining property nor to the wider streetscape, in fact, we submit that, following construction, the Addition will be unrecognisable as such and fully integrated with the receiving environment.

Affected Parties

We understand that the Property Owner of 64A Passmore Crescent - the property to the west and north of the subject property - may be considered to be an Affected Party.

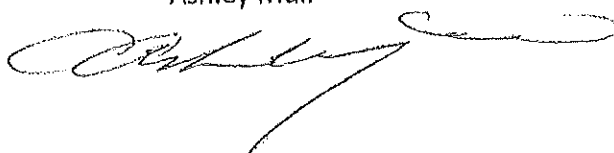
We met with this person and his partner, tabled Drawings and described the Proposed Addition, and sought their written approval, on Sunday, 24 July 2022. They expressed no concerns about the Proposal.

Since that time, we have amended the shape and size of the Addition, reducing its form and in particular its height significantly and “merging” it with the architectural form of the Existing House. We have attached the Drawing of the earlier Proposal presented to the neighbour, for completeness.

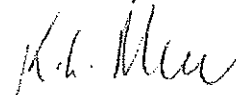
After hearing nothing further, my wife - Kaye Muir - approached them both on Tuesday, 9 August 2022 asking them to let us know if they had any questions or comments. They had no comments.

Applicants

Ashley Muir

A handwritten signature in black ink, appearing to read 'Ashley Muir', with a long, sweeping horizontal stroke extending to the right.

Kaye Muir

A handwritten signature in black ink, appearing to read 'Kaye Muir', with a stylized, cursive script.

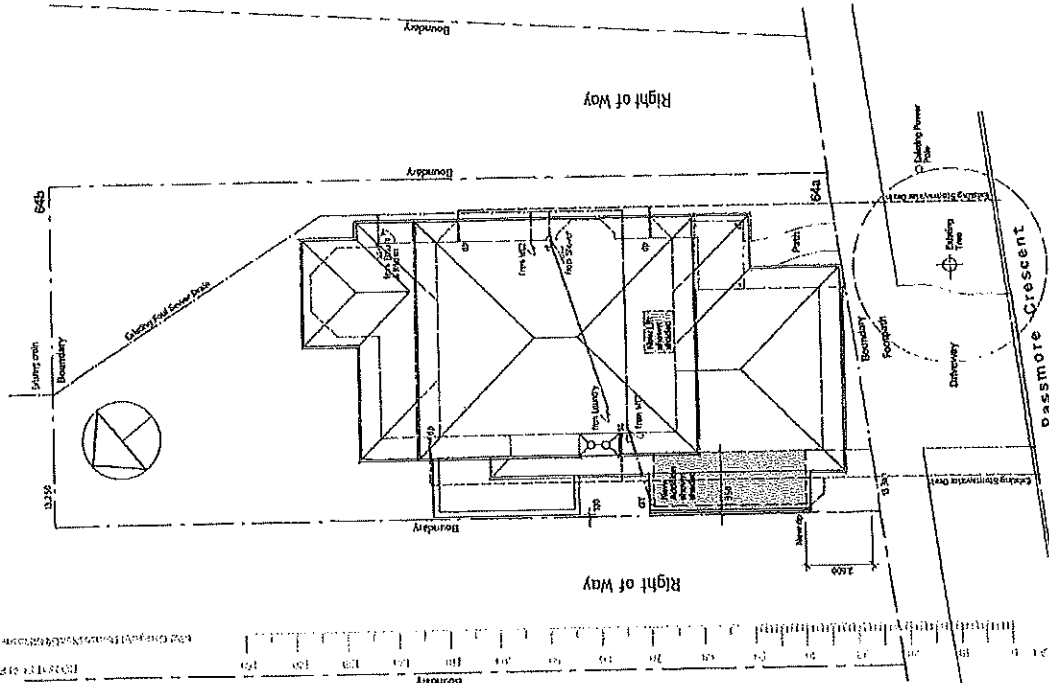
ADDITION TO GARAGE AND INSTALLATION OF LIFT 64 PASSMORE CRESCENT • DUNEDIN

Legal Description
Lot 2, DP 4500, Part Sec 7, Block II
Upper National District

Site Coverage - 33.9%

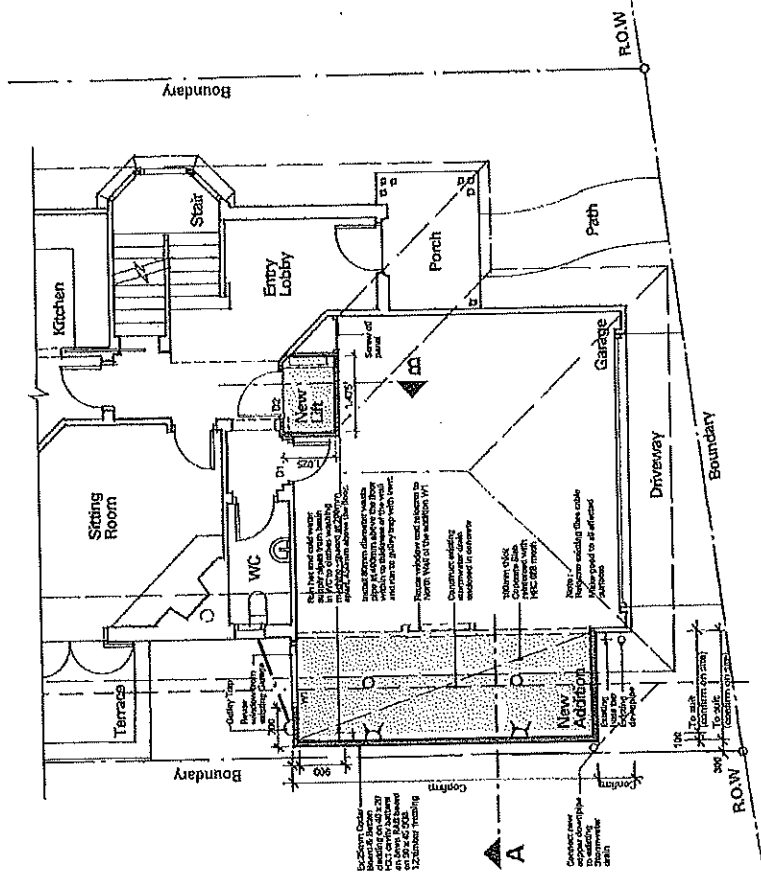
Site Plan

Scale 1:200 at A3, 1:100 at A1



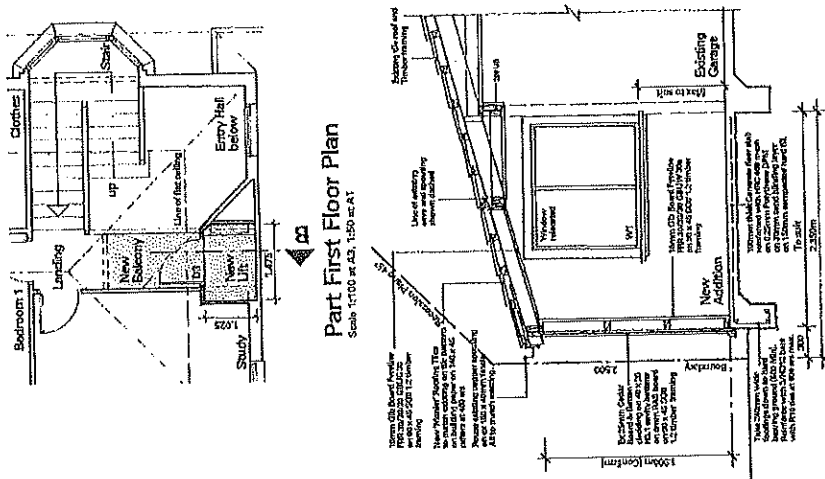
Part Ground Floor Plan

Scale 1:100 at A3, 1:50 at A1



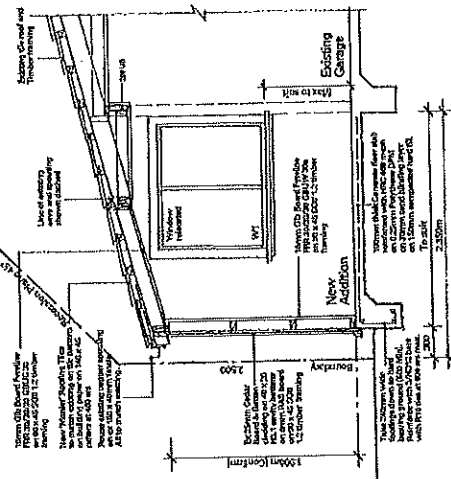
Part First Floor Plan

Scale 1:100 at A3, 1:50 at A1

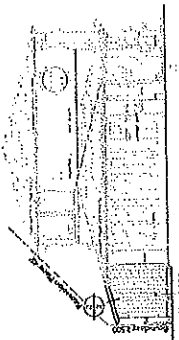


Cross Section A

Scale 1:100 at A3, 1:50 at A1



South Elevation



West Elevation

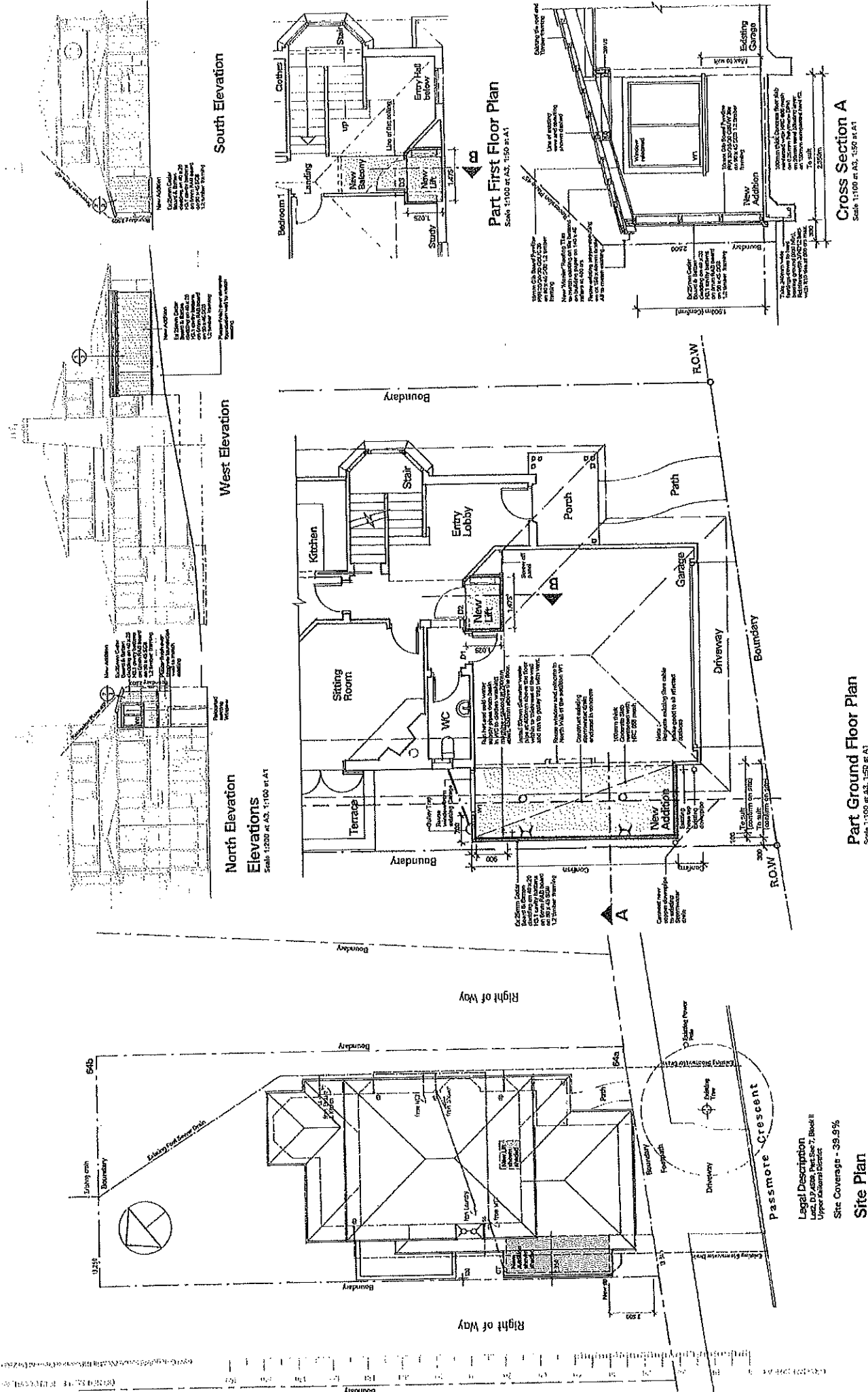


North Elevation

Scale 1:200 at A3, 1:100 at A1



ADDITION TO GARAGE AND INSTALLATION OF LIFT 64 PASSMORE CRESCENT DUNEDIN



[Land and Deeds—4.]

[Form B.]

NEW ZEALAND.

Reference: Vol. 146, Folio 240
 Transfer No.
 Application No.
 Order for N/C No. X4804



Register-book,
 Vol. 272, folio 230

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the Twenty-seventh day of May, one thousand nine hundred and thirty-five
 under the hand and seal of the District Land Registrar of the Land Registration District of O T A G O Witnesseth that
CLARENCE JONAS HARDY of Dunedin Tramway Employee

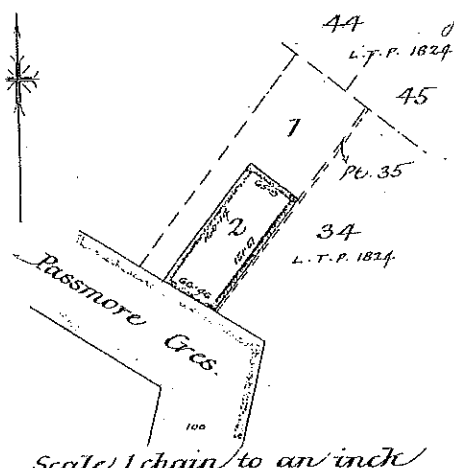
is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, be the several admeasurements a little more or less, that is to say: All that parcel of land containing Sixteen (16) perches and Forty-three one hundredths (43/100ths) of a perch more or less situated in the City of Dunedin being Allotment Two (2) on a plan of subdivision of part of the TOWNSHIP OF BALMACCRAW ESTATE deposited in the Land Registry Office at Dunedin as No. 4509 and being also part of Section 7 Block 11 on the public maps of the Upper Waikarai District.

Assistant District Land Registrar.

Agreement as to fencing contained in Transfer No. 44392.

Transfer No. 44392 Creates an easement appurtenant to the above described land being drainage and other rights over Allotments 44, 45, 46, 47 and 48 Plan No. 1824 The Balmacrew Estate Company Limited to Henry Samuel Mungford.

Subdn. of part of
Township of Balmacrew Estate
Or. Or. 16.43p



Mortgage No. 57473 Clarence Jonas Hardy to His Majesty the King produced 10th July 1935 at 3 o'clock.
 Transfer No. 127652 Clarence Jonas Hardy to Donald Ian MacPherson of Dunedin Mechanics produced 5th July 1939 at 3 o'clock.
 Mortgage No. 105846 Donald Ian MacPherson to The President of the Dunedin Savings Bank produced 5th July 1939 at 3 o'clock.
 Mortgage No. 105847 Donald Ian MacPherson to Annabella MacPherson produced 5th July 1939 at 3 o'clock.
 Transfer No. 138262 Donald Ian MacPherson to Harold Franklin Overton of Dunedin Driver produced 3rd November 1942 at 11 o'clock.

A.I.R.

(over)

Mortgage No. 114662 Harold Franklin Overton to Donald Im
MacPherson produced 11th October 1942 at 11 a.m.

Mortgage No. 125033 Harold Franklin Overton to The State
Advances Corporation of New Zealand produced 11th
October 1946 at 2.30 p.m.

A.L.R.

659752 Order vesting the within land in Phyllis Audrey Elizabeth
Overton of Dunedin, Beneficiary - 3.12.1986 at 9.42am

A.L.R.

682459/1 Transfer to Russell Gordon Warren of Dunedin

Company Employee and Barbara Yvonne Warren his wife

as tenants in common in equal shares - 10.7.1987

at 9.59am

A.L.R.

682459/2 Mortgage to Phyllis Audrey Elizabeth Overton
- 10.7.1987 at 9.59am

A.L.R.

713743/1 Mortgage to Trust Bank Otago - 13.10.1988 at 9.43
am

A.L.R.

713743/2 Memorandum of Priority ranking Mortgage 713743/1
as a first mortgage and Mortgage 682459/2 as a second
mortgage - 13.10.1988 at 9.43 am

A.L.R.

828977/3 Transfer to Whetu Raymond Te Hiri of Dunedin
Property Investor and Susan Jane Alexandra Dunn of Dunedin
School Teacher as tenants in common in equal shares -
3.5.1993 at 9.47am

828977/4 Mortgage to Parkinson & Wood Clients' Securities
Limited - 10.12.1994 at 9.53am

A.L.R.

848603/2 Transfer of the 1/2 share of Susan Jane Alexandra Dunn
to Whetu Raymond Te Hiri of Dunedin Private Investigator - 10.2.1994
at 9.53am

A.L.R.

848603/3 Mortgage to Countrywide Banking Corporation Limited -
10.2.1994 at 9.53am

A.L.R.

886223/2 Transfer to Clifford Ashley Muir of Dunedin
architect - 5.7.1995 at 11.23am

A.L.R.

J.A.S.
No. 1621
DB 1 p 49

J.A.S.
No. 2385
J.B. P.L.

MASON & WALES
ARCHITECTS

Size Converter - 39.9%

Site Plan

Scale 1:200 at A3, 1:100 at A1

Part Ground Floor Plan

Sorte 1: 1.000 at 13.1.50 08.41

Cross Section A

Sample 1:100 at A3, 1:50 at A7

Part First Floor Plan

Sample 1: 100 at A3, 1:50 at A1

South Elevation

West Elevation

North Elevation Elevations

Scale 1:200 at A3, 1:100 at A1

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DO NOT SCALE - IF IN DOUBT, ASK
VOLUME 52 - JOURNAL OF CLIMATE

1

Дерунов

Right of Way

Right of Way

Massmore
Crescon

Legal Description

Exhibit 12, D.F. 4508, Part Sec 7, Block II

Upper Kailash District

0% - 29.9%

Site Coverage - 35.3%

2

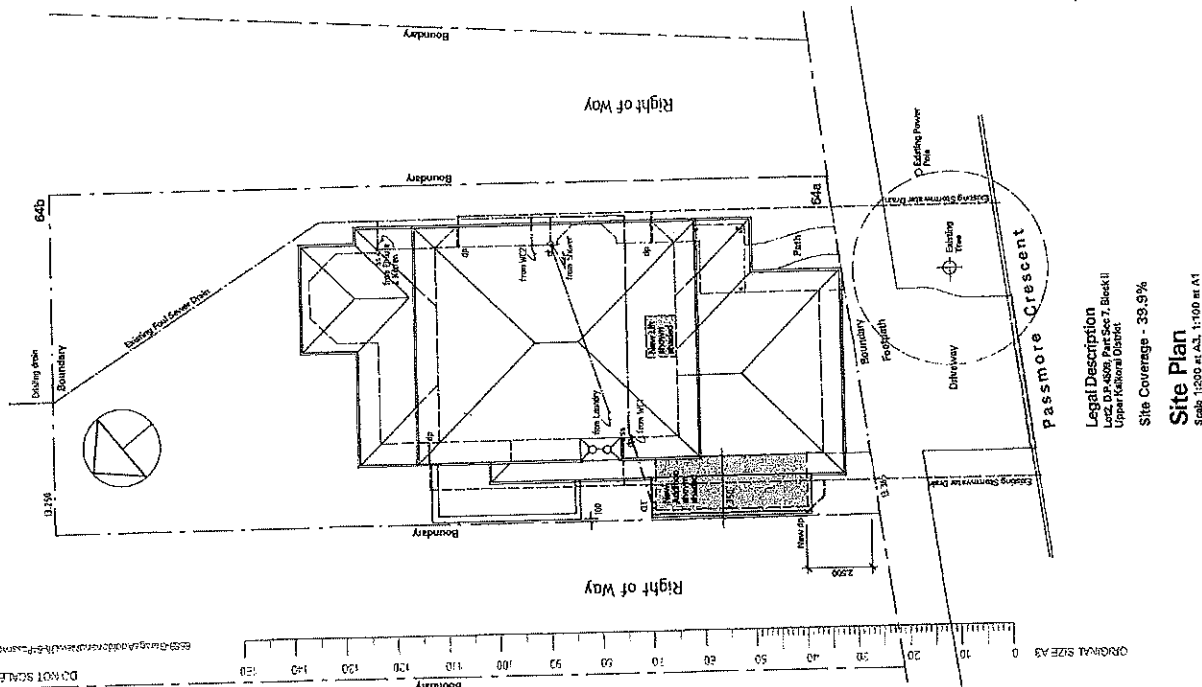
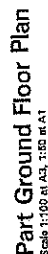
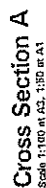
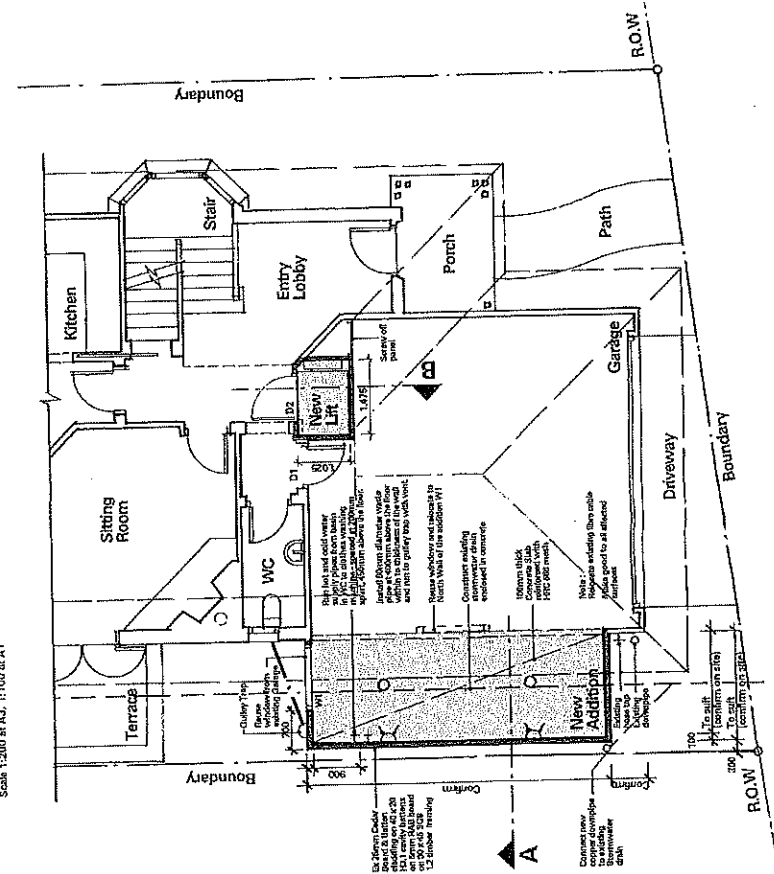
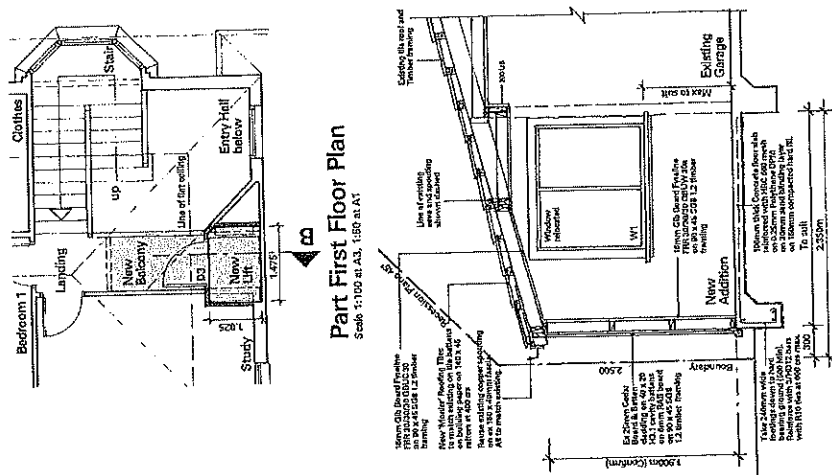
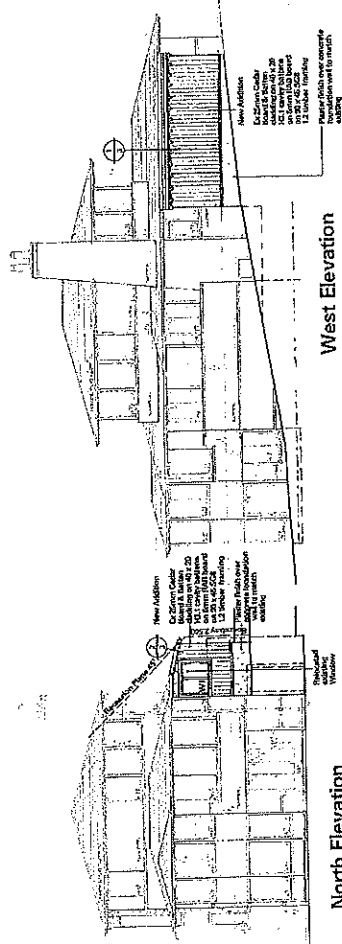
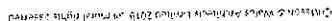
Site Plan

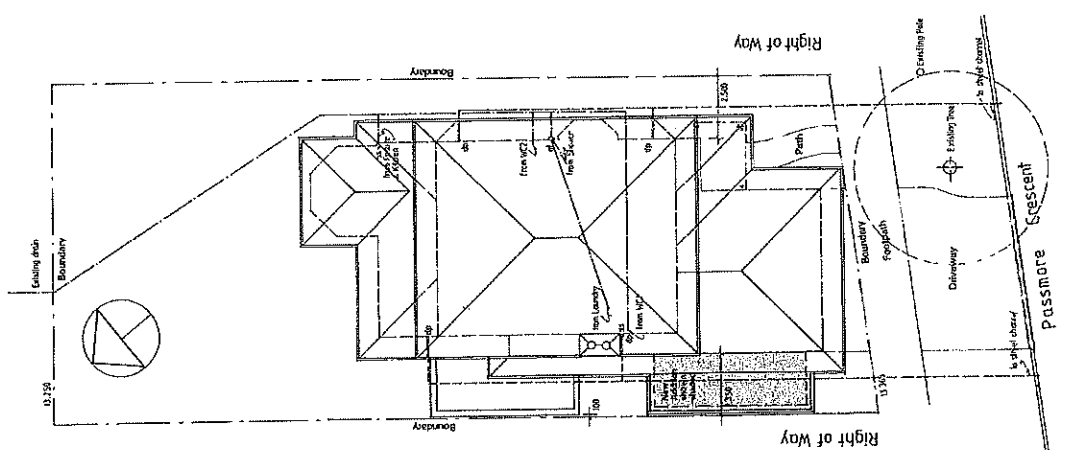
Scale 1:200 at A3, 1:100 at A1

CL

2

ADDITION TO GARAGE AND INSTALLATION OF LIFT
64 PASSMORE CRESCENT • DUNEDIN



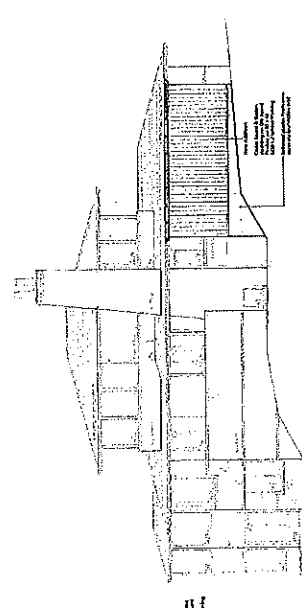


Legal Description:
 Lot 2, DP4599 Part Sec 7, Block 1
 Upper Kaitiaki District

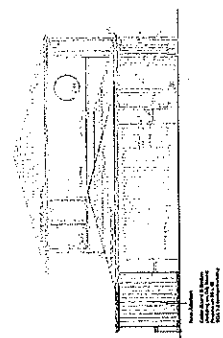
Site Plan
 Scale 1:200 at A3, 1:100 at A1



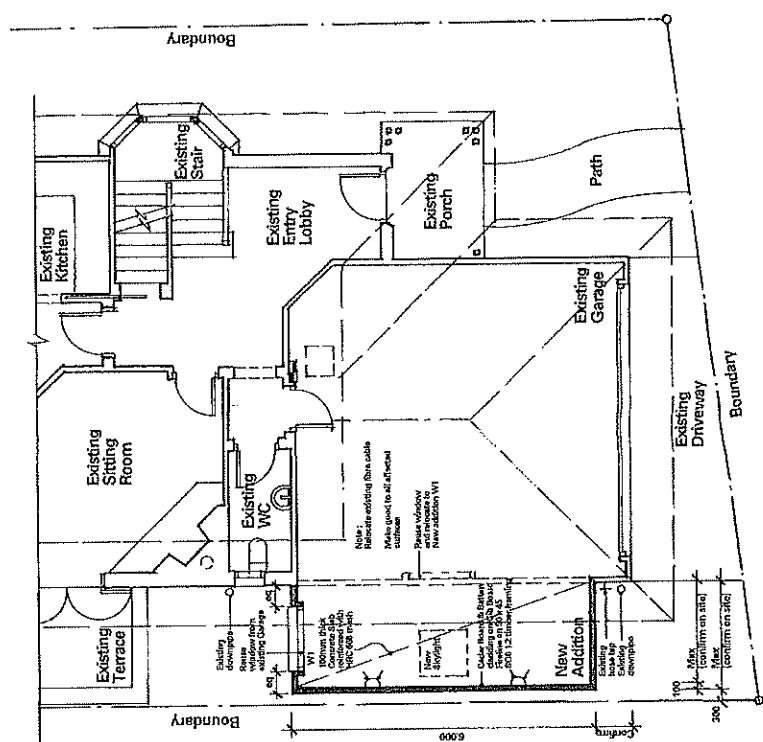
North Elevation
 Scale 1:200 at A3, 1:100 at A1



West Elevation



South Elevation



Part Ground Floor Plan
 Scale 1:100 at A3, 1:50 at A1

DUNEDIN CITY COUNCIL

DATE: _____

AS DIVERGENT / OCCUPANCY OF: _____

UNDER THE WRITTEN APPROVAL OF AN APPOINTED PERSON,
 IN TERMS OF SECTION 44 OF THE RESOURCE MANAGEMENT
 ACT 1991, TO THE PROPOSED SHOWN ON
 THIS PLAN, THE COUNCIL MANUALLY MAKES NO ACTUAL
 OR CONSIDERED EXPERT OPINION AS TO THE ACCURACY OF
 THE INFORMATION PROVIDED.

 (Signature)

 (Date)

Needs to be LUC.

APPLICATION NUMBER:

RELATED APPLICATIONS/LICENCES:

PLANNING APPLICATION DETAILS FORM

*Mandatory Field

Property Address(es)*		64 Passmore cres, Durnin									
Property Key(s):*		5016304									
Contact Details:	Applicant Name(s):*	Clifford Muir									
	Person Key(s):										
	Postal Address:										
	Contact Person:										
	Contact Number:										
	Contact Email:										
Method of Service:*		Post Email Other _____									
Description of Application:*		Side yard + front yard + slight HRB breach									
Application Type:*	New Application:	BACT COC EXI HAIL <u>LUC</u> MTAC OUT POL S221 S226 S241 S243 SUB									
	POL Sub-Type:	BLR ROW PLC									
	Existing Consent:	S125 S127 S357 Decision S357 Fees									
	Subdivision Certification:	S223 only S224c only S223/224c combined									
Fast Track:* (only qualifies if all are ticked)		☐ Is the application a <u>district plan controlled activity land use consent</u> (and nothing else)? ☐ Has an electronic address for service been provided? ☐ Applicant has NOT opted out of the fast track process?									
Consent Type:* (refer to laminated sheet; only complete if a land use or a subdivision consent)		A10.		Consent Nature:* (refer to laminated sheet; only complete if a land use or a subdivision consent)				04			
Major Category:* (only complete if a land use or a subdivision consent)		LUC A <u>LUC B</u> LUC C SUB Limited Notified									
Minor Category:* (only complete if a land use or a subdivision consent)		Controlled <u>Restricted</u> Unrestricted Non-Complying									
Senior Planner or Responsible Officer:		<u>Campbell Thomson</u> Darrell Thomson Other _____									
Lodgement Date:*		15.8.22		Amount Paid:*		\$1000					
Payment Method:		Cheque EFTPOS Cash To Be Invoiced Internal Transfer									
Payment Date:		Prepay Number: (if known)		Receipt Number: (if known)							
Fee Waived:		Fees Schedule Full Waiver Partial Waiver Consequential									
		Size of Partial Waiver:		Fees capped at _____		Fee waived amount _____					
Counter Comments:											

**APPENDIX 1A:
THE UPDATE TO APPLICATION**

Nicola Petrie

From: Nicola Petrie
Sent: Monday, 23 January 2023 09:13 a.m.
To: Nicola Petrie
Subject: Appendix 1A_ LUC-2022-337 - limited notified resource consent application
Attachments: 6569-New Lift and Garage Addition-64 Passmore Crescent-Dn-RC-221208.pdf; 6569-Intall-Lift-Addition to Garage-Dn-S1-SM-221125 3.pdf; 6569-Garage Addition and New Lift-64 Passmore Crescent-Dn-Sun-Diagram-220809.pdf

Appendix 1A

From: Ashley Muir <ash.kaye.muir@gmail.com>
Sent: Friday, 9 December 2022 2:49 p.m.
To: Paula Myers <Paula.Myers@dcc.govt.nz>
Cc: Phil Petersen <Phil.Petersen@dcc.govt.nz>; Nicola Petrie <Nicola.Petrie@dcc.govt.nz>
Subject: LUC-2022-337 - limited notified resource consent application

DCC

1/ I have now read the Submission of the Neighbour, Gareth Treharne, dated 30 November, 2022 and been prompted by his observations to amend and clarify elements of the design for the Addition to our Garage.

2/ Mr Treharne appears to be unwilling to permit access across his property to carry out maintenance work to the wall of the Addition.
 Accordingly, I propose to increase the setback of the exterior wall of the Addition to the Garage to 500 mm from the Site Boundary to provide access for this purpose.

This change is shown on the attached Drawing - Sheet RC 01.

The increased setback also provides greater clearance at both the branches of the nearby Existing Tree which overhangs our property and of the roots, if any, of the Existing Hedge extending onto our property.

3/ I have also identified and corrected the representation of the Height Recession Plane at 3 places on Sheet RC 01 from 45 degrees to 55 degrees (Rule 15.6.6.1 iii Height in relation to boundary).

Together with the increased boundary setback of the long wall of the Addition, the Roof of the Addition, for its full length, now lies well below the Height Recession Plane.

4/ For clarity, I have also confirmed on the new Drawing - Sheet RC 01 – that the overall length of the Addition is 5.6 metres.

This dimension is significant as it is less than the 6 m noted in Rule 15.6.13 (Setbacks) which, at (viii), exception 4 allows the reduction of the setback for a Garage to 1 metre from the boundary.

It is also relevant to note that the setback has the function of implementing policy 15.2.3.1 ie “Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces”.

The Shading Study Drawing submitted with the Application shows that the Addition causes only a small area of additional shading in summer for a very short period of time, but perhaps of greater significance having regard to the policy, given the small dimensions of this part of the neighbour’s land adjoining the proposed Addition, it is not likely that a residential building nor outdoor living space would in fact be constructed in that area. The definition of “outdoor living space” in the 2GP specifically excludes carparking areas.

Refer to the attached Sketch Drawing, Sheet 07, Shading Studies.

5/ The neighbour’s submission is silent on the appearance of the Addition. From my point-of-view as an Architect, and the Owner and Resident in the House and on the Street, I am particularly concerned about this aspect.

In the planning and design of the Addition I have sought to minimise its visual effects and to express it as a discrete extension of the architectural forms of the Existing House applying the same building materials and construction detailing apart from an alternative wall cladding to express the architectural form of the Addition in a harmonious way. It is significant that the building materials of the House have “weathered” and gained patina over time. Given the use of rough-sawn, cedar boarding on the walls of the Addition, stained in the same colour as the Existing Garage Door, this will be true too for the Addition.

6/ In assessing the likely visual effects of the Addition as seen from all aspects, I have prepared Sketches of the Addition from many angles and, in particular, as seen from the south-west – on Passmore Crescent.

Refer to the attached Sketch Drawing, Sheet S1/03, Proposed Addition to Garage.

The neighbour is equivocal about protecting the Existing Tree on his property beside the Addition however I consider that the tree makes a significant contribution to the amenity of this part of Passmore Crescent, and I am keen for it to stay. I will take steps to ensure, as much as I am able, for the Tree to remain.

I understand that the neighbour requires that the Hedge growing along the boundary to remain. I support that position and, again, I am taking steps to ensure that the Hedge too is protected and retained.

Visually, the House - with the Addition, the Tree and the Hedge - form a visually complex and satisfying combination which, in my opinion, offers considerable visual amenity to this area, to the Street and to the entrance (and exit) to the neighbour’s property.

7/ In the early stages of the design of the Addition, I discovered that I could build a 2 metre high Fence on the Boundary defining the neighbour’s property and my own, as well as along the Street Boundary to the Garage – all “as-of-right”.

I did not want to do that for the reasons that I have noted, but, later, when the appearance, effects and amenity of the Addition was being discussed by the various parties, I came to the conclusion that the Addition is an appropriate and respectful design for the House.

Given these matters, I request that the preparation of the Section 42 report is carried out with respect to the comments above and to the Drawings attached to this letter.

Regards

Ashley Muir

From: Paula Myers <Paula.Myers@dcc.govt.nz>
Sent: Thursday, 1 December 2022 8:47 a.m.
To: ash.kaye.muir@gmail.com
Cc: Phil Petersen <Phil.Petersen@dcc.govt.nz>
Subject: LUC-2022-337 - limited notified resource consent application

Please find attached a letter regarding a submission received, also attached.

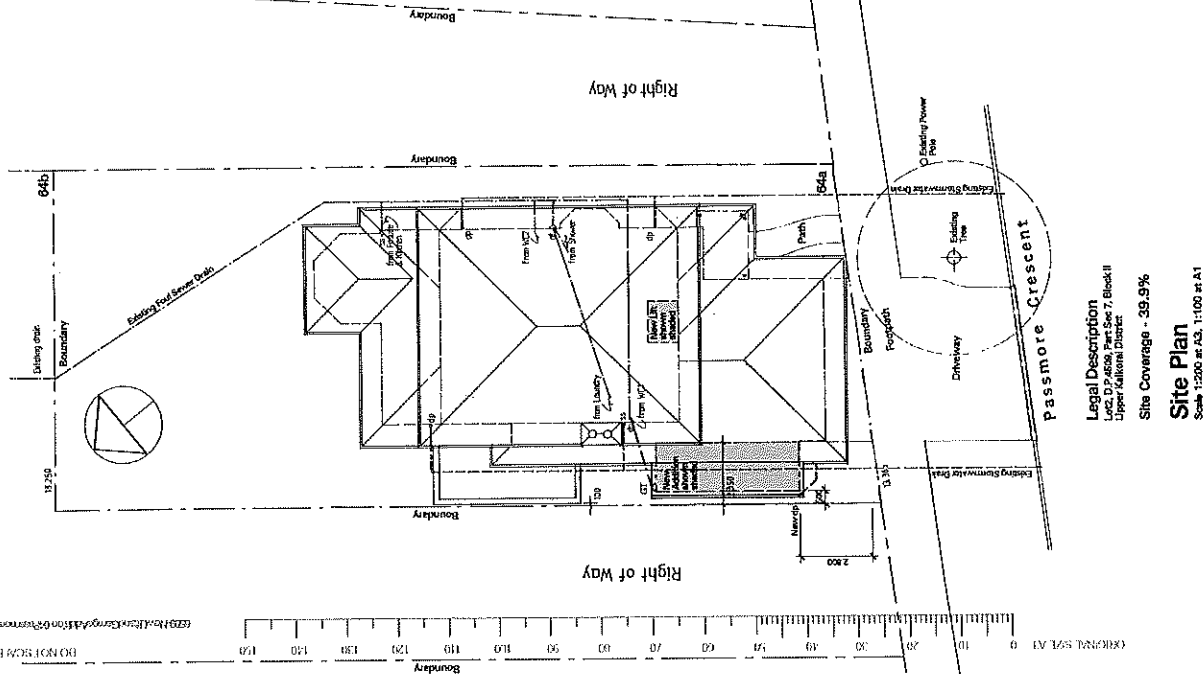
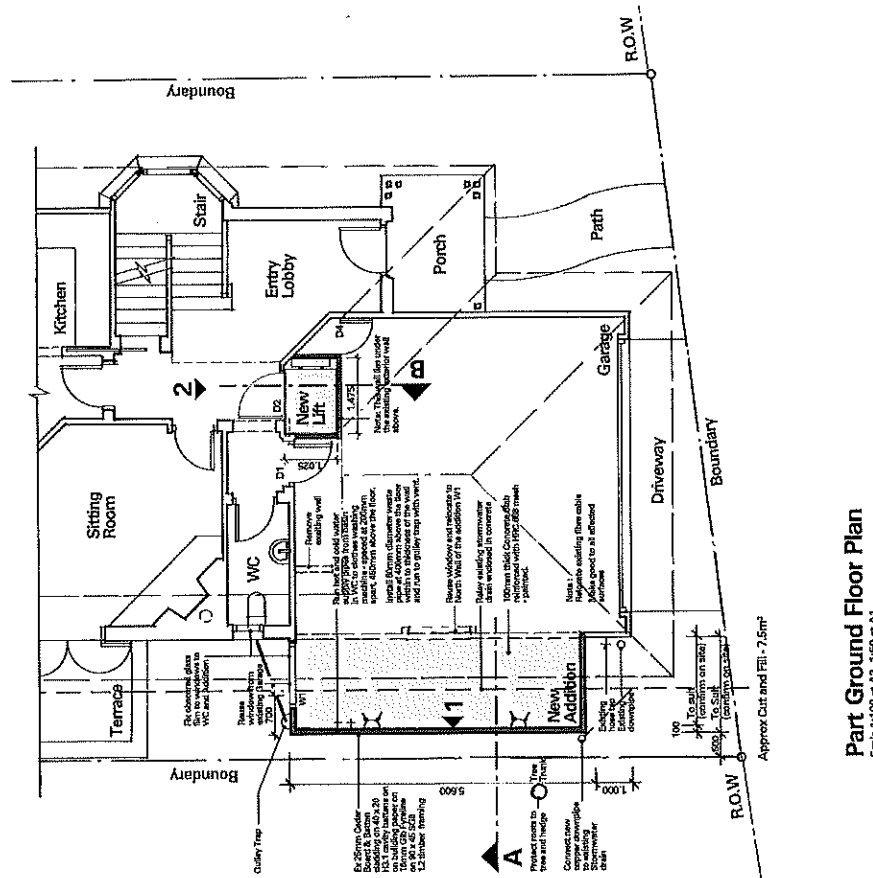
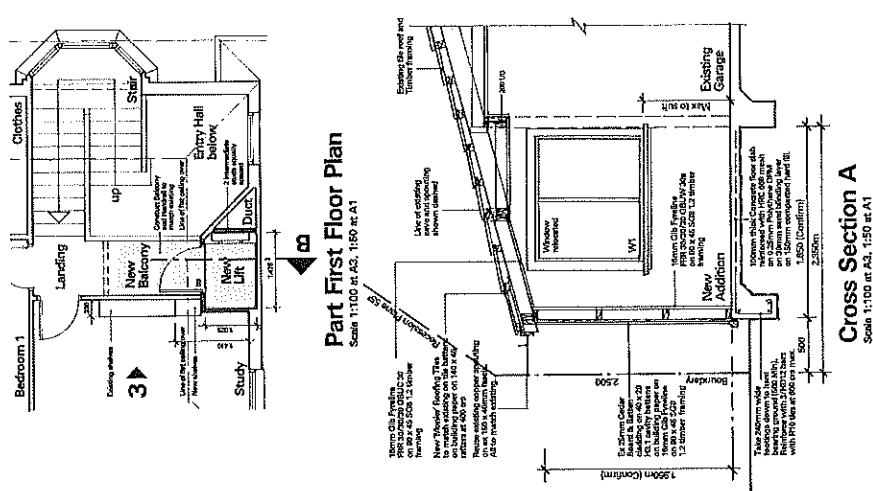
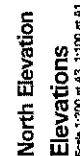
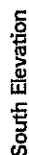
Regards

Paula Myers
TEAM LEADER ADMINISTRATION
CITY PLANNING
P 03 477 4000 | **E** paula.myers@dcc.govt.nz
 Dunedin City Council, 50 The Octagon, Dunedin
 PO Box 5045, Dunedin 9054
 New Zealand
www.dunedin.govt.nz

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Legal Description
Lot 2, D.P. 4509, Part Sec 7, Block II
Upper Kalkoral District

Site Coverage : 39.9%

Site Plan

Schedule 1: 200 at A3, 1:100 at A1



Existing Image



Proposed Fence Sketch Image



Proposed Addition to Garage Sketch Image

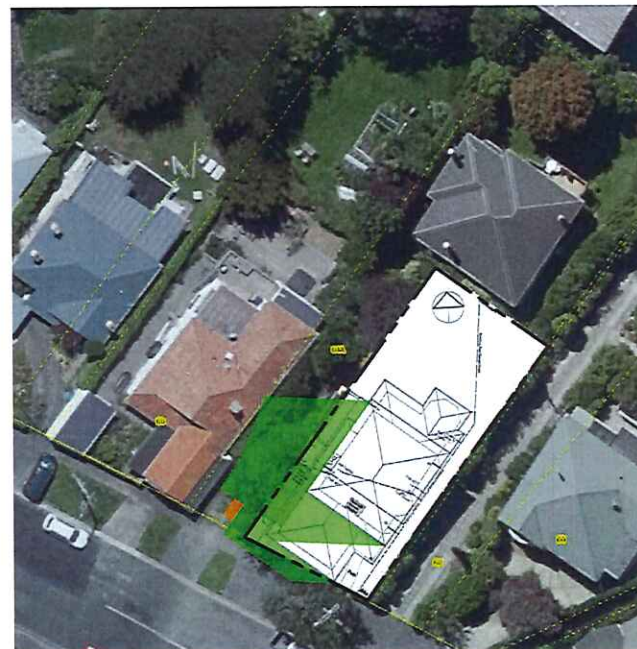
Reference Sketch Images



Shading Study
June 22 - 9:00am

■ Shading cast by Existing
Residence
■ Additional Shading cast
by Proposed Extension

Winter Solstice



Shading Study
December 22 - 9:00am

■ Shading cast by Existing
Residence
■ Additional Shading cast
by Proposed Extension

Summer Solstice

**APPENDIX 2:
SUBMISSION RECEIVED**



DUNEDIN | kaunihera
CITY COUNCIL | a-rohe o
ōtēpōhi

SUBMISSION FORM 13

Submission concerning resource consent on limited notified application under
section 95B, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2022-337

Applicant: C A Muir

Site Address: 64 Passmore Crescent, Dunedin

Description of Proposal: To construct an addition to an existing garage attached to a dwelling, which will contravene the side and front boundary setbacks, and which will exceed the height to boundary recession plane.

I/We wish to lodge a submission on the above resource consent application (please read privacy statement):

Your Full Name: Gareth Treharne

Postal Address:

Post Code: 9010

Telephone:

Email Address: 64apassmorecrescent@gmail.com

I wish the following to be used as the address for service (choose one): email ~~post~~ ~~other~~

I would like my contact details to be withheld: Yes ☒ No ☐ (tick one)

I ~~Am~~/Am Not (delete one) a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Trade competitors only:

I ~~Am~~/Am Not (delete one) directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Note: 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 Resource Management Act 1991.

I: ~~Support~~/Neutral/Oppose this Application (choose one)

The specific parts of the application that this submission relates to are (give details):

Our submission refers to the proposed addition – an extension to the existing double garage at 64 Passmore Crescent.

We oppose this extension.

Please attach other pages as required

My submission is (include the reasons for your views):

Please see attached pages providing our submission.

PLEASE TURN OVER

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Please see attached pages detailing the decision we seek.

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

I: ~~Do~~/Do Not wish to be heard in support of this submission at a hearing (delete one)

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Yes ☐ No ☒ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, that you delegate your functions, powers, and duties required to hear and decide the application to 1 or more hearings commissioners who are not members of the Council

Yes ☐ No ☒ (tick one)

Note: If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: _____

G. Trechane

Date: 30 Nov 2022

(or person authorised to sign on behalf of submitter)

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is Wednesday, **30 November 2022 at midnight**. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is 64 Passmore Crescent, Dunedin 9016, emailing to ash.kaye.muir@gmail.com

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that are available to the media and the public, **including publication on the Council website**. You may request your contact details be withheld. Your submission will only be used for the purpose of the limited notified resource consent process.

Strike Out: Please note that your submission (or part of your submission) may be struck out if the Council is satisfied that at least 1 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.*

**Submission on the resource consent application LUC-2022-337
RE: Effects on 64a Passmore Crescent, Dunedin 9010
of the proposed addition to 64 Passmore Crescent, Dunedin 9010
Date of submission: 30 Nov 2022**

This document provides our responses to the fields within Submission Form 13 for the limited notified application LUC-2022-337 referring to 64 Passmore Crescent.

We, the owners of 64a Passmore Crescent, **oppose** this application.

The specific parts of the application that this submission relates to are:

Our submission refers to the proposed addition – an extension to the existing double garage at 64 Passmore Crescent. We oppose this extension.

Our submission is:

We have three concerns about the application, as detailed in this submission and previously communicated to the owners of 64 Passmore Crescent in extensive email communication on this matter. These emails are appended to this application along with documents that were received as attachments to emails from the owners of 64 Passmore Crescent and attachments to emails from the Dunedin City Council.

1. Contravention of the side setback and height-to-boundary recession plane

The plans for the proposed extension contravene the side setback and height-to-boundary recession plane between the site of the application at 64 Passmore Crescent and our property at 64a Passmore Crescent. We oppose this contravention.

The proposed extension would affect the residential amenity of our property at 64a Passmore Crescent by creating additional shading, as indicated on the shading studies drawn up by the owner of 64 Passmore Crescent (appended). This shading would fall on the off-street parking at 64a Passmore Crescent that runs immediately parallel to the proposed extension at 64 Passmore Crescent. The result shading would increase the likelihood of ice on cars parked on this off-street property. We object to this impact on our residential amenity.

In addition, the increased shading and the physical impact of the building work would likely lead to the death of the established hedge and large tree beside the boundary. The base of this hedge and the base of the tree are located primarily within our property at 64a Passmore Crescent, as confirmed in a survey conducted in 2016 (appended). It is implausible to suggest that major building work 30cm from the tree and hedge would have no effect. We object to this impact on our hedge and tree.

The proposed extension would also create a physically inaccessible area of the property at 64 Passmore Crescent between the existing terrace and the proposed extension to the garage. This area contains guttering and downspouts from the existing house. At present, the layout of the building at 64 Passmore Crescent allows access for essential maintenance of the existing guttering and drainage within the area in question. If the extension is allowed to be built then this area of 64 Passmore Crescent would only be accessible via our property at 64a Passmore Crescent.

Allowing the extension to be built would therefore create substantive new requirements for access from our property at 64a Passmore Crescent for a range of reasons, including to clean the guttering on the proposed extension, to maintain the new wooden walls of the proposed extension, to clean the current windows and proposed new window, to maintain the blocked area of the garden, or to access the drains for any required servicing. We also note that the proposed building would be made of wooden battens that would likely need regular decoration to preserve the building. Some of these activities within the inaccessible area may require emergency access, and our primary concern is that blocked drains would require access without our permission and to an extent that causes damage to the well-established vegetation at the point in question. This existing vegetation provides both parties with a level of privacy and is therefore part of the residential amenity of our property at 64a Passmore Crescent.

The proposed extension would create an undue burden on the current and future owners of both 64a and 64 Passmore Crescent and perpetual legal concerns about access to 64 Passmore Crescent via 64a Passmore Crescent. The requirements within the Resource Management Act for setback from boundaries serve to allow owners of a property to conduct maintenance of their house without needing to enter a neighbour's property. We strongly object to the owners of 64 Passmore Crescent accessing their property via our property at 64a Passmore Crescent.

A number of alternative solutions were proposed to the owners of 64 Passmore Crescent in the appended email communications with them, including the viable solution of building a similar sized extension on the other side of the existing garage that would not contravene the side setback and height-to-boundary recession plane of any neighbouring property. This demonstrates that declining the proposed plans would impact on their residential amenity as alternative are equally possible.

2. Contravention of the front setback

The proposed plans also contravene the front setback between the site of the application at 64 Passmore Crescent and the street adjacent to our property at 64a Passmore Crescent. We oppose this contravention.

We note that the proposed extension to the garage would increase the area of 64 Passmore Crescent that is in contravention to the front setback to the boundary with Passmore Crescent. We object to this because it would impact the streetscape amenity in proximity to our property at 64a Passmore Crescent.

3. Multiple copies of plans and poor legibility

The application documentation provided to us as part of the limited notified application includes more than one copy of plans for the proposed addition. The copies of plans have different dates on bottom right of landscape pages (15 July 2022 and 15 Aug 2022) and differ in a number of ways.

It is unclear which version of plans would be the version of record if any aspects of the application are approved. This creates uncertainty for any future legal proceedings or planning applications for the owners of 64 Passmore Crescent or 64a Passmore Crescent.

Many parts of the plans provided in the application lack proposed measurements. In addition, some parts of the plans provided in the application have poor legibility. These issues add to the uncertainty about what would be the approval that is being sought.

In addition, the current owners have subsequently served us with a different copy of plans dated 9 Sep 2022 and again on 13 Oct 2022 (appended), and this creates further uncertainty as to which version is proposed and what the records reflect as the definitive version.

We seek the following decision from the Council:

We request that the Council declines all aspects of the plans referring to the proposed extension to the garage at 64 Passmore Crescent.

If the decision of the Council is to approve the plans for the proposed extension despite it contravening the side setback and height-to-boundary recession plane and front setback, we request the following stipulations prior to any approval being finalised:

1. That the owners of 64 Passmore Crescent be required to submit a legible single version of plans with all dimensions specified prior to any approval being finalised.
2. That the owners of 64 Passmore Crescent be required to submit a boundary survey prior to any approval being finalised so as to ensure up-to-date awareness of the boundary and to protect the interests of all parties. And that the survey be at the expense of the owners of 64 Passmore Crescent because they are the party requesting the approval.
3. That the owners of 64 Passmore Crescent be required to arrange a legal covenant about the limitations to their rights to access 64 Passmore Crescent via 64a Passmore Crescent prior to any approval being given. And that all legal fees be at the expense of the owners of 64 Passmore Crescent because they are the party requesting the approval.

Gareth Treharne

From: Phil Petersen <Phil.Petersen@dcc.govt.nz>
Sent: Monday, 28 November 2022 9:50 AM
To: 64a Passmore Crescent
Subject: Shading diagram for 64 Passmore Cr garage extension
Attachments: 6569-Shading Study-64 Passmore Crescent-Dn-220812.pdf

Kia Ora Gareth and Samuel,

As per our discussion this morning – the attached diagram was provided by the applicant to the DCC after the DCC letter was sent to them informing them that you were considered to be an affected party, and that they would need to acquire your written approval to proceed without limited notification.

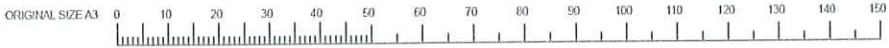
Kind regards,

Phil

Phil Petersen
PLANNER/KAIMAHERE
RESOURCE CONSENTS/ TOHU WHAKAMAHI RAWA
P 03 477 4000 **DD** 03 474 3492 | phil.petersen@dcc.govt.nz
 Dunedin City Council, 50 The Octagon, Dunedin
 PO Box 5045, Dunedin 9054
 New Zealand
www.dunedin.govt.nz



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DO NOT SCALE - IF IN DOUBT, ASK
(50) Garage Addition & Lift 64 Passmore Crescent Dn 22901



Attachment to email received from the DCC Monday, 28 November 2022 9:50AM

Gareth Treharne

From: Steve Copson <steve@tlsurvey.co.nz>
Sent: Tuesday, 21 June 2016 5:04 PM
To: Gareth Treharne
Cc: Scott Martin
Subject: RE: 64A Passmore Cres Proposal
Attachments: 64A PASSMORE CRESCENT-01.pdf; Dumpy pegs on boundary.docx

Hi Gareth

Please find attached a plan and photos showing the boundary marks placed on the legal boundary as requested. A total of 4 dumpy pegs were placed (flush with the ground) on the boundary, with the old survey peg on the road boundary being confirmed as accurate and reliable.

An existing nail on the fence nearest your house was also perfectly placed to indicate the boundary.

If required I could call past and visit you to show the marks placed, just let me know when would suit you.

Please call me if you have any questions.

Kind regards

TL Survey Services Ltd

Steve Copson

Principal

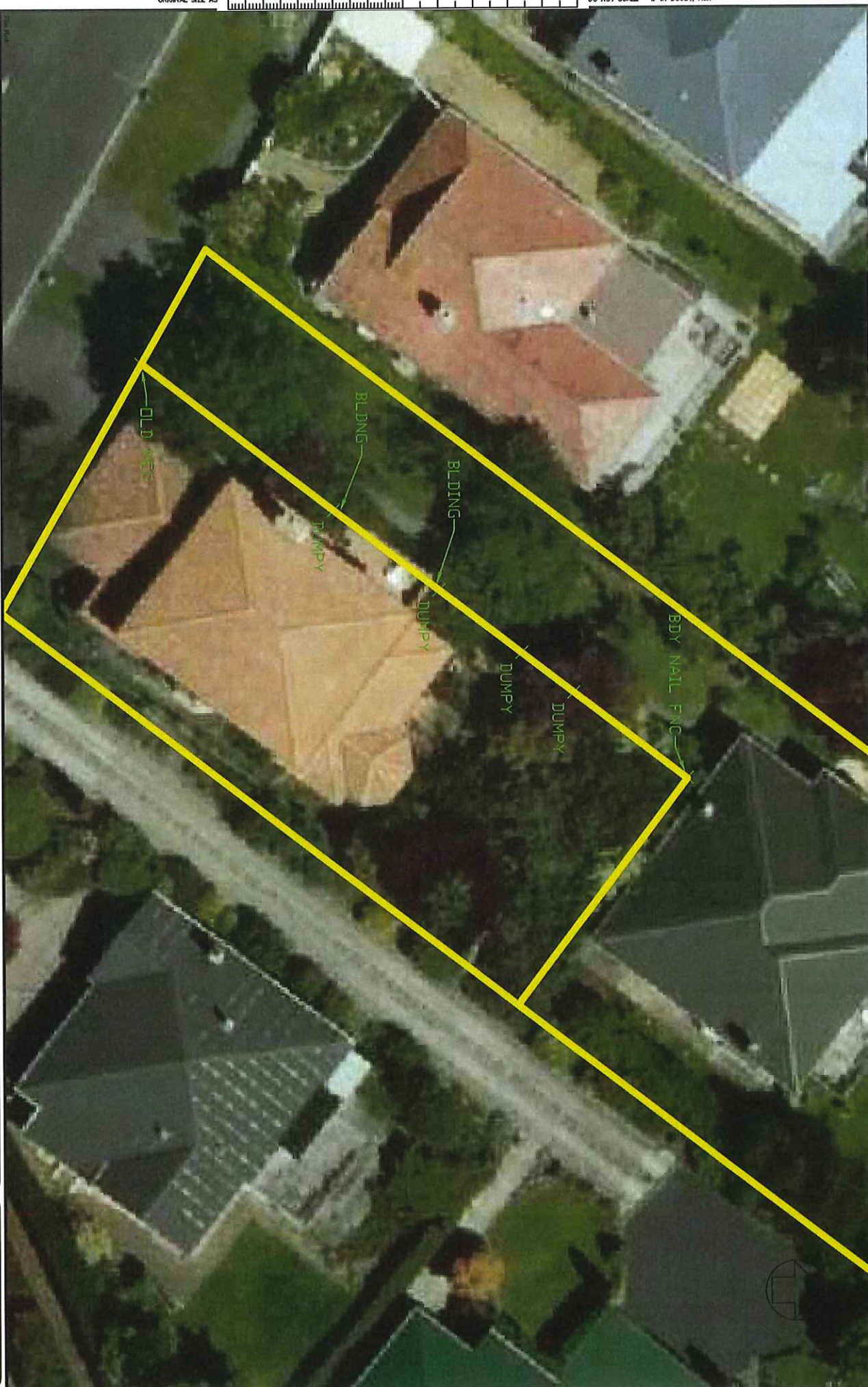
0274 367885

 www.tlsurvey.co.nz	Postal Address P O Box 901 Dunedin 9054 New Zealand	Physical Address Level 4 The Queen's Building 109 Princes St Dunedin 9016 New Zealand
	Phone: +64 3 477 1133 Fax: +64 3 477 1127	

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ORIGINAL SIZE A3 0 10 20 30 40 50 60 70 80 90 100 DO NOT SCALE - IF IN DOUBT, ASK



Prepared For:

GARETH
TREHARNE

No.

Amendments

Drawn

Date

64A & 64 PASSMORE CRESCENT

BOUNDARY IDENTIFICATION

Project No.:

16135

Scale:

1:50

Date:

21 JUNE 2016

Sheet:

01

Surveyed:

SM

Designed:

SM

Drawn:

SM

Checked:

SC

Survey
Services

Surveying
Consultants

TL Survey Services Limited

P.O. Box 901 DUNEEDIN

Phone (03) 477 1133

Gareth Treharne

From: 64a Passmore Crescent
Sent: Sunday, 14 August 2022 9:12 PM
To: Ashley Muir
Subject: Affected persons request

Kia ora Ashley and Kaye,

Thank you for sharing the preliminary plans for the proposed extension to your garage and the paperwork for the affected persons request. We are sympathetic to the disability you are experiencing due to your knees, Ashley. We understand your desire to install a lift so that you can continue to live in your house if your disability worsens.

We have sought advice on the legalities and the council processes around affected persons requests and we have some questions about your request based on this advice:

1. Can you please share the documentation that forms the basis for the 'right of way' noted on the plans in reference to our property?
2. Thank you for mentioning that you plan to remove some branches of the large ash tree on our property if you proceed with an extension. We note that you have the legal right to remove any branches that extend into your property as long as this does not reduce the overall height of the tree or shrub. We also note that this tree-trimming would be at your expense.
3. Have you had the boundary resurveyed in preparation for accurate tree-trimming and the proposed extension? We note the existing exterior wall to your house that starts approximately 8m down our pathway is built right up to the boundary according to a survey we alone paid to have conducted in 2016. The survey also indicated that the hedge running down our path and the base of the large ash tree are entirely within our boundary. We would need to be supplied with full details of an up-to-date boundary survey before providing any approval so as to be sure there is clear awareness of the boundary and to protect the interests of both parties. This survey would be at your expense because you are the party requesting the approval.
4. Have you considered building a smaller extension that meets current or pending requirements regarding boundaries? We note that current regulations only allow building up to 2m from the boundary and therefore your proposed plan to build up to 0.25m from our boundary involves us approving for you to build on 1.75m of land that should be kept clear of new building currently. We also note that this parameter will soon be changing to allow building up to 1m from the boundary, and when those regulations come into effect your request would still involve us approving for you to build on 0.75m of land that should be kept clear of new building. We have been advised that one of the main aims of these regulations is to ensure that owners of a property can conduct maintenance of their house without needing to enter a neighbour's property. We note that the proposed extension would create a new area of your house that is only accessible via our property. Moreover, the drainage duct by your basement window and surrounding area of garden would no longer be accessible from your property. This would therefore create substantive new requirements for access from our property, for example to clean the guttering on the proposed extension, to maintain the new wooden walls of the proposed extension, to clean your windows and proposed skylight, to maintain the blocked area of your garden, or to access your drains. We would therefore require an agreement about access to be confirmed in a legally binding document at your expense before providing any approval for building so as to protect our interests.
5. One possibility that was suggested to us is that you could apply to purchase a strip of land from us that would allow you to build the proposed extension whilst then meeting regulations regarding boundaries. This would be subject to you seeking any required approvals at your cost as the party requesting the variation to titles. The price we would accept for such a strip of land would be based on the market value of our land and would also factor in legal costs and the costs to relocate the path to our house and to install an agreed fence on the revised boundary to provide privacy to both parties. Having a fence between our properties would help avoid embarrassing situations

such as it being evident when someone is using your ground-floor toilet, which has a window directly facing our path. Unfortunately there is no way to access our property without going past the window and our hedge is not high enough to provide privacy. Having the privacy of a fence would increase the value of your property if you decide to sell it, as would buying the strip of land. That said, we are content with the status quo and we are not making a Fencing Notice at this time, although we reserve the right to do so in the future.

6. As an alternative to the proposed extension, have you considered building the extension on the other side of your garage by the entrance to your house? We note that there is ample space that side for a similar extension and this would avoid any need for an affected persons approval from us. This would provide a solution if you feel it is essential to install a lift and also maintain room in your garage for your two cars, bikes, and bins and you do not wish to address the above issues.

We are sure you can understand that we have to be mindful of any impact an extension to your garage next to our property would have on the value of our property. We have been advised that your request as it stands would have a direct impact on the amount future buyers would be willing to pay for our property due in part to the additional shading that would be caused but also due to the perpetual burden of additional access via our property. In addition, the proposed extension would affect what is referred to as our enjoyment of our property because there is a likelihood the current hedge and the ash tree would not survive if building work immediately next to them disrupts their roots or they are affected by shading, thus causing us the expense of removing them were this to occur. The ash tree and hedge were already well-established when the property was purchased from you 10 years ago. The reality for us is that if the hedge or tree do not survive then we would be out of pocket to ameliorate the situation in a way that would not be necessary if you do not build up to the boundary.

If you wish to continue with a request for an extension that does not meet regulations regarding boundaries at this time or in the future, you are welcome to email us a copy of amended plans and we would consider those new plans in tandem with any further details about the above issues you wish to supply. If sending any amended plans, please can you ensure the dimension of the extension itself are specified so it is clear what is being requested. Please note that it may take some time for us to reply to any such proposal as we would likely need to seek further advice.

We are sympathetic to your situation and we hope you can find a solution that either does not impact the value of our property and addresses the above issues. If we don't hear from you, we will conclude that you do not wish to proceed with an extension requiring affected persons approval.

Wishing you all the best.

Ngā mihi,

Gareth and Samuel



[redacted email address]

Gareth Treharne

From: Ashley Muir
Sent: Thursday, 13 October 2022 12:11 PM
To: 64a Passmore Crescent
Subject: Re: MUIR - Garage Addition
Attachments: 6569-Garage Addition and New Lift-64 Passmore Crescent-Dn-220809.pdf

Gareth

You may have noticed that we have been away from our House since mid-September - we are not back until 21 October.

As before, we are keen to proceed with the construction work at our House and would prefer to receive your approval for the addition to our Garage before that.

If the latest description of the work meets with your approval, please sign the Approval Form and drop it into our letter slot.

If there are matters that you would like to discuss, please let me know.

Many thanks

Ashley Muir

Sent from my iPhone

On 8/09/2022, at 2:58 PM, Ashley Muir [redacted email address] wrote:

Gareth

I am keen to address and resolve the points that you raised regarding the Addition to our House to allow the construction of the work to go ahead.

I have attached a Drawing showing the amended Roof Design with Notes added to record remedies to your observations.

Like you, I want to retain the Tree at the Boundary, overhanging our Garage roof as it does now.

The lower Roofline ensures that it will be separate from the tree trunk/branch and I have added a note calling for protection of the roots during construction.

I suggest, and have added another note, calling for the application of obscure film to the Window to the Existing WC and the new Window to the Addition to provide privacy on your property.

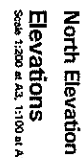
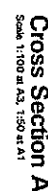
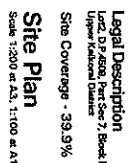
The last point is your suggestion of a formal agreement for us to access the garden area between the Addition and Terrace which we will arrange.

If these modifications are acceptable to you, I ask you to sign the Affected Persons Form and a copy of this Drawing.

I have found your phone number in my phone – [redacted telephone number] ?
I will call you during weekend to see if we can arrange a time to meet.

Thanks

Ashley Muir



West Elevator

South Elevation

**ADDITION TO GARAGE AND INSTALLATION OF LIFT
64 PASSMORE CRESCENT • DUNEDIN**

Project 6559
Designed by: Ashley Muir
Scans: as shown
09 September 2022

Gareth Treharne

From: 64a Passmore Crescent
Sent: Monday, 24 October 2022 10:34 AM
To: Ashley Muir
Cc: Phil.Petersen@dcc.govt.nz
Subject: Re: 64 Passmore Crescent
Attachments: 6569-Garage Addition and New Lift-64 Passmore Crescent-Dn-220809.pdf

Kia ora Ashley and Kaye (CC Phil Petersen at DCC),

We do not approve these plans due to the concerns set out in our previous email, which are not addressed by the minor revisions you have made.

We were contacted by Phil Petersen at the DCC after you previously submitted an application without gaining our approval. We were surprised to hear that this previous application was submitted a day after we emailed outlining the concerns we have. Phil explained that an affected party approval would be necessary unless you decide to change the plans substantively to meet legally required parameters. We note that you still propose building within 1m of our boundary and within the height plane restrictions. We do not approve this.

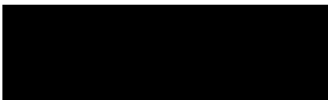
We consider this matter closed unless you proceed with a limited notified application. We would submit our objections if you proceed with that pathway.

As we noted before, we are sympathetic to your disability but your plans would have a significant effect on our property and therefore do not have our approval.

Ngā mihi,

Gareth and Samuel

Prof Gareth Treharne and Mr Samuel Carrington


 [redacted email address]

On 13/10/2022, at 12:10 PM, Ashley Muir [redacted email address] wrote:

Gareth

You may have noticed that we have been away from our House since mid-September - we are not back until 21 October.

As before, we are keen to proceed with the construction work at our House and would prefer to receive your approval for the addition to our Garage before that.

If the latest description of the work meets with your approval, please sign the Approval Form and drop it into our letter slot.

If there are matters that you would like to discuss, please let me know.

Many thanks

Ashley Muir

Sent from my iPhone

On 8/09/2022, at 2:58 PM, Ashley Muir [redacted email address] wrote:

Gareth

I am keen to address and resolve the points that you raised regarding the Addition to our House to allow the construction of the work to go ahead.

I have attached a Drawing showing the amended Roof Design with Notes added to record remedies to your observations.

Like you, I want to retain the Tree at the Boundary, overhanging our Garage roof as it does now.

The lower Roofline ensures that it will be separate from the tree trunk/branch and I have added a note calling for protection of the roots during construction.

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The last point is your suggestion of a formal agreement for us to access the garden area between the Addition and Terrace which we will arrange.

If these modifications are acceptable to you, I ask you to sign the Affected Persons Form and a copy of this Drawing.

I have found your phone number in my phone – [redacted telephone numbers] ?
I will call you during weekend to see if we can arrange a time to meet.

Thanks

Ashley Muir

Gareth Treharne

From: 64a Passmore Crescent
Sent: Sunday, 30 October 2022 10:40 AM
To: Ashley Muir
Cc: Phil.Petersen@dcc.govt.nz
Subject: Re: 64 Passmore Crescent - Dunedin

Kia ora anō Ashley and Kaye (CC Phil Petersen at DCC),

We have made our objections to your proposed plans clear to you and the DCC when they contacted us about the application you submitted without approval from us. Please note that we have to seek advice every time you share plans so we cannot reply promptly.

You have not addressed our concerns because the footprint of your proposed extension remains the same and this extension would have direct impact on our property as we have explained previously.

If you require any clarification about your options given our objections, please contact the DCC.

As we noted before, we are sympathetic to your disability but your plans would have a significant effect on our property and therefore do not have our approval.

Ngā mihi,

Gareth and Samuel

Prof Gareth Treharne and Mr Samuel Carrington

[redacted email address]

On 24/10/2022, at 7:49 PM, Ashley Muir [redacted email address] wrote:

Thank you for your message, Gareth

Your reference to the lodging of the Application for Resource Consent is potentially misleading.

As you know, our need is to extend the Garage to provide space for a Laundry and Storage on the middle/Living Rooms floor of the House for ease of access.

Kaye and I consider that the proposal will not create any negative effects on your property and, in fact, we think that, from your point of view, it will look and function better than the existing.

We sought to inform you of the proposal as a courtesy and to receive your agreement.

We met with you at our House on 24 July to present and discuss the proposal with you.

Kaye spoke with you again on 9 August seeking your comments.

On 15 August – 3 weeks after presenting the proposal to you, and not having heard from you – the Application was lodged with Council.

Subsequently, we found your emailed response and comments.

We addressed those comments in an email to you on 22 August which, again, we considered, would satisfy your observations.

We welcome a meeting and discussion with you on the ways in which your concerns can be satisfied.

Please contact us to arrange a convenient time to meet.

Kind regards

Ashley and Kaye Muir

[redacted telephone number]

From: 64a Passmore Crescent

Sent: Monday, 24 October 2022 10:34 a.m.

To: Ashley Muir

Cc: Phil.Petersen@dcc.govt.nz

Subject: Re: 64 Passmore Crescent

Kia ora Ashley and Kaye (CC Phil Petersen at DCC),

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Ngā mihi,

Gareth and Samuel

Prof Gareth Treharne and Mr Samuel Carrington

[redacted email address]

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Thanks

Ashley Muir

APPENDIX 3:

COUNCIL OFFICER EVIDENCE

TO: Nicola Petrie, planner

FROM: Maria Callaú, Urban Designer

DATE: 23 January 2023

SUBJECT: LUC-2022-337 - 64 PASSMORE CRESCENT, DUNEDIN

Dear Nicola,

Please find my Urban Design comments for application LUC-2022-337 for the extension to the garage of the property at 64 Passmore Crescent, as follows.

The application documents have been reviewed.

The Site & Context

- The site includes an existing house located in the middle of the site and double garage attached to the house built in the front yard facing the street.
- There are driveways to access back sections at either side of the site.
- The streetscape includes permeable fences, low walls with vegetation and/or hedges at the front boundary. A few houses have garages in the front yard.

The Proposal

- The proposal includes extending the garage toward the northwest to include a laundry.
- The extension is approximately 1.8m wide by 5.6m long.
- The volume will run parallel to the NW boundary with a 500mm setback.
- The extension will be set back from the face of the garage wall by approx. 1000mm.
- The roof of the existing garage will be extended following the existing garage roof pitch.
- The northwest side of the site will result in reduced area for vegetation. The west corner of the site, facing the neighbour's driveway and the street will maintain an area of approx. 2.8m x 2.3m of open space available for vegetation. In addition, a strip of 500mm between the edge of the building and the boundary will also be available for planting.
- Materials and colours proposed are similar to the ones found in the existing house and garage.

Commentary

1. The proposal reflects the character of the neighbourhood. The form, height and setback of the extension are appropriate. Following the existing roof pitch result in the lowest point of the roof lower than the garage at the other side of the driveway, minimizing its negative effect on the neighbour's property. Materials and colours proposed for the extension are intended to blend with the existing house (not contrast) reducing the visual impact of the proposal. (15.2.4.1.c) (15.11.3.1.a.iv.1)

2. The extension is setback from the face of the garage external front wall, minimising negative effects on neighbour's properties and allowing for enough space for landscape.
(15.11.3.1.a.viii) (15.11.3.1.a.iv.2)

Summary

1. In my view the proposal would have no significant adverse effects regarding matters related to streetscape character and amenity.
2. The following advice notes are provided as a way to potentially enhance the proposed development in relation to streetscape character and amenity.
 - Provide and/or maintain vegetation in the west corner of the site and along area between the extension and the northeast boundary.

Yours sincerely,



Maria Callaú
Urban Designer
City Development