

23B Meadowbrook Drive  
Palmerston North

5 July 2022

Re: Whiskey Creek

Further to my submission on 2nd June, when I stated that I had been told verbally that the site would never be built on.

I have now obtained a copy of an internal letter which states that the site is land, on "which it is not possible to construct dwellings" (copy enclosed). This led us to design and build where and how we did, and why we consider the Council has an ongoing obligation to ensure that we are not disadvantaged by any proposed developments.

E and M Anderson

29th February 1988



REPORT TO:

The Chairman  
District Scheme Administration Committee  
PALMERSTON NORTH CITY COUNCIL

APPLICATION FOR A WAIVER UNDER ORDINANCE 10.3.1  
OF THE PROPOSED THIRD REVIEW

Applicant: MR. E. ANDERSON

Site: 23 MEADOWBROOK DRIVE

THE APPLICATION:

Mr Anderson through his lawyer Mr Sunderland of Fowe McBride, has submitted a plan to build a second unit at 23 Meadowbrook Drive (Lot 25, D.P. 43090 : Flats Plan D.P. 52370). The unit is some 112.9m<sup>2</sup> in area with a single garage of some 18.02m<sup>2</sup> associated with the house. The unit proposed cannot meet the requirement of Ordinance 2.11.1 of the Review which requires a living court capable of containing a circle of 6 metres in diameter and the requirement of Ordinance 2.10.4 which requires a 3 metre separation distance between the main glazing of a habitable room and a boundary. In the case of the lounge the glazing is 1.5m from the boundary and in the case of bedroom 1 it is only 2.5 metres from the boundary.

Letters from Mr Sunderland and Dr Dijkstra are attached explaining some of the circumstances which have led the Andersons to make this application. Mr Sunderlands letter also indicates that the property is over site coverage. On checking the plans submitted this appears to be erroneous, arising it would appear out of a miscalculation of the boundary of the notional site and subsequently its area.

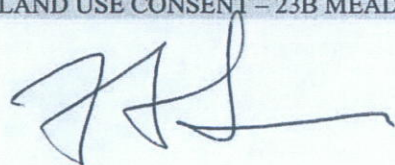
NEIGHBOURS CONSENT:

No neighbours consent was sought as no neighbours would appear to be affected. The neighbouring property at the rear is in fact in Kairanga County and has no visible buildings on it. Further under the Rural B zoning in the Kairanga County District Scheme only an accessory building could be built on the land. Further the dispensations sought relate primarily to the amenity of the proposed unit rather than that of the adjoining sites.

CONSIDERATION:

Ordinance 10.3.1 sets out the circumstances in which Council must consider granting a dispensation in concert with those contained in Section 76 of the Act.

The part of Meadowbrook Drive on which the site is located, coincides with the city boundary. Consequently the site adjoins a large area of open farmland which is located in Kairanga County. Under the Kairanga County's District Scheme the land is zoned Rural B, a zoning which recognises the flood potential of land so zoned. Within that zone the only uses permitted are farming, accessory buildings and



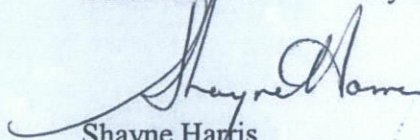
Matthew Mackay  
**PLANNING OFFICER**

**DECISION:**

Pursuant to powers delegated to the Development Services Manager by the Palmerston North City Council at its meeting on the 29th day of September 2003, Consent is granted for the construction of a carport attached to the dwelling as detailed in the application at 23B Meadowbrook Drive, Palmerston North as a Non-Complying Activity.

This application was not publicly notified and notice was not served pursuant to section 93 and 94 of the Resource Management Act, as Council is satisfied that the effects of the proposed activity on the environment will be no more than minor, and all identified potentially affected parties have provided their written approval.

Dated this 3<sup>RD</sup> day of June 2004



Shayne Harris  
**DEVELOPMENT SERVICES MANAGER**

**Notes to applicant:**

1. This document is a planning consent and not a consent to build. Any change of use or building alterations can not commence without a Building Consent.
2. The temporary structure located between the garage and the house is not included in this Resource Consent as it does not have building consent.
3. The Cross-lease Flats Plan will be required to be upgraded to include the carport prior to the sale of the property.

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parks and reserves, to avoid property damage should the land flood. Enquiries with Mr B. Slimin of the City Engineers Department indicates that part of the land can be expected to take some overflow from the Flyers Line Spillway. Consequently the land has always been excluded from consideration for future urban development and is likely to be so excluded in the foreseeable future.

Further the intention of providing a living court is to ensure that an area of open space is available to residents and the provide visual amenity and privacy (Policy 2.11). Similarly the separation distance requirement is required to ensure adequate ventilation and daylight penetration and again to provide visual privacy. In this case the remainder of the site offers open space provision, with three quarters of the living court being able to be provided. Thus the occupants of the unit are assured of a pleasant outlook over farmland and visual privacy. Again the same can be said for the separation distance requirement which is intended to retain a sufficient distance between the boundaries of adjoining properties and buildings to ensure visual privacy and air and light penetration. In this case there are no buildings on the adjoining property or any prospect of them. Consequently the unit can be assured of excellent air and light penetration and privacy. In the latter respect it is interesting to note that many of the adjacent properties have not fenced their rear boundary with the farmland, with any type of solid fence.

Thus the circumstances pertaining to the site appear to fall within the circumstances detailed in O10.3.1(b)(ii) in terms of the physical conditions applying to the site.

Turning to the provisions of Section 76 (2) of the Town and Country Planning Act 1977. Given that the intentions and objectives of the living court and separation distance requirements are met by the special locational circumstances of the site it would be unreasonable to enforce these requirements. Equally both controls are within site controls and as such will not detract from the amenities of the neighbourhood or have town and country planning significance beyond the immediate vicinity of the site.

#### RECOMMENDATION:

That a waiver from the provisions of Ordinance 2.11.1 and Ordinance 2.10.4 of the proposed Third Review be granted to Mr E. Anderson of 23 Meadowbrook Drive (Lot 25, D.P. 43090 : Flats plan D.P. 52370) be granted on the grounds that:

- (a) It is not, due to the location of the property adjacent to rurally zoned land or which it is not possible to construct dwellings, reasonable to enforce the full living court and separation distance requirements.
- (b) The waiver will not detract from the amenities of the neighbourhood and is unlikely to have town and country planning significance beyond the immediate vicinity of the site.
- (c) The application falls within the circumstances detailed in Ordinance 10.3.1 of the proposed Review.

That the waiver be subject to the following conditions which must be met prior to the commencement of the use:

1. The proposed dwelling to be located in conformity with the plans submitted.

*C. L. Miller*

C. L. MILLER  
PLANNING OFFICER

Decision: *approved*

Dated this *29th* day of February, 1988

*A. J. Zwick* Chairman

*J. K. ...* Member