

APPLICATION FORM FOR A DEEMED PERMITTED BOUNDARY ACTIVITY

PLEASE FILL IN ALL THE FIELDS

Application details

I/We CLIFFORD ASHLEY MOIR

(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 MOIR

(☒ applicant ☐ agent (tick one))

Address: 64 PASSMORE CRESCENT

MAORI HILL, DUNEDIN

Postcode: 9010

Phone (daytime): [REDACTED]

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 MOIR

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: [REDACTED]

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 on 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.

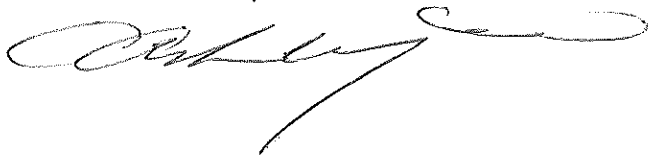
We met with this person and his partner, tabled Drawings and described the Proposed Addition, and sought their written approval, on Sunday, 24 July 2022. They expressed no concerns about the Proposal.

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.

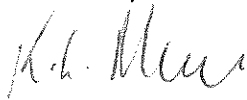
After hearing nothing further, my wife - Kaye Muir - approached them both on Tuesday, 9 August 2022 asking them to let us know if they had any questions or comments. They had no comments.

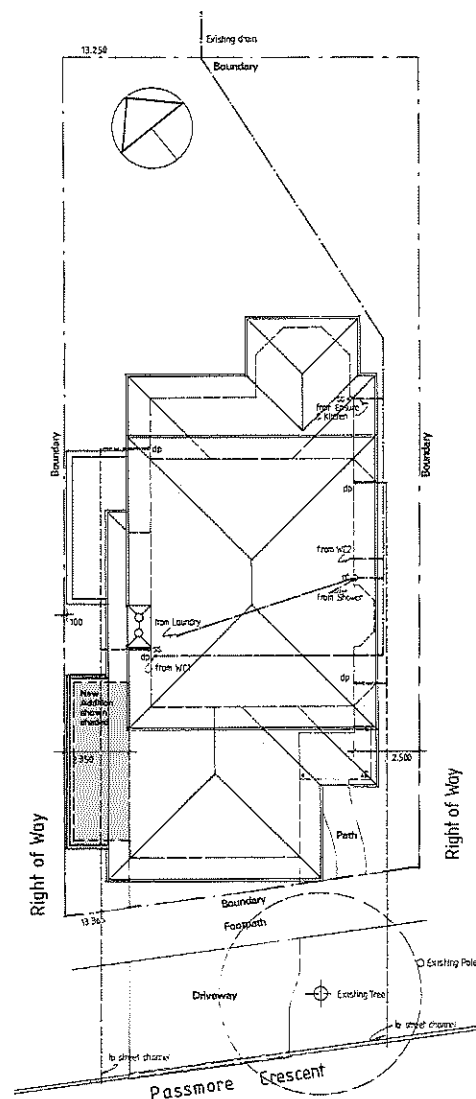
Applicants

Ashley Muir

A stylized, cursive handwritten signature in black ink, likely belonging to Ashley Muir. The signature is fluid and extends horizontally across the page.

Kaye Muir

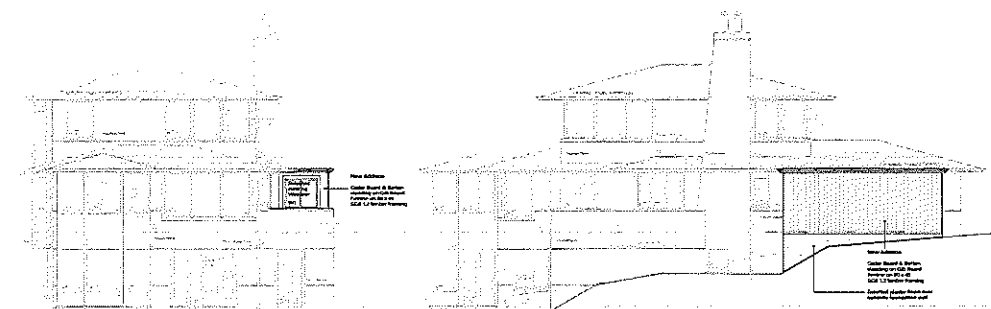
A handwritten signature in black ink, likely belonging to Kaye Muir. The signature is more compact and appears to be a first name followed by a surname.



Legal Description:
Lot 2, D.P.4509, Part Sec. 7, Block 11
Upper Kailorai District

Site Plan

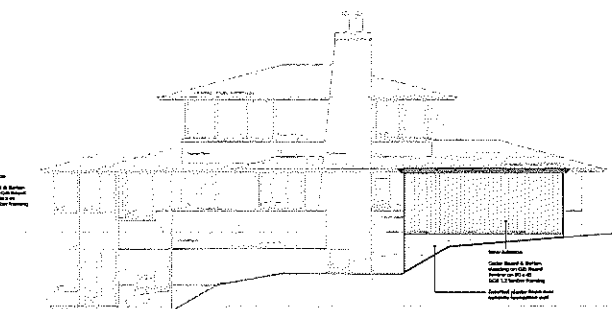
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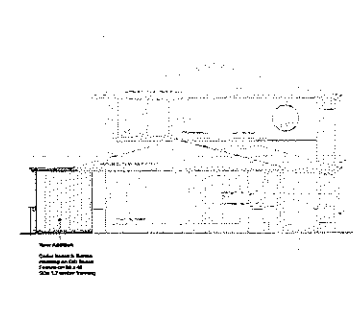
North Elevation

Elevations

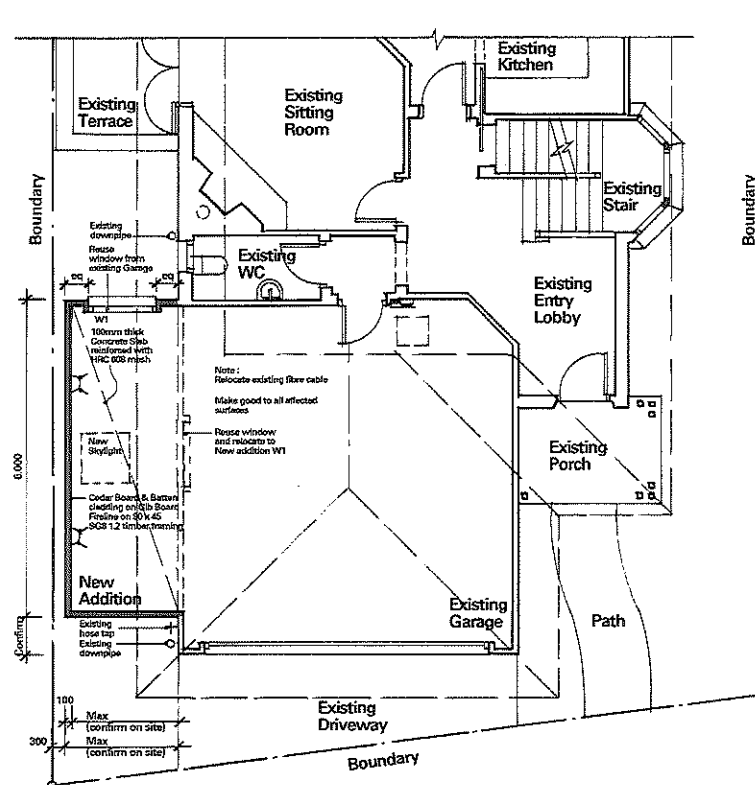
Scale 1:200 at A3, 1:100 at A1



West Elevation



South Elevation



Part Ground Floor Plan

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

SUBMITTED TO NEIGHBOUR
ON 24 JULY 2022

DUNEDIN CITY COUNCIL

TIME _____

AS OWNERS / OCCUPIERS OF _____

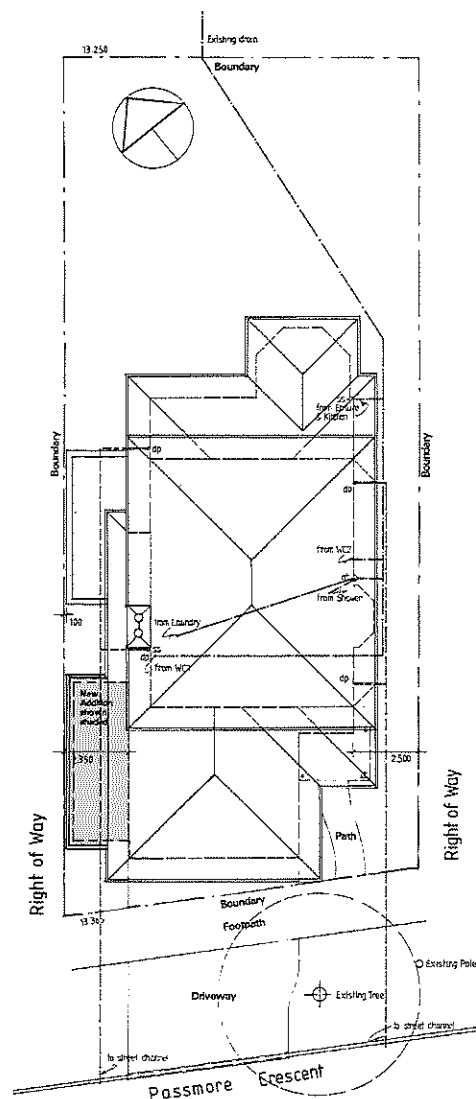
HEREBY GIVE WRITTEN APPROVAL AS AN AFFECTED PERSON, IN TERMS OF SECTION 34 OF THE RESOURCE CONSENT MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON THESE PLANS.

I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT, THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY ACTUAL OR POTENTIAL EFFECT UPON ME IN DETERMINING THIS PROPOSAL

_____ (Signature)

_____ (Date)

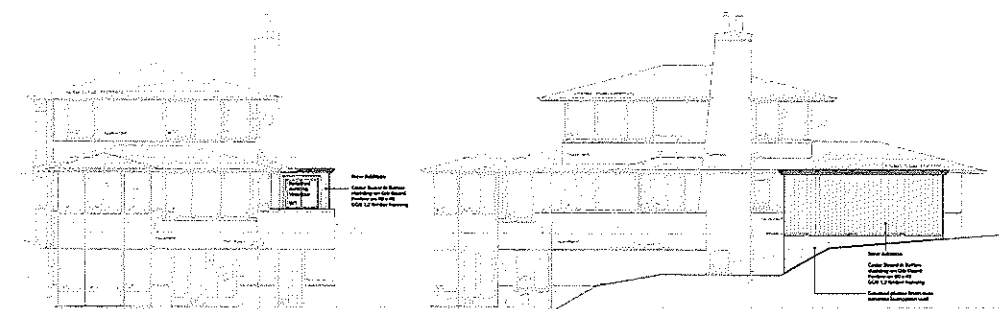
CONCEPT DESIGN



Legal Description:
Lot 2, O.P.4509, Part Sec.7, Block II
Upper Kailorai District

Site Plan

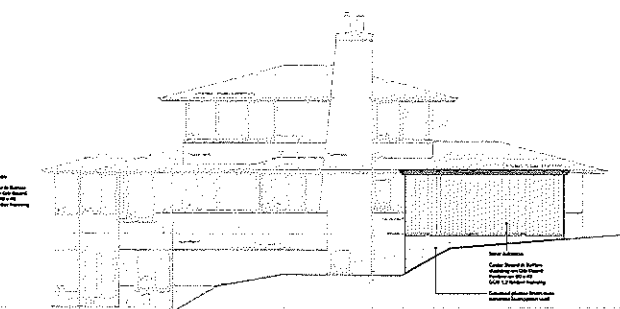
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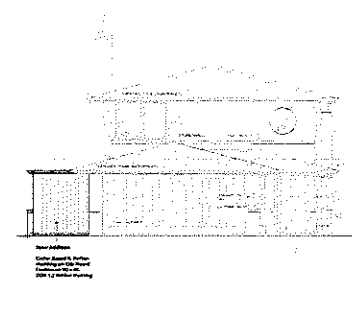
North Elevation

Elevations

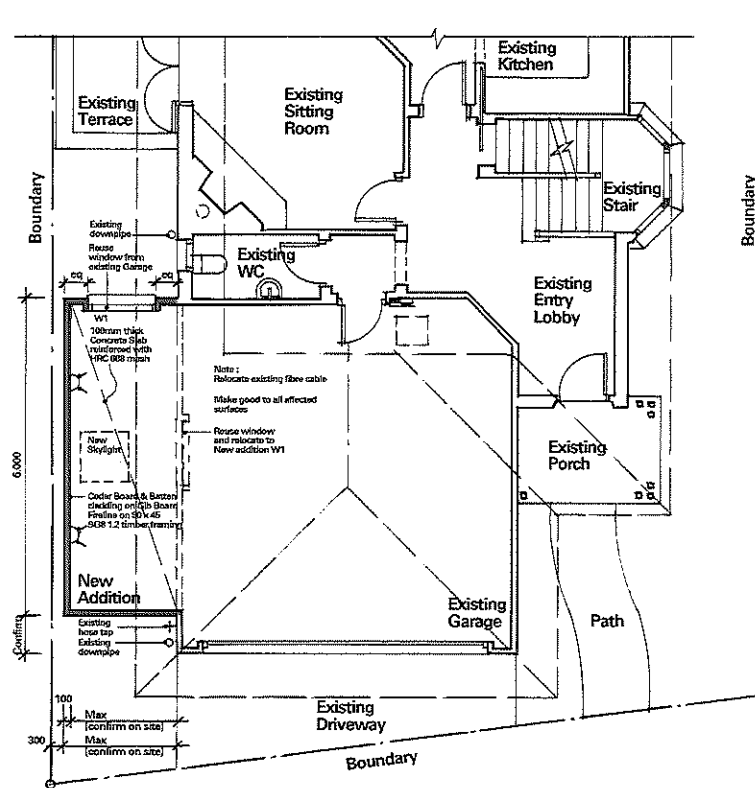
Scale 1:200 at A3, 1:100 at A1



West Elevation



South Elevation



Part Ground Floor Plan

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

DUNEDIN CITY COUNCIL

NAME _____

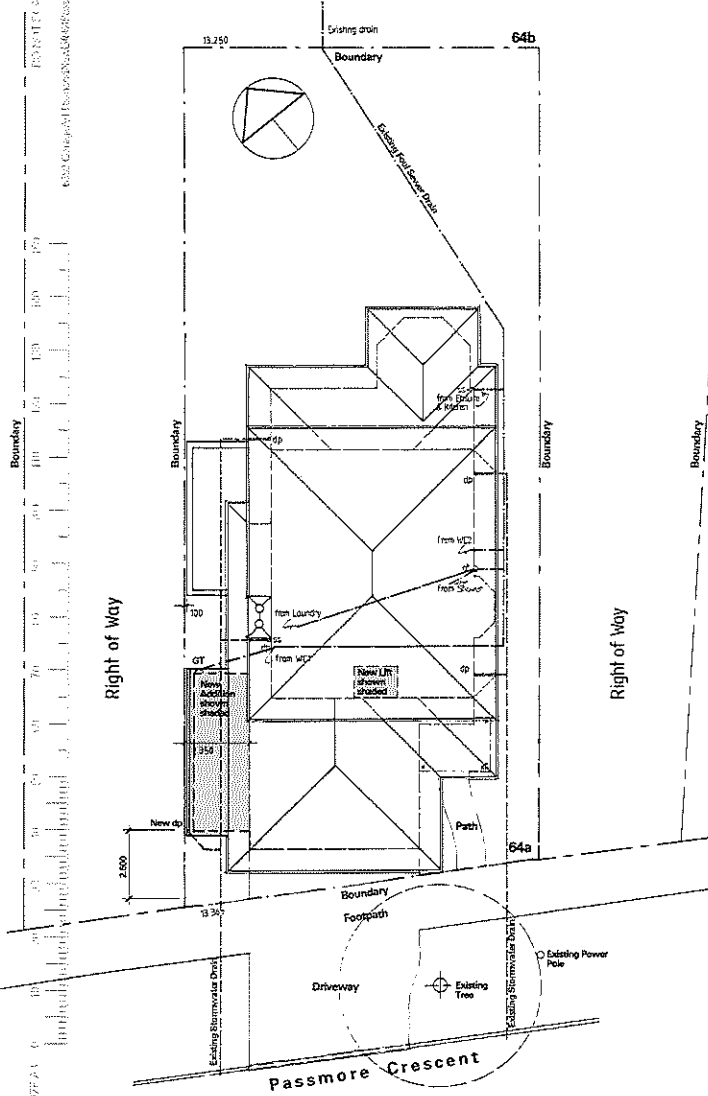
AS OWNERS - OCCUPIERS OF _____

HITHERTO WE WRITTEN APPROVAL AS AN AFFECTED PERSON, IN TERMS OF SECTION 94 OF THE RESOURCE CONSENT MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON THESE PLANS.

WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT, THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY ACTUAL OR POTENTIAL EFFECT UPON ME IN DETERMINING THIS PROPOSAL.

_____ (Date)

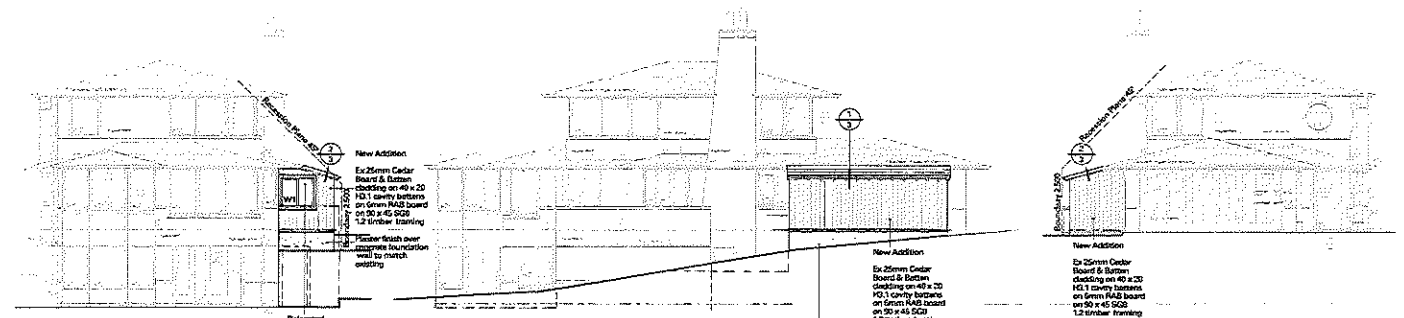
_____ (Signatures)



Legal Description
 Lot2, D.P.4500, Part Sec 7, Block II
 Upper Kalkorai District

Site Coverage - 39.9%

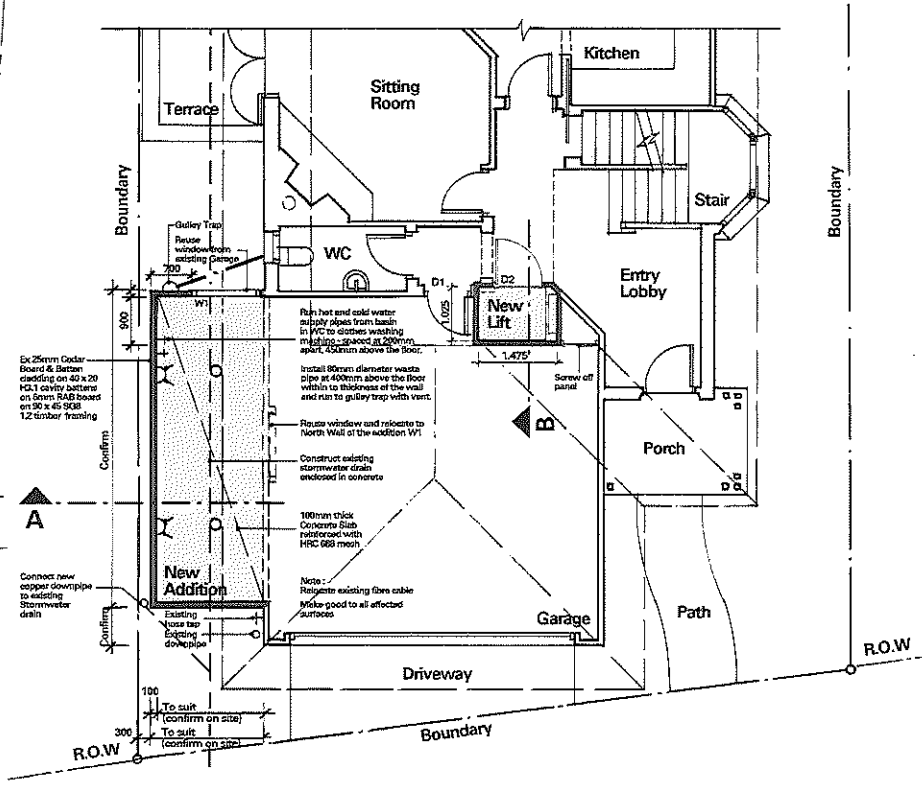
Site Plan
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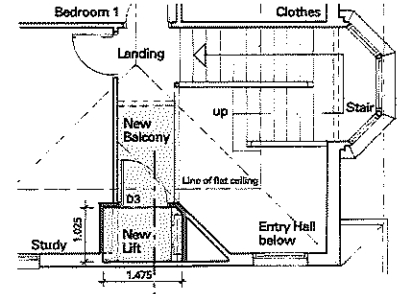
North Elevation
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West Elevation
 Scale 1:200 at A3, 1:100 at A1

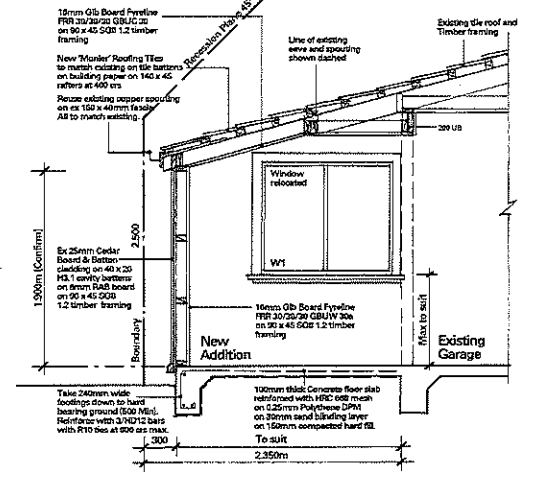
South Elevation
 Scale 1:200 at A3, 1:100 at A1



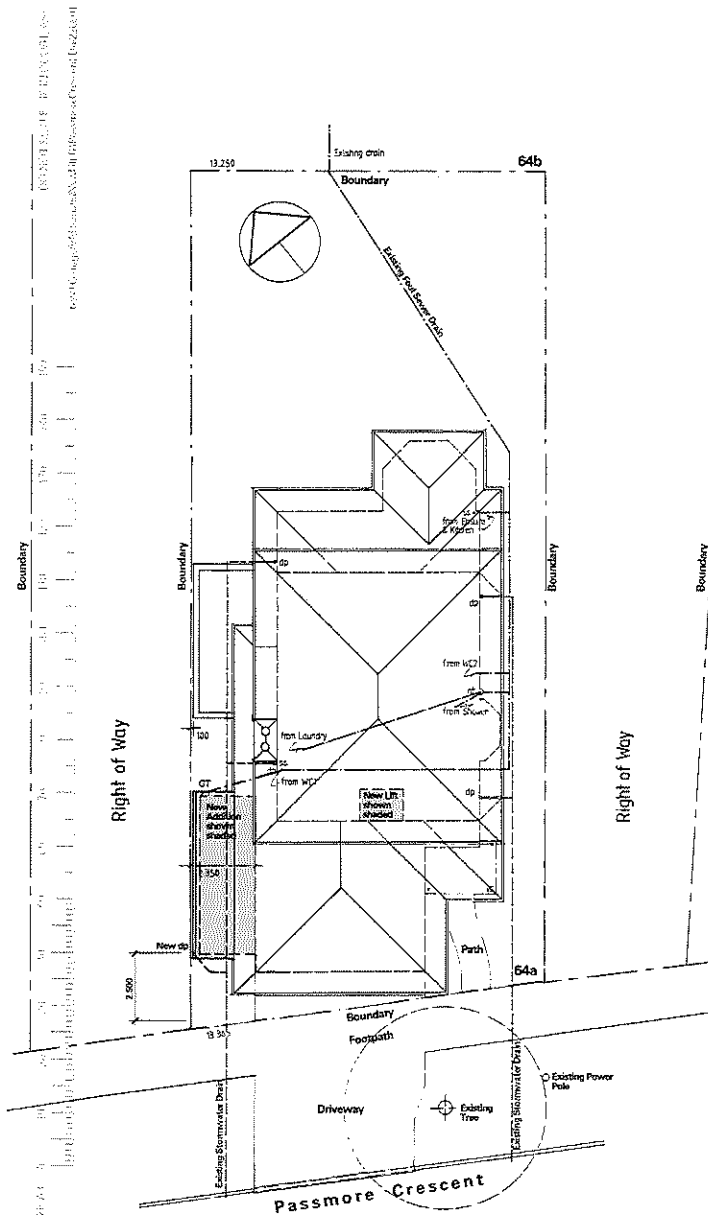
Part Ground Floor Plan
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Part First Floor Plan
 Scale 1:100 at A3, 1:50 at A1



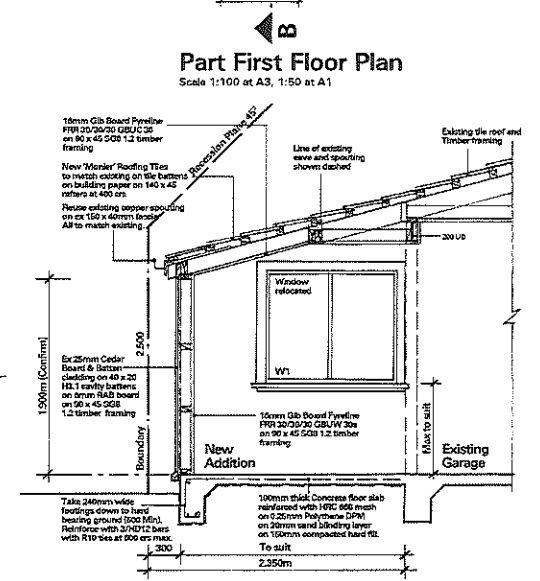
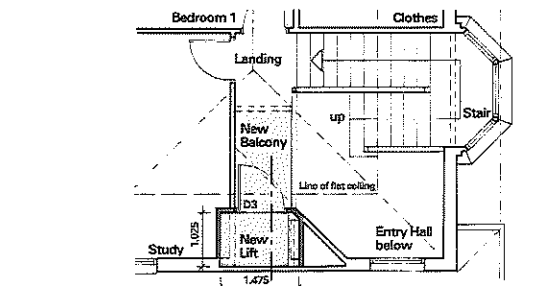
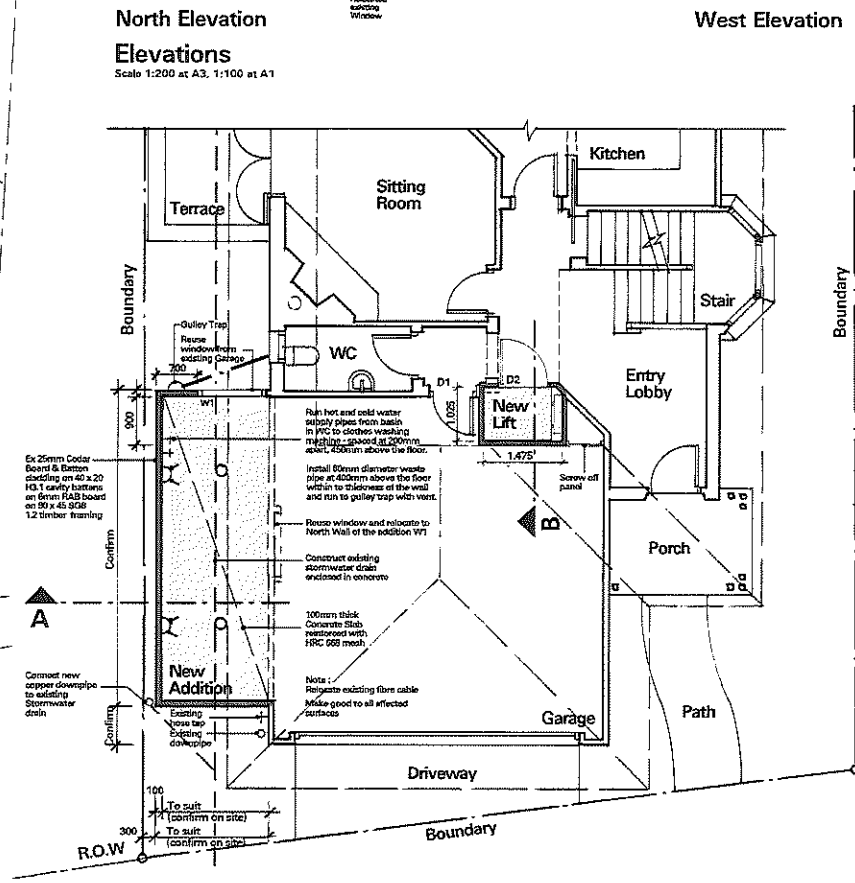
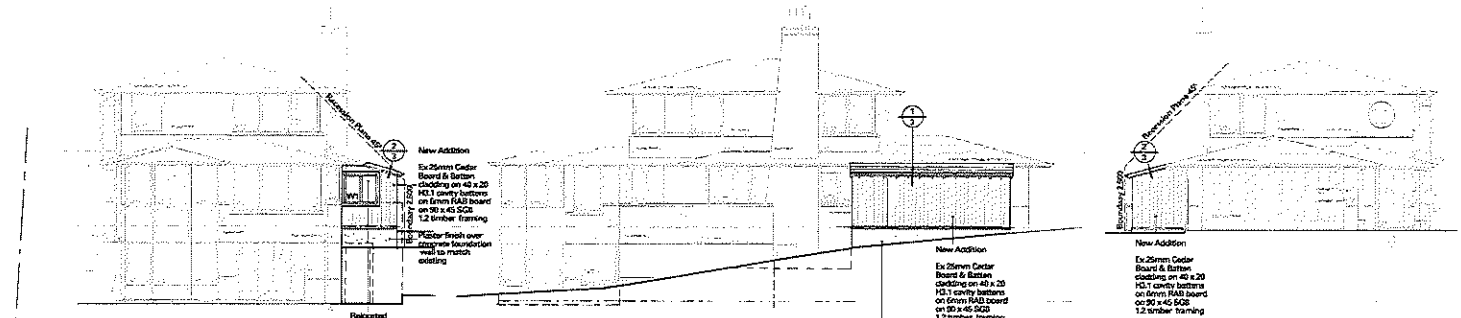
Cross Section A
 Scale 1:100 at A3, 1:50 at A1



Legal Description
 Lot2, D.P.4509, Part Sec 7, Block II
 Upper Kaitiaki District

Site Coverage - 39.9%

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



NEW ZEALAND.

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



Register-book,

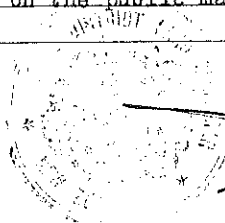
Vol. 272, folio 230

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 seised 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 BALMACEWAN ESTATE deposited in the Land Registry Office at Dunedin as No. 4509 and being also part of Section 7 Block II on the public maps of the Upper Kaikorai 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 Balmacewan Estate Company Limited to Henry Samuel
Hungerford.

Mortgage No. 57473 Clarence Jonas Hardy to His Majesty
the King produced 10th May 1924 at 10 o'clock.

Transfer No. 127652 Clarence Jonas Hardy to Donald Ian
MacPherson of Dunedin Merchant 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.

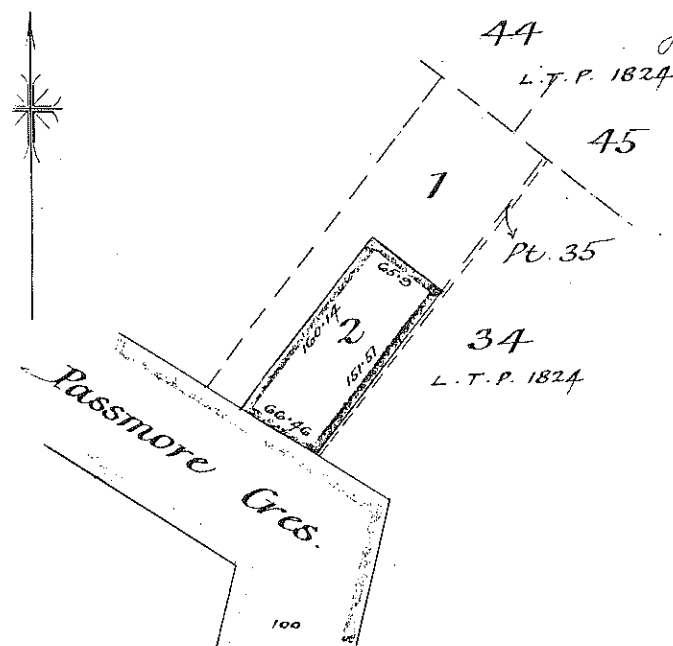
Transfer No. 138262 Donald Ian MacPherson to Harold Franklin
Overton of Dunedin Driver produced 3rd November 1942 at
11 o'clock.

A. I. R.

(over)

Subdn. of part of
Township of Balmacewan Estate

Or. 16.43p



Scale, 1 chain to an inch

64 1 80
No. 1621
J.A.S.

1810L

Mortgage No. 114662 Harold Franklin Overton to Donald Ian MacPherson produced 3rd November 1942 at 11 o'clock.

Mortgage No. 126033 Harold Franklin Overton to The State Advances Corporation produced 14th October 1946 at 2.30 o'clock.

A.I.R.

668762 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 Hiwi 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 Tonkinson & Wood Clients' Securities Limited - 10.5.1994 at 9.47am

A.L.R.

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

A.L.R.

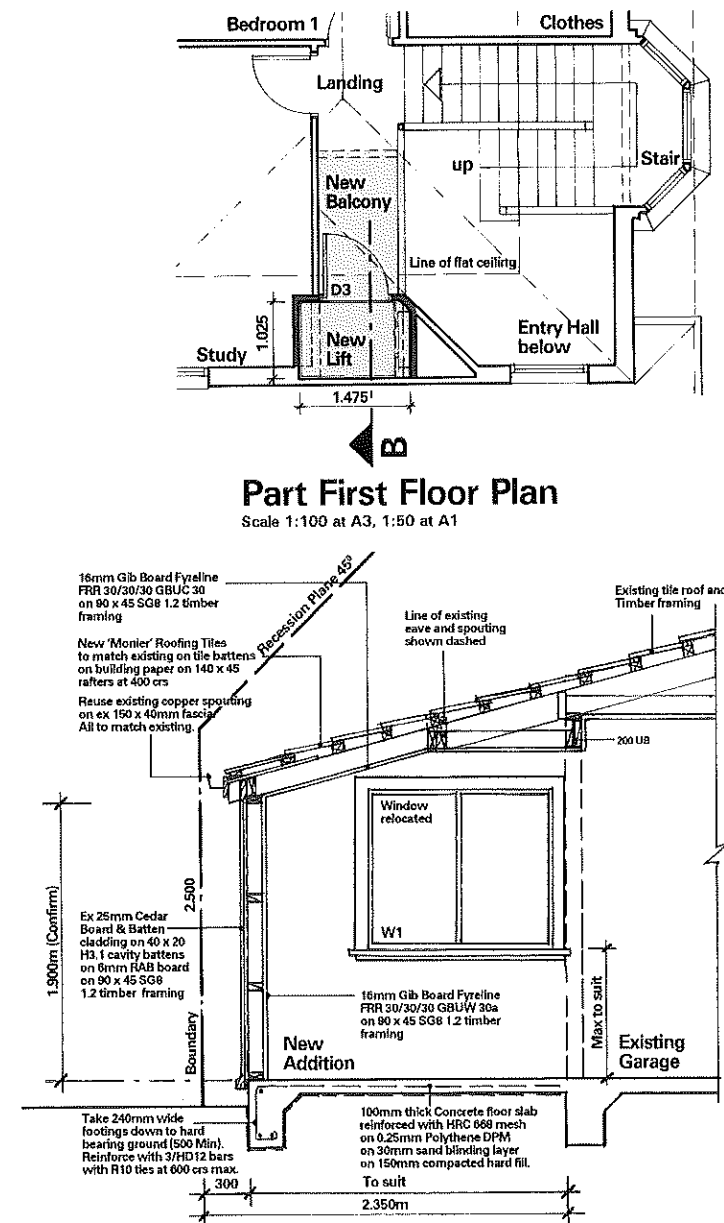
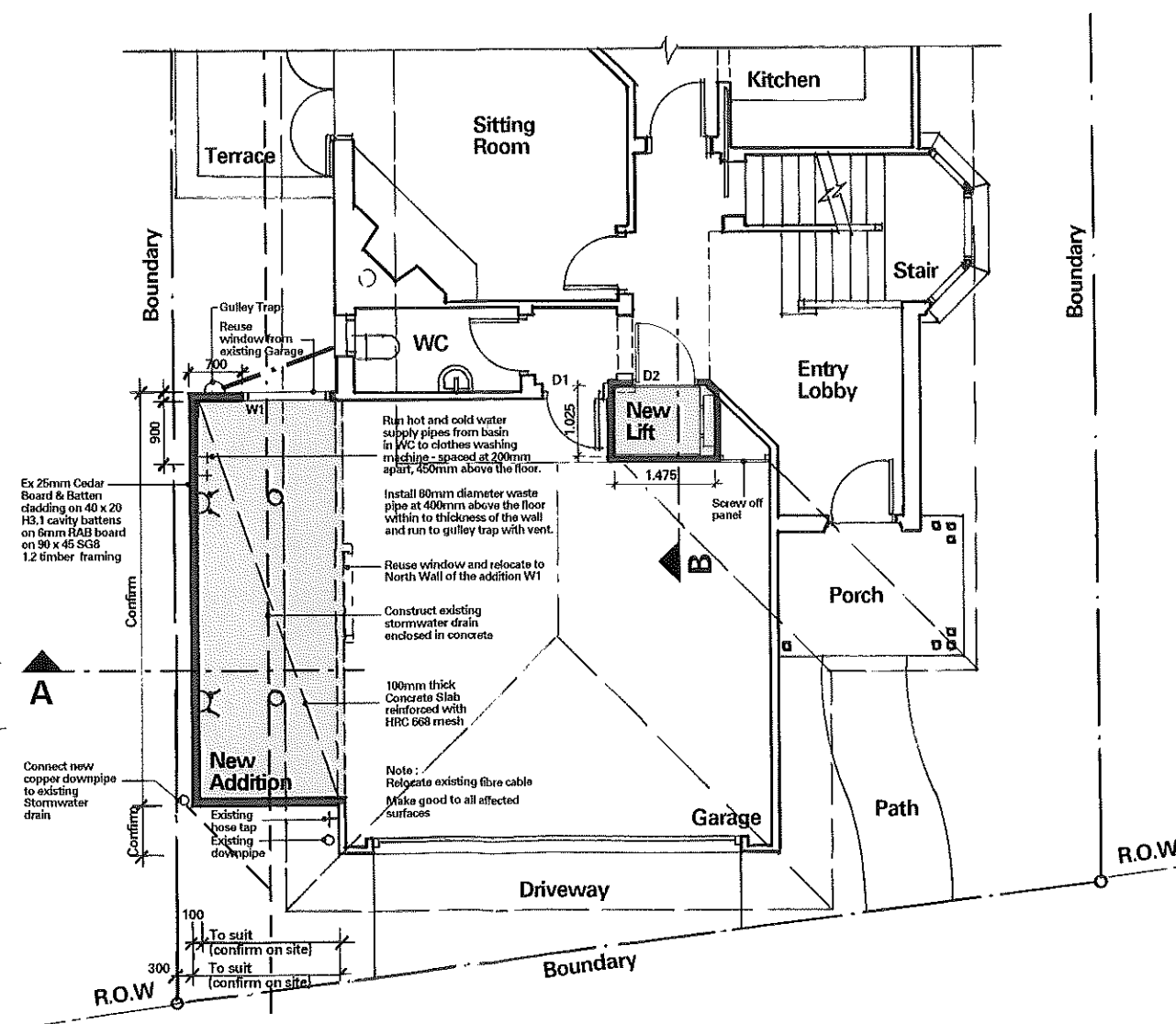
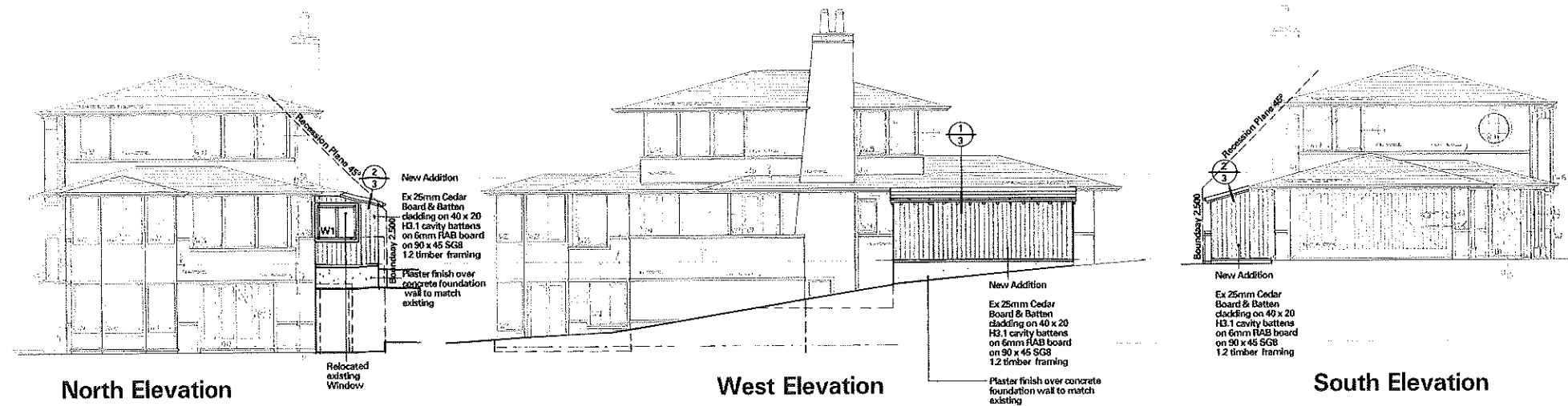
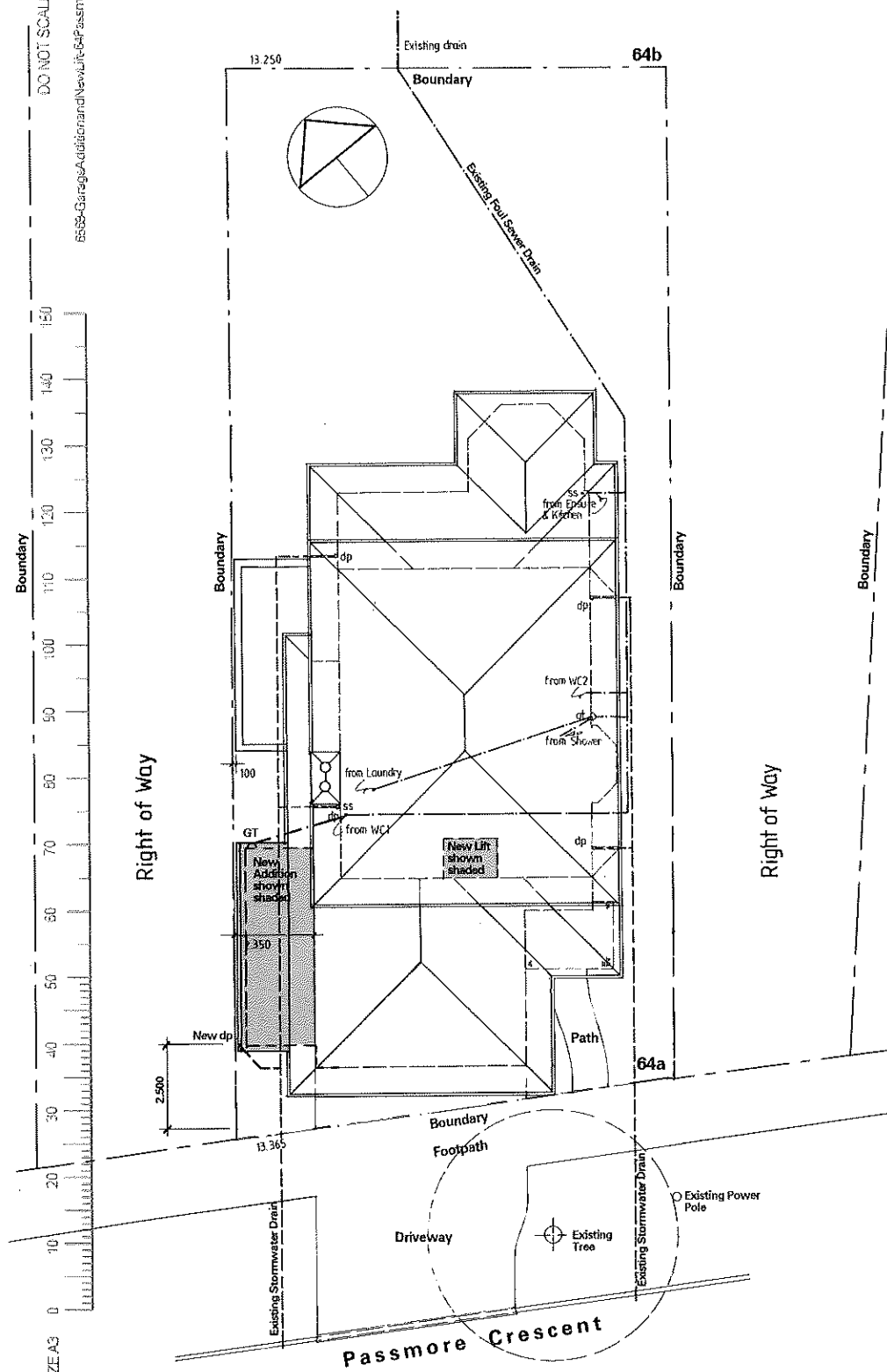
848603/3 Mortgage to Countrywide Banking Corporation Limited - 10.2.1994 at 9.53am

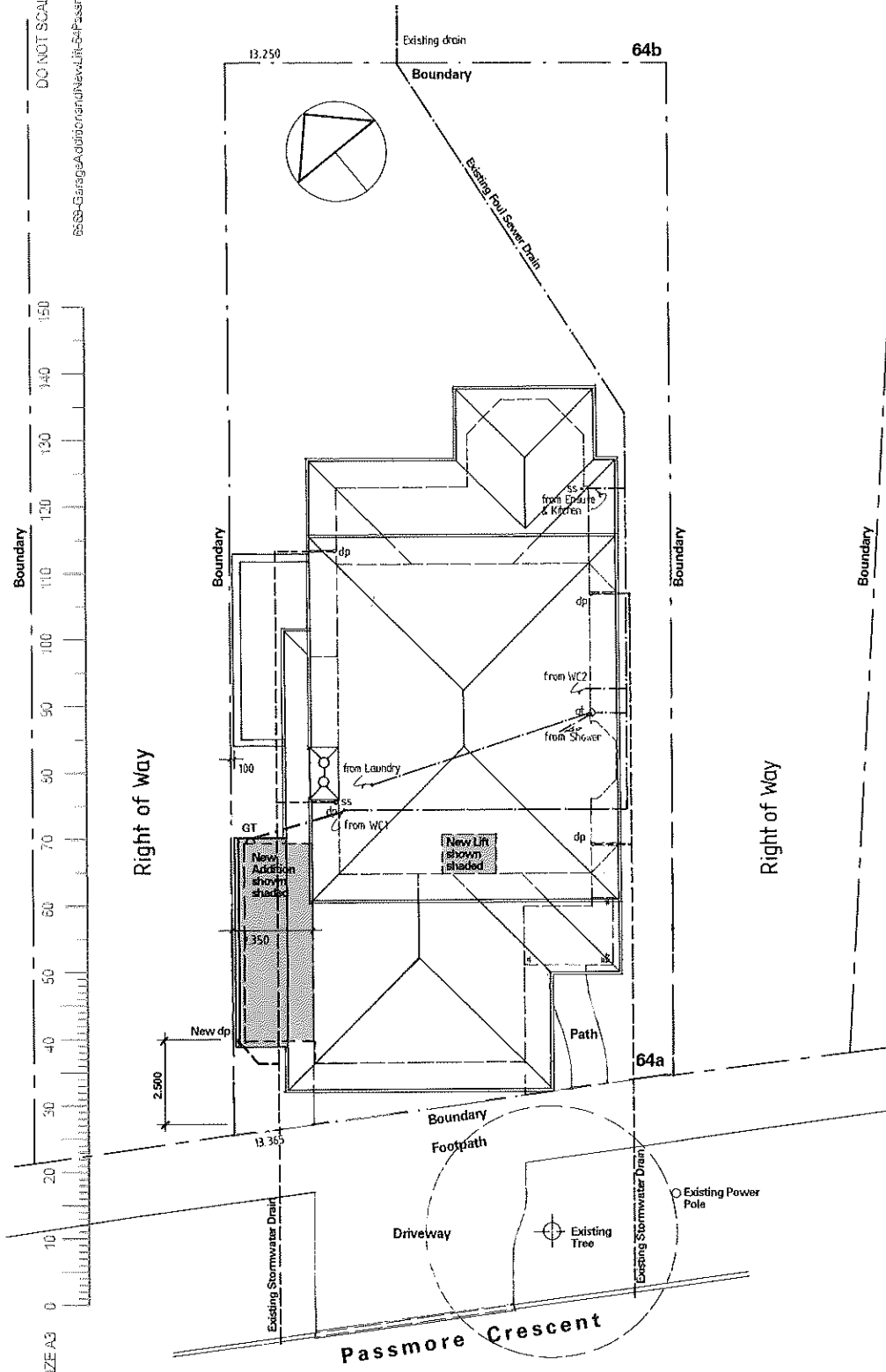
A.L.R.

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

A.L.R.

J.A.S.
No. 3388
J.B. & P.R.

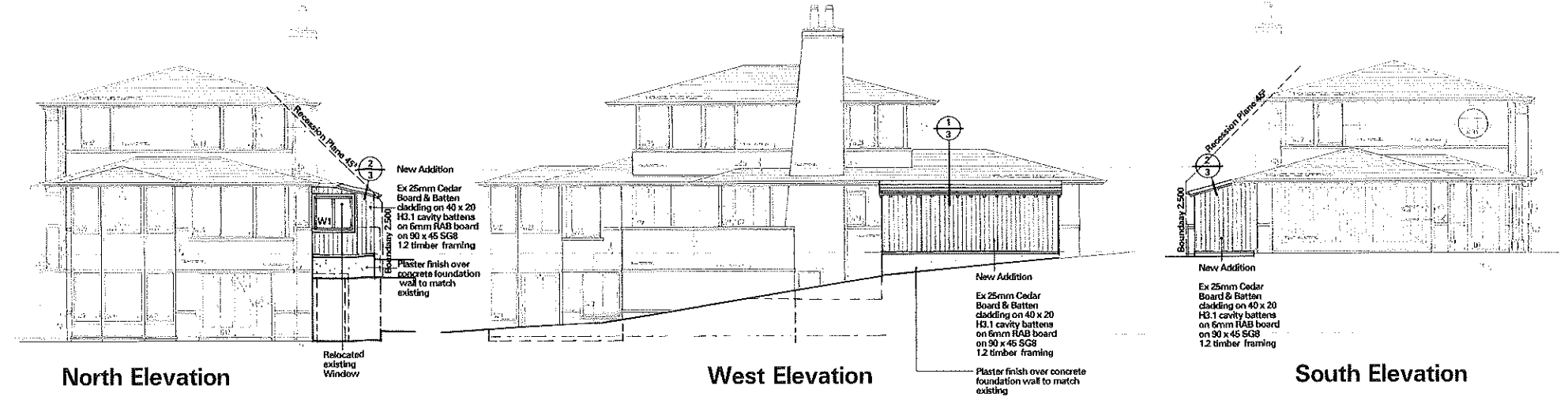




Legal Description
Lot2, D.P.4509, Part Sec 7, Block II
Upper Kaikoral District

Site Coverage - 39.9%

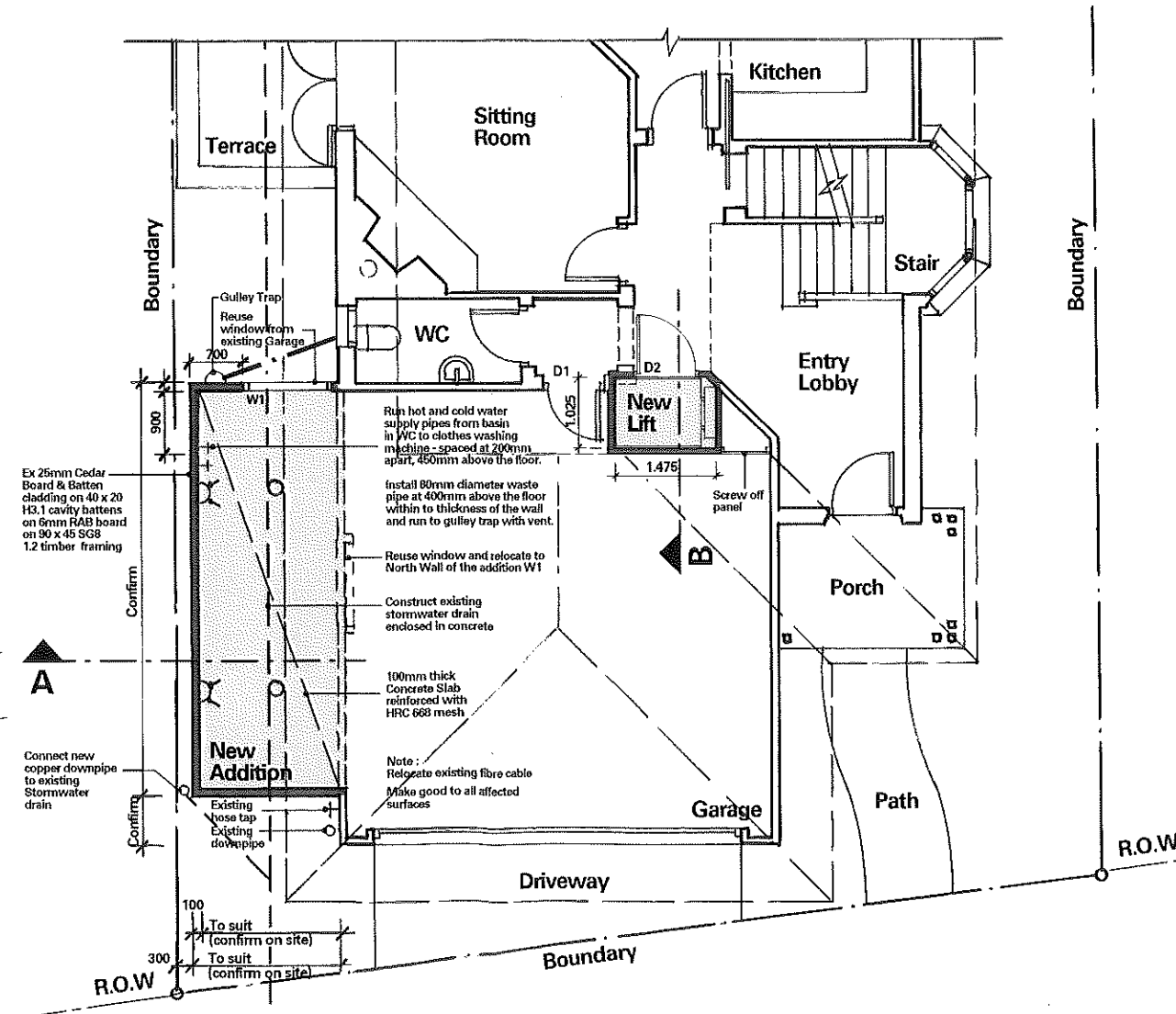
Site Plan
Scale 1:200 at A3, 1:100 at A1



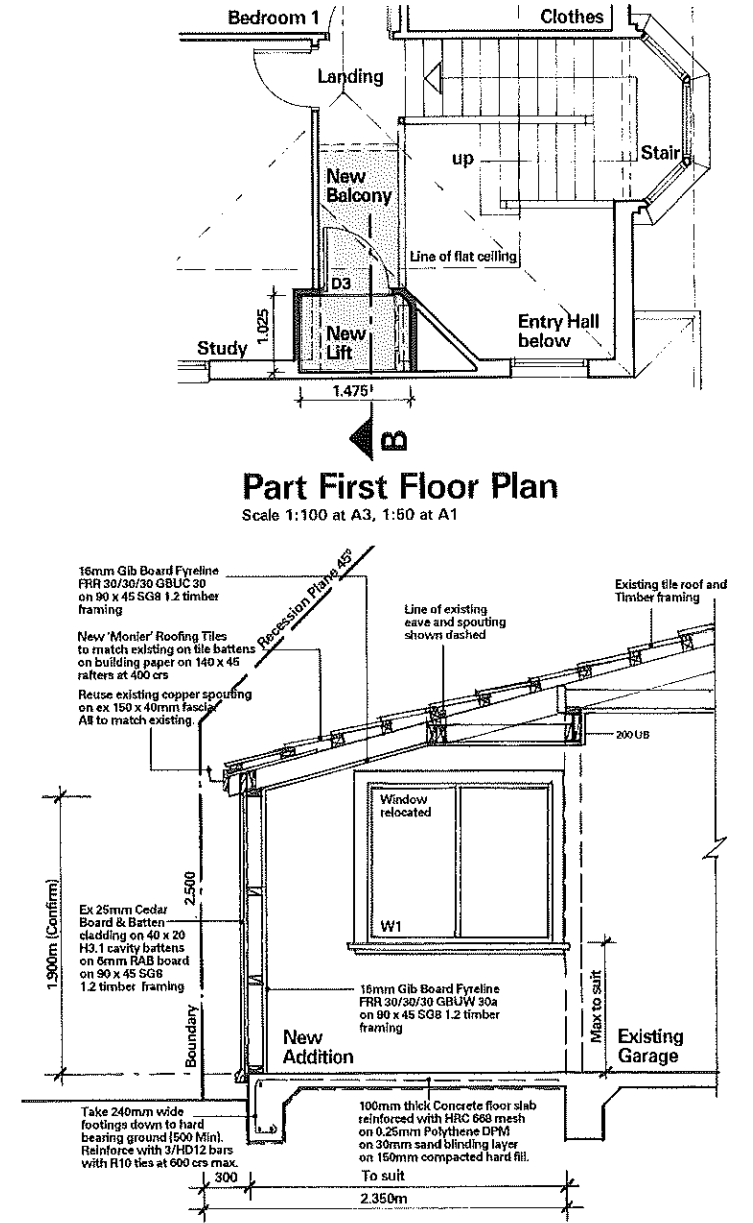
North Elevation
Elevations
Scale 1:200 at A3, 1:100 at A1

West Elevation

South Elevation



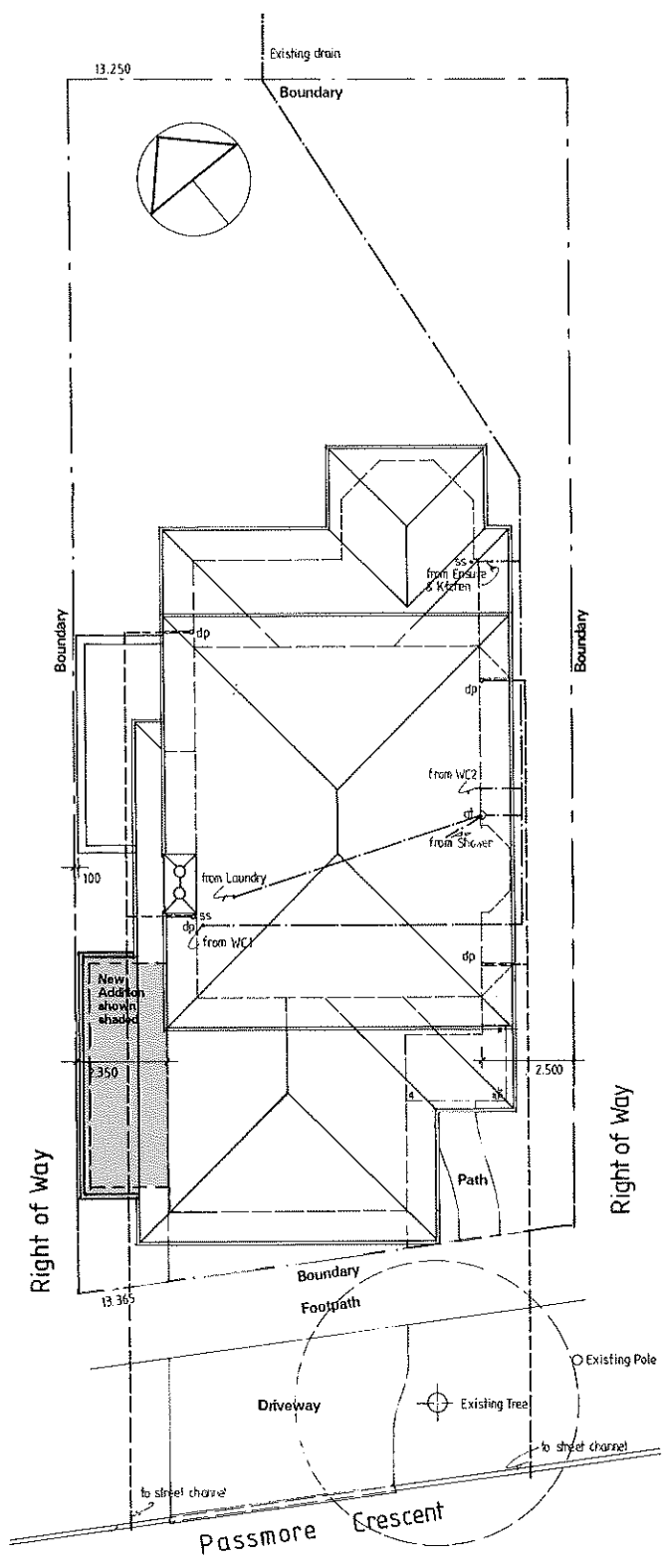
Part First Floor Plan
Scale 1:100 at A3, 1:50 at A1



Cross Section A
Scale 1:100 at A3, 1:50 at A1

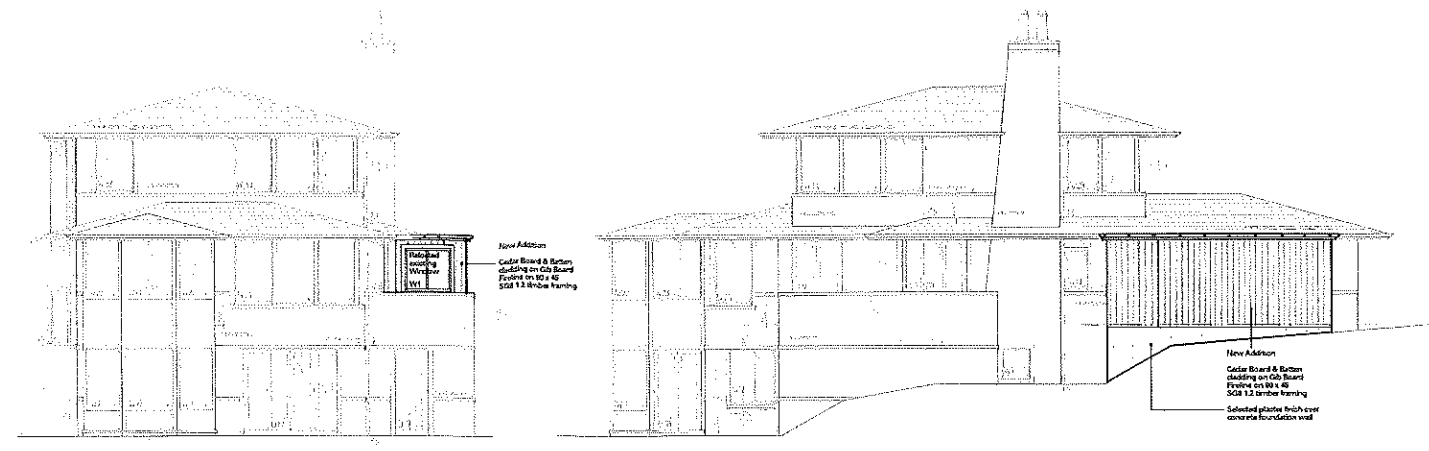
DO NOT SCALE - IF IN DOUBT, ASK
6565-Garage Addition-64 Passmore Crescent-Dn-S-1-220716

ORIGINAL SIZE A3
0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150



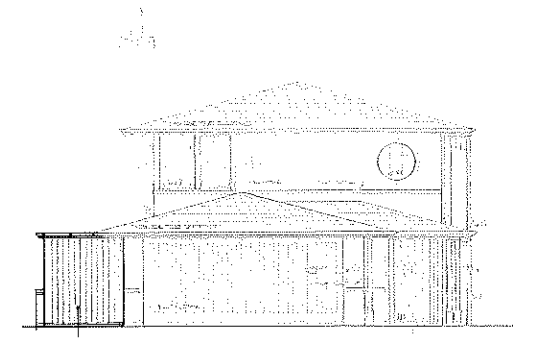
Legal Description:
Lot 2, D.P.4509, Part Sec.7, Block II
Upper Kaikōrā District

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

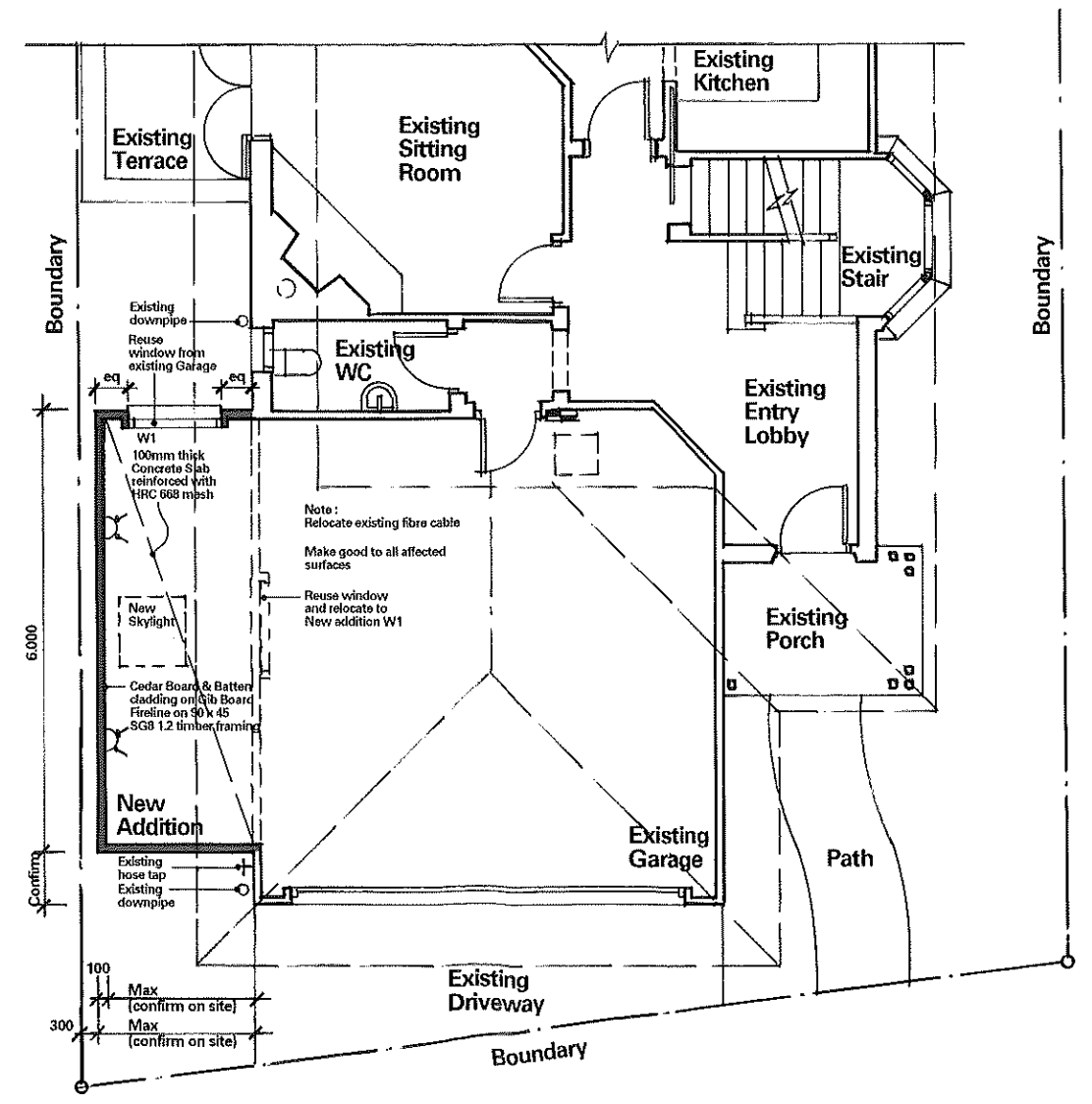


North Elevation
Elevations
Scale 1:200 at A3, 1:100 at A1

West Elevation



South Elevation



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

DUNEDIN CITY COUNCIL

I/WE _____

AS OWNERS / OCCUPIERS OF _____

HEREBY GIVE WRITTEN APPROVAL AS AN AFFECTED PERSON, IN TERMS OF SECTION 94 OF THE RESOURCE MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON THESE PLANS.

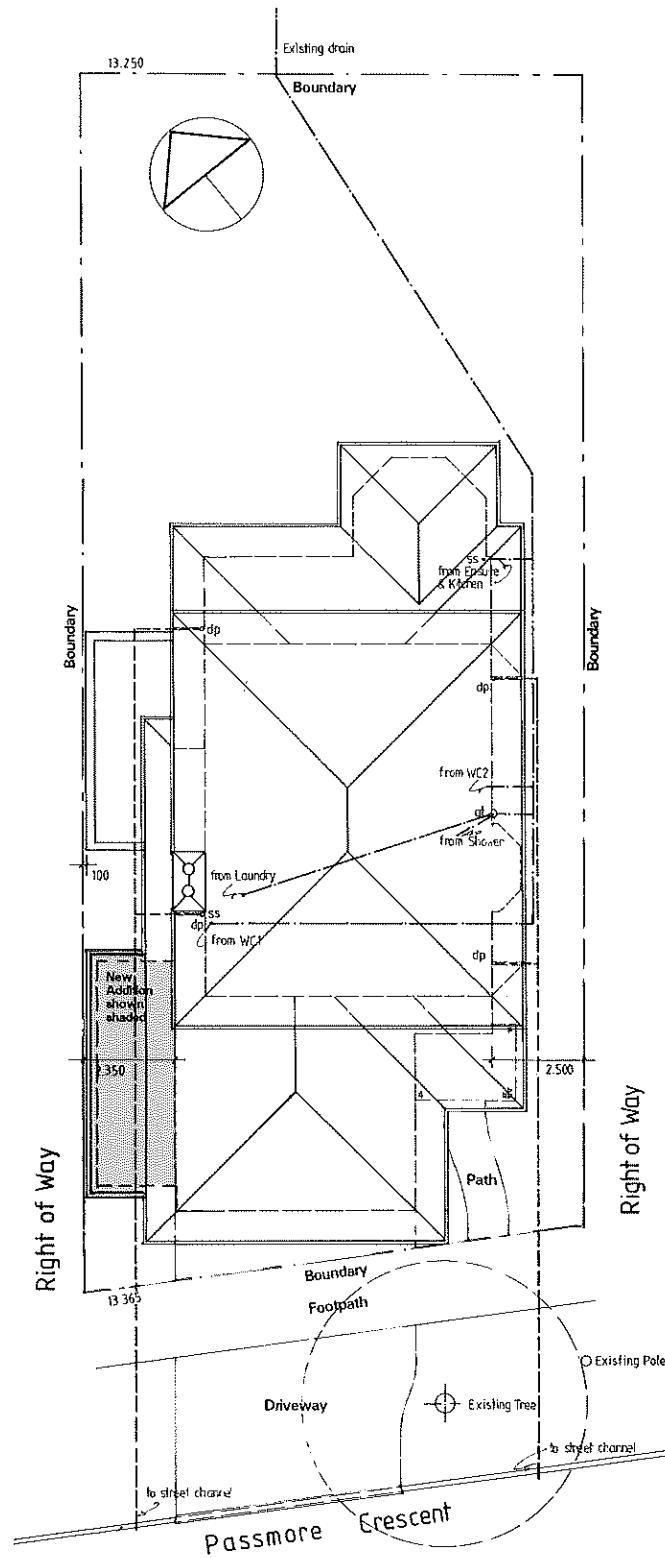
I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT, THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY ACTUAL OR POTENTIAL EFFECT UPON ME IN DETERMINING THIS PROPOSAL.

(Signature)

(Date)

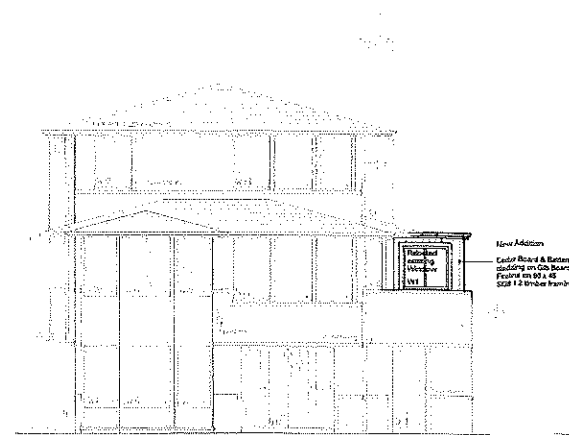
DO NOT SCALE - IF IN DOUBT, ASK
6559-Garage Addition-64 Passmore Crescent-Dun-S1-220715

ORIGINAL SIZE A3
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Legal Description:
Lot 2, D.P.4509, Part Sec.7, Block 11
Upper Kaikōrā District

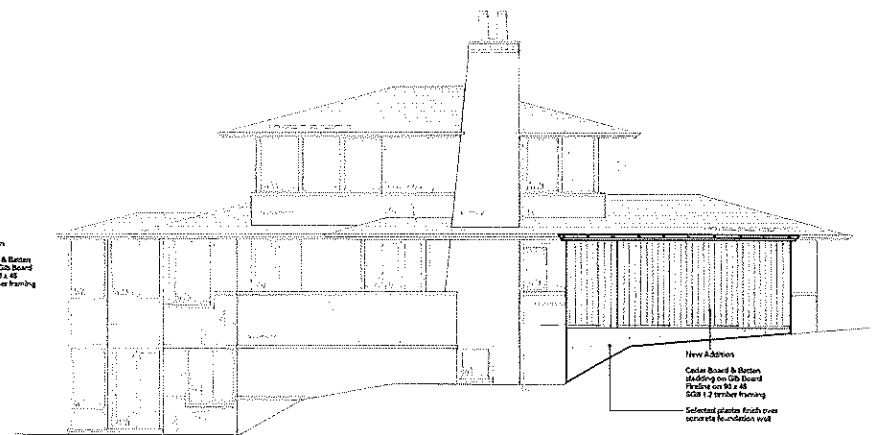
Site Plan
Scale 1:200 at A3, 1:100 at A1



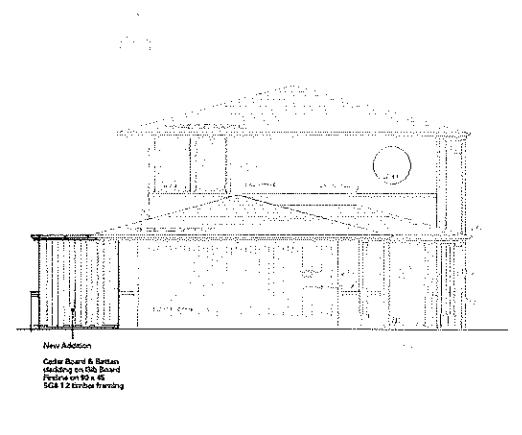
North Elevation

Elevations

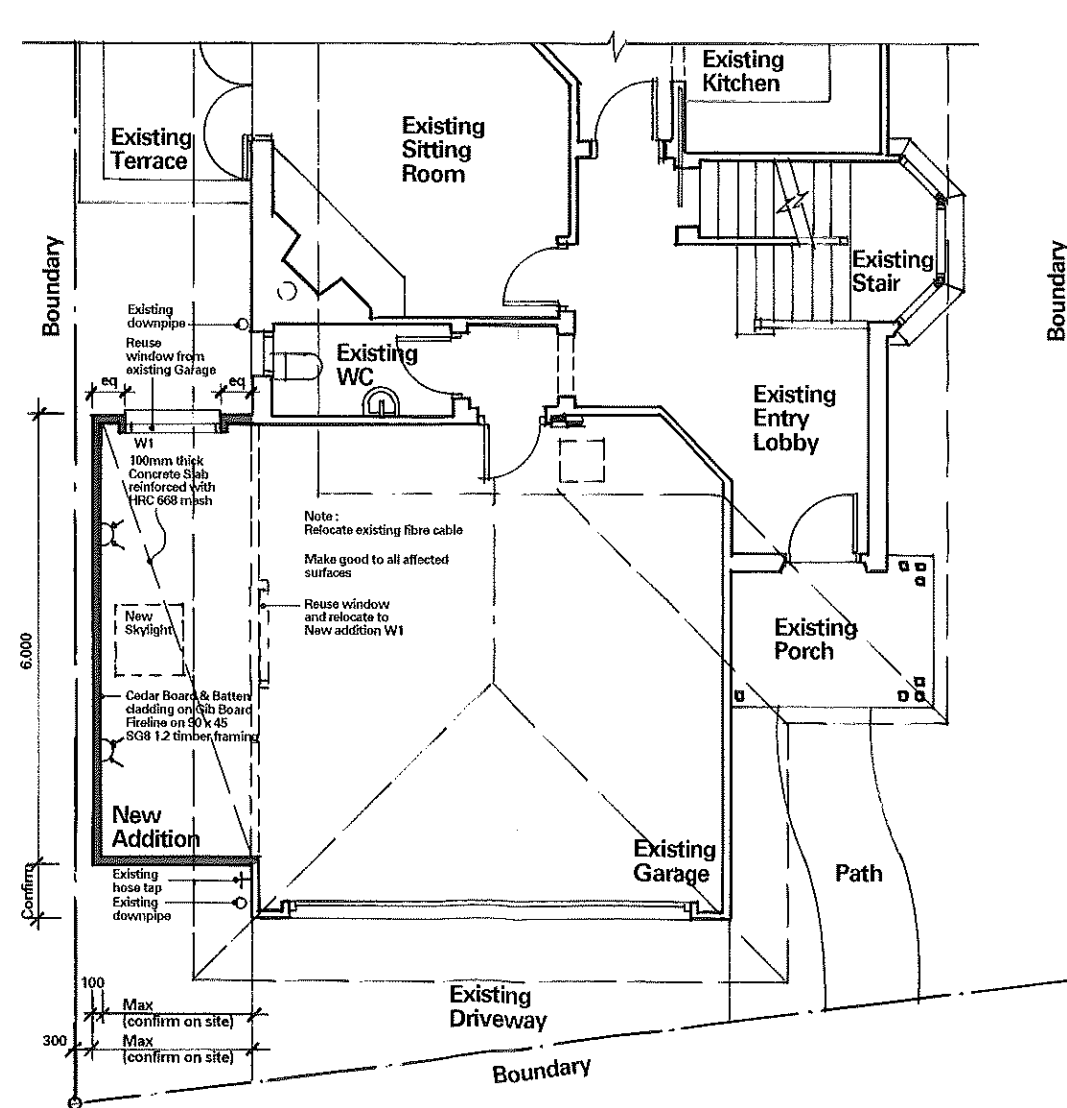
Scale 1:200 at A3, 1:100 at A1



West Elevation



South Elevation



Part Ground Floor Plan

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

CONCEPT DESIGN

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DUNEDIN CITY COUNCIL	
OWE	_____
AS OWNERS / OCCUPIERS OF _____	
HEREBY GIVE WRITTEN APPROVAL AS AN AFFECTED PERSON, IN TERMS OF SECTION 84 OF THE RESOURCE CONSENT MANAGEMENT ACT 1991, TO THE PROPOSAL SHOWN ON THESE PLANS.	
I/WE ACCEPT THAT IN GIVING THIS WRITTEN CONSENT, THAT THE COUNCIL CANNOT TAKE INTO ACCOUNT ANY ACTUAL OR POTENTIAL EFFECT UPON ME IN DETERMINING THIS PROPOSAL.	
_____ (Signature)	_____ (Date)