



## Report

**TO:** Hearings Committee

**FROM:** Amy Young, Planner

**DATE:** 16 March 2017

**SUBJECT:** **RESOURCE CONSENT APPLICATION  
LUC-2016-480  
201 PRINCES STREET  
EXCHANGE RENAISSANCE LIMITED**

### INTRODUCTION

- [1] This report has been prepared on the basis of information available on 16 March 2017. 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 in the report below, after considering the opposing submission and advice from Council's Urban Designer and Heritage Planner I recommend that the proposal to establish a roof top apartment on the subject site above the maximum height restriction and within a Townscape Precinct will have minimal adverse effects subject to conditions relating to building colour. As a result, I recommend that the proposal should be granted.

### DESCRIPTION OF PROPOSAL

- [3] Resource consent is sought to establish an apartment on top of an existing building known as the Stanton Building. The proposal involves removing the existing sloping roof and establishing a single storey apartment with a mezzanine level incorporating the existing exterior brick walls and existing roof terrace. The proposed apartment building roof is designed to have an irregular corrugated roof line. A new steel pergola structure is proposed on the existing outdoor roof top terrace described in this report as the western terrace. The western terrace will have a floor area of approximately 105m<sup>2</sup> and will provide outdoor amenity space to the proposed apartment and the apartment currently under construction on the roof of the Standard Building. Another outdoor terrace in this application referred to as the eastern terrace is proposed. The eastern terrace is only accessible from the proposed apartment and it is partially enclosed by the existing brick walls and roof of the proposed apartment building. The total area of the western terrace is approximately 25m<sup>2</sup> including the metre wide access around the sides of the proposed apartment building.
- [4] The roof design and glazing (including the clerestory windows) are the most prominent features of the proposed apartment building. Solar panels are proposed on the roof structure. A gas flue penetrates the proposed roof line but does not extend beyond the highest ridgeline. The maximum height of the

proposed roof and proposed flue is 21.7m above existing ground level at the eastern boundary.

- [5] Glazing in the proposed building is located predominately at the eastern extent of the building facing out to the eastern terrace and the gardens beyond. Two fire rated windows looking out from the dining area are proposed on the northern façade over the former National Bank Building. The proposed apartment building is located approximately 14m to the south east of the tallest part of the former National Bank Building. The view from these existing windows is already partially obscured by the existing walls roof line when looking south east.
- [6] A copy of the application, including plans of the proposed apartment building are contained in Appendix 1 of this report.

## **DESCRIPTION OF SITE AND LOCATION**

- [7] The subject site has a total area of 507m<sup>2</sup> and is legally described as Lot 2 Deposited Plan 459721, Lot 5 Deposited Plan 459721, Lot 1 Deposited Plan 485496, Part Section 55 Block IX Deposited Plan 1729 Town of Dunedin. The site contains two multi storey buildings. The Stanton Building is located in the eastern portion of the irregular shaped site and fronts the existing Council owned Dowling Street car park and overlooks the Queens Gardens. The Stanton building has four storeys above ground level at the eastern façade. The building is currently not tenanted and serves as storage space for the owner. The Stanton building is adjoined by other commercial buildings on four of its five sides. The fifth side or eastern elevation adjoins an alleyway which runs between the subject site and the DCC car park site.
- [8] Windows on the upper three levels on the eastern façade of the former National Bank Building overlook the proposed development. Their views will be predominantly over the western terrace and the western and northern facades and roof of the proposed apartment building.
- [9] The Standard Building which also occupies the site fronts Princes Street and has been renovated and earthquake strengthened. There is internal access between the two buildings. An apartment is currently being constructed on the roof top of the Standard Building. Land use consent has not been sought for this addition at the time of assessing this application. This consent application relates to the apartment building addition to the Stanton building only.
- [10] I visited the site on 3 March 2017 and observed views out from the building and from external public view points. The most prominent public view point will be from the Queens Gardens located approximately 60-100m from the eastern façade of the Stanton Building.
- [11] The proposed apartment building will be visible at a distance from the upper floors on the northern and western façade of the Consultancy House Building and the Norwhich Building located on the Corner of Bond and Rattray Street to the South. These views would be from approximately 60-70m away.
- [12] The building will also be visible from the upper floors of the Citysite 30 building located to the north on Dowling Street and potentially the upper floors of the Milford House building at 20 Dowling Street and neighbouring building at 18 Dowling Street.
- [13] When standing on the location of the proposed western outdoor terrace it highlights the numerous long distance views to other multi storey buildings in the distance. The views to these buildings range from the ASB building 430m

to the north east and John Wickliffe House located approximately 80m to the south of the subject site.

## HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

- [14] The previous use and design of the building are described in the application as follows:

*"Stanton building is a 4 level commercial structure originally designed and constructed as warehousing and clothing workrooms with lofty stud heights and generous glazing. It is worth noting that the building was designed to be two levels higher, but these levels were never built apart from the floor slab and stair access for the next level (5<sup>th</sup> floor) which were poured at the time of construction. The slab and stair access were subsequently roofed over with two separate roof structures when it was decided not to proceed higher. The western roof structure has since been removed and the existing slab waterproofed to create a roof terrace. The eastern roof structure remains protecting the in-situ stair access to this level."*

- [15] The Stanton Building was established in 1906. It was originally established by E. Stokes and Son as a sample room and warehouse. The Stanton building takes its name from the L.O. Stanton and Company and subsequently the Stanton Brothers Limited printing business that previously occupied the building. According to the University of Otago Hocken Library the L.O. Stanton and Company was a firm of printers and stationers, established in Dunedin by Lorenzo Stanton between 1914 and 1918. Stanton left Dunedin to work for the Oriental Missionary Society, and sold the company to his elder sons in 1928. Stanton Brothers Limited was incorporated in 1931. The printing business occupied the building until at least 1954. A copy of the original plans and elevations showing the additional floor levels and the plans and elevations showing what was actually built are included in Appendix 4.

## ACTIVITY STATUS

### Dunedin City District Plan (Operative Plan)

- [16] The subject site is zoned **Central Activity**, and is located within the **North Princes Street/Moray Place/Exchange Townscape Precinct (TH03)**. The Standard building is listed as item **B478** in Schedule 25.1 of the plan, and is protected in respect of its façade to Princes Street, but the proposed works do not relate to this building or the protected façade.

### Central Activity Zone

- [17] The proposal does not comply with Rule 9.5.2(ii)(a), which specifies a maximum height of 11m for any structure within this zone. The existing building has a height of 16.8m at the eastern boundary which gains in height along the existing sloping brick external wall to 19.49m above existing ground level. The proposed apartment addition is approximately 4.9m above the existing parapet at the eastern boundary and approximately 2.25m above the existing external brick walls at the western extent of the proposed apartment. The proposed pergola over the western terrace is approximately 0.2m below the height of the existing parapet. The overall maximum height of the proposed addition is 21.74m above existing ground level at the eastern boundary.
- [18] The proposal is assessed as a **restricted discretionary** activity, in accordance with Rule 9.5.3(i). The council's discretion is restricted to the condition(s) with which the proposal fails to comply.

- [19] In addition, it is noted that residential activities in the Central Activity zone are required to comply with the noise insulation and ventilation performance standards set out under Rule 9.5.4(x). While the application indicates that it is intended to comply with this standard and the details supporting this will be submitted with the building consent application.

#### Townscape

- [20] As the building is within a townscape precinct, the alterations and additions that are visible from a public place are a **restricted discretionary** activity, pursuant to Rule 13.7.3(ii). The Council's Discretion is limited to the effect of the proposed works on the building's relationship with and contribution to the townscape and heritage values of the precinct.

#### **Proposed Plan (Proposed 2GP)**

- [21] The subject site is zoned **Central Business District**. The following overlays apply to the site:
- Princes Street – Exchange Commercial Heritage Precinct
  - Archaeological alert layer
  - B478 – Heritage and Character Contributing Building (i.e. the Standard Building)
- [22] At the time of assessing this application, the relevant rule provisions of the Proposed Plan have not been given effect or made operative, and are subject to submissions and could change as a consequence of the submission process. Accordingly, the council need not have regard to the rule provisions of the Proposed Plan as part of the assessment of this application.

#### **Activity Status**

- [23] Overall, having regard to both district plans, the proposal is considered to be a **restricted discretionary** activity, in accordance with the operative plan.

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

- [24] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.
- [25] The Stanton building has housed a commercial printing business in the past. This activity falls within the HAIL category: A.15. Chemical manufacture, application and bulk storage: Printing including commercial printing using metal type, inks, dyes, or solvents (excluding photocopy shops). The business was located within the existing building. In this situation there is no disturbance of soil as the proposal involves a new apartment on top of the existing building.

- [26] The proposed roof top apartment building is considered to be a change of use in relation to the NES. But the NES only applies when an activity is changing the use of the piece of land, which means changing it to a use that is reasonably likely to harm human health. Due to the nature of the proposal being an addition to the roof of the existing building it is unlikely to raise any implications for harm to human health. As such, the National Environmental Standard is not deemed applicable to the proposal.

#### NOTIFICATION AND SUBMISSIONS

- [27] No written approvals were submitted with the application. It was determined that the effects of the proposal would be restricted to a limited number of parties being the OCTA Group Limited the owners of the former National Bank Building at 193 Princes Street. OCTA Group Limited are also the occupiers of level 3 and occupy an apartment on level 4.
- [28] The written affected party approval of this party was not obtained and the application was, therefore, notified on a limited basis on 25 November 2017.
- [29] Copies of the application were sent to the following parties with submissions closing on 22 February 2017:

OCTA Group Limited, 193 Princes Street, Dunedin (Owner of building and occupier of level 3 and 4)

- [30] A submission in opposition was received by the close of the submission period.
- [31] The submissions are summarised in the table below, and a full copy of the submissions is attached in Appendix 2.

| Name of Submitter                                                 | Support/ Oppose | Summary of Submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Wish to be heard? |
|-------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| William Henry Cockerell, Director, OCTA Group and Michael Findlay | Oppose          | <ul style="list-style-type: none"> <li>▪ No problem with the breach of the 11m maximum height rule.</li> <li>▪ Oppose the proposal based on the effects on the impact on precinct values. The folded fan roof form does not relate to either the Stanton Building or the surrounding buildings thereby detracting from an otherwise coherent pattern. This roof form will be clearly visibly different particularly from the Queens Gardens.</li> <li>▪ The effects on the precinct values could be amended by amending the façade facing the Queens Gardens.</li> <li>▪ The Stanton Building forms part of an attractive sequence of building backs seen as a solid wall behind the Dowling Street, Rattray Street block of Princes Street. Buildings range in age and style 1882 -1980.</li> <li>▪ Recommend that the roof is</li> </ul> | Yes               |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  | <p>modified and lowered and extending the apartment walls to the exterior walls of the building so there is no off set to allow the two structures to relate better.</p> <ul style="list-style-type: none"> <li>▪ Quoted 2GP: "The central City Precincts are comprised of a distinctive pattern of open space made up of streets and areas of reserve. This layout is fundamental to the character of the central city and is strongly defined by buildings or trees."</li> </ul> |  |
|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

### ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[32] 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.*

### Assessment of Effects

#### Dunedin City District Plan (Operative Plan)

[33] The assessment of effects is guided by the assessment matters in Sections 9.9 (Activity Zones) and 13.7.3(ii)(i)-(xi) (Townscape) of the Operative District Plan. Accordingly, assessment is made of the following effects of the proposal:

- Sustainability
- Bulk, Location, Design, Appearance and Amenity Values;
- Townscape;
- Acoustic Insulation
- Positive Effects;
- Cumulative Effects;

#### Sustainability (Operative Plan Assessment Matter 9.9.1)

[34] This assessment matter requires consideration of the objectives and policies of the Sustainability Section of the District Plan. The objectives and policies of the Sustainability Section, amongst other things, seek to maintain or enhance amenity values, ensure infrastructure is appropriate and avoid the indiscriminate mixing of incompatible uses and developments. These issues are considered below under the other assessment matters. Residential Activity is a permitted activity in the zone.

**Bulk and Location and Amenity Values (Operative Plan Assessment Matter 9.9.4 and 9.9.5)**

- [35] The minimum height in the Central Activity Zone is 9m and the maximum height in the Central Activity Zone is 11m unless otherwise specified in the Townscape Section of the plan. There are no minimum or maximum height rules specified in the Townscape Section, some precinct values identify typical building heights. The North Princes Street/Moray Place/Exchange Townscape Precinct, Precinct Values in the Operative Plan describes the existing buildings from the Octagon to Manse Street at a height of between 12 m and 32 m, over the permitted maximum height limit set in the underlying activity zone.
- [36] The Operative Plan controls the degree to which the height, bulk and location of any building or structure has an effect on the surrounding environment, including people, buildings, amenity and the degree to which the proposal recognises existing buildings and constraints on the site.
- [37] The proposed building at 21.7m breaches the maximum height of 11m for a permitted building by 10.7m. The existing building height varies due to the sloping terrain and sloping roof line between 16.8m and 19.49m above existing ground level.
- [38] The subject site is surrounded by tall buildings that breach the Operative District Plan height controls. The neighbouring building (former National Bank Building) at 193 Princes Street ranges from 16m to 23m above existing ground level. The building next to this at 169 Princes Street is approximately 21-23m above existing ground level. The corner building at 205 Princes Street is approximately 21m from ground level at its highest point.
- [39] The ground contour changes in level by 2.5m from the frontage at Princes Street to the eastern boundary of the subject site, giving the appearance of taller buildings along the Princes Street frontage even though they are all of a similar height above ground level.
- [40] The most prominent public view point is looking from the edge of the Queens Gardens looking west. It is from this view point that the roof outline will be most prominent. This view point however does include a backdrop of existing buildings that sit higher due to the sloping terrain. The submitter does not oppose the proposed maximum height breach, but their Consultant Heritage/Architecture Historian; Michael Findlay notes

*"in my view the relationship between the existing and proposed structures could be reconsidered to generate less of a clash at roof level which, because of the lower relative height of the overall structure, allows the addition to be seen from above and below. A simplified roofline above a clerestory as proposed would maintain the desired effect inside the apartment while alleviating the visual impact for neighbours and users of Queens Garden."*

- [41] Councils Urban Designer has reviewed the proposal and comments on the proposed height breach as follows:

*"...The applicant points out that the height breach would not be visible from Princes Street and that, in terms of the additional height, would be consistent with neighbouring buildings. I agree with this opinion and add that the precinct has a concentration of very tall buildings and this height breach is relatively insignificant when considering the context. Effects from Dowling Street and lower High Street need to be considered, however."*

*The former National Bank Building at 193 Princes Street has a similar roof top annex. This sits considerably higher than the proposed extension however, and I do not believe it would be disadvantaged in terms of shade or sun as there would be about 25m of separation between units. Furthermore, the proposed unit is to the south of 193 Princes north /west afternoon sun would not be affected.*

*While the extension would be visible from a public place, I do not believe this would have negative effects. A distinguishing feature of the proposal is a saw tooth roof line as viewed from the east. This adds a layer of visual interest to a view that is essentially the back of buildings facing into the DCC Dowling Street car park. I feel that this is a well-considered response to the extra height and it improves an otherwise bland sky line. The proposal also provides the benefit of additional passive surveillances over the car park and is set well back from streets that would have a view of it.*

*While the southern boundary shares a wall with 1 and 5 Dowling Street, I do not believe it would significant shading to the adjoining properties (which are very much orientated to the south and south east).*

*I believe the proposal would have less than minor effects on both streetscape and precinct values."*

- [42] Overall I agree with the applicant, submitter and Councils Urban Designer that the effects of the proposed height breach in the existing environment will have little effects on the built form and character of the immediate location and the Central Activity Zone as a whole. The Townscape Values in the Operative Dunedin City District Plan also identify the location as having taller buildings and recognises this as a value to be protected. In my view, in this location the proposed height of the building is considered to be acceptable.

### **Townscape (Operative Plan Assessment Matter 13.7.3)**

- [43] Any addition that is visible from a public place requires a land use consent to ensure that the relevant precinct values identified in the plan are maintained or enhanced. The precinct values for this site are:

*"The Exchange area was at the heart of Dunedin's early development. A plaque set in the footpath at the intersection of Water Street and Princes Street marks the landing place of the ship 'John Wickcliffe' which brought the first British settlers to Otago in 1848.*

*The discovery of gold in 1861 brought with it a rapid growth and great prosperity to Dunedin which, before the turn of the century, became established as the commercial capital of New Zealand. This prosperity was centred in the Exchange area and was reflected in the quality of its architecture. Many of the City's and the country's most imposing buildings were constructed there. The North Princes Street/Moray Place/Exchange Townscape Precinct progressively became a centre of outstanding examples of Victorian architecture, many of which survive today. Banks, insurance companies, top quality hotels and department stores as well as the Stock Exchange, telegraph office and post office were concentrated in the Exchange, which at that time was also the centre of the City's transport network. It was of course from the Stock Exchange (present site of John Wickcliffe House) that the 'Exchange' derives its name. In 1872, Cargill's Monument was relocated from the centre of the Octagon to the Exchange.*

*Although new office development is taking place in many parts of the Central Activity Zone, the Exchange is still the 'office core' of the City. Housed in imposing buildings within the area are many insurance companies, many of the City's central government offices and numerous professional practices. This trend continues with the lining of the northern end of Princes Street with many of Dunedin's largest and most noteworthy commercial buildings, including several leading examples deriving from the Modern Movement in architecture. More recent additions to this area of the precinct have continued its tradition as the high rise centre of Dunedin.*

*The concentration of many of Dunedin's tallest buildings here establishes an urban quality unique in the City."*

*"There is an evident showcase of architectural styles in the precinct, the styles varying in period and design."*

- [44] The description above was included in the Operative Plan approximately 14 years ago. I consider the description still valid today. Since this description was added to the plan a significant number of Dunedin's Historic buildings in this area have undergone renovations and upgrades providing interesting spaces for new and existing activities. The description that is most relevant to this application is the height of the existing buildings and the integration of modern architecture and different architectural styles. This precinct is not described as lacking in relation to the integration of these new and different styles, in my opinion it is seen to be enhanced by them. Ultimately peoples' opinions will always differ on whether the combination of old and new styles of architecture in a Townscape Precinct is a positive or negative effect. But the Operative Plan, in this Townscape Precinct recognises that both new and old styles of architecture can be accommodated without having negative adverse effects on the precinct values.

- [45] Precinct Values relevant to this application:

- *The quality and concentration of heritage architecture in the Exchange area.*
- *Buildings are not set back from the street frontage, are substantial and monumental.*
- *Buildings occupy the full width of their site at the street frontage.*
- *Buildings incorporate design elements and skyline features such as a cornice, parapet, pediments, finials or equivalent features which provide visual interest at the top of the buildings.*
- *Ornaments are included as an integral part of the buildings' design.*
- *Buildings are clad with plaster, red brick, stone, concrete or materials giving similar visual effect.*
- *Window layouts are symmetrical or rhythmical and are generally consistent with the proportioning of windows of heritage buildings of the precinct.*
- *Colour schemes are consistent with the buildings' architectural detail and colours are subdued.*
- *Buildings from the Octagon to Manse Street are between 12 m and 32 m in height.*

- [46] The submission received in opposition relates to the effects of the proposal, (particularly the design of the roof) on the Precinct Values and Character of the surrounding area. The submitter does not oppose the establishment of an addition to the building, the submission relates to the design of the proposed addition. The opposing submission maintains that the "folded fan" roof form does not relate with the Stanton Building or the surrounding buildings and thereby detracting from an otherwise coherent pattern. Mr Findlay in his letter

supporting the applicant's submission identified alternative design solutions that could be administered to reduce effects of the proposal including:

*"...bringing the external walls of the apartment into line with the strong geometry of the floor plate and the vertical thrust of the lower storeys would allow the two structures to relate better. The developer notes that the building was intended to have two further floors so a continuation of the existing solid/void relationship of the lower walls would be desirable. An open frame using the existing scale of the lower floors would allow the new addition to blend more successfully. I note that the plan has been worked out to allow convenient sized rooms and good outlook for its occupants and would not suggest changes that negatively affected this."*

- [47] The applicant during the site visit, indicated that there is potentially some scope for lowering the overall roof height and creating a roof light/ roof lantern structure to allow sufficient height and light penetration over the proposed mezzanine floor. At the time of writing this recommendation no new or altered designs have been submitted to council. The applicant has the opportunity to revisit the design prior to the exchange of evidence if desired provided that it is within the scope of the current application. This may alleviate concerns raised by the submitter, but in my view these changes are not essential mitigation necessitating conditions of consent requiring the applicant to do so.
  
- [48] The description of the existing environment as having a coherent pattern in the submission is at odds with the precinct description which acknowledges the different styles and ages of architecture in the precinct. There is no doubt that the proposed roof design will contrast with the existing building design but I am not convinced that this should be seen as an adverse effect. The opposing submission offers that their opposition would be allayed by a less obvious treatment to the façade facing the Queens Gardens.
  
- [49] The opposing submission refers to the Queens Garden as the *"most significant piece of urban green space in the commercial centre of Dunedin"*. Although I agree with the submitter that the Queens Gardens green space is an important part of the urban environment, not so much for its use as a recreational area, but as a relief from the built form which surrounds it. I would posit that the Octagon is the most significant green space in the commercial centre of Dunedin. The view from the Queens Gardens across a car park and State Highway One towards the subject site is a view containing mostly the backs and sides of large buildings. These building facades incorporate exterior plumbing, fire escapes, roof top plants and largely unadorned fenestrations. The proposal to establish the apartment building with the proposed roof line will be visible and it will have a different character than the existing built form. However, I would argue that this would not have an impact on the Queens Gardens and its function as a significant green space.
  
- [50] Council's Heritage Planner, Dan Windwood has reviewed the application and the potential effects on precinct values. His comments are as follows:

***"Assessment Matters***

*In assessing any application to alter or extend any building(s), or parts of a building, listed in Schedule 25.1 or located within townscape and heritage precincts, the Council will, in addition to the matters contained in the Fourth Schedule of the Act, consider where appropriate:*

**(i) The profile of the building or structure as viewed from public places.**

*The existing building has a plain mono-pitched roof that does not particularly suit the character of the area. Archival evidence indicates that the building was originally designed to be several storeys taller. Adjacent buildings are several storeys higher, as is the lift tower on the roof of the western half of the building facing Princes Street. The site of the new extension will not therefore be silhouetted against the sky and instead will be viewed against a backdrop of the rear elevations of other buildings. The proposed development will change the profile of the building through the insertion of a new range of roof pitches. In light of the poor quality design of the existing roof and the lack of any significant impact on the skyline as viewed from Queens Gardens or Princes Street, I consider that the proposed extension does not significantly harm the profile of the building.*

**(ii) The main determinants of the style and character of the building.**

*The rear of the existing building is plain but well-proportioned in rendered brick. It is a functionalist elevation with limited architectural detailing and lacks a substantial parapet or cornice. The proposed extension contrasts with the style and character of the building through its choice of materials and the non-rectilinear roof design.*

**(iii) The scale of the original building and the extent to which any changes are visually dominant.**

*The proposed extension is one-and a half storeys tall, and sits on top of the existing four storey building and replaces its present roof. The scale of the development is not considered to be visually dominant when compared with the size of the existing building and those around it.*

**(iv) The design and appearance of the building, including cladding materials, openings and colour.**

*The design of the existing building is functional with a rhythmic composition of window openings. The proposed extension respects the horizontal lines of the existing building but not its verticals, but the setback from the building's edge reduces the impact of this misalignment. Due to the incomplete appearance of the existing building, the proposed extension will provide a form of pediment that is currently missing from the rear elevation.*

**(v) The townscape and heritage significance of the buildings (and in the case of buildings and structures registered by the New Zealand Historic Places Trust, the reasons for the registration).**

*The building's principal significance in the North Princes Street/Moray Place/Exchange Townscape Precinct is due to its contribution to the appearance of Princes Street. The proposed extension will not impact on its appearance from Princes Street.*

**(vi) The relationship of the building to the setting.**

*The existing building contributes to the setting of the Queens Gardens Heritage Precinct as it helps form part of the eastern boundary. However, the proposed extension will only have a very limited impact*

on the appearance of this boundary due to the taller buildings surrounding it. It would also be hidden from public view from Queens Gardens should development occur on the adjacent car park site.

**(vii) The importance attributed to the heritage resource by the wider community.**

*The public value of the existing building is primarily linked to its restored appearance to Princes Street. The public value of Queens Gardens includes the views from the space outwards but in light of the limited impact of the development on this as discussed above the proposed extension is unlikely to have a significant impact on this.*

**(viii) The values of any precinct in which the building or structure is or may be located.**

*The precinct values in the District Plan appear to mainly relate to the appearance of properties when viewed from Princes Street. That said, the proposed extension accords with the desire to see that buildings incorporate design elements and skyline features which provide visual interest at the top of the buildings. The proposed extension does continue to emphasise a vertical dimension, but the change of rhythm in its window layouts does not fully accord with the precinct values. In this case, I consider that the proposed setback from the edge of the existing building partially mitigates this issue.*

**(ix) The conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.**

*The proposed extension accords with paragraph 21 of the Charter as it would be substantially reversible, and would have little or no adverse effect on the cultural heritage value of the place. The proposed extension is considered to be compatible with the original form and fabric of the place and is not considered to incorporate inappropriate or incompatible contrasts of form, scale, mass, colour, and material.*

**(xi) The authenticity of the architectural design of the building, particularly where missing elements on main elevations are being restored.**

*The proposed extension would not have any significant impact on the authenticity of the architectural design of the building as it would be clearly visible as a modern addition.*

**Summary**

*The proposed extension would have a less than minor impact on the heritage value of the building or the North Princes Street/Moray Place/Exchange Townscape Precinct or the setting of the adjacent Queens Gardens Heritage Precinct."*

- [51] The main points of contention in this application are the design of the roof and the set back of the apartment from the exterior walls of the existing building. The submitter proposes an alternative more subtle design approach. Although I do concede that the design amendments proposed by the opposing submission would allow the addition to blend with the existing building and would not contrast with the existing building, I also agree with the Councils Heritage Planner that the effects of the proposed design on the values of the Townscape Precinct in the existing environment will be minimal.

### **Acoustic Insulation for Residential and Commercial Residential Activities (Operative Plan Assessment matter 9.9.17)**

- [52] The Operative District Plan requires any kitchen, dining area, living room, study or bedroom in a building to be used for a Residential Activity or Commercial Residential Activity to be acoustically insulated from noise from the external environment.
- [53] The applicant indicates that they intend to engage consultants to ensure the proposed apartment complies with the acoustic and mechanical ventilation standards set out in Rule 9.5.2(x), and that the appropriate certification will be provided with the building consent application for the proposal.
- [54] As suitable acoustic insulation is a district plan requirement for residential activities in the Central Activity zone, an advice note is included in this decision advising the applicant of the requirements still applicable to the development at building consent stage relating to acoustic design.

### **Positive Effects**

- [55] The positive effects arising from this development is the adaptive use of a vacant building. The owner has demonstrated skill and attention to detail in the redevelopment of the neighbouring Standard Building on the site. I have no doubt that if the same level of detail and effort was applied to the Stanton Building that the positive effects would outweigh any potential perceived adverse effects generated by the increase in height or the introduction of a new building style.

### **Cumulative Effects (Operative Plan Assessment Matter 9.9.10 )**

- [56] 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".*

- [57] 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'.
- [58] The existing environment is made up of a cluster of buildings which breach the maximum height controls in the Operative Plan. These buildings predate the Operative Plan and the effects of the existing activity in the area are presently not significant. The effects from this proposal are not expected to add to the existing effects such that the cumulative effects will be no more than minor. Future applications for activity in the area, beyond that permitted 'as-of-right' by the District Plan, will be assessed as and when they arise and the potential for cumulative effects considered again at that time.

### **Proposed 2GP**

- [59] In this instance, there are no applicable assessment rules.

### Effects Assessment Conclusion

- [60] After considering the likely effects of this proposal above, overall, I consider the effects of the proposal can be appropriately mitigated by conditions of consent so as to be acceptable.

### OBJECTIVES AND POLICIES ASSESSMENT

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

- [61] 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 (Operative Plan)

- [62] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

#### Sustainability Section

| Objective/Policy                                                                                                                         | Is the proposal Consistent with or Contrary to the Objectives and Policies?                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Objective 4.2.1</b><br>Enhance the amenity values of Dunedin.                                                                         | The proposal is considered to be a sustainable use of existing infrastructure. Residential Activity is a permitted activity in the zone. The proposal involves enhancement to an underutilised building. It is considered that the proposal is <b>consistent</b> with these objectives and policies. |
| <b>Policy 4.3.1</b><br>Maintain and enhance amenity values.                                                                              |                                                                                                                                                                                                                                                                                                      |
| <b>Policy 4.3.8</b><br>Avoid the indiscriminate mixing of incompatible uses and developments.                                            |                                                                                                                                                                                                                                                                                                      |
| <b>Policy 4.3.10</b><br>Adopt a holistic approach in assessing the effects of the use and development of natural and physical resources. |                                                                                                                                                                                                                                                                                                      |

#### Activity Zones Section

| Objective/Policy                                                                                                                                                                                                                        | Is the proposal Consistent with or Contrary to the Objectives and Policies?                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Objectives 9.2.1</b> Provide for business, recreational, social, cultural, religious and commercial activities in the Central Activity Zone and Local Activity Zones and enhance the amenity there to make them pleasant for people. | The Operative Plan explanation for these objectives and policies is that adverse effects associated with activities undertaken within the Inner City Area and Local Activity Zones include those that relate to traffic, pedestrians, safety, impacts on amenity values and impacts upon heritage and townscape values.<br><br>The proposal to increase the height of the building in this location is not considered to impact on the amenity values of the Central Activity Zone. Mixed use is promoted in the |
| <b>Objective 9.2.3</b><br>Avoid, remedy or mitigate the adverse effects of activities undertaken in the Inner City Area and Local Activity Zones.                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Objective 9.2.5</b> Ensure that the                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Central Activity and Local Activity Zones continue to develop as 'people places'.                                                                    | <p>Central Activity Zone with controls on acoustic insulation to maintain amenity for residents. The plan recognises the effects of conflicts and compatibility of use. The proposed building height in this location is not considered to be incompatible with the use of the surrounding buildings.</p> <p>The reasons for imposing these objectives and policies are for the improvement of amenity values in the Central Activity Zone to make the area more enjoyable for people. This requires consideration of:</p> <ul style="list-style-type: none"> <li>• sense of place, identity, ownership</li> <li>• mix of functions and activities, both commercial and non-commercial</li> <li>• human scale - pedestrian city scale as opposed to car city scale</li> <li>• accessibility</li> <li>• protection of heritage, townscape and archaeological values</li> <li>• admission of sunlight</li> <li>• shelter from adverse weather conditions</li> <li>• reduced volumes of vehicular traffic, travelling at slower speeds, with a balance between pedestrian and vehicular traffic</li> <li>• safety</li> <li>• appropriate lighting</li> <li>• protection of important vistas</li> <li>• clearly defined edges to activities</li> <li>• provision of appropriate street furniture and landscaping, places to sit, eat, talk, watch and such like.</li> </ul> <p>The proposal is in keeping with these objectives and policies. The proposal will add vibrancy and interest to this area of the city. I have no reason to believe that the increase in roof height will adversely affect the admission of sunlight to neighbouring properties/buildings. The proposal is seen to be <b>consistent</b> with these objectives and policies.</p> |
| <b>Policy 9.3.1</b> Provide for a compatible mix of business, social, cultural, religious and commercial activities in Activity Zones.               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Policy 9.3.3</b> Enhance amenity values in the Central Activity Zone.                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Policy 9.3.10</b><br>Recognise that people living in the Activity Zones cannot expect the same level of amenity encountered in residential zones. | <p>The Operative District Plan recognises that people choose to live in Activity Zones for convenience and lifestyle opportunities. A wider range of activities is provided for in the Activity Zones, and the effects of these may be greater than expected in residential zones. For example, the greater volume of traffic, night time activities and business operations can potentially create a greater degree of noise. Subject to recommended conditions of consent I believe that the proposal is <b>consistent</b> with these policies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Policy 9.3.12</b><br>Ensure compatibility and avoid noise conflict in inner city Activity Zones.                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## Townscape Section

| Objective/Policy                                                                                                                                                                                                                                                                | Is the proposal Consistent with or Contrary to the Objectives and Policies?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Objective 13.2.5</b> Ensure that the character of significant townscape and heritage precincts is maintained or enhanced.</p>                                                                                                                                             | <p>The submitter is opposed to the design of the roof due to its impact on precinct values. The operative plan requires development to be compatible with the existing townscape character in order that the visual integrity of the central City precincts is retained. The plan seeks to protect heritage and townscape values.</p> <p>These objectives and policies apply to the whole precinct whether it is the backs of buildings or a prominent corner façade. The objectives and policies also apply to all buildings whether they were established in the 1900s or 1980s. This building is not a scheduled building in the operative plan.</p> <p>As the proposed roof line is not of a typical heritage style and does contrast with the existing building that it is located on and amongst, the proposed apartment addition is seen to be <b>inconsistent</b> with these objectives and policies.</p> |
| <p><b>Policy 13.3.4</b> Protect and enhance the heritage and townscape values of the following precincts:<br/>North Princes Street/Moray Place/Exchange Townscape</p>                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Policy 13.3.5</b> Require within identified precincts that any development, including alterations and additions to buildings and changes to the external appearance of buildings, maintain and enhance the townscape, heritage character and values of that precinct.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Objective 13.2.6</b> Ensure that development (including alterations and additions to buildings) does not adversely affect the character and amenity of the central City precincts.</p>                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Policy 13.3.9</b> Require alterations to the external design and appearance of all buildings within identified precincts to be in keeping with the character of the precinct.</p>                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Policy 13.3.10</b> Encourage restoration, conservation, continued use and adaptive re-use of buildings with townscape and heritage values.</p>                                                                                                                            | <p>The Operative Plan recognises that encouraging the re-use of historic and heritage buildings will help ensure their continued maintenance and viability. Maintaining or re-using existing buildings maintains a degree of continuity with the City's history. This assists the retention of townscape and heritage values which is an important part of establishing, strengthening and sustaining a sense of place and identity for present and future generations. The proposal is <b>consistent</b> with this policy.</p>                                                                                                                                                                                                                                                                                                                                                                                   |

## Proposed 2GP

[63] 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:

### Heritage Provisions

| Objective/Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Is the proposal Consistent with or Contrary to the Objectives and Policies?                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Objective 13.2.3</b> The heritage streetscape character of heritage precincts is maintained or enhanced.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The proposed plans objectives and policies in relation to heritage precincts is similar to the Operative Plan Townscape Provisions, however the Proposed Plan endeavours to recognise development and the potential in terms of long term protection and future use of the building that might outweigh any adverse effects on heritage street character. In light of this proposed policy the proposal is considered to be <b>consistent</b> with the objectives and policies in the Heritage Section of the Proposed Plan.</p> |
| <p><b>Policy 13.2.3.3</b> Require development within commercial heritage precincts to maintain or enhance heritage streetscape character by ensuring:</p> <ul style="list-style-type: none"> <li>a. off-street car parking is located within or behind buildings;</li> <li>b. building heights, boundary setbacks, and scale reflect heritage streetscape character;</li> <li>c. vehicle crossings are kept to a minimum, including avoiding commercial drive-through facilities; and</li> <li>d. network utility structures are appropriately located.</li> </ul>                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Policy 13.2.3.5</b> Only allow other additions and alterations to character-contributing buildings and larger additions to non-character contributing buildings, where visible from a public place, where their design, materials and location achieve the following:</p> <ul style="list-style-type: none"> <li>a. for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the benefits in terms of long term protection and future use of the building outweighs any adverse effects on heritage street character; and</li> <li>b. for all other additions and alterations, heritage streetscape character is maintained or enhanced.</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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|-----------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Policy 13.2.3.9</b> Require buildings within commercial heritage precincts, where painted, to be a muted or heritage palette colour. |  |
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### Commercial and Mixed Use Zones Section

| Objective/Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Is the proposal Consistent with or Contrary to the Objectives and Policies?                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Objective 18.2.1</b> Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:</p> <ul style="list-style-type: none"> <li>a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The proposed building height in the Proposed 2GP is 16m. The proposed plans objectives and policies are similar to those which exist in the Operative Plan for the Central Activity Zone. The proposal is seen to be <b>consistent</b> with these objectives and policies.</p> |
| <p><b>Policy 18.2.1.1</b> Provide for a wide range of commercial, residential and community activities in the CBD and all centre zones in order to encourage vibrant and viable centres.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                   |
| <p><b>Objective 18.2.2</b> The potential for conflict between activities within the commercial and mixed use zones, including between residential activity and noisier activities, and between activities within the commercial and mixed use zones and sensitive land uses in adjoining residential and recreation zones is minimised through adequate separation distances and other mitigation measures which ensure:</p> <ul style="list-style-type: none"> <li>a. the amenity of adjoining residential and recreation zoned sites is maintained; and</li> <li>b. the potential for reverse sensitivity effects from more sensitive land uses (for example residential activities) on other permitted activities in the commercial and mixed use zones is minimised.</li> </ul> |                                                                                                                                                                                                                                                                                   |
| <p><b>Objective 18.2.3</b> Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
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| pedestrian street frontages.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <p><b>Policy 18.2.3.1</b> Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring:</p> <ul style="list-style-type: none"> <li>a. an attractive street interface is maintained, through landscaping where buildings are not built to the street frontage;</li> <li>b. large parking areas, which are visible from the street, are visually broken up with internal landscaping, which also provides for rainwater absorption;</li> <li>c. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place;</li> <li>d. building height reflects the general heights of the block; and</li> <li>e. an architecturally interesting façade through building modulation and use of glazing.</li> </ul> |  |

### Overall Objectives and Policies Assessment

[64] The key objectives and policies in the Operative and Proposed Plan that relate to this application is whether the proposed apartment enhances and maintains the value of the precinct in which it is placed. I consider the proposal to establish a roof top apartment in this location is not inconsistent or contrary to the objectives and policies. When weighing the objectives and policies against the design of the proposed roof there is an obvious tension between what is "enhancement" and what is considered "maintenance" of Townscape Precinct values. The description of "Townscape" rather than "Heritage" precinct gives the impression that the values less focused on pure heritage restoration and conservation and more inclusive of new architectural styles. I agree with Council's Urban Designer and Heritage Planner that the proposal will have less than minor effects on both streetscape and precinct values. The proposed roof design will not enhance the existing building in the sense that it is not a heritage restoration but neither will it adversely affect the existing building or surrounding environment in a material way.

[65] Having regard at the relevant objectives and policies individually, and considering these in an overall way, the above assessment indicates that the application is **consistent** with those provisions.

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

[66] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago

was made operative in October 1998. Given its regional focus, the regional policy statement does not have a great bearing on the current application. However, Chapter 5: Land is relevant in that it seeks to promote sustainable management of Otago's land resources. The proposal is to establish an apartment building on an existing building and does not involve removal of an existing building in a heritage building. It is considered to be consistent with the relevant objectives and policies of the statement.

## DECISION MAKING FRAMEWORK

### Part 2 Matters

- [67] There is no ambiguity, incompleteness or illegality of the Operative and Proposed plan that necessitate reference to Part 2 of the Act.

### Section 104

- [68] Section 104(1)(a) states that the Council shall 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 not be significant and can be adequately avoided remedied or mitigated provided recommended conditions of consent were adhered to.
- [69] 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.
- [70] 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, In particular .

## CONCLUSION

- [71] Weighing all the relevant considerations I recommend that the objectives and policies of the Operative and Proposed Dunedin City District Plan would be better achieved by granting (subject to the proposed conditions) than refusing consent.

[72]

## RECOMMENDATION

*That, pursuant to Sections 34A(1), 104 and 104C of the Resource Management Act 1991, and the provisions of the Operative Dunedin City District Plan 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 roof top apartment on the building described as the Stanton Building in the application on the site at 201 Princes Street, Dunedin, legally described as Lot 2 Deposited Plan 459721, Lot 5 Deposited Plan 459721, Lot 1 Deposited Plan 485496, Part Section 55 Block IX Deposited Plan 1729 Town of Dunedin (Computer Freehold Register 724767), subject to the conditions imposed under Section 108 of the Act, as shown on the attached certificate.*

**Recommended Conditions:**

- 1 *The proposed activity shall be undertaken in general accordance with the site plan, elevations and the information provided with the resource consent application, received by the Council on 10 October 2016; except where modified by the following conditions.*
- 2 *That a suitably recessive colour scheme for the exterior surfaces of the new apartment building shall be submitted to the Resource Consents Manager for approval and the new apartment building shall painted/finished in those approved colours within 6 months of the building being constructed.*

**Recommended Advice Notes:**

- 1 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 2 Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 3 The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- 4 It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
- 5 Unless otherwise specified all conditions should be complied with within 12 months of the consent having been given effect to.
- 6 This is a resource consent. Please contact the Council's Building Control Office, Development Services, about the building consent requirements for the work.
- 7 Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.
- 8 This consent does not authorise the roof top addition on the Standard Building located on the same site fronting Princes Street. The applicant is required to apply for a separate land use consent for this development.
- 9 The operative plan requires Acoustic Insulation for Residential Activities in the Operative Plan and controls ventilation for residential activities. It is advised that the proposed apartment is still required to comply with the performance standards set out in the Central Activity Zone of the Operative Plan. Details on how the proposal will meet these requirements will be required prior to issue of building consent. For ease of reference these are noted below:

*Any kitchen, dining area, living room, study or bedroom in a building to be used for a Residential Activity shall be acoustically insulated from noise from the external environment. The Airborne Sound Insulation provided to insulate these rooms shall achieve a minimum performance standard of  $D_{2m, nT,w} + C_{tr} > 30$ .*

*Compliance with this performance standard shall be achieved by ensuring that the rooms identified above are designed and constructed in accordance with either:*

- A construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the minimum performance standard; or*
- An acoustic design certificate signed by a suitably qualified engineer stating that the design as proposed will achieve compliance with the minimum performance standard.*

### **Ventilation**

*Where compliance with the requirements of the Building Code (G4) for natural ventilation within bedrooms is achieved by opening windows, the bedrooms are to be supplied with a positive supplementary source of fresh air ducted from outside. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.*

- For the purposes of this rule bedrooms are defined as any rooms intended to be used for sleeping.*
- Compliance with this performance standard shall be achieved by a ventilation design certificate signed by a suitably qualified ventilation engineer stating that the design as proposed will achieve compliance with the minimum performance standard.*

### **REASONS FOR RECOMMENDATION**

- [72] 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
- [73] The proposal is considered to be consistent with the key relevant objectives and policies of both the Dunedin City District Plan and the Proposed 2GP.
- [74] Overall, the proposed development has been assessed as not being likely to give rise to adverse effects on those elements of the Central Activity Zone or the Townscape Precinct Values that the Operative Dunedin City District Plan seeks to protect.

Report prepared by:

Amy Young  
Planner

Date

Report checked by:

John Sule  
Senior Planner

Date