

23 November 2018

Hamish McNeilly
E-mail: Hamish.mcneilly@fairfaxmedia.co.nz

Dear Hamish

Local Government Official Information and Meetings Act 1987 (LGOIMA)

I refer to your e-mail of 30 July and our correspondence extending the time frame to respond to your request. Please accept our apologies for the delay in responding.

You have asked for all emails concerning the Archibald Baxter Memorial over the last year.

After reviewing all the e-mails related to this matter there is only one which falls within the parameters of your request. However, I have also attached for your information the Resource Consent Application and decision, which you may find of interest.

Yours faithfully



Jennifer Lapham
Governance Support Officer

Jenny Lapham

From: Angus Robertson
Sent: Tuesday, 17 October 2017 04:30 p.m.
To: Warren Biggs; Jendi Paterson; Crystal Filep; Rachael Eaton
Subject: Baxter Memorial update
Attachments: 2656 - Baxter Memorial - Albany Street - For Resource Consent - 22 Mar 2017.pdf

Hi all,


I have just met with Stuart Anderson, the recently appointed project manager for the Archibald Baxter Memorial project on Albany Street. The Trust are currently having structural and geotech reports completed to get to PARS for the consent application as soon as possible. They are looking to have consent by the end of the year to begin their funding applications early next year, then an indicative construction start around mid-2018.

Cheers,

Angus Robertson
Parks and Recreation Planner
Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3451
Email: angus.robertson@dcc.govt.nz



 Please consider the environment before printing this e-mail

ARCHIBALD BAXTER MEMORIAL - ALBANY ST

A joint design by Baxter Design, Landscape Architects and Shane Woolridge, Sculptor

For resource consent
22 March 2017

baxter
design



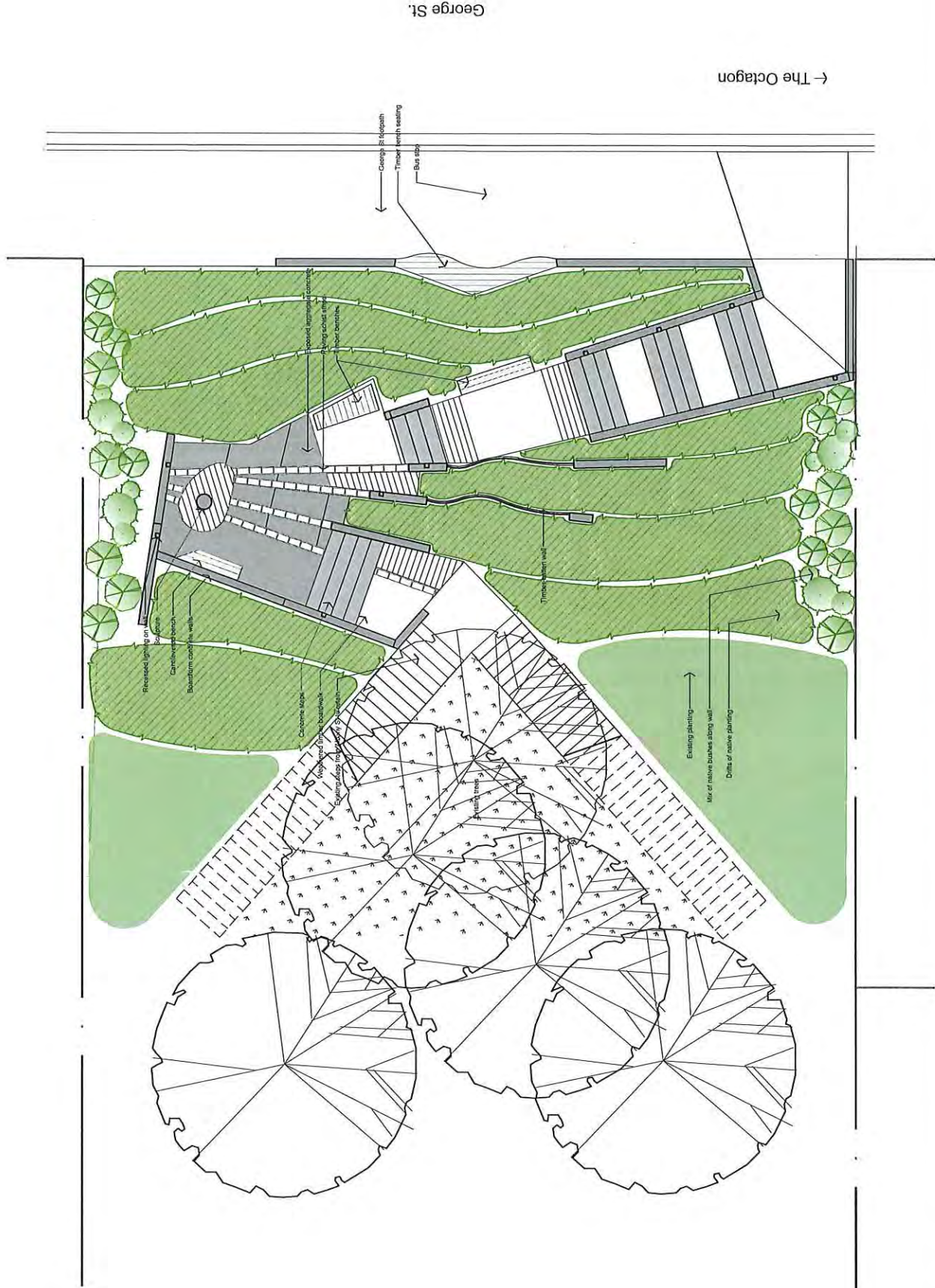
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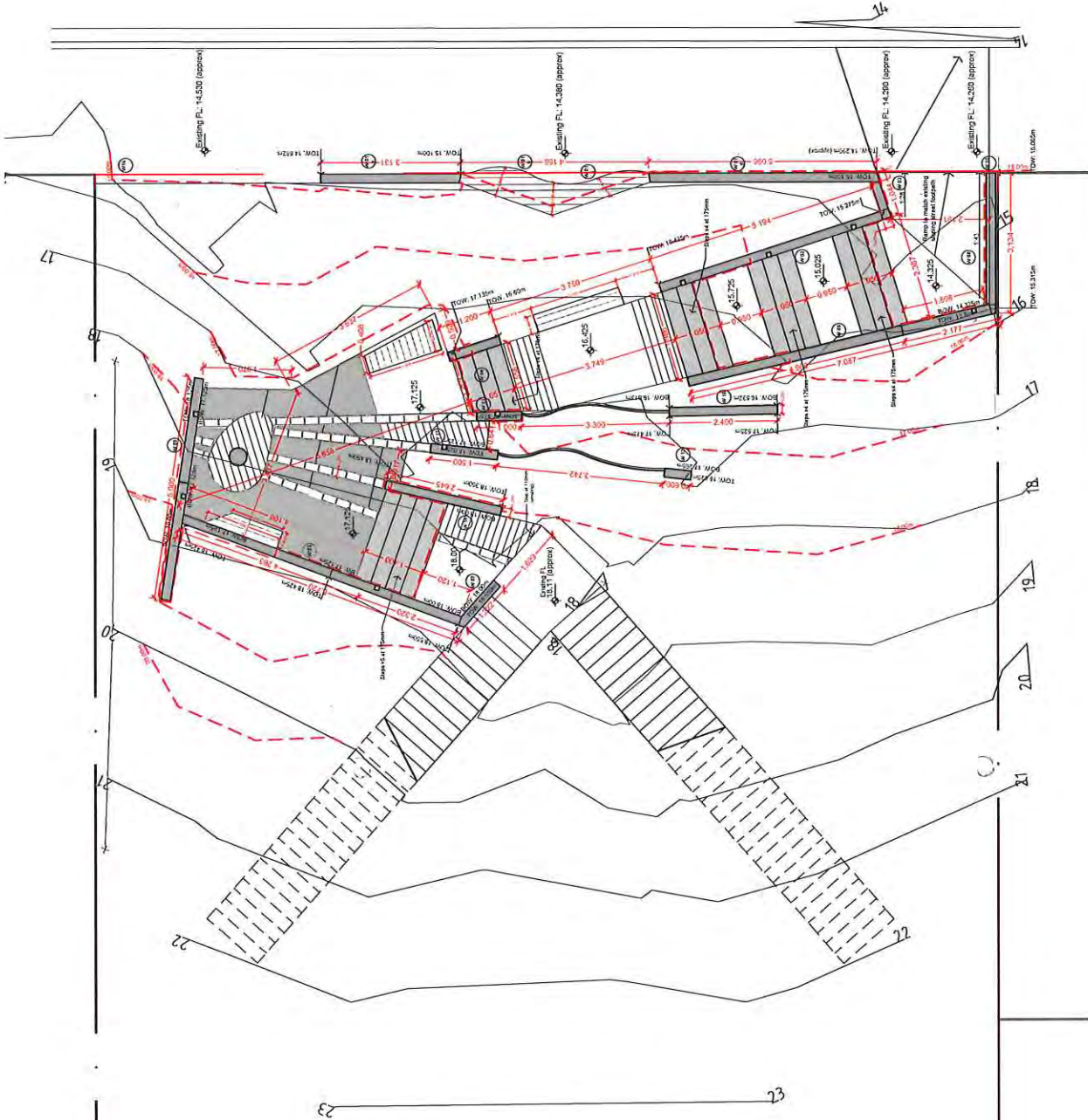
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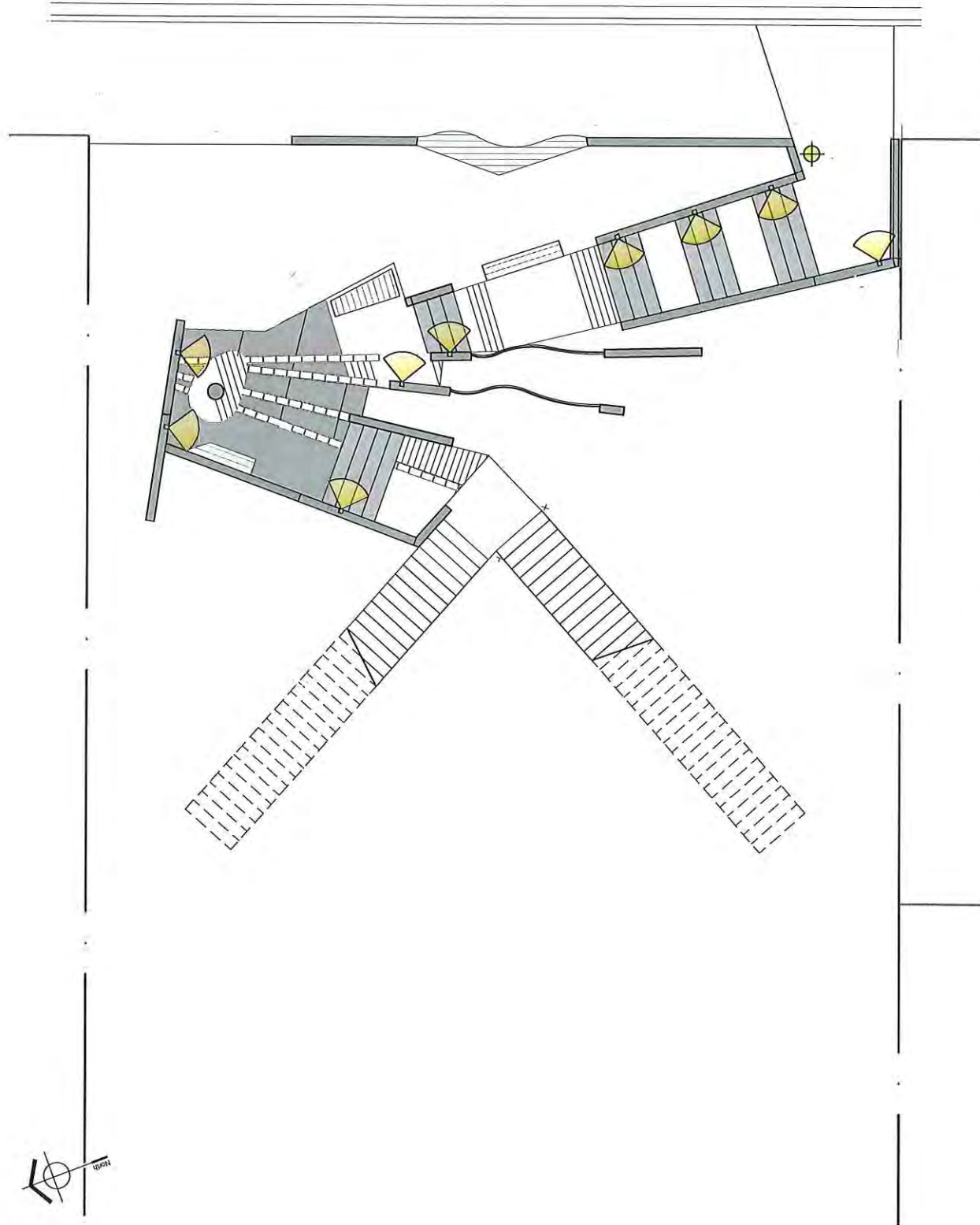
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FOR RESOURCE CONSENT
SHEET 1 OF 6

BAXTER MEMORIAL - ALBANY STREET, DUNEDIN
LOCATION PLAN





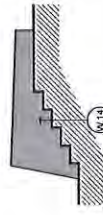
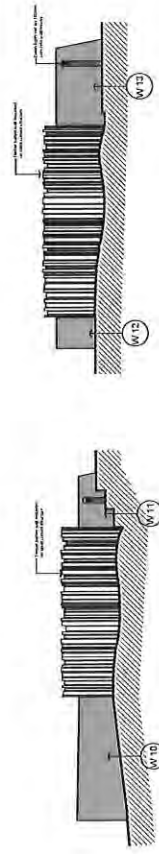
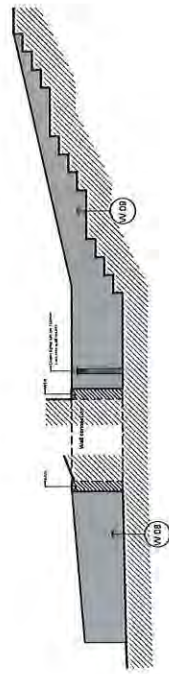
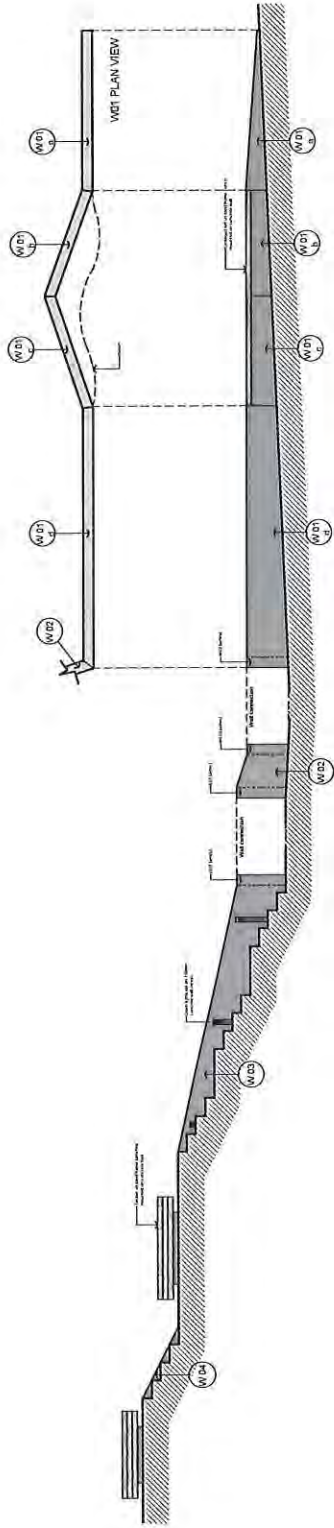


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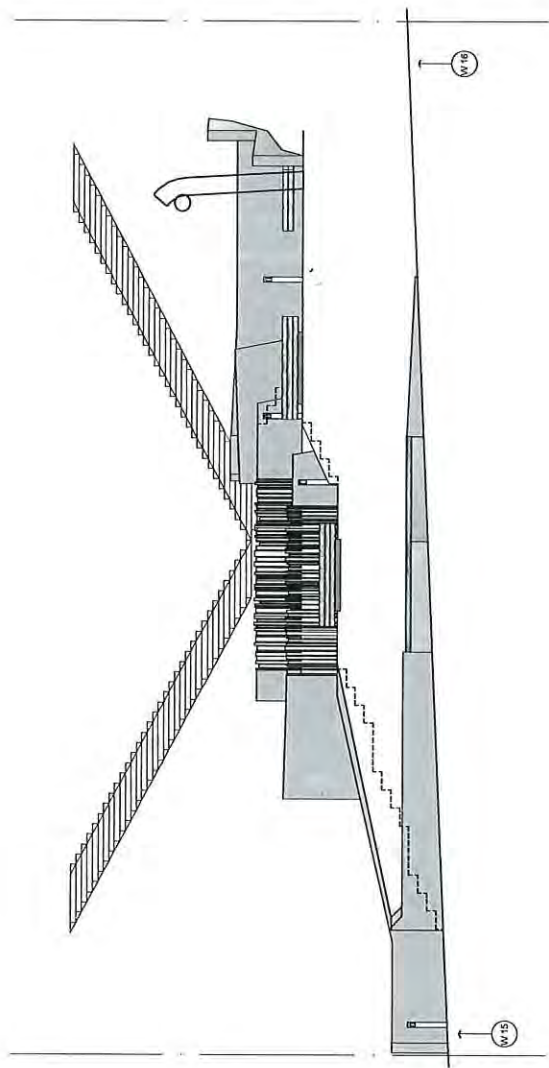
- Lighting pole
- Recessed down light mounted on wall

George St.





Note:
- All walls to be 200mm baseform concrete poured in situ
- All walls elevations are viewed from the roadway



APPLICATION NUMBER:	LUC-2018-294
RELATED APPLICATIONS/LICENCES:	

PLANNING APPLICATION DETAILS FORM

Property Address		Part of a park on Albany Street, Dunedin, west of the intersection of Albany Street and George Street	
Property Description:		Property No: 21, Legal Description:	
First Contact: (Applicant)	Name:	Archibald Baxter Memorial Trust	
	Mail Address:	C/O Mitchell Daysh Limited, PO Box 489, Dunedin 9054	
	Contact Email:	louise.taylor@mitchelldaysh.co.nz	
		Louise Taylor	
	Phone Number:	03 4777 884	
	Method of Service	Preferred Method - Email	
Second Contact: (Agent)	Name:		
	Mail Address:		
	Phone Number:		
	Contact Person:		
Description of Application:		the construction, maintenance and use of the Archibald Baxter Memorial Park including furniture and retaining walls	
Application Type:		Land Use Consent	
Fast Track?			
Consent Type:	Heritage/Townscape	Consent Nature	Other Addition/Alteration
Major Category		Land Use Category D	
Minor Category		Non-Notified - Restricted Discretionary	
Senior Planner or Responsible Officer:		Campbell Thomson	
Lodgement Date:		30 May 2018	Lodgement Officer: Anne Shelah
Amount Paid:	\$0	Invoice Number:	
Waived: <input type="checkbox"/>			
Application Requirements	Signed Application Form		Copy of Title
	Locality Plan		Site Plan
	Plans and Elevations		AEE
	Affected Persons Consent		
Counter Comments:		Full waiver - see cover letter	

Anne Shelah

From: Anna Jones <anna.jones@mitchelldaysh.co.nz>
Sent: Wednesday, 30 May 2018 03:45 p.m.
To: Planning
Subject: FW: Resource Consent Application (email 1)
Attachments: Baxter Memorial FINAL AEE combined.pdf

Categories: Anne

Dear Sir/Madam,

Please find attached a resource consent application, DCC application form and cover letter lodged on behalf of Archibald Baxter Memorial Trust for the construction, maintenance and use of a new memorial park at Albany Street, Dunedin.

Kind regards,
Anna

Unfortunately my email was rejected because it was too big. I am resending in separate emails. Attached is the AEE.

 **Anna Jones**
Consultant

+64 9 486 5773 | +64 21 489 171 | PO Box 33 1642, Auckland 0740
www.mitchelldaysh.co.nz

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Anne Shelah

From: Anna Jones <anna.jones@mitchelldaysh.co.nz>
Sent: Wednesday, 30 May 2018 03:46 p.m.
To: Planning
Subject: FW: Resource Consent Application (email 2)
Attachments: DCC application form.pdf; 02 cov ltr DCC 30 May 2018.pdf

Categories: Anne

As per my previous email.

Attached is the DCC application for and cover letter

 **Anna Jones**
Consultant

+64 9 486 5773 | +64 21 489 171 | PO Box 33 1642, Auckland 0740
www.mitchelldaysh.co.nz

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From: Anna Jones
Sent: Wednesday, May 30, 2018 3:34 PM
To: 'dcc@dcc.govt.nz' <dcc@dcc.govt.nz>
Cc: Louise Taylor <louise.taylor@mitchelldaysh.co.nz>
Subject: Resource Consent Application

Dear Sir/Madam,

Please find attached a resource consent application, DCC application form and cover letter lodged on behalf of Archibald Baxter Memorial Trust for the construction, maintenance and use of a new memorial park at Albany Street, Dunedin.

Kind regards,
Anna

Application Form for a Resource Consent

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Ph 03 477 4000 | www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application details

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

☒ Land Use Consent ☐ Subdivision Consent

I opt out/do not opt out (delete one) of the fast-track consent process (only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity: The construction, maintenance and use of the Archibald Baxter Memorial Park at Albany Street, Dunedin, including associated street furniture and retaining walls.

Have you applied for a Building Consent? ☐ Yes, Building Consent Number ABA _____ ☒ No

Site location/description

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

Street Address of Site: Part of a park on Albany Street, Dunedin, west of the intersection of Albany Street and George Street

Legal Description: Legal unformed road (Albany Street)

Certificate of Title: _____

Contact details

Name: Louise Taylor (applicant/agent (delete one))

Address: PO Box 489, Dunedin Postcode: 9010

Phone (daytime): (03) 4777 884 Email: louise.taylor@mitchelldaysh.co.nz

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

I wish the following to be used as the address for service: ☒ email ☐ post ☐ other _____ (tick one)

Address for invoices or refunds (if different from above)

Name: Processing fees have been waived for this application (see Rachael Eaton)

Address: _____

Bank details for refunds

Bank Account Name: _____

Account Number:

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Bank Branch Account Number Suffix

Ownership of the site

Who is the current owner of the site? Dunedin City Council

If the applicant is not the site owner, please provide the site owner's contact details:

Address: PO Box 5045, Dunedin Postcode: 9058

Phone (daytime): (03) 477 4000 Email: _____

Occupation of the site

Please list the full name and address of each occupier of the site: _____

The site is a park and is not currently occupied

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

_____ (month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Please see the attached documentation.

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

Please see the attached documentation.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? _____ Unformed Road in Road Reserve within Residential 3 zone

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

North Dunedin Residential Townscape Precinct (TH01)

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Please refer to the attached documentation

Affected persons' approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name: _____

Address: _____

Name: _____

Address: _____

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

Please refer to the attached documentation

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have/have not (delete one) been applied for:

☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

Declaration

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

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of ~~Applicant~~/Agent (delete one):



Date: 30/5/2018

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- ☐ Avoid unreasonably prejudicing your commercial position
- ☐ Protect information you have supplied to Council in confidence
- ☐ Avoid serious offence to tikanga Maori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Fees

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

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email developmentcontributions@dcc.govt.nz.

Further assistance

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

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

City Planning Staff can be contacted as follows:

In Writing: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

By Phone: (03) 477 4000, Fax: (03) 474 3451

By Email: planning@dcc.govt.nz

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

Information requirements (two copies required)

- ☒ Completed and Signed Application Form
- ☒ Description of Activity and Assessment of Effects
- ☒ Site Plan, Floor Plan and Elevations (where relevant)
- ☒ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☒ Written Approvals
- ☒ Forms and plans and any other relevant documentation signed and dated by Affected Persons
- ☒ Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)
- ☒ Bank account details for refunds

In addition, subdivision applications also need the following information

- N/A ☐ Number of existing lots. ☐ Number of proposed lots.
☐ Total area of subdivision. ☐ The position of all new boundaries.

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects)?

☐ Yes ☐ No

Application: ☐ Received ☐ Rejected

Received by: ☐ Counter ☐ Post ☐ Courier ☐ Other: _____

Comments: _____

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

Planning Officer: _____ Date: _____

30 May 2018

Dunedin City Council
PO Box 9045
Moray Place
DUNEDIN 9058

Attention: Resource Consents

Dear Sir/Madam

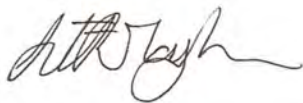
RE: ARCHIBALD BAXTER MEMORIAL PARK – RESOURCE CONSENT APPLICATION

Please find enclosed a resource consent application (electronically) lodged on behalf of Archibald Baxter Memorial Trust for the construction, maintenance and use of a new memorial park at Albany Street, Dunedin.

Please note that Dunedin City Council has agreed to waive processing fees for this application. Please contact Rachael Eaton for confirmation, e-mail: rachael.eaton@dcc.govt.nz.

Please advise if you require an electronic copy of the application.

Yours sincerely,



Louise Taylor
Mitchell Daysh Ltd

louise.taylor@mitchelldaysh.co.nz

Enc



MITCHELL
DAYSH

ARCHIBALD BAXTER MEMORIAL
TRUST

**ARCHIBALD BAXTER
MEMORIAL PARK**

Resource Consent Application

30 May 2018

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Figure 1: Location of the site and its surrounds.

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- Appendix B: Design Plans
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- Appendix D: CPTED Report, Baxter Design, 2 April 2018
- Appendix E: Conditions of Consent



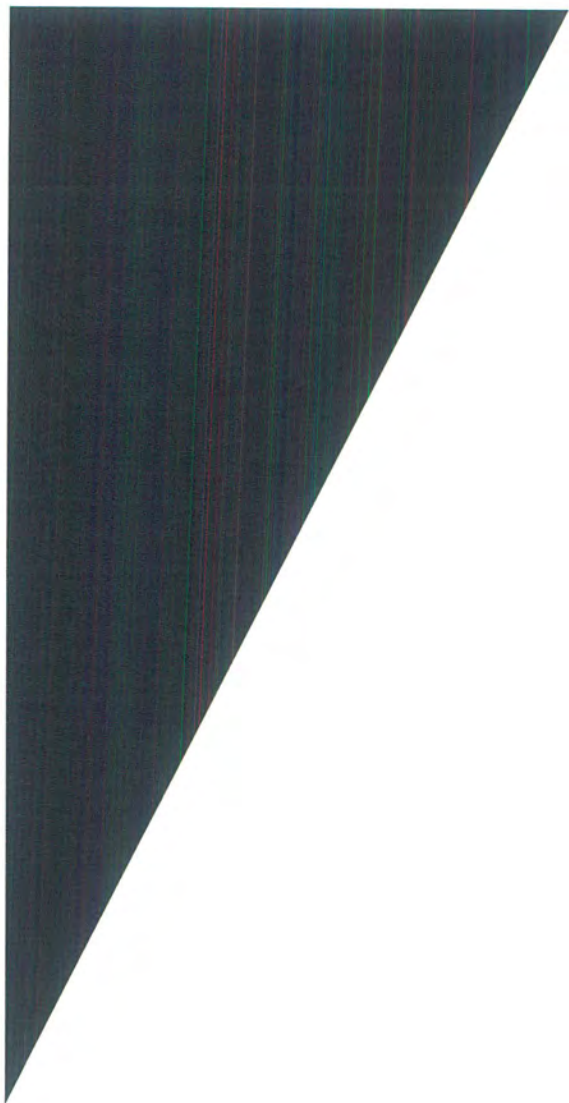
REPORT INFORMATION

Report Status	Final
Our Reference	000447
File Location	Dunedin
Author	Anna Jones
Review By	Louise Taylor

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A



PART A

Resource Consent Application

FORM 9

APPLICATION FOR RESOURCE CONSENT

Sections 88 and 145, Resource Management Act 1991

To **Dunedin City Council**

1. Archibald Baxter Memorial Trust apply for the following type(s) of resource consent:

Land use consent.

2. The activity to which the application relates (the proposed activity) is as follows:

The construction, maintenance and use of the Archibald Baxter Memorial Park at Albany Street, Dunedin, including associated street furniture and retaining walls.

The development occupies the roadside portion of a small park adjacent to George Street, Dunedin, currently being an unformed legal Road – Albany Street. The proposed development includes a series of steps, walls, seating, lighting, planting and a sculpture form, replacing the existing steps that currently exist on site. The existing steps form a pedestrian access from upper Albany Street to George Street. The development maintains this access in a new form, with the sculpture forming a part of the development.

3. The site at which the proposed activity is to occur is as follows:

The site is located at Albany Street, Dunedin, on an area of land west of the intersection of Albany Street and George Street currently forming part of a small park.

The site is legally an unformed legal Road (Albany Street). The site is owned by the Dunedin City Council.

4. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

Owner: Dunedin City Council, PO Box 5045, Dunedin 9058

5. There are no other activities that are part of the proposal to which this application relates.

6. No additional resource consents are needed for the proposal to which this application relates.

7. I attach an assessment of the proposed activity's effect on the environment that—
- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
8. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
9. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
10. I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:

Assessment of Environmental Effects

Design Plans

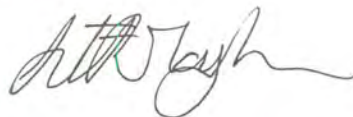
Geotechnical Assessment

Lighting Plans

Conditions of Consent

Date: 30 May 2018

Signature:



(Person authorised to sign on behalf of applicant)

Address for Service: Mitchell Daysh Limited
PO Box 489
Dunedin 9010



Telephone: 03 4777 884
Email: louise.taylor@mitchelldaysh.co.nz
Contact person: Louise Taylor

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. If you lodge the application with the Environmental Protection Authority, you must also lodge a notice in form 16A at the same time.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

If your application is to the Environmental Protection Agency, you may be required to pay actual and reasonable costs incurred in dealing with this matter (see section 149ZD of the Resource Management Act 1991).





B



PART B

Assessment of Environmental Effects

1. INTRODUCTION

This Assessment of Environmental Effects ("**AEE**") is provided in accordance with the requirements of Sections 88 and 221(3) of the Resource Management Act 1991 ("**RMA**" or "**Act**") and the Fourth Schedule to the RMA.

It is in support of a resource consent application made by Archibald Baxter Memorial Trust ("**the applicant**") for the construction, maintenance and use of a new Memorial Park, Albany Street, Dunedin.

2. SITE AND SURROUNDING ENVIRONMENT

The site is located on Albany Street, on an area of land west of the intersection of Albany Street and George Street currently forming a part of a small park. This part of Albany Street is currently an unformed legal Road. There are existing steps that form a pedestrian access from upper Albany Street (formed legal Road) to George Street.

At present the existing steps are lit only by way of overspill from the existing street lighting on George Street.

The upper area of the site has some existing trees that will be retained.

The area surrounding the site is comprised of a mix of land use activities including residential, businesses (including a dairy, clothing store and dentist) and campus.

The site is located at the base of the Albany Street landslide and has been subject to ongoing movement monitoring survey for many years. Geosolve Limited have undertaken a Geotechnical Assessment of the site and concluded that ongoing movement, albeit slow, is inevitable at the site, which may cause some distortion over time of retaining walls and paths. This assessment is found in **Appendix A**.



Figure 1: Location of the on Albany Street.

Two pipes owned by the Dunedin City Council Parks and Recreation Department traverse through the site. These include a stormwater pipe traversing north-south through the centre of the site and a wastewater pipes traversing east-west through the site. There is no conflict between these services and the proposed works

3. THE PROPOSAL

Archibald Baxter Memorial Trust is proposing to establish a new memorial park at Albany Street, Dunedin, on an area of land west of the intersection of Albany Street and George Street currently forming part of a small park. The development includes a series of steps, walls, seating, lighting, planting and a sculpture form, replacing the existing steps that currently exist on site. The purpose of the park is to provide an additional passive recreation area for Dunedin residents and visitors, as well as providing an historical account and memorial of Archibald Baxter (a New Zealand socialist, pacifist and conscientious objector). The existing pedestrian access from upper Albany Street to George Street will be maintained in a new form with the memorial sculpture forming part of the development. The proposal is described in more detail below with the detailed plans attached in **Appendix B**.

Design

The memorial park will include the following features:

- Board formed concrete walls with recessed lighting;
- Sculpture by Shane Woolridge with mixed rock on concrete base;
- Timber benches and decking;
- Random timber palisade fencing on steel frame
- Granite tiles and exposed aggregate concrete;
- Concrete steps;
- Concrete retaining walls;
- Steel handrails;
- Wall mounted light fittings and a new lighting pole; and
- Landscape planting with low-growing plants (including flaxes, coprosma, hebe and grasses).

Retaining Walls

Several retaining walls are proposed. The length of walls varies from 0.6 m to 18.0 m, and heights vary from 0.35 m (bottom right corner at pavement) to 1.875 m high (behind the sculpture). Parts of the walls are standing up above ground so the actual retaining height of the wall would be lower. Plans are provided in **Appendix B**.

Lighting

Lighting on the proposed development will include the following:

- A new pole light to be located at the entry steps at George Street, providing over-lighting over the wider development and the entry in particular.
- Wall mounted downlights to light the principle steps and the flat space in the vicinity of the proposed sculpture

Signage

Signage will be installed for the purpose of interpreting the sculpture and the story of peaceful objection to conflict however this signage will be relatively small in scale.

The proposed steps will provide strong directional guidance and no additional signs are required.



Construction activity

The proposed memorial garden requires some minor excavation works within the toe area of the slide to form the access to the memorial garden area and also the platform for the memorial. The existing paving and vegetation will be removed and recontoured to provide for the proposed design.

Construction of the proposed memorial park is anticipated to take 4 months. Normal construction hours of Monday to Saturday, 7.30am to 6pm will apply, and no work will occur on Sundays or public holidays. Work will only be completed outside of these hours for emergency purposes.

All construction activity will be undertaken in accordance with a Construction Management Plan ("CMP"). In summary, all construction activity will be undertaken in accordance with best practice methodologies and will comply with New Zealand Standard for Construction Noise (NZS6803).

4. STATUTORY CONSIDERATIONS

4.1 OPERATIVE DISTRICT PLAN

The Dunedin City District Plan ("the District Plan") was made operative on 3 July 2006. Under the District Plan, the subject site is classed as Unformed Road in Road Reserve which is an area of land held by the Council with the express purpose of being used for, or having the potential to be used for, roading or access purposes. The site is also subject to the rules for the underlying Residential 3 zone, which is high density housing provided largely for university accommodation. It is bordered on the north-east and south-west by land zoned Residential 3.

The site is also within the North Dunedin Residential Townscape Precinct (TH01), which is the well-established residential Campus area of North Dunedin. As mentioned previously, the site is also listed as being subject to land instability. A Geotechnical Assessment has been attached as **Appendix B**.

There is a scheduled tree (Weeping Ash) at the adjacent site (509 George Street). The earthworks will not be within the canopy spread of this tree.

4.1.1 Definitions

Street furniture, including public seating and public art, is permitted within the road reserve. However, the policy and legal advice has been that the "public art" needs to be necessary to the functioning of the road or be catering to the needs of road users not just there for aesthetic reasons (see the definition below).

Street Furniture [Inserted by Plan Change 10, 18/1/11]



- means any structure that is necessary to the functioning of the road or that caters to the needs of road users, and includes but is not limited to structures such as bus shelters, taxi shelters, information fixtures for bus passengers, cycle parking facilities, litter bins, drinking fountains, public seating and public art. Street furniture does not include public toilets. [our emphasis]

As such, the proposed sculpture is not considered street furniture, rather a sculpture is considered a recreational activity, albeit a passive one. The seating and viewing platforms are considered street furniture.

The sculpture and street furniture are also defined as structures and any structures (except retaining walls) (according to the Plan definition) are buildings:

- means any structure, whether temporary or permanent, moveable or immovable, but does not include any fence or retaining wall which does not require a building consent under the Building Act 1991.

4.1.2 Transportation (Unformed Road in Road Reserve Zone) Rules

The maintenance of existing roads, including lighting and landscaping, is permitted under Rule 20.5.1(i) of the Transportation rules. Street furniture is permitted under Rule 20.5.1(ii).

As such, the earthworks associated with the proposal, the landscaping, lighting and street furniture are all **permitted activities** under the Transportation rules.

4.1.3 North Dunedin Residential Townscape Precinct Rules

It has been established that the seating and viewing platforms are deemed buildings by the Plan. Under rule 13.7.2 of the North Dunedin Residential Townscape Precinct rules, the erection of any new building is a controlled activity. It is controlled in respect of the external design and appearance of the building, including building material and external colour.

As such, the proposed seating and viewing platforms are a **controlled activity** under the Precinct rules.

The addition of other structures (including signs) located within a townscape or heritage precinct which do not comply with Rule 13.7.1 are deemed restricted discretionary activities. As such, the retaining walls and any signs associated with the development are **restricted discretionary activities**.

The Council's discretion will be 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.

4.1.4 Residential 3 Zone Rules

As stated previously, the sculpture is considered a recreational activity. Under Rule 8.9.1(iii) recreational activities are permitted within the Residential 3 zone provided that

associated structures do not exceed 25m² in floor area and provided they comply with the relevant conditions for the zone. The sculpture is relatively small in scale and does not exceed 25m².

Rule 8.9.2 sets out conditions or development standards for permitted activities. Conditions of relevance to this proposal include:

- Rule 8.9.2(iii): imposes a maximum permitted height limit of 9m;
- Rule 8.9.2(iv): imposes a maximum permitted site coverage of 50%;
- Rule 8.9.2(viii)(c): imposes a minimum car parking requirement of one car park per 750m² of site area; and,
- Rule 8.9.2(ix)(a)(ii): exempts recreational activities from loading requirements.

The new sculpture meets the conditions pertaining to height, site coverage and loading. No car parking is proposed as part of this proposal as such the proposal does not technically comply with this permitted activity standard. Resource consent is therefore required as a **restricted discretionary activity** pursuant to Rule 8.9.4(i). The Council discretion is restricted to the condition to which the activity fails to comply.

4.1.5 Environmental Issues

The Environmental issues section of the Plan (Chapter 21), includes (but not limited to) performance standards relating to glare and lighting as follows:

- (i) *Except in any Industrial 1 or Port Zone, no activity shall result in greater than:*
 - (a) *16 lux of light onto any other site in a Residential Zone, measured inside that site.*
 - (b) *8 lux of light onto any other site used for residential purposes during night-time hours, measured at the windows of any such residentially occupied building.*

The proposed lighting associated with the development can comply with this standard. A Lighting Plan can be found in **Appendix C**.

4.1.6 Earthworks

Discussions with the Council planning team have indicated that earthworks in the road reserve are exempt from the earthworks rules. Furthermore, there is no conflict between the earthworks and the DCC's sewer and stormwater pipes that run through the site.

4.1.7 Summary

In summary, the following resource consents are required to establish, maintain and use the proposed new memorial park:



- Controlled resource consent for the erection of a new building within the North Dunedin Residential Townscape Precinct;
- Restricted discretionary resource consent for retaining walls and signs within the North Dunedin Residential Townscape Precinct;
- Restricted discretionary resource consent to breach the minimum car parking requirements under the Residential 3 zone rules;

Overall, resource consent is therefore required as a ***restricted discretionary activity***.

4.2 SECOND GENERATION PLAN

The Proposed Second Generation District Plan ("2GP") was publicly notified on 26 September 2015. Topic based hearings on the 2GP commenced in May 2016. The proposed zoning for the site in the 2GP is partially Inner City Residential Zone and partially Commercial and Mixed Use Central Business District Zone.

The importance of, and weight to be given to a proposed plan depends on the extent to which it has passed through the objection and appeal process and has been tested and exposed to independent decision making. No decisions have been made on any of the provisions of the 2GP. Therefore, no assessment is required in accordance with the 2GP rules.

5. ASSESSMENT OF EFFECTS

The Plan sets out the assessment matters for resource consent applications within the North Dunedin Residential Townscape Precinct and the Residential 3 Zone. Where relevant to the subject proposal, these assessment matters have guided the following assessment of environmental effects. Only the effects of the aspects of the proposal requiring consent (structures and retaining walls in a Precinct and parking shortfall) have been considered in this assessment.

5.1 RECREATIONAL BENEFITS / POSITIVE EFFECTS

The proposed memorial park (and associated structures) provide an additional passive recreation area for Dunedin residents and visitors, as well as providing an historical account and memorial of Archibald Baxter.

The installation of lighting associated with the proposal will improve safety to a pedestrian thoroughfare that is currently only lit by way of overspill. The proposed landscaping will improve the aesthetic appearance of the area.

5.2 VISUAL, AMENITY AND HERITAGE VALUES EFFECTS

The actual and potential adverse effects of an activity should be assessed against the existing receiving environment.



The structures (seating, viewing platforms and retaining walls) comprising a mixture of board formed concrete walls and timber, are considered to be sympathetic to the surrounding environment which consists of existing stairs in the park, adjacent housing and businesses. They are also in keeping with the heritage values of the Precinct, including being of an appropriate scale and colour scheme (these values are discussed further in section 6.1.2 of this report).

The structures are consistent with what can reasonably be found in park within a heritage Precinct.

When viewed against this backdrop and in the context of the surrounding environment, the visual, amenity and heritage effects arising as a result of this proposal are considered to be no more than minor. The design and appearance of the structures are sympathetic to and in keeping with the surrounding environment.

Baxter Design have prepared a CPTED report for the development concluding that the design provides a safe, well-lit and interesting area that allows for both visitors to view the sculpture form and, importantly, to allow for the continued safe daily egress of pedestrians that use this access on a regular basis. The design provides for a safe well-lit environment with the access route clearly defined. A copy of the CPTED report can be found in **Appendix D**.

5.3 PARKING SHORTFALL EFFECTS

The site is currently used as a pedestrian thoroughfare between upper Albany Street and George Street. This thoroughfare will be maintained. The site is considered to be a pedestrian destination, rather than one that attracts vehicle users. It is not considered that the addition of seating and the memorial sculpture will change this. The parking shortfall is considered to be a technical non-compliance only. It is considered that parking should not be reasonably expected to be provided with a development such as this. As such, the adverse effects associated with this shortfall are considered to be less than minor.

5.4 OVERALL ASSESSMENT

As demonstrated above, all reasonable measures have been taken by the Applicant to ensure that the effects of the proposal are appropriately avoided, remedied or mitigated. This is achieved through the use of appropriate building materials and design.

The proposed new structures will be integrated into the surrounding environment. The absence of large structures such as buildings or sheds will ensure the low profile of the site is maintained.

The parking shortfall is considered to be a technical non-compliance only and of little or no consequence. As such, the adverse effects associated with this shortfall are considered to be less than minor.



Overall, the visual, amenity and heritage effects of the proposal are considered to be less than minor. In addition, it is considered that the proposal will provide positive passive recreation effects.

6. STATUTORY ASSESSMENT

The RMA is the principal statutory document governing the use of land, air and water. The purpose of the RMA, as set out in section 5, is to “*promote the sustainable management of natural and physical resources*”. This section of the AEE sets out the RMA framework for the resource consent sought from the Dunedin City Council.

6.1 SECTION 104 ASSESSMENT

Section 104 of the RMA lists the matters that the Consent Authority must have regard to in determining whether an application should be granted. Section 104 states:

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

Section 104 does not give any of the matters to which a Consent Authority is required to have regard primacy over any other matter. All the matters are to be given such weight as the Consent Authority sees fit in the circumstances and all provisions are subject to Part 2 of the Act.



6.1.1 Actual and Potential Effects

With respect to clause (1)(a), the actual and potential effects of the proposed activity on the environment are assessed in section 5 of this AEE.

6.1.2 Operative District Plan Assessment

In accordance with s104(1)(b)(vi), the application is generally consistent with the relevant objectives and policies of the Operative District Plan.

Residential

Objectives 8.2.1 and 8.2.3, and associated Policies 8.3.1 and 8.3.3 seek to ensure that the adverse effects of activities on amenity values and the character of the residential area are avoided, remedied or mitigated, and that the housing resource close to the tertiary Campus's is protected from competing land uses. The site is currently used as a park. Such activities are permitted within the Residential 3 zone, therefore structures and earthworks associated with recreational activities are a reasonably anticipated activity. The proposed earthworks will be carried out in a manner that minimises the effect on the amenity values of the area. The use of the site will adhere to the relevant glare and lighting requirements of the plan, ensuring that residential amenity for the closest receivers is maintained.

Objective 8.2.6 and associated policy 8.3.11 seek to recognise the positive effects of recreational activities while ensuring that their adverse effects are avoided, remedied or mitigated. The proposed memorial park will provide for the social wellbeing of the community through the provision of additional passive recreational space.

Overall of the proposal is consistent with these objectives and policies.

Transportation

Objective 20.2.2, Objective 20.2.4 and associated policies aim to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network, and that maintains and enhances a safe, efficient and effective transportation network. As mentioned above, the construction activities will be undertaken in accordance with an approved Traffic Management Plan to ensure any temporary traffic effects are appropriately avoided, remedied or mitigated.

The site is currently used as a pedestrian thoroughfare between upper Albany Street and George Street. This thoroughfare will be maintained. The site is considered to be a pedestrian destination, rather than one that attracts vehicle users. It is not considered that the addition of seating and the memorial sculpture will change this. The CPTED report concludes that the design provides a safe well-lit environment with access route clearly defined.

Overall, it is considered that the proposal is consistent with the transportation objectives and policies.

Townscape

Objective 13.2.1 and associated policies aim to ensure that the important values and characteristics of the natural features and areas which provide the setting for the urban areas are protected. As noted earlier, the site is located within North Dunedin Residential Townscape Precinct (TH01). The proposed memorial park will be in keeping with the existing use of the site and will ensure the amenity of the area is improved. Landscape planting will further enhance the site. Therefore it is not considered that the natural features and area of the site are compromised by the proposed memorial park, and therefore the activity is consistent with these provisions.

Objective 13.2.7 and associated Policy 13.3.12 aim to create and promote a safe environment. Establishing a safe environment is critical with any activity. This objective and policy can be met through effective health and safety considerations outlined in a CMP. Any potential hazards to members of the public will be mitigated through effective safety techniques.

The design is 'open' in character and visible from the adjacent George Street and Albany Street, both of which are well used and frequented vehicular and pedestrian routes. There is a bus stop at the base of the proposed park which, with the additional pole light and new seating is well posted and frequented. The development will be highly visible from George Street and part of a well-used urban route. The proposed memorial park is therefore consistent with Objective 13.2.7 and associated Policy 13.2.12.

The Plan also sets out a number of values for the Townscape Precinct. Those of relevance to the proposal are discussed in Table 1 to follow.

Table 1: Precinct Values

Precinct Value	Discussion
The height of buildings does not exceed three storeys.	Technically the seating and viewing platforms are deemed buildings under the Plan definitions. These structures are small in scale.
Predominant colour schemes are off-white or light colours such as beige, fawn or light green, which are similar to the original colours of the precinct exhibited in the pre-1890s....	The structures associated with the development are wood and concrete and fit with these colour schemes.
Signs are generally only used where there is a demonstrated need, and there is not a profusion of signage in this area.	Signage associated with the proposal will be sympathetic to the surroundings and are for



	information purposes. There is not a profusion of signs in the area.
Landscape schemes for new development have included features such as brick paved courtyards and planting of mature trees.	The proposed landscaping is in keeping with the park surrounding and enhances the area.

The assessment matters set out in the Precinct section of the Plan are incorporated into the assessment of effects section of this report (section 5).

Hazards and Earthworks

Objective 17.2.1 and associated policies aims to ensure the effects on the environment of natural and technological hazards are avoided, remedied or mitigated. A CMP will ensure that the proposed works do not result in earthworks presenting a risk from a land instability perspective. Accordingly, the proposal is consistent with these provisions.

Objective 17.2.3 and associated Policy 17.3.9 requires earthworks to be undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment. The Geotechnical report indicates that there are no geotechnical hazards associated with the site that cannot be mitigated with standard engineering solutions. This objective and policy will also be met through effective health and safety considerations that will be outlined in a CMP. Any potential hazards to members of the public will be mitigated through effective safety techniques. The proposed earthworks are therefore consistent with Objective 17.2.3 and associated Policy 17.3.9.

Environmental Issues

Objective 21.2.2 and associated Policy 21.3.3 aims to ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values. Although noise will be experienced in association with the construction activities, it is considered that a CMP and the hours of construction mean that any adverse noise effects associated with the proposed earthworks will be managed appropriately. The proposal is therefore consistent with this objective and associated policy.

Objective 21.2.3 and associated policy 21.3.3 aims to ensure that glare is not a nuisance and lighting is appropriately designed to ensure health and safety are not adversely affected. The proposed lighting, which includes wall mounted downlights and a light pole, will be designed in a way that ensures glare and lightspill will not be a nuisance and contained within the site.

Sustainability

Objectives 4.2.4 seeks to ensure that significant natural and physical resources are appropriately protected and Objective 4.2.5 seeks to provide a planning framework to manage the effects of use and development of resources. The proposed memorial park and activities associated with its construction will be carried out in a manner that minimises the effect on the amenity values, and appropriate measures adopted to maintain cultural and heritage values of the site should any archaeological artefacts be found on site. The proposal is therefore consistent with these objectives.

Manawhenua

Objective 5.2.1 takes into account the principles of the Treaty of Waitangi in the management of the City's natural and physical resources. Associated policies 5.3.1, 5.3.4 and 5.3.5 assist in giving effect to these objectives. An archaeological assessment is currently underway for the site. The inclusion of an accidental discovery condition to ensure that unforeseen discoveries are appropriately managed is considered appropriate. The promotion of this condition ensures that these objectives and policies are achieved. The draft Conditions of Consent are attached as **Appendix E**.

Conclusion

Overall it is considered the proposed is consistent with the relevant operative District Plan objectives and policies.

6.1.3 Assessment of Objectives and Policies in the Proposed 2GP

In accordance with s104(1)(b)(vi) the application is generally consistent with the relevant objectives and policies of the proposed 2GP.

Under the 2GP, the site is zoned for partially for residential purposes and partially for commercial and mixed use purposes. Approximately half of the site will be within the George Street North Heritage Precinct.

Objective 13.2.3 and policies 13.2.3.2 and 13.2.3.10 seek to ensure that the heritage streetscape character of residential heritage precincts is maintained or enhanced. They also seek to allow public amenities (such as public seating, public artworks and memorials) located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character. The proposal does not obscure or detract from the residential character of the area. They are also located in an appropriate location (an existing park) and designed in a way so as to be sympathetic to the surrounding environment.

Objective 15.2.1 and associated policy 15.2.1.1 of the 2GP seek to provide for a limited range of community activities within the Residential Zones. The proposal provides a community area considered to be appropriate in a residential area. Objective 15.2.3 and associated policies 15.2.3.1 and 15.2.3.3 seek to maintain a good level of amenity and it is considered that the proposal is designed in such a way to achieve this. It is therefore considered that the proposal is consistent with these objectives and policies.



Objective 18.2.1 and policy 18.2.1.1 seeks to provide for a wide range of community activities in the Commercial and Mixed-Use zone and objective 18.2.3 and policy 18.2.3.1 seeks to ensure development maintains or enhances the amenity of streetscape, including the environmental amenity for pedestrians along identified pedestrian street frontages. The building materials and design of the proposal, including the associated landscaping, effectively achieve this and by enhancing the aesthetic quality of the park. It is therefore considered that the proposal is consistent with these objectives and policies.

6.2 PART 2 CONSIDERATIONS

Part 2 of the Act is key to determination of the application. Part 2 sets out the purpose and principles of the RMA, including matters of national importance to which effect must be given, other matters to which particular regard must be had, and Treaty of Waitangi matters which must be taken into account. These issues must be considered in determining whether an application is appropriate in terms of Part 2 of the Act.

Section 6 (e) requires decision makers to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Section 6(f) requires the protection of historic heritage from inappropriate subdivision, use, and development. While it is not anticipated that any cultural or historic artefacts will be found during the minor earthworks on the site, the applicant is proposing to implement an accidental discovery protocol throughout the construction period to ensure that appropriate measures are in place should such artefacts be found. Furthermore, an archaeological assessment for the site is currently underway.

Sections 7(c) and (f) require decision makers to have particular regard to the maintenance and enhancement of amenity values and the quality of the environment. These are relevant to the proposal due to the sites location within a heritage precinct. As demonstrated in the assessment of effects section of this report, the proposal is considered to, on balance, maintain the amenity values of the environment while providing positive effects in terms of providing an improved passive recreational space.

Section 8 requires decision makers to take the principles of the Treaty of Waitangi into account. As noted above, an appropriate accidental discovery protocol will be adhered to in the event of an accidental discovery of archaeological material. In addition, an archaeological assessment is currently underway.

7. ASSESSMENT OF AFFECTED PARTIES AND NOTIFICATION

A consent authority must give “public notification” of a resource consent application if it decides under Section 95D that the activity will have, or is likely to have, adverse effects on the environment that are more than minor¹, or the Applicant requests public notification

¹ Section 95A(2)(a).

of the application, or there is a rule or national environmental standard that requires public notification of the application.

The Applicant does not request public notification of the application. There is no rule in the District Plan or a national environmental standard that requires public notification of this application.

The assessment of effects has concluded that the proposal will not result in, nor is likely to result in, adverse effects on the environment that are more than minor.

A person is considered “affected” if the activity's adverse effects on that person are minor or more than minor (but are not less than minor).

In our assessment, there are no persons who would be affected by the proposal in a minor or more than minor manner.

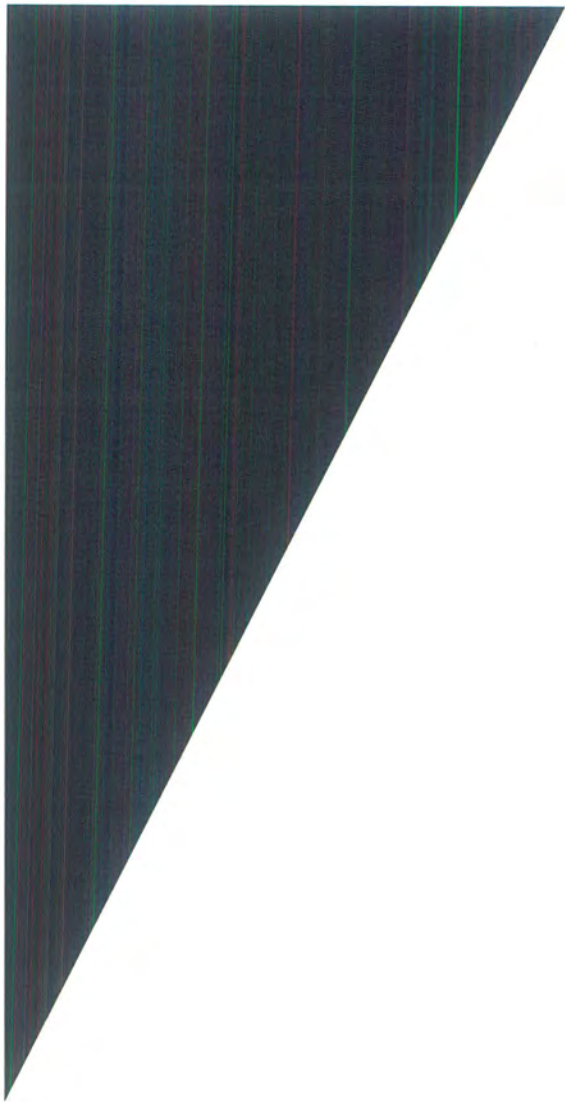
8. CONCLUSION

Archibald Baxter Memorial Trust proposes to establish a new memorial park at Albany Street, Dunedin, on an area of land west of the intersection of Albany Street and George Street currently forming part of a small park. The development includes a series of steps, walls, seating, lighting, planting and a sculpture form, replacing the existing steps that currently exist on site.

The actual and potential effects likely to result from the construction and operation of the proposed memorial park have been considered in accordance with section 104(1)(a) of the RMA, as set out in section 7 of this application. Overall, it is concluded that any adverse effects generated by the proposed activity will be managed such that they are acceptable in this environmental context, particularly given the site is already used as a park.

The proposed memorial park has also been assessed to be consistent with the relevant objectives and policies of the operative District Plan and the proposed District Plan, in accordance with section 104(1)(b) of the RMA.

Overall, it is considered that the proposal achieves the purpose and principles of the RMA.



A



APPENDIX A

Geotechnical Assessment



GeoSolve Ref: 170216
5 December 2017

Archibald Baxter Memorial Trust
C/- Signal Management Group
By email

Attn : Stuart Anderson

Geotechnical Assessment for Resource Consent

GeoSolve Ref: 170216

Dear Stuart,

In accordance with our Agreement dated 28 September 2017 we have undertaken a site stability assessment at the above property. Our investigation has comprised a desktop review of existing information for a planned memorial garden located on site.

The purpose of this report is to supplement a resource consent application.

Proposed Development

The proposed development is to redevelop an existing park area through construction of new paths, retaining walls and a sculpture.

The site is located at the junction of Albany and George Street.

Landslide Hazard

The site is located at the base of the Albany Street landslide (see Appendix A), which was investigated by Johnson (1987)¹ in 1986-87 and has been subject to ongoing movement monitoring survey for many years.

Previous investigations of the landslip include:

- Inspection and documentation of slide related deformation;
- Hand auger and cored (HQ size) diamond drill holes; and
- Piezometers installed in each hand auger and drill hole;

Remedial & risk management solutions put in place:

- Monitoring of land movement via a survey network (Appendix A);
- Installation of piezometers to confirm groundwater levels; and

¹ Johnson, J. D. (1987). Stability assessment of the Albany Street Slide, Dunedin City. Department of Scientific and Industrial Research (DSIR) Engineering Geology Immediate Report 87/007. Prepared for Dunedin City Council.

- Construction of an intercept drain through the central section of the slide;

The landslide is approximately 125 m in length and 70 m wide, centred on the hill section of Albany Street between Queen Street and George Street. Observed deformation indicates the landslide is essentially a rotational failure, with the slip surface of the landslide on which the site is situated interpreted to be located approximately 5.0-5.5 m below street level. At the toe of the slip, near the subject site, some uplift was noted adjacent to George Street.

The maximum deformation recorded prior to the commencement of regular monitoring (1986) is 292 mm. Total displacement between 1986 and 2000 is 127 mm (O.I.S. D.P. 7531), though nearly all movement at this survey point seems to have taken place prior to remedial drainage work in 1986. The initial survey network had to be re-established in 2006 and again in 2010. A monitoring plan and monitoring data are presented in Appendices B and C respectively.

Within the site itself (ALP 216) has displaced around 11 mm since 2010. Note that the survey is only accurate to +/- 10mm.

Despite annual rainfall in June 2015 exceeding 335% of normal, no significant movement has been recorded at any of the survey points. As minimal displacement has been recorded for all of the survey points since completion of drainage works to stabilise the landslide in 1986 (despite numerous major storm events), it is logical to conclude that high groundwater levels are the primary driver of landslide movement, which have been lowered significantly by the remedial drainage works.

Provided the drainage is maintained the risk of significant movement of the landslide is considered low, although some creep movement is likely.

There is a perched water table (evidenced in AS 1 and AS 2, Appendix A) that correspond to the base of the slide. The water table is defined by the shallow piezometers in drillholes AS 1 and 2 and by additionally piezometers in drillholes AS 3 and AS 4.

Impact of the Proposed Development on the Landslide Stability

The proposed memorial garden requires some minor excavation works within the toe area of the slide to form the access to the memorial garden area and also the platform for the memorial.

From a comparison between the existing and proposed contours cuts of up to 1 m are proposed around the memorial, with minimal cuts <0.5 m for the access paths. The overall volume of cut proposed is 17 m³ with around 13.5 m³ of fill also proposed i.e. a net cut of 3.5m³.

It is not generally advisable to remove material from the toe of a landslide as the weight of the soils in the toe area provides a stabilising influence on the slide, however in this case as the volumes to be removed are minimal compared to the size of the slide (estimated volume of 22,000 m³) the effect on the stability of the slide will be negligible. If possible, the excess cut material should be used as landscape fill on the site i.e. zero net unloading of the toe of the slide.

The Trust needs to be aware that the proposed garden is being constructed on an active, albeit slow moving, landslide and therefore that over time some movement of the site is inevitable (e.g. potential rotation of retaining walls over time, movement of paths etc). It is likely that maintenance requirements for the site will be higher than typical.

All retaining walls should have robust drainage included within their design as some seepages have been recorded at the toe of the slide in the past.

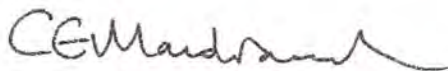
Conclusion

In conclusion, we consider that:

- The site is located within the Albany Street slide, a well defined active landslide in Dunedin;
- The majority of movement of the slip occurred prior to 1986, when remedial drainage works were installed;
- Since March 2010 there has been 10-16 mm of vertical movement and 10-18 mm of horizontal movement (Appendix B) of the slide;
- There has been no significant movement in the past 12 months from February 2016;
- The plans provided by Archibald Baxter Memorial trust indicate that around 3.5m³ of material is to be removed from site. This removal of fill should have negligible impact of the stability of the slide. However, if possible, this excess soil should be placed as landscape fill on the site;
- Ongoing movement, albeit at a slow rate, is inevitable at the site, which may cause some distortion over time of retaining walls and paths;

This report has been prepared for the benefit of Archibald Baxter Memorial Trust with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

Yours faithfully,



Colin Macdiarmid
Senior Geotechnical Engineer

Attachments:

Plan of slide area

Plan of monitoring points

Monitoring data

1. COORDINATES ARE IN TERMS OF NZGD2000 NORTH TAIRĀ
2. HEIGHT ARE IN TERMS OF OTAGO METRIC DATUM
3. ORIGIN S5 13G 799459.952 mN (SOURCE LINZ GBD)
4. 171532.280 mE
5. 114.341 mE (SOURCE MWH MONITORING SURVEY 2008)
6. S5B, S513G & ALPS TO BE HELD FOR FUTURE RE-SURVEYS
7. NEW MONITORING NETWORK ESTABLISHED APRIL 2010
8. REFER TO SPREADSHEET FOR COORDINATES
9. HORIZONTAL AND VERTICAL ACCURACY +/- 10mm

- TOTAL VERTICAL DEFORMATION (MARCH 2010 TO PRESENT)
- TOTAL HORIZONTAL DEFORMATION (MARCH 2010 TO PRESENT)

DEFORMATION ARROWS SCALE : 1:1 (AT A1)
1:2 (AT A3)

[illegible]

	Name	Date
SURVEYED	JA HAWKER	03/17
DESIGNED	N/A	
DESIGN CHECK	AD ISSACS	03/17
DRAWN	JA HAWKER	03/17
DRAWING CHECK	AD ISSACS	03/17
APPROVED	AJ QUIGLEY	03/17



ALBANY STREET - LANDSLIDE MONITORING 2017
NETWORK DIAGRAM AND CUMULATIVE DEFORMATION

Drawing No.
80509491

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XREFS

P:_2012 Onwards\Dunedin City Council\80508442 DCC CD Additional Landslide Monitoring\Surveys\Albany Street\CAD

DCC LANDSLIDE MONITORING ALBANY STREET 3D CONTROL TRAVERSE

3D network established 8 March 2010
 Survey carried out by 3D traverse (S6 robotic)
 Marks SS13G, ALP5 and SS8P held fixed
 Initial heights for all marks were established by spirit levelling
 Estimated accuracy: +/-10mm horizontal
 +/-10mm vertical

NOTE: Data is flagged where movement is in excess of 10mm

SURVEY7				Present to Previous (11/02/2016)					Present to Original (08/03/2010)				
Survey Date: 27/02/2017													
Pin #	Northing	EastIng	Height	dN	dE	Bearing	Dist	dRL	dN	dE	Bearing	Dist	dRL
	(NZGD2000 Nth Taieri)	(Olaga Metric Datum)											
SS13G	799459.952	417532.080	114.341	0.000	0.000	0	0.000	0.000	0.000	0.000	0	0.000	0.000
ALP 5	799276.250	417434.478	112.226	0.000	0.000	0	0.000	0.000	0.000	0.000	0	0.000	0.009
SS8P	799381.955	417371.269	127.178	0.000	0.000	0	0.000	0.000	0.000	0.000	0	0.000	0.000
SS9G	799466.554	417515.344	114.504	0.002	-0.001	117	0.002	0.002	-0.004	0.003	143	0.005	0.002
ALP4	799489.080	417413.241	136.914	0.000	0.000	0	0.000	0.006	-0.007	0.011	122	0.013	-0.004
ALP6	799457.068	417488.764	122.918	0.000	0.000	0	0.000	0.006	-0.007	0.010	125	0.012	0.001
200	799451.539	417396.932	134.496	0.002	0.002	45	0.003	0.007	-0.004	0.005	129	0.006	0.003
201	799461.720	417401.000	135.295	0.003	0.000	90	0.003	0.001	-0.004	0.004	135	0.006	-0.005
202	799469.135	417403.995	135.725	0.002	0.005	22	0.005	0.000	-0.006	0.015	112	0.016	-0.006
203	799476.772	417407.069	136.296	0.002	-0.001	117	0.002	0.006	-0.008	0.015	118	0.017	-0.007
204	799487.056	417411.190	136.978	0.004	0.003	53	0.005	0.001	-0.005	0.013	111	0.014	-0.008
205	799493.081	417413.558	137.195	0.002	0.000	90	0.002	0.004	-0.005	0.015	108	0.016	-0.016
206	799499.071	417416.079	137.464	0.004	-0.001	104	0.004	0.004	-0.007	0.012	120	0.014	-0.016
207	799505.021	417418.675	137.675	0.002	0.000	90	0.002	0.006	-0.010	0.012	130	0.016	-0.008
208	799512.433	417421.333	138.447	0.003	-0.003	135	0.004	0.009	-0.009	0.007	142	0.011	-0.006
209	799519.700	417424.160	139.225	0.003	-0.002	124	0.004	0.005	-0.009	0.008	138	0.012	-0.009
210	799530.111	417427.883	140.516	0.003	-0.002	124	0.004	0.004	-0.005	0.007	126	0.009	-0.008
211	799539.202	417431.452	141.272	0.003	-0.004	143	0.005	0.004	-0.004	0.002	153	0.004	-0.008
212	799480.857	417431.701	133.525	-0.001	0.003	342	0.003	0.006	-0.004	0.012	108	0.013	-0.010
213	799471.364	417455.548	129.530	0.004	0.002	63	0.004	0.007	-0.001	0.010	96	0.010	0.000
		Destroyed				0							
214A	799464.571	417472.628	126.610	0.002	0.002	45	0.003	0.007	-0.008	0.004	152	0.009	0.000
215	799479.664	417484.738	124.534	-0.004	0.000	270	0.004	0.013	-0.014	0.011	142	0.018	0.005
216	799462.256	417501.515	118.311	0.004	0.004	45	0.006	0.007	-0.006	0.009	124	0.011	0.007



B



APPENDIX B

Design Plans



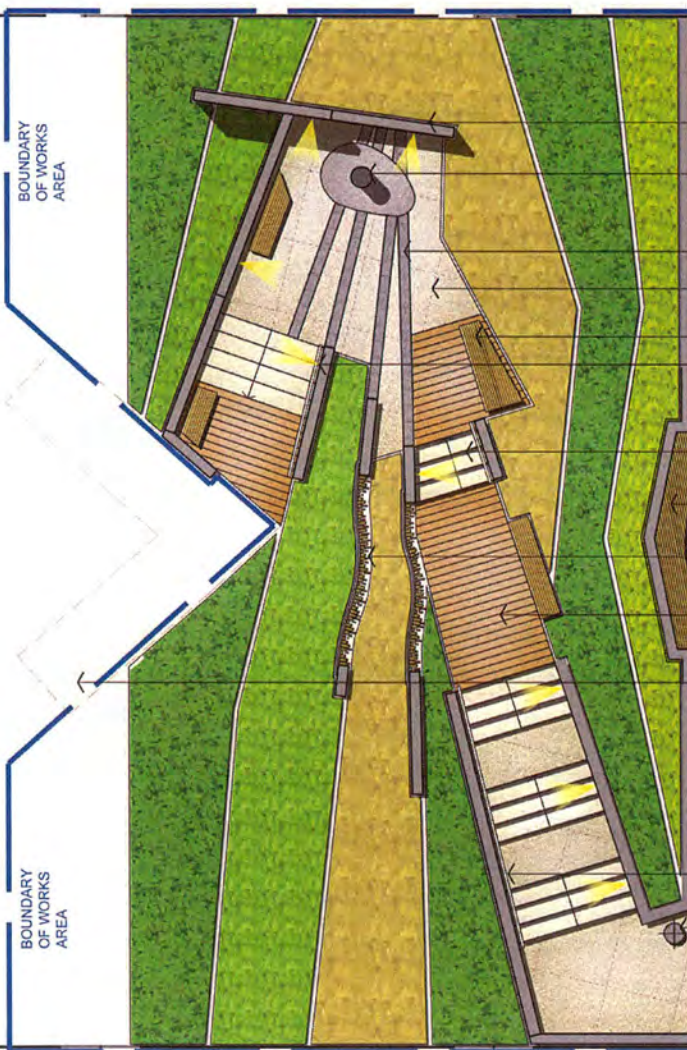
ARCHIBALD BAXTER MEMORIAL - ALBANY ST

A joint design by Baxter Design, Landscape Architects and Shane Woolridge, Sculptor

For resource consent
February 2018







George Street

Board formed concrete walls with recessed lighting

Sculpture by Shane Woolridge with mixed rock on concrete base

Granite tiles

Exposed aggregate concrete with sawcuts

Timber benches

Locations of wall mounted light fittings

Existing footpath

Concrete steps with broom finish

Concrete retaining wall continues below bench

Random timber palisade fencing on steel frame

Timber decking

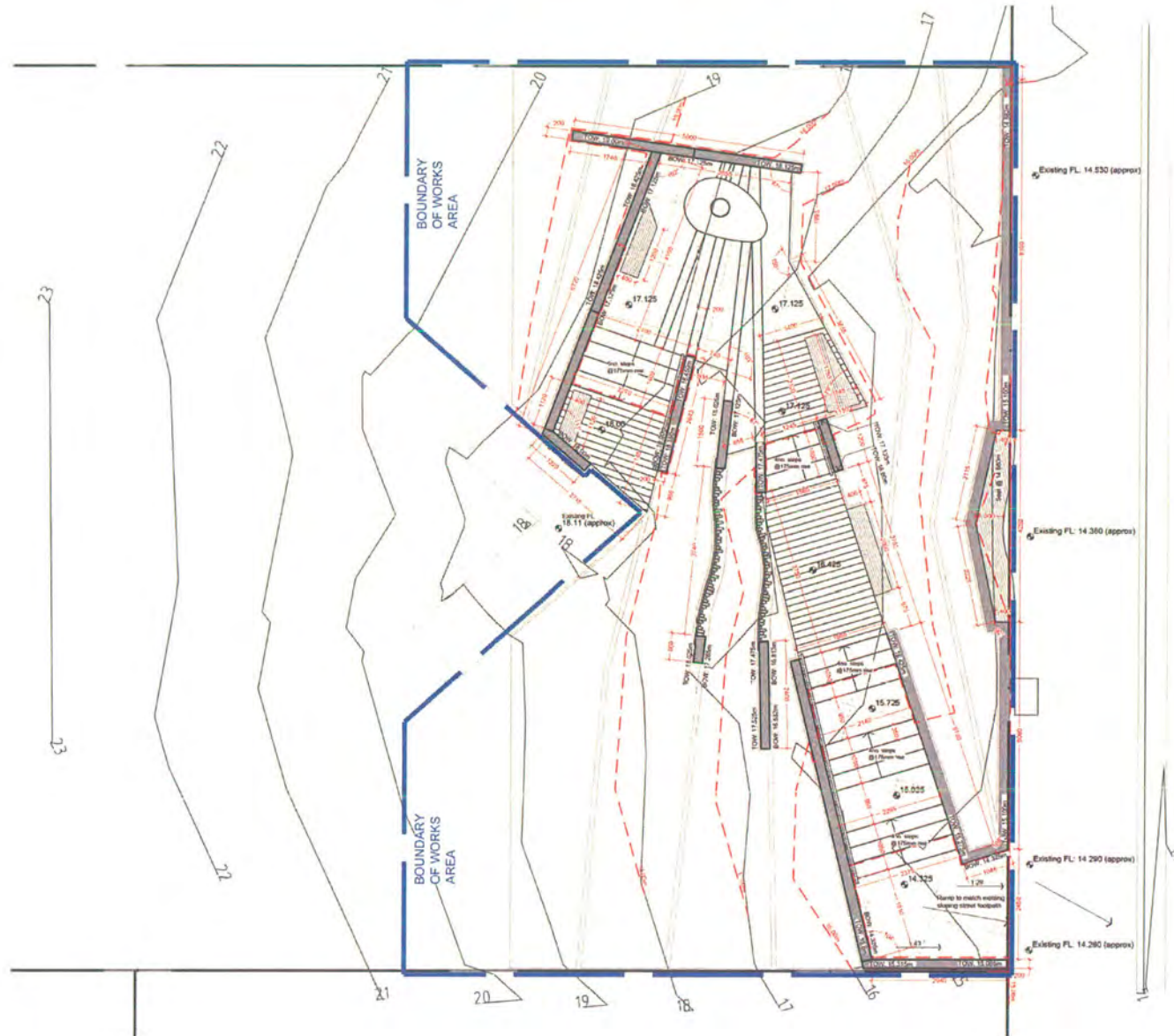
Existing steps retained

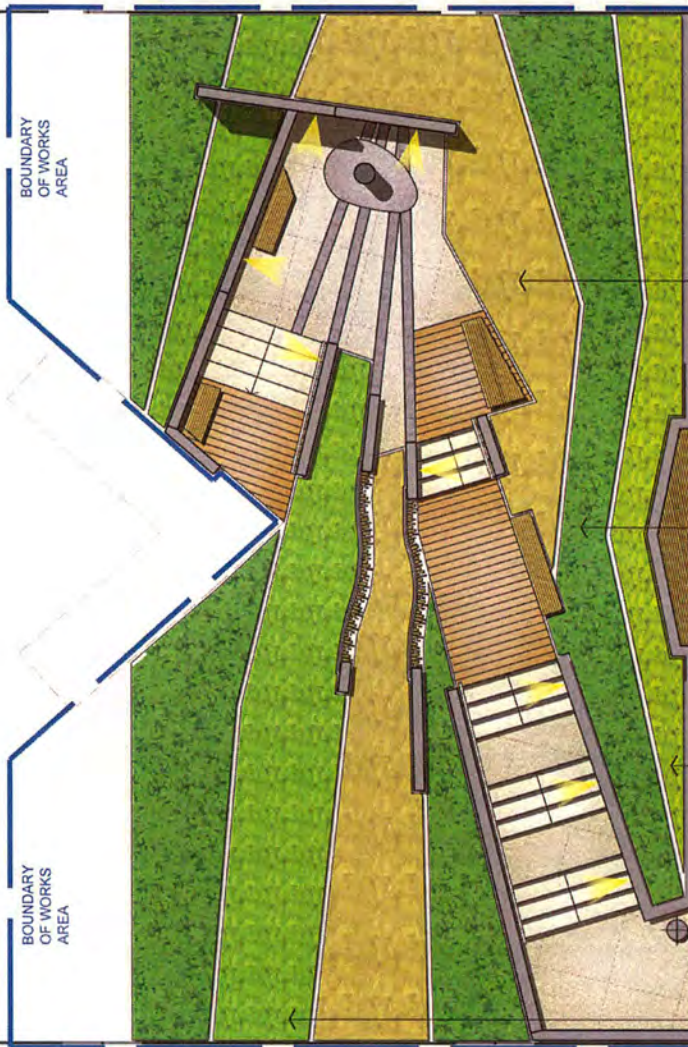
Existing traffic light control box

Steel handrails to steps

New lighting pole

George Street





Phormium 'Baby Bronze'



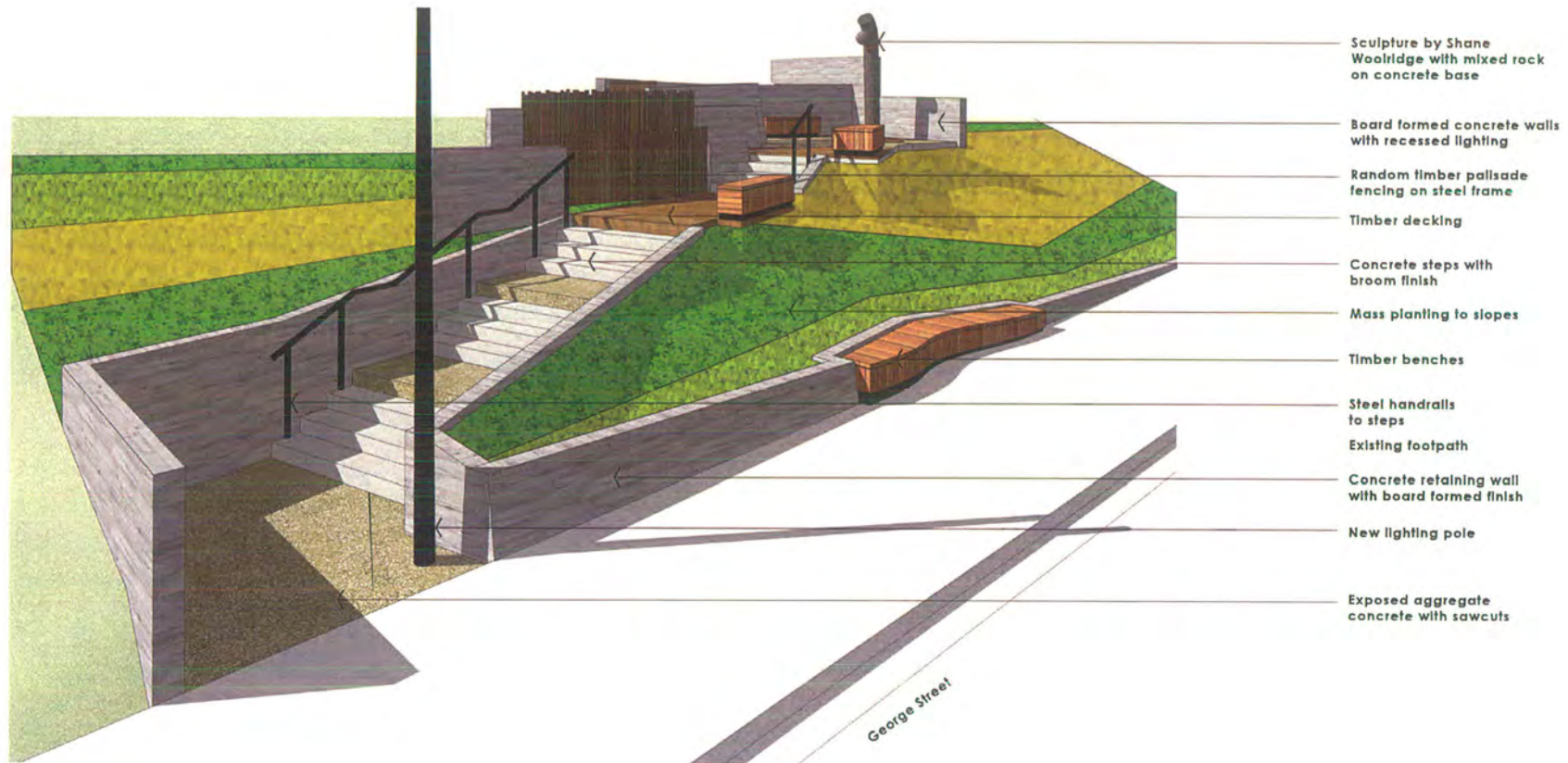
Coprosma acerosa

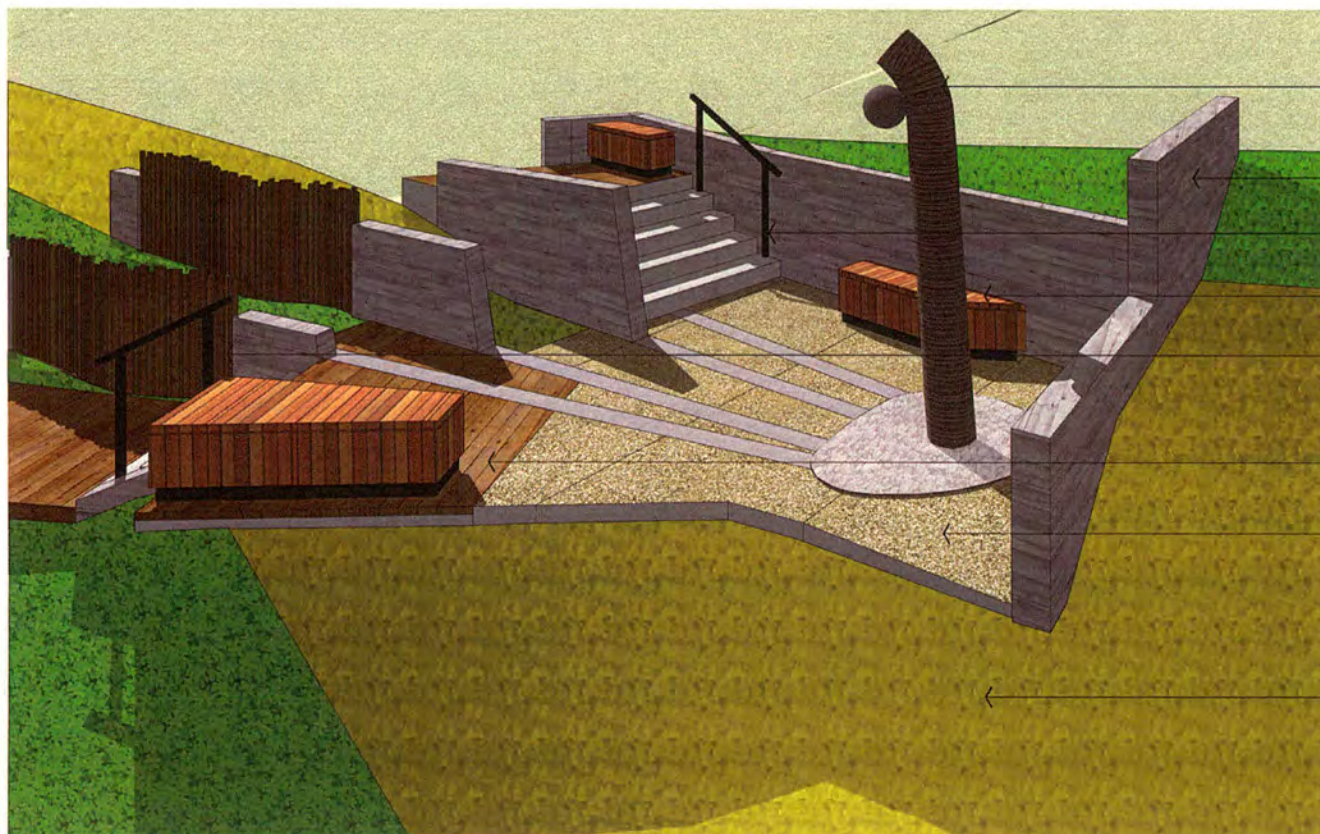


Chionocloa flavicans



Hebe topiaria





- Sculpture by Shane Woolridge with mixed rock on concrete base
- Board formed concrete walls with recessed lighting
- Steel handrails to steps
- Timber benches
- Random timber palisade fencing on steel frame
- Timber decking
- Exposed aggregate concrete with sawcuts
- Mass planting to slopes refer to Planting Plan





C



APPENDIX C

Lighting Plan



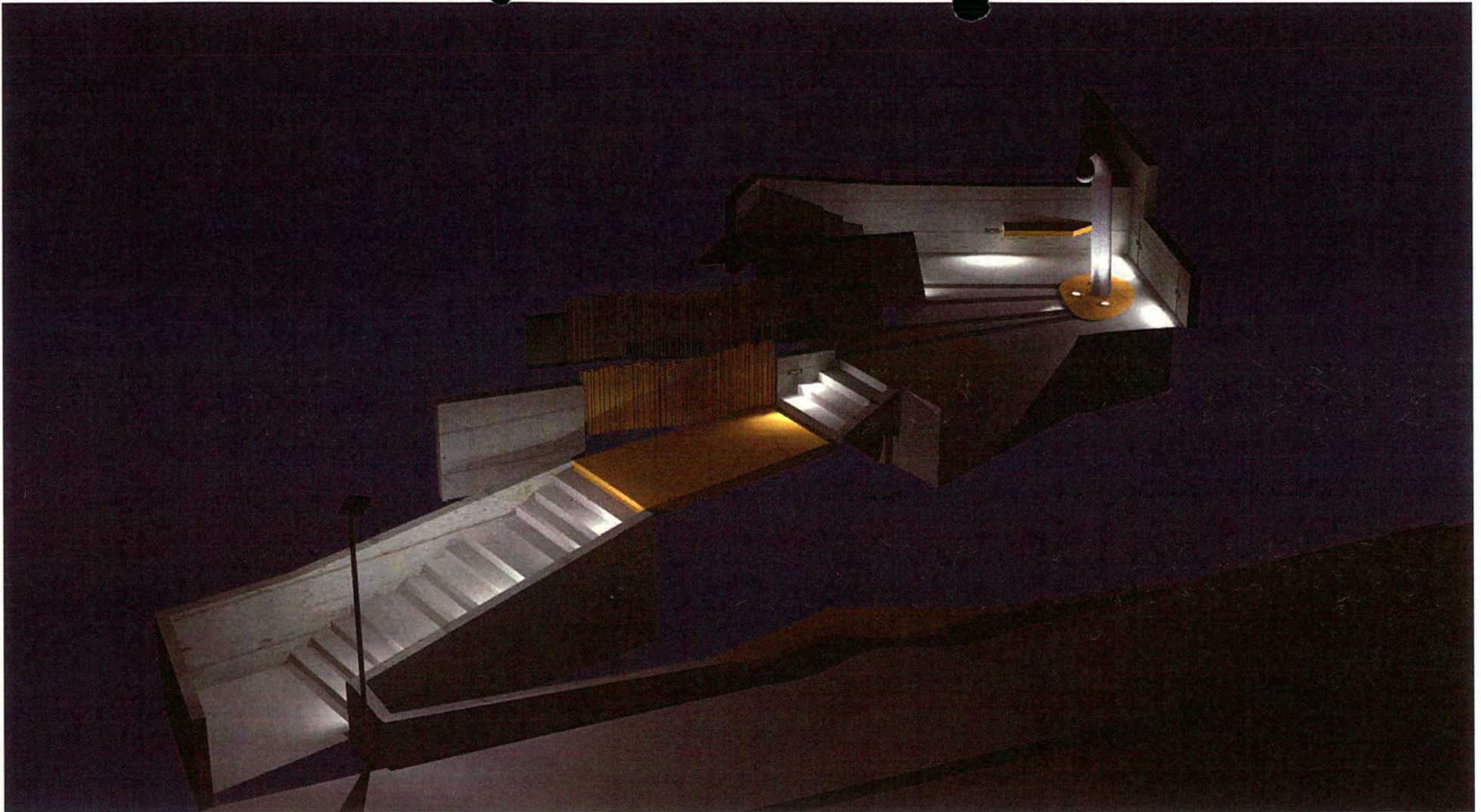
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Symbol	Label	Description	Lum. Watts	Lum. Lumens	LLF Qty
	S1	108-1496 VFL520 A60.BEAM 12 LED 12W/350mA 3000K IP66 ALU LEC	14	1419	1.000 1
	U1	185-7023 ETC320-GB M.BEAM 3 LED 6W/700mA 3000K UPLIGHT IP67 S/S LEC	8	591	1.000 3
	W1	133-0405 ST1259 LED 6W 3000K STEPLIGHT IP66 ALU LEC	8	297	1.000 8



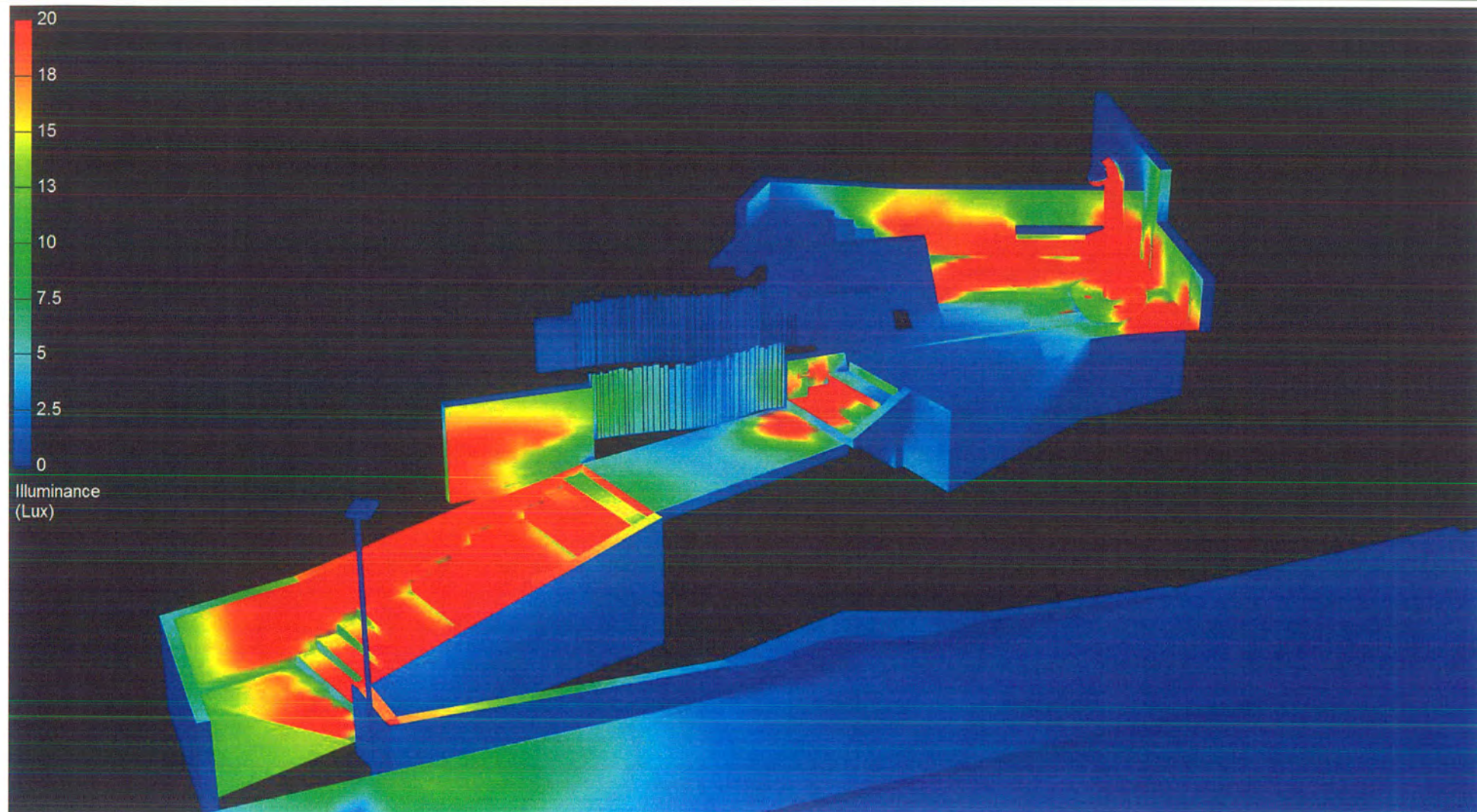
WE-EF LIGHTING Pty Ltd 5/13 Downard Street Brunswick, Victoria 3195 Australia www.we-eef.com.au		we-eef	
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6817			
PROJECT NAME:			
DUNEDIN BAXTER MEMORIAL			
DESCRIPTION:			
PARK & MEMORIAL LIGHTING LAYOUT			
LAYOUT VIEW:			
LUMINAIRE LAYOUT & SCHEDULES			
CUSTOMER NAME:			
MARK HERRING LIGHTING			
LIGHTING DESIGNER:		SHEET	REV
A RICHARDSON		1 OF 6	2
PRINT SCALE: 1:100 A3		PRINTED DATE: 17/05/2018	



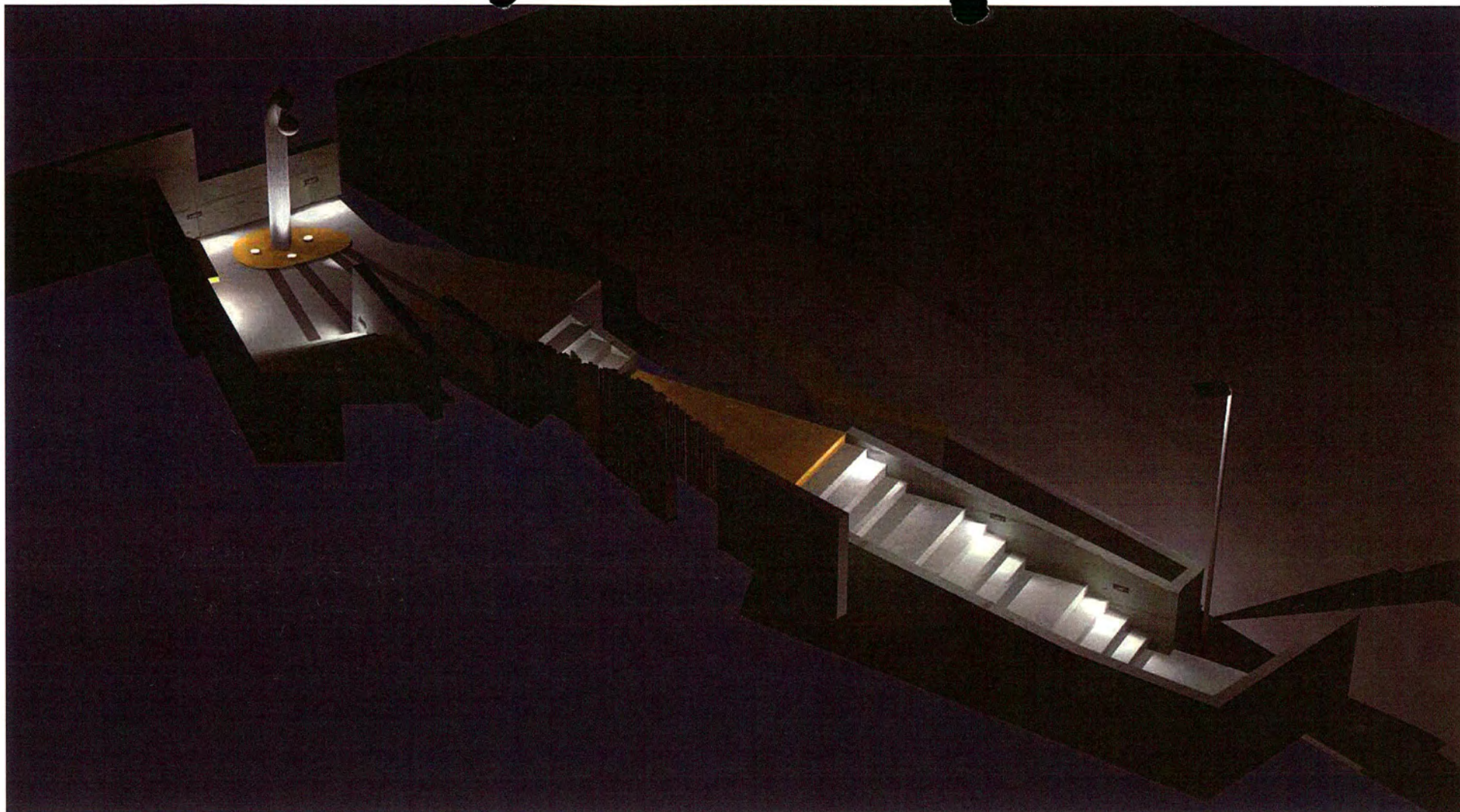
Calculation Summary	
Label	Unit
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Obscure Light - Ill	Lux
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Obscure Light - Cd	Lux
Obscure Light - Ill	Lux
SPILL HOUSE, Ill, Ssg1	Lux



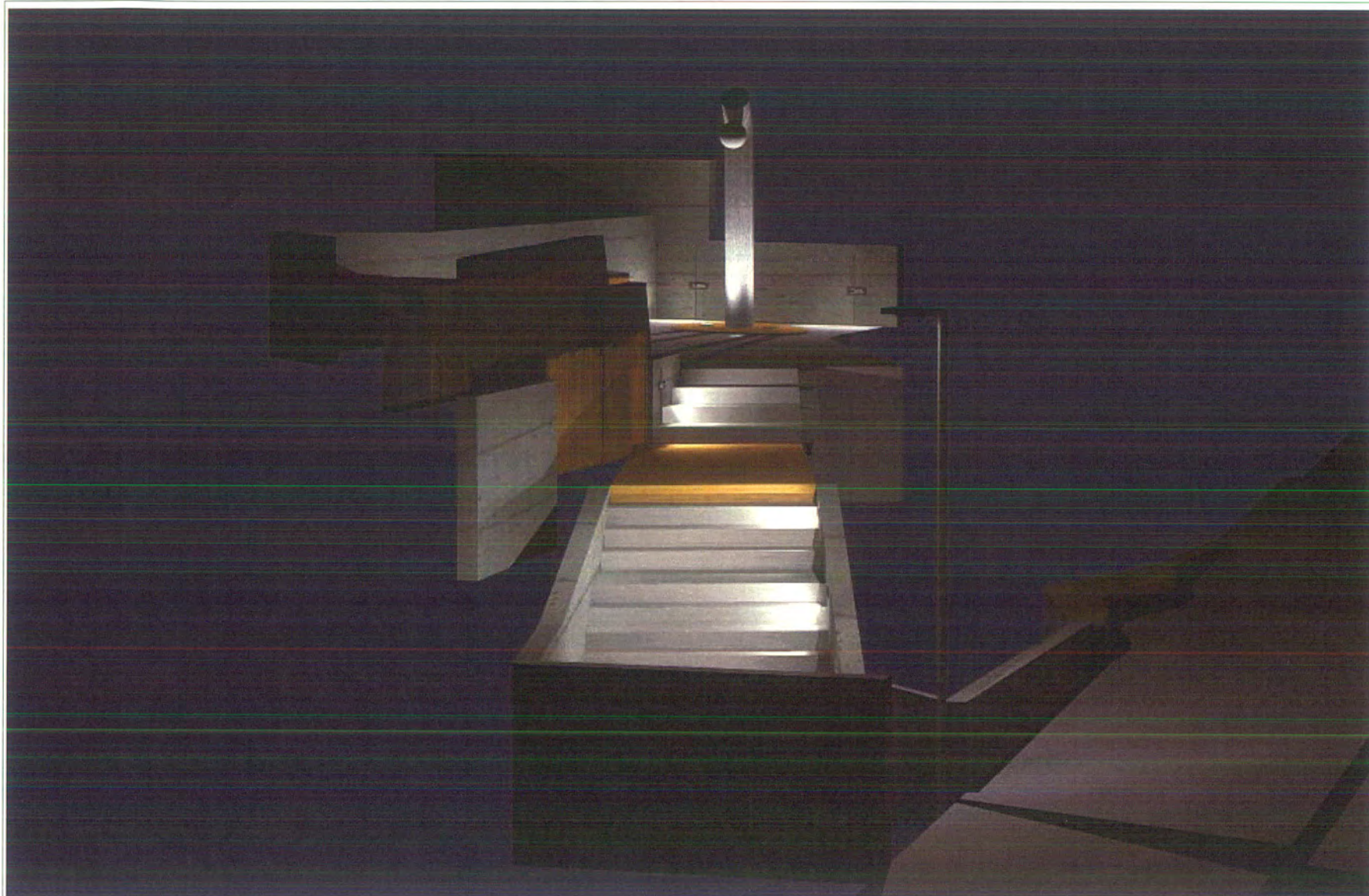
we-ef <small>WE-EF LIGHTING Pty Ltd 6/13 Downard Street Braeside, Victoria 3195 Australia www.we-ef.com.au</small>		
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DUNEDIN BAXTER MEMORIAL		
DESCRIPTION:		
PARK & MEMORIAL LIGHTING LAYOUT		
LAYOUT VIEW:		
3D RENDER		
CUSTOMER NAME:		
MARK HERRING LIGHTING		
LIGHTING DESIGNER:	SHEET:	REV:
A RICHARDSON	3 OF 6	2
PRINT SCALE: 1:80	N.T.S A3	PRINTED DATE: 17/05/2018



WE-EF LIGHTING Pty Ltd 6/13 Downard Street, Brisbane, Victoria 3195 Australia www.we-eef.com.au		we-eef	
PROJECT NO:			
6817			
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DUNEDIN BAXTER MEMORIAL			
DESCRIPTION:			
PARK 6 MEMORIAL LIGHTING LAYOUT			
LAYOUT VIEW:			
3D RENDER			
CUSTOMER'S NAME:			
MARK HERRING LIGHTING			
LIGHTING DESIGNER:		SHEET	REV
A RICHARDSON		4 OF 6	2
PROJECT SCALE: 1:500		N.T.S A3	PRINTED DATE: 17/05/2018



we-ef LIGHTING Pty Ltd 6/13 Downward Street Breams, Victoria 3195 Australia www.we-ef.com.au		we-ef	
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PROJECT NAME			
DUNEDIN BAXTER MEMORIAL			
DESCRIPTION			
PARK & MEMORIAL LIGHTING LAYOUT			
LAYOUT VIEW			
3D RENDER			
CUSTOMER NAME			
MARK HERRING LIGHTING			
LIGHTING DESIGNER		SHEET	REV
A RICHARDSON		5 OF 6	2
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we-ef LIGHTING Pty Ltd 6-13 Dandenong Street Braeside, Victoria 3195 Australia www.we-ef.com.au		we-ef	
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LAYOUT VIEW:			
3D RENDER			
CUSTOMER NAME:			
MARK HERRING LIGHTING			
LIGHTING DESIGNER:		SHEET	REV
A RICHARDSON		6 OF 6	2
PROJECT SCALE: 1:50	N.T.S A3	PRINTED DATE: 17/05/2018	



APPENDIX D

CPTED Report



CPTED REPORT
for
THE PROPOSED BAXTER MEMORIAL DEVELOPMENT
ALBANY STREET / DUNEDIN

2nd April 2018

1. This report refers to the proposed development of a small park and peace memorial to be located at Albany Street, Dunedin, on an area of land west of the intersection of Albany Street and George Street currently forming part of a small park.
2. This report refers to plans undertaken by Baxter Design Group (*Ref: Baxter Design Project 2565 dated 12 Feb 2018*) and the plans prepared for that development.
3. **General Description:** The development occupies the roadside portion of a small park adjacent to George Street, Dunedin, currently being an unformed legal Road – Albany Street. The proposed development includes a series of steps, walls, seating, lighting, planting and a sculpture form, replacing the existing steps that currently exist on site. The existing steps form an important pedestrian access from upper Albany Street to George Street. The development maintains this access in a new form, with the sculpture forming a part of the development.
4. **Lighting:** At present the existing steps are lit only by way of overspill from the existing street lighting on George Street. Lighting on the proposed development will include the following:
 - A new pole light to be located at the entry steps at George Street, providing over-lighting over the wider development and the entry in particular.
 - Wall mounted downlights to light the principle steps and the flat space in the vicinity of the proposed sculpture

The proposed planting is relatively low (up to 750mm in height) and will not cast shadow or provide refuge. In summary the proposed lighting will ensure all spaces are well lit and is a significant improvement over the existing lighting.

5. **Signage:** Signage will be installed for the purpose of interpreting the sculpture and the story of peaceful objection to conflict however this signage will be relatively small in scale. It is recommended that a sign be placed on the lower entry, by George Street, stating '*Pedestrian access to upper Albany Street*' or similar.

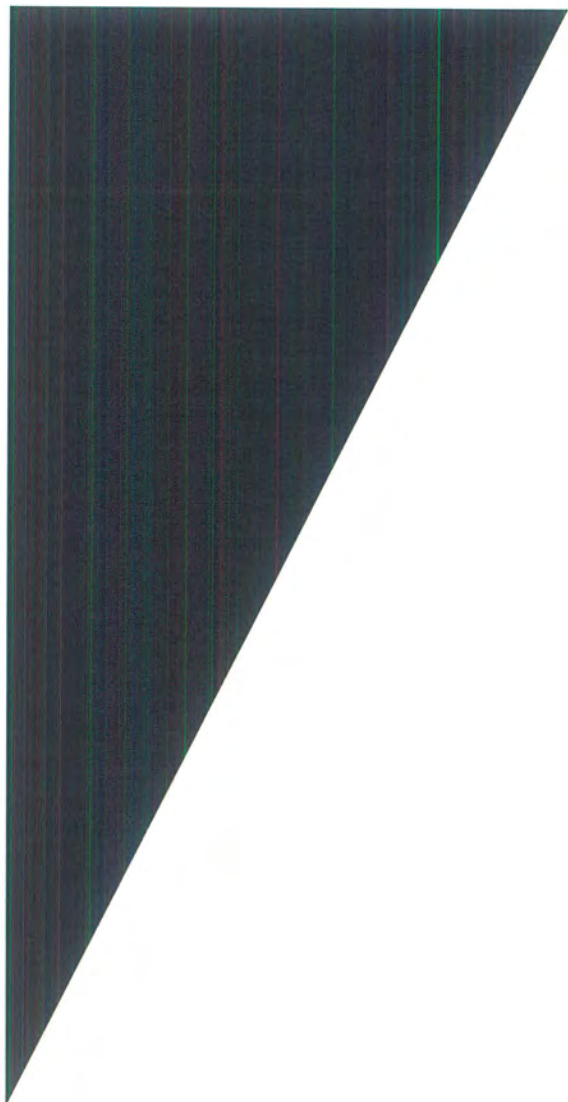
The proposed steps will provide strong directional guidance and no additional signs are required

6. **Sightlines:** As noted above, the steps provide clear directional guidance, and link into the existing steps. Landscape planting is to be low planting that will not obscure the walking route.
7. **Isolation:** The design is 'open' in character and visible from the adjacent George Street and Albany Street, both of which are well used and frequented vehicular and pedestrian routes. There is a bus stop at the base of the proposed park which, with the additional pole light and new seating is well posted and frequented. In summary, the development will be highly visible from George Street and part of a well-used urban route.
8. **Movement Predictors:** As noted above, the access steps form the principle 'spine' of the development and will be readily recognised and discernible. Users may congregate in the area around the sculpture from time to time. This has been acknowledged in the design and space has been left around the sculpture area to enable ongoing general access to be undertaken without being compromised. There is no alternative route to upper Albany Street, as is the case currently, however the increased lighting and obvious access is considered to be an improvement on the current lighting and steps.
9. **Entrapment Sites:** The proposed walls are relatively small in scale, and will not provide sites for screening and entrapment. As noted above, the proposed development is in a highly frequented and visible site, the components of the development are relatively small in scale and, collectively, provide a series of small, safe and functional spaces.

Summary: During the design process, we were aware of the need to provide a safe, well-lit and interesting design that allowed for both visitors to view the sculpture form and, importantly, to allow for the continued safe daily egress of pedestrians that use this access on a regular basis. The design provides for a safe well-lit environment with the access route clearly defined

Paddy Baxter
Director
Baxter Design

2nd April 2018



APPENDIX E

Draft Conditions of Consent

General Conditions

1. The construction of the Baxter Memorial Park shall be carried out in general accordance with the "Archibald Baxter Memorial Trust Baxter Memorial Park Resource Consent Application" document and supporting information and plans, dated April 2018, prepared by Mitchell Daysh Ltd, unless otherwise altered by updated reporting as required under these consent conditions, which shall take precedence.
2. All works shall be designed and supervised by an appropriately qualified person. Before any construction works commence, the consent holder shall provide a letter to Council advising who the supervisor shall be for the design and supervision of the works.
3. The consent holder shall advise the Council by email to monitoring@dcc.govt.nz of the start date of the works. The written advice shall be provided to Council at least five (5) working days before the works are to commence.
4. A construction management plan for the construction period shall be prepared by a suitably qualified person. The construction management plan shall be submitted to the Council for approval prior to works commencing.
5. A traffic management plan for the construction period shall be prepared by a suitably qualified person detailing the following:
 - An overview of the works, the anticipated traffic generation, and the routes to be taken by vehicles during the construction phase of the project;
 - The hours over which construction traffic will be generated;
 - Location of the accesses, including temporary accesses (if any);
 - Driver protocols, such as speed restrictions, communication requirements and requirements to report incidents or 'near misses';
 - Details of temporary signage, speed restrictions, and other traffic management measures;
 - Monitoring arrangements.
 - Any other relevant information.

The traffic management plan shall be submitted to the Council for approval prior to works commencing.

6. The construction works shall be undertaken in accordance with the approved traffic management plan and construction management plan as described in conditions 4 and 5 above.
7. All construction noise shall comply with the following noise limits as per New Zealand Standard NZS 6803:1999.

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public Holidays	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

8. Should the consent holder cease, abandon, or stop work on site for a period longer than six (6) weeks, the consent holder shall first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and shall thereafter maintain these measures for

so long as necessary to prevent sediment discharge or dust emission from the site. All such measures shall be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.

9. At the completion of the works, any public road, footpath, landscaped areas or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to construction works, shall be reinstated to the satisfaction of Council at the expense of the consent holder.

Accidental Discovery Protocols

10. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder should, without delay:
 - i. notify the Consent Authority, Tangata whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police.
 - ii. stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work should recommence following consultation with the Consent Authority, the New Zealand Historic Places Trust, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder should without delay:
 - i. stop work within the immediate vicinity of the discovery or disturbance; and
 - ii. advise the Consent Authority, the New Zealand Historic Places Trust, and in the case of Maori features or materials, the Tangata whenua, and if required, should make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and
 - iii. arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work should recommence following consultation with the Consent Authority.

27 June 2018

Archibald Baxter Memorial Trust
C/O Mitchell Daysh
PO Box 489
Dunedin 9054

Via email: louise.taylor@mitchelldaysh.co.nz

Dear Louise,

RESOURCE CONSENT APPLICATION:

**LUC-2018-294
ALBANY STREET BETWEEN GEORGE
STREET AND QUEEN STREET
DUNEDIN**

Your application for land use consent was processed on a non-notified basis and was considered by a Senior Planner – Consents, under delegated authority, on 27 June 2018. The proposal was determined to be a controlled activity land use consent and therefore qualified as a fast-track application and was accordingly processed in accordance with Sections 87AAC and 87AAD of the Resource Management Act 1991.

Please note that the processing of this application could not be completed within the 10 working day time limit prescribed under section 115 of the Resource Management Act 1991. The time limits for the processing of this consent have been extended pursuant to section 37A(4)(b)(i) of the Resource Management Act 1991.

I advise that the Council has **granted** consent to the application. The decision is outlined below, and the decision certificate is attached to this letter.

DESCRIPTION OF ACTIVITY

The Archibald Baxter Memorial Trust seeks land use consent to establish a new memorial park. The site of the proposed works is within the Albany Street legal road reserve which intersects with George Street and is adjacent to 509 and 487 George Street, Dunedin. The proposal is to remove the existing staircase and annual plant bed and establish a new park. The proposal involves the establishment of new footpaths, landscaping, lighting and public artwork.

As the subject site is within a legal road corridor it does not have a Certificate of Title. The proposed works extend across an existing "park" which is classified as unformed legal road on the District Plan Maps. The works extend to an existing footpath which is within the legal road corridor. The works cover an area of approximately 73m².

The new pedestrian path will be constructed in exposed aggregate and broom finished concrete with granite tile feature strips and timber decking. The retaining walls will be boxed concrete with a board finish. Recessed lights will be installed at each set of steps and on the back wall behind the sculpture. Three in-ground LED up-lights are to be installed at the base of the sculpture. A new light standard and down light will be established at the George Street entrance to the site.

New seating is proposed in the form of timber bench seats. One is to be located on the street frontage to George Street and four other bench seats are proposed on the edges of the new formed pedestrian path. Two feature steel and timber palisade fences are proposed in the middle of the proposed garden. Bands of mass planted low growing shrubs are proposed to establish a ground cover over all of the areas which are not covered in hard surfacing or retaining walls.

Signage will be installed for the purpose of interpreting the sculpture with a background of the story of Archibald Baxter's life as a New Zealand Socialist, pacifist and conscientious objector. The application does not include details of the sign. If the sign is 0.5m² or less in area it will be a permitted sign associated with a recreational activity.

REASONS FOR APPLICATION

Dunedin currently has two district plans: the operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (the "Proposed 2GP"). Until the Proposed 2GP is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.

The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.

Dunedin City District Plan (Operative Plan)

The subject site is zoned **Residential 3** in the Dunedin City District Plan. George Street is classified as a District Road in the Plan's Roading Hierarchy. The portion of Albany Street between Queen Street and George Street is classified as a Local Road in the Plan's Roading Hierarchy. The site is within the North Dunedin Residential Townscape Precinct (TH01). The site is subject to Land Stability: Land Movement Hazards: Albany Street Landslide

The works include a series of retaining structures and earthworks. These works are permitted in accordance with the following Earthworks and Transportation Rules:

- *Rule 17.7.2(h) Maintenance of existing roads are permitted as provided for under Rule 20.5.1 of Section 20: Transportation.*
- *Rule 20.5.1 Permitted Activities*
The following activities are permitted activities within the legal road reserve and within existing formed road corridors that are not contained within the legal road reserve, provided that they comply with the relevant performance standards set out in Rule 20.5.2:
 - (i) Maintenance of existing roads, which includes realignment, traffic and parking controls, road signs, lighting and landscaping.*
 - (ii) Street furniture*
- *Rule 20.5.2 Performance Standards for Permitted Activities*
 - (i) Street furniture provided for under Rule 20.5.1(ii) shall comply with the following performance standards:*
 - (a) The maximum height of street furniture shall be 3.5m.*
 - (b) The maximum area of ground covered by the street furniture shall be 9m², measured at any point above ground level.*
 - (c) The maximum length of street furniture shall be 6.5m.*
 - (d) The minimum unobstructed width of footpath available for pedestrian movement past street furniture shall be:*
 - (i) 2.0m in the Central Activity Zone.*
 - (ii) 1.2m in all other zones.*

The sculpture meets the definition of recreation activity: *which means the use of land for recreation purposes.* The sculpture is considered to be a permitted accessory building for recreational activity in the Residential 3 Zone. As it will comply with the bulk and location requirements, and because the site is located within a legal road with unrestricted car parking it is seen to comply with the parking performance standards of one car park per 750m² of site area. The following rules apply to the proposed development:

- *Rule 13.7.2: The following activities are controlled activities:*
 - (i) *The erection of any new building within townscape and heritage precincts is controlled in respect of:*
 - (a) *External design and appearance of the building, including building material and external colour.*

In accordance with Rule 13.7.2, the proposal is a **controlled activity**. The Council's control is reserved over external design and appearance of the building, including building material and external colour.

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

The subject site is zoned Inner City Residential and Commercial Mixed Use (Central Business District) in the Proposed 2GP. The site is subject to a Land Instability Hazard and half of the park is within the George Street North Heritage Precinct. The site is within a proposed Archaeological Alert Layer. The Proposed 2GP was notified on 26 September 2015, and some 2GP rules had immediate legal effect from this date. In this instance, the application was lodged on 30 May 2018 and none of the relevant rule provisions were in effect at that time.

The proposed sculpture would fit within the following definition:

Public Artworks Small Scale: *Public artworks that do not exceed the following thresholds: for murals or artwork painted on a building, a maximum area of 10m² and a maximum height of 4m above ground level; and for all other artworks, the maximum total volume of a 3 dimensional artwork must be capable of being contained within an envelope with a gross floor area of 5m² and a height of 3m above ground level.*

At the time of the issuing of this decision, the relevant rule provisions of the Proposed Plan have not been given effect or made operative. The relevant provisions 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.

Planning Status

Overall having regard to both district plans, the proposal is considered to be a **controlled activity** in accordance with Operative Plan.

PLANNING ASSESSMENT

Affected Persons

No affected persons forms were submitted with the application. No person or party is considered to be adversely affected by the activity.

Effects on the Environment

The following assessment of effects on the environment has been carried out in accordance with Section 104(1) of the Resource Management Act 1991. It addresses the matters over which the Council's control is reserved, and is carried out on the basis that the environment is characterised by a mix of commercial and residential activity, the majority of buildings in the area are large character homes or large buildings utilised for commercial residential activity. George Street is a major thoroughfare through Dunedin, with more of a pedestrian feel than the alternative one-way systems.

Any actual or potential effects on the environment of allowing this proposal to proceed will be no more than minor for the following reasons:

1. Design and Appearance (Assessment Matter 13.7.2(i)(a)(I –(ii))

The District Plan describes the North Dunedin Residential Townscape Precinct values as:

'... a mix of cottages, villas (some two storeyed) and terrace houses that rarely occur in New Zealand as a house type. There are many historic character homes which contribute greatly to the unique townscape character and amenity of the area. As a consequence there is an established architectural style of housing in the North Dunedin Residential Townscape Precinct.

There is a strong connection between individual houses and the streets, with dwellings facing streets. This forms a high level of interaction between street activity and private activity, with front verandahs and balconies functioning as the intermediary.'

The application was forwarded to Council's Urban Design Team for comment. Council's Urban Designer makes the following comments:

"Regarding likely effects on streetscape and amenity values and the above application. The works is proposed within a section of road reserve that has historically functioned as a pedestrian link between George Street and a section of Albany Street that intersects with Queen Street. The current layout is formed by two sets of intersecting steps, a formally planted and elevated garden bed and several exotic tree species (small to moderate sizes) form the basis of the current layout. None of the trees on the site are listed on the DCC Tree Schedule. The perennial flower bed is somewhat iconic on the Albany Street alignment.

The proposed redevelopment of the site would introduce additional hard features including, a wider path and terraces, retaining walls, lighting, seating and art work.

The existing stairs have required very little modification of the landform. While this has allowed for a light touch, it is also detrimental to providing optimal connection. The proposed design requires greater modification of the existing land and additional structures however, it will also provide a more comfortable pedestrian link and a new functional public space. The design retains significant planting and introduces an aesthetic based on native plantings. Materials (formed concrete and timber) are respectful of the precincts built form in terms of a sense of permanence and is compatible with adjoining residential development.

To conclude, the design allows for the existing use of the space as a pedestrian link but introduces a higher degree of amenity to allow the space to also be used as a more flexible public space. The design introduces a more 'built' aesthetic however I do not believe there are issues of bulk or dominance to a degree that would have negative impacts. The choice of materials is compatible with nearby heritage buildings and the inclusion of improved lighting is positive in terms of supporting public use and punctuated the design as a unique public space.

In my view, this application represents positive effects to streetscape and amenity values."

Based on the Urban Designer's assessment above, I believe that the design of the proposed park will strengthen the connections between George Street and Albany Street. The low height amenity planting will enhance views up and down Albany Street and the new lighting proposed will accentuate the design features proposed whilst improving safety and visibility. This proposal will have a positive effect on the streetscape. The applicant has provided a set of conditions that, if complied with, will reduce the impact of potential temporary adverse effects caused during the construction phase. However, as the earthworks proposed are permitted, these conditions have been included as advice notes.

The site is within a proposed Archaeological Alert Layer in the Proposed 2GP and the site is adjacent to a site that has a scheduled heritage building on it. An accidental discovery condition has been imposed in the event that any kōiwi tangata or archaeological material that pre-dates 1900 is unearthed during the construction works.

As the works are located within both road reserve administered by Council's Transportation Department and a park administered by the Council's Parks and Recreation Services Department, advice was sought from these departments as they will take over assets and maintenance of the park. The leasing and land advisor Parks and Recreation makes the following comment.

"Planning

We note the proposal involves the establishment of new footpaths, landscaping, lighting and public artwork within road reserve and accordingly the Assessment Matters are limited to these matters. The artwork is treated as a Recreational Activity.

The land while being Road Reserve is managed on a day to day basis by PARS as it is grassed and has a popular garden bed. We acknowledge that the application can be seen to enhance the passive recreation and amenity value of the Townscape in this location, particularly due to the tiered landscaping. The effect of the proposal is however that the garden bed which has traditionally been planted to reflect topical themes will be lost at this site, and need to be relocated.

The artwork is a recreational activity but is designed to be approached on foot due to the steep slope on the site although the landscaping will minimise the effect of the slope. There is public on-street car parking nearby.

Species for planting

*We support the species of plants listed however there is one matter we want to raise and that is to do with the planting plan. As a practical detail we recommend that the *Chionochloa flavicens* be switched in place with the *Coprosma acerosa*. This will help avoid a build-up of litter, and would be safer (risk of eye damage) and more pleasant to sit next to, especially in wet weather. We advise the final planting plan should be discussed with a Parks Officer prior to planting to finalise the species and location of each.*

Significant tree

*PARS is satisfied that the work proposed will not impact on the group of *Prunus* trees located above the site. That said, we aware that DCC water and waste department are considering a pipe renewal alongside this piece of work. We understand that removal of one *Prunus* from the group is necessary and PARS has discussed this with water and waste department regarding mitigation, but not yet confirmed. We bring this to your attention as it seems that the project subject of this application would best be implemented once the water and waste work and tree removal has been completed."*

In reference to the proposed change in planting above, in terms of effects on the Townscape Precinct it would be beneficial to incorporate planting that is easy to maintain and therefore enhance the amenity of the area rather than detract from it. I have included an advice note in the decision certificate advising the applicants to consult with the land owners, or in this instance, the Parks and Recreations Services on the proposed plant species prior the project commencing. In regards to the timing of works, the land owner will need to give approval to the works commencing and this is not required as a condition of consent. The comment refers to a significant tree, but then describes the tree as a group of *Prunus* trees, the group of *Prunus* Trees are not listed in the Operative Plan Schedule of Significant Trees. There is, however, the significant tree located on the neighbouring property. The applicant should take care not to disturb the roots or the dripline of the protected tree T476 *Fraxinus excelsior* 'Pendula' Weeping ash located at 509 George Street.

NOTIFICATION ASSESSMENT

A separate assessment of the application has been carried out in accordance with Sections 95A and 95B of the Resource Management Act 1991. It has been determined that public notification and limited notification is not required, and hence the application can be processed on a non-notified basis. That is primarily because:

- The application as a whole is for a controlled activity which by default is precluded from public notification.
- No special circumstances exist in relation to the application that warrant the application being publicly notified.
- The application is for a controlled activity land use consent, and is by default precluded from limited notification.
- No special circumstances exist in relation to the application that warrant the application being limited notified to any persons.

CONSENT DECISION

That, having taken into account:

- *the interests of any person who may be adversely affected by the time extension;*
- *the interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
- *its duty under Section 21 to avoid reasonable delay*

the Council has, pursuant to Sections 37A(2)(a)) and 37A(4)(b)(i) of the Resource Management Act 1991, extended the requirement outlined in Section 115 regarding the time in which notification of a decision must be given after the date the application was first lodged with the Council.

*That, pursuant to Sections 34A(1), 104 and 104A of the Resource Management Act 1991, the Dunedin City Council **grants** consent to a **controlled activity** being the establishment of soft and hard landscaping including new street furniture and art work, retaining walls, lighting and steps in a council owned reserve located within the legal road corridor at the section of Albany Street between George Street and Queen Street, Dunedin, legally described as Albany Street Legal Road, subject to the condition imposed under Section 108 of the Act, as shown on the attached certificate.*

REASONS

Effects

In accordance with Section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activities have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

Offsetting or Compensation Measures

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

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 when assessing the application.

Dunedin City District Plan (Operative Plan)

The proposal is considered to be consistent with the following objectives and policies:

- **Objective 13.2.2 (Townscape Section)** that seeks to ensure that the relationship between open space and buildings in the Central City precincts is protected and strengthened.
- **Policy 13.3.2 (Townscape Section)** that seeks to conserve and enhance the distinctive street and open space layout of the central City precincts.
- **Objective 13.2.4 (Townscape Section)** that seeks to ensure that buildings and places that contribute to the townscape character are recognised and maintained.
- **Policy 13.3.4 (Townscape Section)** That seeks to protect and enhance the heritage and townscape values of the following precincts: (i) North Dunedin Residential
- **Objective 13.2.5 (Townscape Section)** That seeks to ensure that the character of significant townscape and heritage precincts is maintained or enhanced.
- **Objective 13.2.7 (Townscape Section)** That seeks to create and promote a safe environment.

- **Policy 13.3.5 (Townscape Section)** That seeks to 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.

Proposed 2GP (Proposed Plan)

The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The proposal is considered to be consistent with the following 2GP objectives and policies:

- **Objective 3.2.1 (Public Amenities Section)** Public amenities contribute positively to community wellbeing and streetscape amenity, while:
 - a. minimising, as far as practicable, any adverse effects on the amenity of surrounding sites; and
 - b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located.
- **Policy 3.2.1.4 (Public Amenities Section)** Only allow public artworks large scale where:
 - a. it has positive effects for streetscape amenity; and
 - b. significant adverse effects on surrounding sites will be avoided.
- **Objective 18.2.1 (Commercial Mixed Use Zone Section)** Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:
 - a. the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities;
 - b. vibrant and viable principal, suburban and rural centres, which provide hubs for social and economic activity for rural, suburban and principal communities;
 - c. neighbourhood centres, which provide for the day to day needs of local areas, with destinations centres also servicing visitor needs, and convenience centres also servicing the needs of passing motorists;
 - d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
 - e. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high traffic generators, which are likely to be incompatible with the amenity expectations of the CBD;
 - f. an area around Maclaggan, Cumberland and Crawford Streets (CEC Zone), which provides for specific categories of high traffic generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD and may require larger sites than available in the CBD; and
 - g. an area around Birch and Kitchener Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterized by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation and residential activities.
- **Policy 18.2.1.1 (Commercial Mixed Use Zone Section)** 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.
- **Objective 18.2.3 (Commercial Mixed Use Zone Section)** Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified pedestrian street frontages.
- **Policy 18.2.3.1 (Commercial Mixed Use Zone Section)** Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring:

- a. an attractive street interface is maintained, through landscaping where buildings are not built to the street frontage;
 - b. large parking areas, which are visible from the street, are visually broken up with internal landscaping, which also provides for rainwater absorption;
 - c. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place;
 - d. building height reflects the general heights of the block; and
 - e. an architecturally interesting façade through building modulation and use of glazing.
- **Objective 15.2.1 (Residential Zone Section)** Residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facilities, and commercial activities that support the day-to-day needs of residents.
 - **Policy 15.2.1.1 (Residential Zone Section)** Provide for a range of residential and community activities, where the effects of these activities can be managed in line with objectives 15.2.2, 15.2.3, 15.2.4, and 15.2.5 and their policies.
 - **Objective 13.2.3 (Heritage Section)** The heritage streetscape character of heritage precincts is maintained or enhanced.
 - **Policy 13.2.3.10 (Heritage Section)** Only allow public amenities and network utilities activities where these are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character.

RIGHTS OF OBJECTION

In accordance with Section 357A of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner – Enquiries
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

In accordance with Section 357AB of the Resource Management Act 1991, you may, when making the objection, request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties in relation to consider and decide the objection to an independent hearings commissioner. Please note that you may be required to pay for the full costs of the independent hearings commissioner.

RIGHTS OF APPEAL

Pursuant to Section 120(1A) of the Resource Management Act 1991, no right of appeal to the Environment Court against the whole or any part of this decision exists for the following:

- (a) *A boundary activity, unless the boundary activity is a non-complying activity;*
- (b) *A subdivision, unless the subdivision is a non-complying activity;*
- (c) *A residential activity, unless the residential activity is a non-complying activity.*

(Refer Section 87AAB of the Act for definition of “boundary activity”, and refer to Section 95A(6) for definition of “residential activity”).

For all other applications, in accordance with Section 120 of the Resource Management Act 1991, you may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received.

The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069

Christchurch Mail Centre
Christchurch 8013

Any appeal must be served on the Dunedin City Council.

Failure to follow the procedures prescribed in Sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

Yours faithfully

A handwritten signature in black ink, appearing to be 'AY' followed by a stylized flourish.

Amy Young
Planner

Consent Type: Land Use Consent

Consent Number: LUC-2018-294

Purpose: The establishment of soft and hard landscaping including new street furniture and art work, retaining walls, lighting and steps in a council owned reserve located within the legal road corridor.

Location of Activity: Albany Street between George Street and Queen Street, Dunedin.

Legal Description: Albany Street Legal Road

Lapse Date: 27 June 2023, unless the consent has been given effect to before this date.

Conditions:

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 30 May 2018.*

2. *If the consent holder:*

(a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder should without delay:

(i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.

(ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered should be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work should recommence following consultation with the Consent Authority, Heritage New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

(b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder should without delay:

(i) stop work within the immediate vicinity of the discovery or disturbance; and

(ii) advise the Consent Authority, Heritage New Zealand Pouhere Taonga, and in the case of Maori features or materials, the Tangata whenua, and if required, should make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014; and

(iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work should recommence following consultation with the Consent Authority

Advice Notes:

1. 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.
2. Care should be taken to avoid construction or earthworks greater than 600mm in depth within the dripline of the protected tree T476.
3. 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.
4. All works should be designed and supervised by an appropriately qualified person. Before any construction works commence, the consent holder should provide a letter to Council advising who the supervisor should be for the design and supervision of the works.
5. The consent holder should advise the Council by email to monitoring@dcc.gov.tnz of the start date of the works. The written advice should be provided to Council at least five(5) working days before the works are to commence.
6. A construction management plan for the construction period should be prepared by a suitably qualified person. The construction management plan should be submitted to the Council for approval prior to works commencing.
7. A traffic management plan for the construction period should be prepared by a suitably qualified person detailing the following:
 - a. An overview of the works, the anticipated traffic generation, and the routes to be taken by vehicles during the construction phase of the project.
 - b. The hours over which construction traffic will be generated
 - c. Located of the accesses, including temporary accesses (if any)
 - d. Driver protocols, such as speed restrictions, and other traffic management measures.
 - e. Monitoring arrangements
 - f. Any other relevant information
 - g. The traffic management plan should be submitted to the Council for approval prior to the works commencing.
8. The construction works should be undertaken in accordance with the approved traffic management plan and construction management plan as described in advice note 6 and 7 above.
9. All construction noise should comply with the following noise limits as per New Zealand Standard NZS 6803:1999

Time of Week	Time Period	Leq (dBA)	L max(dBA)
Weekdays	0630-0730	65	75
	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75

Saturdays	0630-0730	45	75
	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and public Holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

10. Should the consent holder cease, abandon, or stop work for a period longer than six(6) weeks, the consent holder should first take adequate preventative and remedial measures to control sediment discharge/run-off and dust emissions, and should not discharge or dust emission from the site. All such measures should be of a type and to a standard which are to the satisfaction of the Resource Consent Manager.
11. At the completion of the works, any public road, footpath, landscaped area or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to construction works, should be reinstated to the satisfaction of Council at the expense of the consent holder.
12. 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.
13. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
14. 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.
15. This is a resource consent. Please contact the Council's Building Control Office, Development Services, about the building consent requirements for the work.

Issued at Dunedin on 27 June 2018



Amy Young
Planner

Appendix One: Approved Plans for LUC-2018-294 (scanned images, not to scale)



baxter
design

SCALE: 1:100 AT A3
REFERENCE: 2545-SK21 - SCALE = 1:100 AT A3 - 12 FEB 2018

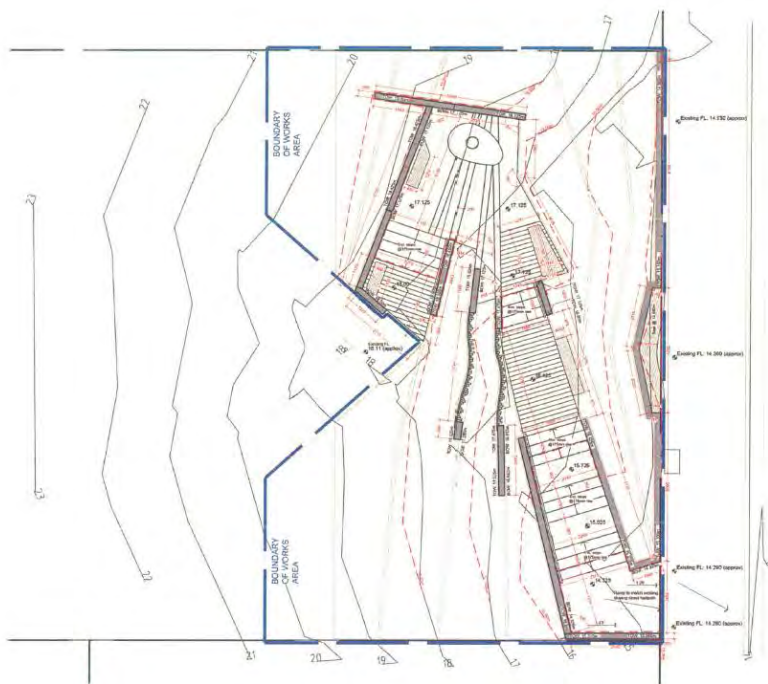
BAXTER MEMORIAL - ALBANY STREET, DUNEDIN
LOCATION PLAN



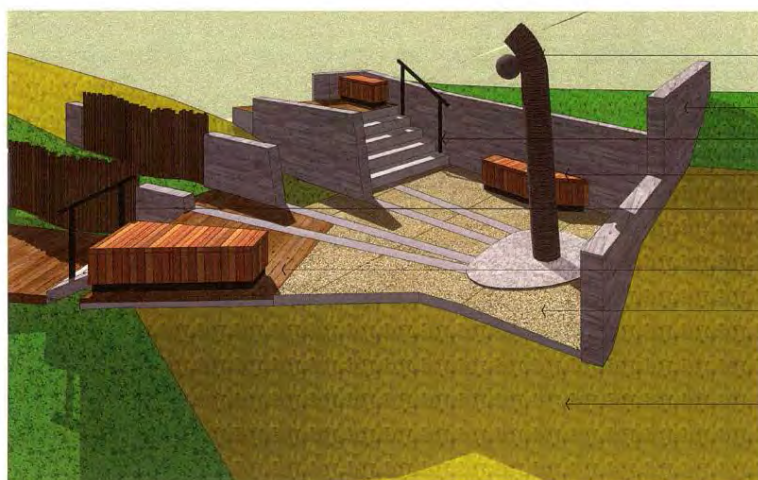
baxter
design

SCALE: 1:100 AT A3
REFERENCE: 2545-SK22 - SCALE = 1:100 AT A3 - 12 FEB 2018

BAXTER MEMORIAL - ALBANY STREET, DUNEDIN
SITE PLAN + MATERIALS



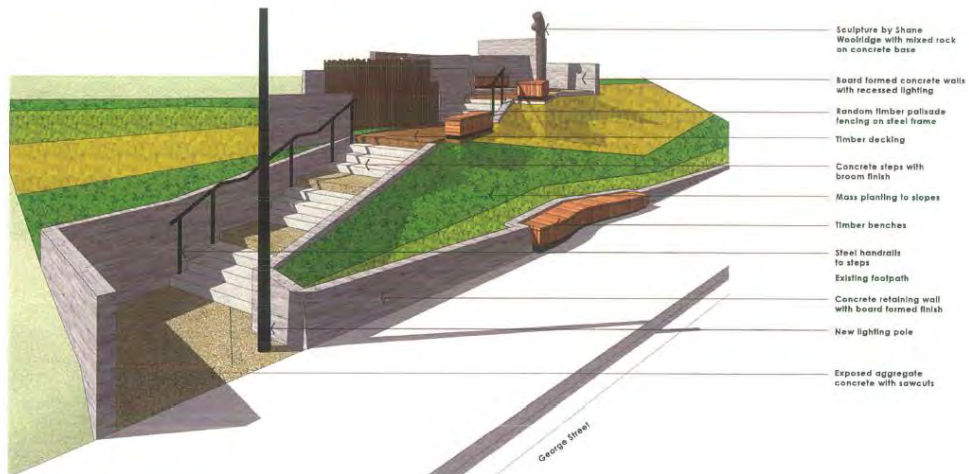
BAXTER MEMORIAL - ALBANY STREET, DUNEDIN
DIMENSIONS + LEVELS



- Sculpture by Shane Westridge with mixed rock on concrete base
- Board formed concrete walls with recessed lighting
- Steel handrails to steps
- Timber benches
- Random timber palisade fencing on steel frame
- Timber decking
- Exposed aggregate concrete with sawcuts
- Mass planting to slopes refer to Planting Plan



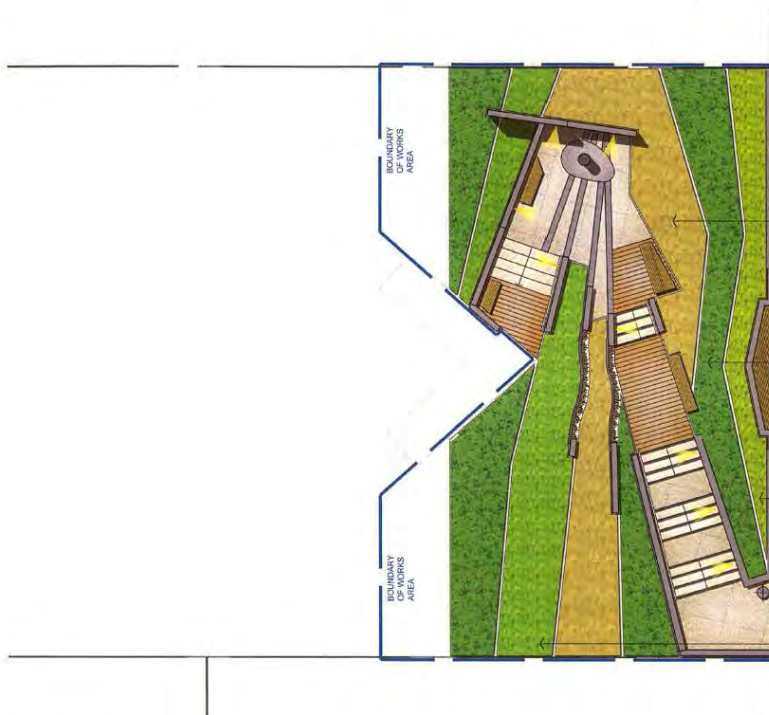
BAXTER MEMORIAL - ALBANY STREET, DUNEDIN
VIEW OF UPPER LEVEL - MATERIALS



baxter
design

1:100 1m 2m
REFERENCE: 2545-SK25 - SCALE: 1:100 AT A3 - 12 FEB 2018

BAXTER MEMORIAL - ALBANY STREET, DUNEDIN
VIEW FROM GEORGE STREET - MATERIALS



baxter
design

1:100 1m 2m
REFERENCE: 2545-SK22 - SCALE: 1:100 AT A3 - 12 FEB 2018

BAXTER MEMORIAL - ALBANY STREET, DUNEDIN
PLANTING PLAN