



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We Kainga Ora — Homes and Communities

(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 of the fast-track consent process: ☐ Yes ☐ No

(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

To construct a multi-unit development providing a total of 40 residential units at 118 Carroll Street, Dunedin Central, Dunedin.

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

☒ No

Site location/description

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

Street address of site: 118 Carroll Street, Dunedin Central, Dunedin

Legal description: Lot 1 Deposited Plan 26442

Certificate of Title: OT18B/911

Contact details

Name: Planz Consultants Limited c/o Tim Joll

(☐ applicant ☒ agent (tick one))

Address: PO Box 1845

Christchurch

Postcode: 8140

Phone (daytime):

Email: timj@planzconsultants.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 (tick one): ☒ Email ☐ Post ☐ Other:

Ownership of the site

Who is the current owner of the site? Housing New Zealand Limited

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

Address:

Postcode:

Phone (daytime):

Email:

Planning Application Fees Payment Details (Who are we invoicing)

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

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

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company): Kainga Ora – Homes and Communities

[REDACTED]

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

Wellington

[REDACTED]

Email Address of Deposit Payee:

[REDACTED]

Daytime contact phone number:

[REDACTED]

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

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 development.contributions@dcc.govt.nz.

Occupation of the site

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

[REDACTED]

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.

Refer to AEE

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.

Refer to AEE

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? Refer to AEE

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.

Refer to AEE

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.

Refer to AEE

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.

Refer to AEE

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: ☐ Yes ☐ No
☐ Water Permit ☐ Discharge Permit ☐ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☐ Not applicable

Assessment of Objectives and Policies

In this Section you need to consider and assess how your application proposal aligns with the relevant objectives and policies in the District Plan relating to your activity. If your proposal is a discretionary or non-complying activity under the District Plan more attention to the assessment will be necessary as the objectives and policies of the District Plan may not always be in support of the proposed activity.

Refer to AEE

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 (tick one):

Terri Winder

1/05/2023
Date:

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 Māori 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.

Further assistance

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

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

City Planning Staff can be contacted as follows:

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

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

BY PHONE: (03) 477 4000

BY EMAIL: planning@dcc.govt.nz

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

Information requirements

- ☒ Completed and Signed Application Form
- ☒ Description of Activity and Assessment of Effects
- ☒ Site Plan, Floor Plan and Elevations (where relevant)
- ☐ Written Approvals
- ☒ Payee details
- ☒ Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))
- ☒ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☒ Forms and plans and any other relevant documentation signed and dated by Affected Persons

In addition, subdivision applications also need the following information:

- ☐ 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)? ☐ 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:

Kāinga Ora – Homes and Communities

To construct a multi-unit development providing a total of 40 units



118 Carroll Street, Dunedin

Resource Consent Application to the
Dunedin City Council

May 2023



Planz Consultants

Quality Assurance Statement:

Application Prepared By:

Planz Consultants Ltd, 3/79 Lichfield Street, PO Box 1845, Christchurch 8140,
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Project Number: J16733

Document Status: Draft for client review

Date: May 2023

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Appendix 1:	Geotechnical, Contaminated Land and Civil Investigation and Assessment (Geotechnical Report) – Tonkin & Taylor Ltd
Appendix 2:	Detailed Site Investigation – Kirk Roberts
Appendix 3:	Record of Title
Appendix 4:	Arborist Report – Greentrees
Appendix 5:	Architectural Plans - Architectus
Appendix 6:	Landscaping Plans and Palettes – Kamo Marsh
Appendix 7:	Earthworks Plan – Calibre Group
Appendix 8:	Confirmation of Waste Strategy from DCC

APPLICATION FOR RESOURCE CONSENT

SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: the Dunedin City Council

1. **Kāinga Ora – Homes and Communities** applies for **resource consent (land use)** for the following activity:

To construct a multi-unit development providing a total of 40 residential units as described in detail throughout the supporting report and documentation.

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

Address: 118 Carroll Street, Dunedin Central, Dunedin

Legal Description: Lot 1 Deposited Plan 26442

Area: 4,049 m² (more or less)

3. The name and address of the owners and occupiers of the land to which the application relates are:

Housing New Zealand Limited

PO Box 2628

WELLINGTON 6140

4. If an activity or industry on the Hazardous Activities and Industries List (HAIL) is, or has occurred, on the site, the National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health (**NES-CS**) applies to proposed soil disturbance and/or land development activities. A review of the Otago Regional Council LLUR GIS does not identify any HAIL activities as being undertaken on the site. The Geotechnical Report (**Appendix 1**) prepared by Tonkin & Taylor (**T+T**) states that the site has been under residential land use since at least the early 1940s, and that current and former buildings on the site may have contained asbestos containing materials (**ACM**) and lead-based paints. Additionally, the Geotechnical Report states that maintenance, demolition, and / or removal of the current and former buildings could have resulted in asbestos or lead contamination of soils surrounding the buildings. A preliminary soil sampling investigation was undertaken on site by T+T, with samples analysed for asbestos and heavy metals. Asbestos was not detected in any of the samples tested. Lead was detected in topsoil above the reported background concentrations and the NES-CS standard for high density residential land use. Although the 95% UCL of all lead concentrations is below the high-density residential SCS, additional investigation is required to confirm the full extent and magnitude of lead contamination at the site. Based on the current data, the reuse of site soil may be constrained so that encapsulation under sealed areas or building footprints is required to prevent future resident contact.

Kirk Roberts Consulting Engineers Ltd (Kirk Roberts) has prepared a Detailed Site Investigation. This is attached in **Appendix 2**. The proposal requires consent under the NES-CS for a **Restricted Discretionary Activity** pursuant to regulation 10.

5. Resource consents will be required from the Otago Regional Council to disturb a contaminated site, and to discharge sediment to land in a manner that may enter water for the purpose of residential earthworks.

6. In accordance with the Fourth Schedule of the Resource Management Act 1991 (**RMA**), an assessment of the environment effects in the detail that corresponds with the scale and significance of the effects that the proposal may have on the environment is attached.
7. No other information is required to be included in this application by the district/regional plan, the RMA, or any regulations made under that Act.
8. All Council fees will be paid directly by Kāinga Ora – Homes and Communities via PO 3195178.



Terri Winder (Consultant Planner)

Planz Consultants Limited

On behalf of **Kāinga Ora-Homes and Communities**

Address for Service:

Planz Consultants Limited
PO Box 1845
CHRISTCHURCH 8140
Attention: Tim Joll



Email: timj@planzconsultants.co.nz



Address for Billing & Monitoring:*

Kāinga Ora- Homes and Communities
PO Box 2628
WELLINGTON



- * Planz Consultants Limited accepts no liability for any Council costs or charges. Invoices for all such work are to be sent to the Applicants address above for billing.

Resource Management Act 1991

Fourth Schedule

Assessment of Effects on the Environment

1 Introduction

Kāinga Ora – Homes and Communities (**Applicant**) apply for land use consent from the Dunedin City Council (**Council**) to construct a multi-unit development at 118 Carroll Street, Dunedin Central, Dunedin (**site**) providing a total of 40 residential units.

The site is currently developed with 16 residential units which will be demolished as part of the proposed development. Of the four existing vehicle crossings, one may be retained, and the others will be removed.

1.1 Background

1.1.1 Kāinga Ora-Homes and Communities

The Applicant is a Crown entity established under The Kāinga Ora – Homes and Communities Act 2019. The Applicant is the Government's primary housing and urban development delivery arm, focused on providing public housing principally for those most in need, and initiating or undertaking urban development.

1.2 Pre-Application Discussions

The proposal was presented to Council staff in November 2022 as part of Kāinga Ora's regular Project Briefings with Council. The meeting provided Council staff with an opportunity to provide feedback on the masterplan and identify potential issues for the site, including the breach of the height standard. Additional pre-application discussions with Council staff occurred on 22 March 2023. Council staff were generally supportive of the scale and design of the proposed development.

1.3 Purpose of this Report

The purpose of this report is to provide the Council with the information required to obtain resource consent for constructing the proposed multi-unit development on the site.

The appendices at the end of this report contain supporting information and documentation.

2 Site Details and Description

The site is located at 118 Carroll Street in Dunedin Central, Dunedin (Figure 1). The site is legally described as Lot 1 Deposited Plan 26442 as held within the Record of Title OT18B/911 (**Appendix 3**) under the ownership of Housing New Zealand Limited with a land area of 4,049m². The Record of Title is subject to three instruments / interests, none of which impede this proposal.



Figure 1 Location of site within red boundaries with vehicle crossings / accesses illustrated by orange arrows (Dunedin City Council Planning Maps)

The rectangular shaped site slopes down from the northwest to the southeast, with an 8m elevation change. The site contains 16 residential units with attached carports.

Access to the site and its residential units from Carroll Street is largely via an entry-only vehicle crossing (south-western corner) and egress-only vehicle crossing (south-eastern corner). These two crossings are facilitated by a one-way accessway (known as Palmyra Way) intersecting the site. However, Units 1, 3 and 5 gain access directly from their own vehicle crossings. All vehicle crossings are sealed.

Fencing is erected along the site internal boundaries, as well as between the residential units on the site. Low height, timber fencing is established along the road frontage, although setback from the street-facing façade of the residential units.

Soft landscaping is planted along the road frontage and within the site, directly adjacent to the residential units and along the shared boundary to the rear with Palmyra Reserve. The soft landscaping appears to reflect a largely native palette. An arborist report for the site is attached in **Appendix 4**. The attached arborist report also assesses the mature trees on the shared boundary with the reserve.

The formation of the site is depicted in Figure 2 and Figure 3.



Figure 2 Existing form of the site looking in a north-easterly direction from Carroll Street (Google Maps)



Figure 3 Existing form of the site looking in a north-westerly direction from Carroll Street (Google Maps)

As depicted in Figure 4, the environment surrounding the site is infilled with a mixture of low- and medium-density residential developments. The low-density developments largely comprise of single one and two-storey dwellings on a residential section – some of which are located directly to the south of the site. The medium-density developments comprise a mixture of new and older, detached and attached multi-unit residential complexes – some of which are located directly to the west and east of the site. 124 Maitland Street (directly west of the site) and 86 Carroll Street are multi-unit social housing complexes owned by the Applicant and the Council, respectively.



Figure 4 Surrounding environment with site location outlined red and notable surrounds identified (Google Maps)

Beyond the residential properties, a range of education, industrial, commercial and community activities are located within the surrounding environment. Specifically, Arthur Street School (1.5km north of the site), Kavanagh College (1km north of the site), Dunedin City Centre (750m to 2.1km east of the site) and Mailer Street Countdown (1.4km west of the site). The Dunedin Harbour and its associated activities is located to the south-east of the site.

Within the locality are various open, green spaces including the Market Reserve, Unity Park, Jubilee Park, and Palmyra Reserve, the latter weaving through the residential block containing the site and is directly to the north of the site.

Directly to the south of the site is Carroll Street. Carroll Street is a two-lane, two-way, unmarked, and sealed Local Road. Unlimited on-street parking is available on both sides of Carroll Street. Carroll Street is developed with footpaths on both sides to facilitate pedestrian movements, although is void of dedicated cycling infrastructure meaning that cyclists travel along the carriageway. Several bus stops are provided within the locality including two on High Street (between 320m and 405m north of the site) and one on Princes Street (approximately 530m south of the site).

The Geotechnical Report, contained in **Appendix 1**, states that a hydrant is located directly in front of the site (on Carroll Street) with two other hydrants located within 135m of the site (in front of 124 and 98 Carroll Street).

3 Proposal Description

The Applicant seeks land use consent from the Council to construct a multi-unit development on the site providing a total of 40 residential units (Figure 5) as detailed below and illustrated within the Architectural Plans (**Appendix 5**). The site and units will continue to be owned by the Applicant who will manage future tenancies.



Figure 5 Proposed development (Architectus)

3.1 Buildings

The existing residential units and any associated carports and buildings will be demolished to provide a clear construction site.

The multi-unit development will comprise two detached buildings (herein referred to as Building A and Building B). The location and design of Buildings A and B is illustrated on the Architectural Plans (**Appendix 5**) with the key details repeated below.

On each floor of Building A are one and two-bedroom units. On the ground floor of Building B is a Community Room with connected breakout rooms, and two two-bedroom apartments, and at the north of the building are the Rubbish and Bike/Scooter rooms. The other three floors of Building B consist of five two-bedroom apartments.

Buildings A and B will be setback at least 9.4 and 4.5m from the nearest internal boundaries (as measured from the balconies) respectively, and at least 3m from the road boundary, excluding the canopy over Building A which intrudes 1.7m into the permitted road boundary setback, as illustrated in Figure 6 below.

Building A will exceed the maximum permitted height limit of 12m by a maximum of 5.7m, as illustrated in Figure 6 below. The apex of Building 2's roofline also exceeds 12m by 2.1m.

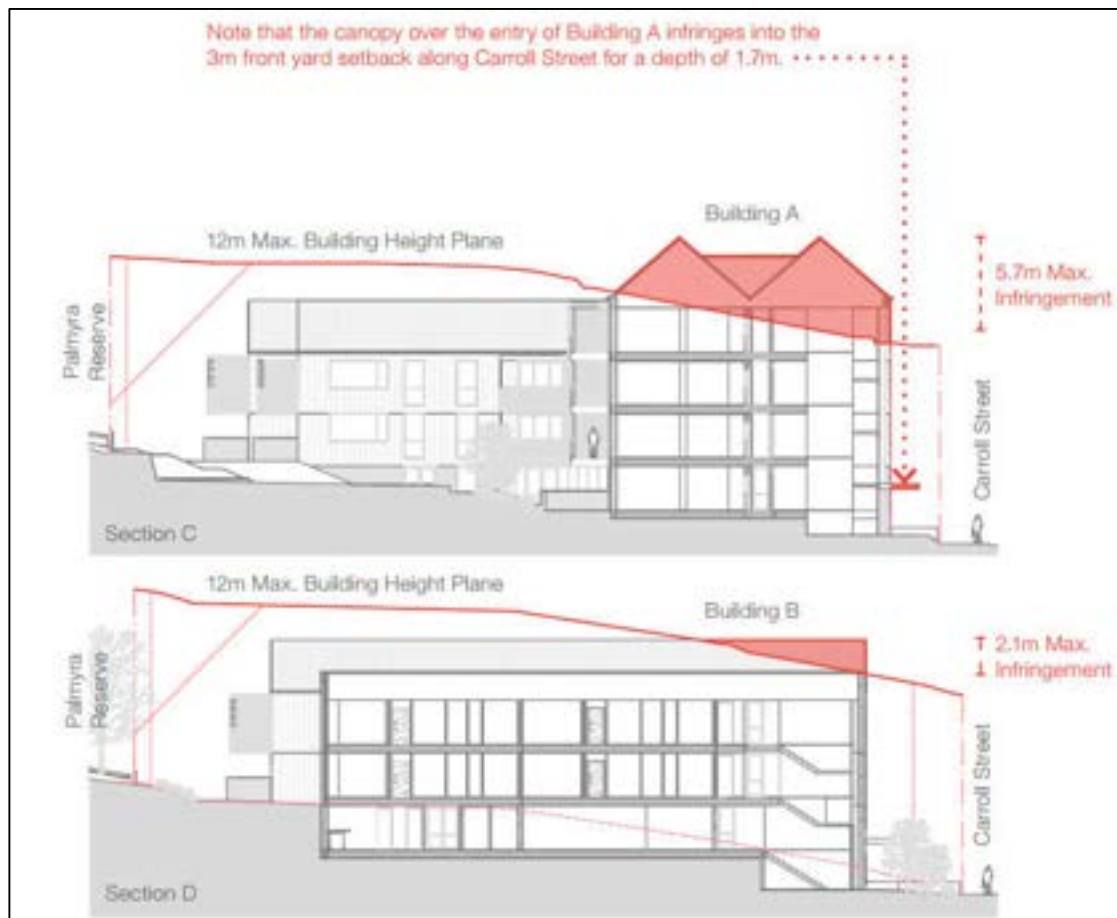


Figure 6 Section showing height non-compliance (Architectus)

Building A will be four-storeys containing 20 one-bedroom units and 8 two-bedroom units and Building B will be three-storeys containing 12 two-bedroom units resulting in 40 units in total. The one-bedroom units will each contain an open living, dining, and kitchen area with a bedroom and bathroom, and the two-bedroom units will each contain an open living, dining, and kitchen area with two bedrooms and one bathroom. All units are designed as full universal design (FUD).

Each unit will have a private outdoor living space directly accessible from its living area which will contain a washing line. The outdoor living spaces on the ground-floor of Buildings A and B will be 23m² (3.9m x 6m) for the one-bedroom units and 12.4m² (2.4m x 5.2m) for the two-bedroom units, approximately. The outdoor living spaces on the first-floor and above of Buildings A and B will be 11m² (2.4m x 4.65m for the one-bedroom units and 12.4m² (2.4m x 5.2m) for the two-bedroom units.

Building B will contain a community room on its ground floor which is proposed to be used by residents from Buildings A and B. A communal bin storage area will be located within the parking area (north-western corner) and on the Building B ground floor equating to approximately 43m² in area.

The proposed materials and finishes for the two buildings are detailed and illustrated within the Architectural Plans.

Approximately 32% of the site (1,281m²) will be covered by Buildings A and B.

3.2 Movements and Parking

Vehicle access to the site from Carroll Street will be via a new 5.5 wide vehicle crossing located in the south-western corner and distanced approximately 28m from the Maitland / Carroll Street intersection. The vehicle crossing will connect to a 40.3m long accessway. The width of the access provides for a 1.5m wide pedestrian path. The accessway will connect to a 29-bay parking area including 8 mobility spaces. The standard bays (2.4m wide x 5.4m deep) and the mobility spaces are paired (3.1m wide x 5.4m deep) will be permanently marked with the mobility spaces signposted, and facilitated by a 5.8m wide, two-way aisle. The four existing vehicle crossings will be removed and reinstated as kerb and channel.

Bicycle and scooter access from Carroll Street will be via the vehicle crossing, accessway, parking area. A sheltered and secure communal bicycle and scooter storage area is proposed on the Building B ground floor.

Pedestrian access will be available from Carroll Street and Palmyra Reserve via dedicated pathways through the development. The parking area, and bicycle and scooter storage area will connect to these pathways. These pathways will measure between 1.5m and 2.4m wide.

The hardstanding materials used to form the vehicle crossing, accessway, parking area, and pathways is detailed on the Landscaping Plans and Palettes (**Appendix 6**). Run-off from the parking area will be collected, treated by a stormwater management system, and discharged to the Council network.

Discussions have been held with the Council regarding the removal of on-street parking and the introduction of a drop off / loading area for the benefit of residents.

3.3 Landscaping and Fencing

Landscaping and fencing will be established on the site and along the internal boundaries (Figure 7) following completion of construction works as illustrated in the Landscaping Plans and Palettes (**Appendix 5**). The planting reflects a mixed native and exotic palette and will cover approximately 35.8% of the site (1,449m²). The fencing will be a mixture of styles and heights, boundary fencing will not exceed 2m in height and will be at least 50% visually permeable.



Figure 7 Proposed landscaping (Kamo Marsh)

3.4 Infrastructure and Servicing

All residential units will be connected to potable water supply, wastewater, and stormwater infrastructure and dry services networks (i.e., power, telephone, and fibre) surrounding the site. If required, the existing infrastructure and services will be upgraded to accommodate this proposal. Calibre Group has discussed the proposal with Council's Three Waters team who have advised that there is sufficient capacity in the Council's network to accommodate the proposed development.

3.5 Earthworks

Earthworks (including excavation and fill) will be undertaken on the site as detailed on the Earthworks Plan (**Appendix 5**). Most of the earthworks will be subject to an approved building consent. Earthworks beyond 1.8m from Buildings A and B is detailed below.

- total cut volume: 4,439m³
- total fill volume: 441m³
- maximum cut depth: approximately 4.6m
- maximum fill depth: approximately 0.8m

All earthworks will be undertaken following an Erosion and Sediment Control Plan (**ESCP**) which will be prepared by the contractors in association with design engineer to reflect their specific work methodologies and associated requirements.

Earthworks will be undertaken between the hours of 7am to 7pm (inclusive) from Monday to Friday and may occur on Saturdays between 7am to 5pm (inclusive). No earthworks will be undertaken on Sundays or Public Holidays.

The Applicant is amenable to a standard condition of consent relating to the accidental discovery of archaeological material.

4 Statutory Assessment

4.1 Operative Dunedin City District Plan (ODP)

The site is located within the Residential 4 Zone under the Dunedin City District Plan (2006) (**Operative Plan**) and belongs to the 50Dt/40Nt dBA / 45SP dBA Noise Area (Map 64).

The proposal is not assessed against the relevant provisions of the Operative Plan as appeals against the relevant provisions of the Proposed Second Generation Dunedin City District Plan (**2GP**) have been either resolved or withdrawn.

4.2 Second Generation Dunedin City District Plan (2GP)

The site is located within the Inner City Residential Zone under 2GP and is subject to the Archaeological Alert Layer.

Definitions of 2GP relevant to this proposal are repeated below (**emphasis added**).

Multi-unit Development	<i>The construction of a single building or multiple buildings that contain three or more residential units on a site within a two year period.</i>
Residential Unit	<i>For the purposes of determining density, a residential unit is any building, or part of a building, that is capable of being used as a self-contained residence with sleeping, cooking, bathing, and toilet facilities.</i>
Residential Activities	<i>The category of land use activities that consists of:</i> <ul style="list-style-type: none"> • <i>supported living facilities (including rest homes, retirement villages, and student hostels)</i> • <i>standard residential</i> (including papakāika); and • <i>working from home.</i>

Considering the definitions above, this proposal is defined as a multi-unit development containing 40 residential units to be used for standard residential activities.

The proposal requires land use consent under the 2GP for the following:

4.2.1 Chapter 6 Transportation

- **Restricted Discretionary Activity** pursuant to Rule 6.6.1.1.f for the following reasons:
 - The standard bays will be 2.1m wide (rather than 2.5m wide minimum).
 - The bays will be facilitated by a 5.3m wide aisle (rather than 5.8m wide minimum).
 - The mobility space will be 3m wide (rather than 3.6m wide minimum).

4.2.2 Chapter 8A Earthworks

- **Restricted Discretionary Activity** pursuant to Rule 8A.3.2 for the following reasons:
 - The proposed earthworks exceed the threshold for small scale earthworks in terms of volume and cut depths, as such they are considered Large Scale Earthworks and Rule 8A.3.2.3 applies.

4.2.3 Chapter 15 Residential Zone

- **Restricted Discretionary Activity** pursuant to Rule 15.3.4 (5) as this proposal comprises constructing a new multi-unit development on the site.
- **Restricted Discretionary Activity** pursuant to Rule 15.5.11.1.b as Buildings A and B ground floor two-bedroom units outdoor living space will be 12.48m² (rather than 15m² minimum).
- **Restricted Discretionary Activity** pursuant to Rule 15.5.11.3.d as Buildings A and B above the ground floor two-bedroom units outdoor living space will be 2.4m x 5.2m (rather than 3m in dimension minimum) and 12.48m² (rather than 15m² minimum).
- **Restricted Discretionary Activity** pursuant to Rule 15.5.12.2 as, cumulatively, the service areas will equate to approximately 43m² (rather than 100m² minimum).
- **Restricted Discretionary Activity** pursuant to Rule 15.6.1.4 as the northern and southern façades of Building A (which will be visible from adjoining public places) will have a continuous length of approximately 34m (rather than 20m maximum).
- **Restricted Discretionary Activity** pursuant to Rule 15.6.6.2.c as Buildings A and B exceed the maximum permitted 12m height limit. Building A will exceed the maximum permitted height limit of 12m by a maximum of 5.7m, as illustrated in Figure 6 above. The apex of Building 2's roofline also exceeds 12m by 2.1m.

4.2.4 Other comments

For the avoidance of doubt, the following is noted.

- Pursuant to Rule 6.6.3.2.c, the approximately 34m westerly sightline from the proposed vehicle crossing is exempt from complying with Rule 6.6.3.2.b as the proposed vehicle crossing complies with Rule 6.6.3.4.a as its located beyond 10m from the Maitland / Carroll Street intersection.
- With respect to Rule 15.6.6.1.a.i, Council advised via email on 4 May 2023 that the "55 degree/2.5m recession plane would apply in this case because the ground level at the boundary is less than the existing ground level at the boundary is less than the existing ground level of the building platform. Consequently, there would be no breach of the recession plane (HIRB) rule". This interpretation is with regards to the eastern balconies on the third floor of Building B.
- within the Inner City Residential Zone any building within 16m of the road boundary is to have the recession plane measured at a height of 6.5m above ground level at a 45° angle, provided that all buildings on the site are setback at least 2m from the side boundaries. Buildings A and B are setback more than 2m from the side boundaries. Therefore, this recession plane exemption applies to the outdoor living space of unit 16 of Building B.

4.3 Summary

Overall, the proposal requires land use consent under 2GP with an overall status of **Restricted Discretionary Activity**.

5 Statutory Framework

5.1 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act. When considering an application for resource consent, a consent authority must take into consideration the purpose and principles of the RMA.

This proposal is a sustainable management of resources by redeveloping the site with 40 residential units, hence it is consistent with Section 5 of the RMA.

This proposal does not place any of the matters of national importance listed in Section 6 of the RMA at risk as either the site does not contain any of the values within the scope of Section 6 or the proposal will be managed to mitigate any risk to being less than minor for the reasons detailed within Section 6 of this report.

Section 7 of the RMA requires particular regard to be had to 'other matters.' Of relevance to this application are:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values; and*
- (f) *maintenance and enhancement of the quality of the environment;*

This proposal is an efficient use of the land by redeveloping the site with 40 residential units. The amenity values and quality of the environment surrounding the site will be maintained and enhanced through the proposed location, design, and form of the buildings and landscaping.

Section 8 requires the principles of Te Tiriti O Waitangi be taken into account. There are no known cultural values that need to be taken into account in respect of this proposal. Nevertheless, the Applicant is amenable to an accidental discovery condition of consent which would manage the accidental discovery of any items of cultural significance.

Considering the above, this proposal is consistent with Part 2 of the RMA.

5.2 Section 104 of the RMA

When considering an application, Section 104 states:

1. *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to –*
 - a. *Any actual and potential effects on the environment of allowing the activity; and*
 - ab. *Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - b. *Any relevant provision 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*
- 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.*

With regard to Section 104(1)(a), the actual and potential environmental effects of this proposal have been assessed in Section 6 of this report.

In relation to the statutory instruments referred to in Section 104(1)(b), the following are considered to contain provisions relevant to this application:

- NPS-UD
- NES-CS
- 2GP

With regards to Section 104(1)(c), the only other matters requiring assessment and consideration is the Resource Management (Enabling Housing supply and Other Matters) Amendment Act 2021. Refer to section 7.3.1 of this report.

5.3 Section 104C of the RMA

When considering an application for a resource consent for a **restricted discretionary activity**, Section 104C of the RMA states:

1. *a consent authority must consider only those matters over which—*
 - a. *a discretion is restricted in national environmental standards or other regulations:*
 - b. *it has restricted the exercise of its discretion in its plan or proposed plan.*
2. *The consent authority may grant or refuse the application.*
3. *However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
 - a. *a discretion is restricted in national environmental standards or other regulations:*
 - b. *it has restricted the exercise of its discretion in its plan or proposed plan.*

5.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

A DSI is attached as **Appendix 2**. While the DSI will not be traversed in this report, its key findings are repeated below.

- Fill material containing glass and brick was identified across the majority of the site. However, the full extent of fill was not determined, due to refusal of hand pits within the fill material and due to extensive hardstanding across the site.
- Asbestos was not detected in any of the samples tested.
- Arsenic and heavy metals were detected in topsoil above the adopted cleanfill criteria.

- Lead was detected above the NES-CS standard for high-density residential land use within three soil samples tested, one at 0.1 m bgl within the topsoil and two at 0.5 m bgl within the fill material.
- Should topsoil/fill require removal from the site, it will require disposal as managed fill.
- A Remedial Action Plan (**RAP**) and/or Ongoing Site Management Plan (**OSMP**) shall be developed for the site following finalisation of geotechnical and civil design plans.
- Following remediation, a Site Validation Report (**SVR**) will be produced.

Considering the DSI, this proposal will require consent under the NES-CS for a **Restricted Discretionary Activity** pursuant to regulation 10.

Regulation 10(3) of the NES-CS lists the matters of discretion to be assessed when deciding on a Restricted Discretionary Activity under the NES-CS with those matters repeated below.

- a. *the adequacy of the detailed site investigation, including—*
 - (i) *site sampling:*
 - (ii) *laboratory analysis:*
 - (iii) *risk assessment:*
- b. *the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:*
- c. *the approach to the remediation or ongoing management of the piece of land, including—*
 - (i) *the remediation or management methods to address the risk posed by the contaminants to human health:*
 - (ii) *the timing of the remediation:*
 - (iii) *the standard of the remediation on completion:*
 - (iv) *the mitigation methods to address the risk posed by the contaminants to human health:*
 - (v) *the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants:*
- d. *the adequacy of the site management plan or the site validation report or both, as applicable:*
- e. *the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:*
- f. *the requirement for and conditions of a financial bond:*
- g. *the timing and nature of the review of the conditions in the resource consent:*
- h. *the duration of the resource consent.*

The DSI contains soil sampling, laboratory analysis, and a risk assessment and, therefore, considered to be adequate.

The DSI illustrates that the soil samples resulting in Lead above the NES-CS standard for high-density residential land use are focused to the north-western half of the site (soil samples 101,

104, and 105). It also details the remediation / material handling requirements for excavated contaminated soil, as well as their recommendations.

The DSI including the remediation / material handling requirements has been prepared by a suitably qualified and experienced practitioner in accordance with the NES-CS and general accordance with the current edition of Contaminated Land Management Guidelines No 5: Site investigation and analysis of soils and Contaminated Land Management Guidelines No 1: Reporting on contaminated sites in New Zealand. Therefore, the remediation approach and recommendations are considered adequate for the site and proposal.

A RAP, OSMP and SVR for the site and proposal will also be prepared by a suitably qualified and experienced practitioner in accordance with industry standards and guidelines. These documents will control the transport, disposal, and tracking of excavated soil and other materials and recommend any necessary measures to mitigate any environmental effects to be less than minor. Consequentially, these documents will be adequate for the site and proposal.

The Applicant is amenable to considering the Councils standard condition/s regarding the timing and nature of reviewing consent conditions relating to the management and remediation of contaminated soil. A five-year duration is suitable for the NES-CS consent.

The Applicant agrees to adopt Kirk Roberts recommendations. In doing so, the site is suitable for this proposal.

Considering the above, any adverse effects of this proposal including its contaminated soil on the future occupants of the site, as well as surrounding environment will be mitigated to be less than minor provided Kirk Roberts recommendations are adopted.

6 Assessment of Effects on the Environment

In accordance with the requirements of Section 88 and the Fourth Schedule of the RMA, this section provides an assessment of the actual and potential environmental effects of the proposal relative to its scale and significance.

The relevant assessment matters are identified and assessed against using the following headings.

- Receiving Existing Environment
- Permitted Baseline
- Outdoor Living Spaces
- Service Areas
- Continuous Building Length
- Building Height and Recession Plane Intrusion
- Multi-Unit Development
- Bay and Aisle Width
- Earthworks
- Positive Effects

6.1 Receiving Existing Environment

As detailed within section 2 of this report, the existing environment surrounding the site comprises multi-unit developments, specifically at 124 Maitland Street (directly west of the site) and 86 Carroll Street, with examples of 3 level developments within close proximity. The underlying zoning provides for existing and new medium density residential living, including through the development of older and poorer-quality housing stock and the conversion of scheduled heritage buildings to multi-unit apartments. The zoning provides for an increasing range of housing choices close to the central area of Dunedin over time, including new well-designed multi-unit developments such as terrace housing and low-rise apartments up to 12m in height (three-storeys) as a permitted activity.

6.2 Permitted Baseline

Sections 95D(b), 95E(2)(a) and 104(2) of the RMA provides discretion to the Council (for the purposes of forming an opinion as to actual or potential effects) to disregard any adverse effects of the proposal on the environment (or on a person) if the District Plan or a NES permits an activity with that effect.

The permitted baseline provides guidance as to the effects on the environment of activities that are permitted by 2GP.

While not an exhaustive list, the following is permitted for the site under 2GP.

- Gable ends and dormers may protrude through the recession plane by 2m maximum. The difference between this scenario and Building B Unit 17 outdoor living space recession plane intrusion is that:
 - The eastern façade of Building B, specifically the outdoor living spaces, is not designed with a gable end **and** the outdoor living space intrudes the recession plane by approximately 0.99m less than the maximum permitted if it was designed with a gable end.
- Height – Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit by more than one third of that limit (4m).

Overall, it is considered that the above permitted baseline scenario presents a useful comparison as to the nature and scale of the proposal that could be carried out on the site as a permitted activity. Such developments are considered neither fanciful nor unreasonable and provide appropriate comparative assessments in this instance.

6.3 Outdoor Living Spaces

Rule 15.10.3.10 of 2GP lists a matter of discretion to be assessed when making a decision on a Restricted Discretionary Activity relating to the:

- Buildings A and B ground-floor two-bedroom units having 12.48m² outdoor living spaces (rather than 15m² minimum).
- Buildings A and B above ground-floor two-bedroom units being 2.4m in width (rather than 3m minimum) and 12.48m² (rather than 15m² minimum).

That matter is repeated below.

- a. *Effects on on-site amenity for residents.*

Each residential unit will be provided with a private outdoor living space directly accessible from its indoor living area, and complemented by the proposed landscaped areas and the communal open square located between Buildings A and B. Additionally, as noted within section 2 of this report, there are several public green spaces within close proximity to the site including Palmyra Reserve directly to the north of the site. For these reasons, resultant of this proposal, it is considered the level of private and public outdoor living space will ensure that the reasonable needs of all future tenants are met, ensuring high-quality residential amenity will be provided on the site for the enjoyment of the residents. Therefore, any adverse effects of the non-complying outdoor living spaces on the surrounding environment will be less than minor.

6.4 Service Areas

Rule 15.10.3.11 of 2GP lists a matter of discretion to be assessed when making a decision on a Restricted Discretionary Activity relating to the service areas, cumulatively, being approximately 43m² (rather than 100m² minimum).

That matter is repeated below.

a. Effects on on-site amenity for residents.

Each unit is limited to one or two bedrooms and the total number of residents per unit is anticipated to be low given the nature of this development. For this reason, while less than the minimum required, there is adequate space provided across the site and within Buildings A and B, cumulatively, for the storage of the residents' rubbish and recycling. The proposed service area will foster a high-quality residential amenity being provided on the site for the residents. The Council confirmed on April 20, 2023 that they are "happy and able to service this property from the delegated area". A copy of this correspondence is contained in **Appendix 9**. Therefore, any adverse effects of the non-complying service areas on the surrounding environment will be less than minor.

6.5 Continuous Building Length

15.10.4.3 of 2GP lists a matter of discretion to be assessed when making a decision on a Restricted Discretionary Activity relating to the northern and southern façades of Building A having a continuous length of approximately 34m (rather than 20m maximum).

That matter is repeated below.

a. Effects on neighbourhood residential character and amenity.

Building A is sufficiently setback from the northern and southern boundaries. The adjacent southern properties are located approximately 23m south of Building A with Carroll Street intersecting. The adjacent northern properties are located approximately 42m north of Building A with Palmyra Reserve weaving through.

The southern and northern façades of Building A will be broken up through the different size, orientation, and design of the windows, and cladding material varying between the external wall and outdoor living spaces (including balconies) fencing as illustrated by the elevations within the Architectural Plans.

Visibility of Building A will be softened when viewed from southern and northern locations by the proposed landscaping which includes tall and dense trees and hedging, as well as fencing as illustrated by the elevations with the Landscaping Plans. The proposed landscaping will foster an attractive interface when observed from southerly and northerly properties / land uses.

When viewed from southern or northern properties, Building A will appear less in scale / bulk when seen in conjunction with Building B given their detachment, the separation distances detailed above, and proposed landscaping.

Considering the above, this proposal will enhance the existing residential character and amenity of the locality (including streetscape) through the proposed cladding, windows, and landscaping. Therefore, any adverse effects of Building A's southern and northern façade length on the surrounding environment will be mitigated to be less than minor.

6.6 Building Height

15.10.4.7 of 2GP lists matters of discretion to be assessed when making a decision on a Restricted Discretionary Activity relating to:

- Building A and Building B (southern half of the roofs) exceed the maximum 12m height limit.
- Building B Unit 17 outdoor living space projecting beyond the eastern recession plane.

Those matters are repeated below.

- a. Effects on surrounding sites' residential amenity.*
- b. Effects on neighbourhood residential character and amenity.*

With regards to the height of Buildings A and B, the following is noted.

- The height of Building A will appear less than that proposed when viewed from Palmyra Reserve given the topography of the locality and the separation distance. Visibility of Building A from Palmyra Reserve will also be softened by the landscaping proposed to be planted on the site and existing landscaping within the reserve. The southern portion of Building B exceeding the 12m height limit will not be readily visible from Palmyra Reserve given its orientation.
- The height of Buildings A and B will be visible from southern properties. Properties located on the southern side of Carroll Street are at a lower topography than the site (given the sloping nature of the locality) and separated more than 23m from Buildings A and B, due to the location of Carroll Street. The separating distance and topography will reduce any potential visual dominance effects on the neighbours to the south. It is considered the effects on the outlook from these properties will be less than minor.
- No shading non-compliance is triggered in respect of neighbouring properties to the south as recession planes do not apply on road boundaries, and the effects of overshadowing, from Buildings A and B, on the southern properties will be reduced because of their location on the opposite side of Carroll Street. It is also noted that the main outdoor living areas for the neighbouring properties on the southern side of Carroll Street are located to the south of the respective dwellings and are shaded by the existing dwellings on these sites. The proposal will therefore not result in any overshadowing of the main outdoor living spaces.
- The height of Buildings A and B will be observable when viewed by road users travelling along Carroll Street. However, given the transient nature and approximately 20m width of Carroll Street, road users will be unable to articulate / comprehend the actual height of the buildings. Therefore, the height non-compliance itself will not be entirely visible to road users. Therefore, any adverse effects of the building heights on motorists, cyclists, and pedestrians will be temporary and less than minor.

- 124 Maitland Street units will be located approximately 11m west of Building A. Building A will have windows / doors on its western façade beyond the 12m height limit, specifically the indoor living space and a bedroom of unit 25. However, due to the separation distance, the proposal will not adversely impact on the privacy of the occupants of the units at 124 Maitland Street.
- The height of Building B will be visible from eastern properties. 104 Carroll Street has an accessway directly to the east of the site, and 102 Carroll Street has its garage and dwelling to the east of 104 Carroll Street accessway (approximately 10m east of Building B). However, given the nature of the height intrusion and its location at the apexes of the roofs near the southern boundary of the site, the extent of the height intrusion associated with Building B would not be readily distinguishable when compared to a complying building. Building B will also largely screen any views of the taller Building A when viewed from the adjoining properties to the east. Building B will not overshadow the dwellings at 102 and 104 Carroll Street.
- Resultant of the proposed heights and locations, Buildings A and B will not overshadow the neighbouring properties beyond the permitted baseline.

Overall, while Buildings A and B exceed the 12m height limit, the anticipated residential character and amenity of the surrounding environment will not be adversely affected to a minor or more than minor extent.

6.7 Multi-Unit Development

Rule 15.11.3 of 2GP lists matters of discretion to be assessed when making a decision on a Restricted Discretionary Activity relating to constructing a new multi-unit development on the site.

Those matters are repeated below.

1.a. Effects on streetscape amenity and character

Details of the Design Approach to the site are contained on Page 13 of the architectural documents contained in **Appendix 5**. This commentary also includes information on the key features / opportunities and constraints associated with the site and the proposed development.

With regards to streetscape, the buildings are oriented such that they 'front' towards Carroll Street. When viewed from Carroll Street and the adjacent properties, the proposed built form will reflect a residential development comprising materials and finishes coherent with the existing neighbourhood character and amenity.

Buildings A and B will be setback approximately 3m and 6m from Carroll Street, respectively, with the street frontage infilled with landscaping, entrances, respite areas, and fencing. The street frontage is designed for residents to occupy the respite areas, and the fencing is 50% visually transparent - these aspects foster engagement and interaction between residents and passers-by. The landscaping and fencing established along the street frontage soften vistas of Buildings A and B, and the site streetscape. Additionally, the landscaping encourages engagement and interaction with passers-by through its human scale and various textures, densities, materials, colours, and the like.

The setback of Buildings A and B from Carroll Street, in conjunction with their design, ensures that Carroll Street is not overshadowed to an extent greater than that anticipated by the

underlying zoning. The street-facing units are designed with windows on the southern façade facilitating passive surveillance over Carroll Street and promoting a safe street environment.

The parking area will be located at the rear of the buildings meaning that visibility of on-site vehicle manoeuvring is largely blocked / screened when viewed from adjacent properties and public spaces, rather than dominating the streetscape.

With regards to neighbourhood amenity and character, this proposal maintains the site being used for residential activities (as envisioned by the zone) and designed to enable the residents to provide for their day-to-day needs (including eating, sleeping, entertaining, recreation, and respite).

Each unit will be provided with a private outdoor living space and complemented by significantly landscaped communal outdoor areas. Landscaping strips (infilled with dense and tall trees and hedging, as well as other species) will be planted around the perimeter. The proposed landscaping will result in an appropriate balance of green space versus building / hardstanding area, and will soften any views of Buildings A and B from the adjacent properties and public spaces.

Buildings A and B are located and separated to enable open vistas through the site. These aspects maintain and enhance the existing residential amenity and character of the site and neighbourhood.

Buildings A and B are located to comply with the road and internal boundary setbacks. The design of the buildings will ensure that the indoor and outdoor living spaces of adjacent properties, as well as nearby public spaces, are not overshadowed, nor overlooked which ensures existing access to sunlight and privacy.

Consideration of CPTED matters formed a key element in the design brief for the project architect. The proposed design has been rigorously reviewed by Kāinga Ora's internal project team, including CPTED experts to ensure it provides a safe environment.

The location and orientation of the proposed units and the pedestrian access routes provide for high levels of passive surveillance over the communal outdoor living and parking area, and across the adjacent street network. The internal pathway network is clear, simple, and readily legible, providing easily understood access to the units from the road frontage and from the internal carpark area.

Overall, the scale, mass and design of the proposed buildings are considered appropriate in this specific situation, the design responds in a sensitive manner to the site size, its linear form, and the strong edges created through the adjacent road network and park to the north. The massing and positioning of the proposed buildings is considered appropriate and suitable variety in building form is provided through façade articulation, roof pitch, colours, materials, and integration with a comprehensive landscape plan. An appropriate level of carparking is provided in a location that minimises its visual dominance. A clear hierarchy of pedestrian routes and public and private spaces is provided through the site, with strong pedestrian connections provided. Any adverse effects of the proposal on the streetscape, amenity, and character of the surrounding environment will be less than minor.

Breakout noise levels at the nearest boundaries have been assessed by Powell Fenwick for events held in the Community Room. For loud events in the Community Room, it is recommended that the doors and windows be kept closed to minimise noise breakout to boundaries, occasional door openings are acceptable. A management plan for the use of the Community Room will be developed to ensure all uses comply with the permitted noise

standards in the District Plan. A condition of consent is offered as part of the application, which will require a copy of the Management Plan to be submitted to Council for certification.

X.a. Effects on efficiency and affordability of infrastructure (stormwater)

X.b. Effects of stormwater from future development

With regards to matters X.a and X.b above, Tonkin and Taylor (T+T) assessed the impact of the proposal on the surrounding infrastructure in accordance with the Council Code of Subdivision and Development with their findings detailed within the Geotechnical Report attached as **Appendix 1**. In summary, T+T has provided a high-level schedule of works required to provide appropriate servicing for the proposed buildings / units. The Applicant agrees to adopt the recommendations from T+T. For the reasons, any adverse effects on the efficiency and affordability of the stormwater infrastructure from the proposal will be less than minor.

6.8 Bay and Aisle Width

Rule 6.10.5.1 of 2GP list a matter of discretion to be assessed when making a decision on a Restricted Discretionary Activity relating to the:

- Standard bays being 2.1m wide (rather than 2.5m wide minimum).
- Bay one not being increased by 0.3m.
- Bays being facilitated by a 5.3m wide aisle (rather than 5.8m wide minimum).

That matter is repeated below.

a. Effects on the safety and efficiency of the transport network.

The parking area will mostly be used by motorists familiar with its location and design. Vehicles using the parking area are anticipated to be of a small- to medium-sized and the number of persons within any vehicle will be low as the units are limited to one and two bedrooms. Vehicle movement through the parking area will be of a low volume (given that the number of bays is limited to 29 including 8 mobility spaces), steady manner (given that the residents will arrive and depart at various times throughout the day and night), and slow speed (given the short length of the accessway and parking area). The parking areas grid layout and low height design fosters clear sightlines across the parking area enabling an entering motorist to stop (within the accessway or by the bin storage) and observe another vehicle entering / egressing a bay completely. Motorists will be able to enter / egress all bays / mobility spaces within one forward-facing or reverse manoeuvre. Considering the above, the proposed width of the bays / mobility spaces and aisle is sufficient for the anticipated vehicles and motorists / passengers and will enable the safe and efficient operation of the parking area.

Manoeuvring into / out of the bays and within the aisle will not be experienced by Carroll Street users as these movements will be completed approximately 40m from the footpath / carriageway. Additionally, visibility of the parking area movements from Carroll Street will be blocked by the built form of the proposed units.

For the reasons detailed above, any transport or traffic safety and efficiency effects of the non-complying bays / mobility spaces and aisle widths on the users of the parking area and adjacent transport network will be less than minor. This proposal will maintain the existing safe and efficient operation of Carroll Street.

6.9 Earthworks

The proposed earthworks are necessary to create the building platforms and parking area / access and will be undertaken within a short construction timeframe.

All earthworks will be carried out to the requirements of NZS 4431:1989, 'Code of Practice for Earth filling for Residential Development' as well as a site specific, erosion and sediment control plan (ESCP) that will detail appropriate control and mitigation measures to prevent sediment entering stormwater networks or going across property boundaries.

The proposed earthworks and overall design of the site will ensure that the proposal does not adversely affect the view, privacy, or outlook from adjacent properties, nor will it detract from existing amenity held within the neighbouring area. Additionally, the earthworks methodology will ensure that the stability of the site and adjacent properties is not compromised, and any nuisance effects are controlled to be less than minor.

Drainage will be managed to ensure that there are no effects on land stability, and the design solution will ensure that there will be no effects or changes to overland flow paths or increase in flooding risk to other properties. Any construction phase stormwater consents required from the Otago Regional Council will be applied for separately.

The gradient of the site necessitates the amount of proposed earthworks for the construction of the residential units has been kept to a minimum to avoid any unnecessary risk or potential nuisance effects, it is acknowledged that the proposed earthworks have the potential to cause nuisance effects including dust, run-off and heavy vehicle movements. These effects will however be temporary in nature and limited to the period when the works are being undertaken. Notwithstanding, the applicant volunteers a number of conditions to mitigate potential nuisance and amenity effects from the construction phase earthworks activities. These conditions are set out in Section 9 of this report.

Any damage to infrastructure and public roads will be repaired at the Applicants cost.

Overall, it is considered that any adverse effects from earthworks are temporary and will be mitigated to be less than minor.

6.10 Positive effects

As a result of this proposal, a small contribution is made to alleviate the housing supply issue within Dunedin and the wider district by replacing the existing units with 40 new units which meets the changing needs of the community.

This proposal will also provide 40 high-quality residential units on the site in a manner that respects the existing character, amenity, and scale of the surrounding environment, as well as integrates with the surrounding landscape.

Being brand new, the 40 residential units will incorporate double-glazing, insulation, and other aspects expected within a healthy home which is an improvement when compared to the existing units on the site.

Overall, this proposal has several positive effects.

6.11 Conclusion

In consideration of the abovementioned, no persons on adjacent sites will be adversely affected by this proposal. Any potential adverse effects have / can be appropriately avoided, remedied, or mitigated to be less than minor on the surrounding environment.

6.12 Alternatives Considered

The Fourth Schedule of the RMA requires that where it is likely an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity should be considered.

This section of the report concluded that any environmental effects from this proposal will be less than minor. Consequentially, possible alternative locations or methods were not considered.

7 Objectives and Policies

7.1 National Policy Statement on Urban Development 2020

An assessment against the relevant objectives of the NPS-UD is provided below. These objectives are supported by the various policies of the NPS-UD.

This proposal will maintain and enhance the locality being a well-functioning urban environment enabling the Applicant, third-parties involved in the proposed development, future occupants, and the surrounding community to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. This proposal achieves this by:

- Maximising the value of the site for the Applicant which increases profitability of the proposed development;
- Providing various construction and trade work for the community;
- Makes a small contribution to increasing housing supply;
- Increases the diversity in housing type within the surrounding environment to meet the needs of the everchanging population through various stages of life;
- Enhances the visual amenity and character of the locality with the proposed landscaping which will be visible to nearby residents and road users.

For these reasons, this proposal contributes to the wider district achieving Objective 1.

This proposal adds 40 new units, which may improve housing affordability to a small degree with the additional supply (Objective 2).

Dunedin is an urban environment that has a high demand for housing. This proposal enables more people to be accommodated on the site by providing 40 units therein which, in turn, enables more people to live in the city (Objective 3).

With regards to Objective 4, the proposed design and formation of the units, as well as the landscaping and outdoor living spaces, will maintain and enhance the amenity and character of the directly surrounding urban environment. Additionally, this proposal responds to the diverse and changing needs of people, communities, and future generations by providing diversity in housing type within the locality.

Overall, this proposal is consistent with the relevant objectives and policies of the NPS-UD.

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

7.2.1 Transport

Objective 6.2.3 seeks that development maintains the safety and efficiency of the transport network for all travel modes and its affordability to the public. This objective is supported by **Policies 6.2.3.9 and 6.2.3.Z**.

This proposal will maintain the safe and efficient movement of vehicles, cyclists, and pedestrians within the proposed parking area and along Carroll Street through the location and design of the parking area / access, low volume of users, and slow speeds. The parking area is designed to accommodate an 8m waste collection vehicle safely and efficiently, with any on-street waste collection unlikely to obstruct footpaths or private accessways given the design and formation of Carroll Street. Therefore, this proposal is consistent with Objective 6.2.3 and Policies 6.2.3.9 and 6.2.3.Z.

Objective 6.2.4 seeks to ensure that parking areas and vehicle accesses are designed and located to provide for the safe and efficient operation of the transport network and connectivity for all travel modes. This objective is supported by **Policies 6.2.4.1, 6.2.4.2, 6.2.4.4, 6.2.4.5, 6.2.4.6**.

The proposal largely complies with the relevant transportation standards. For the reasons detailed within section 6.8 of this report, the safe and efficient operation of the parking area and adjacent transport network will be ensured through the layout and design of the parking, albeit non-complying bays / mobility spaces and aisle widths. Specifically, based on the anticipated vehicle types, low volume, and slow speed, motorists will be able to manoeuvre into / out of a bay within one forward-facing or reverse manoeuvre and avoid conflict with another vehicle entering / egressing at the same time. Pedestrian movements will be facilitated by the dedicated footpaths. Therefore, this proposal is consistent with Objective 6.2.4 and Policies 6.2.4.1, 6.2.4.2, 6.2.4.4, 6.2.4.5, 6.2.4.6.

7.2.2 Earthworks

Objective 8A.2.1 seeks to enable earthworks necessary for permitted or approved land use and development, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;
- b. the stability of land, buildings, and structures; and
- c. surrounding properties.

This objective is supported by **Policies 8A.2.1.1 to Policy 8A.2.1.3**. The proposed earthworks are designed and will be controlled in accordance with the ESCP to mitigate any nuisance effects to be less than minor and ensure land stability of the site and adjacent properties is not compromised. Any visual effects of the proposed earthworks on the visual amenity and character of the adjacent properties and surrounding environment will be less than minor as detailed within section 6 of this report. Therefore, this proposal is consistent with Objective 8A.2.1 15.2.3 and Policies 8A.2.1.1 to Policy 8A.2.1.3.

7.2.3 Residential Zones

Objective 15.2.1 seeks that residential zones are primarily reserved for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facility activities, and commercial activities that support the day-to-day needs of residents. This objective is supported by **Policy 15.2.1.1**.

This proposal enables the site to be used for residential activities as envisioned for the zone with any adverse effects on streetscape, amenity, and character mitigated to be less than minor. Therefore, this proposal is consistent with Objective 15.2.1 and Policy 15.2.1.1.

Objective 15.2.2 seeks to ensure that residential activities, development, and subdivision activities provide high quality on-site amenity for residents. This objective is supported by **Policy 15.2.2.1**.

As detailed within section 6 of this report, this proposal will result in a high-quality residential amenity for the residents of the proposed units through the layout and design of the buildings and units, as well as the adequately sized private and / or communal outdoor living areas and service areas. Therefore, this proposal is consistent with Objective 15.2.2 and Policy 15.2.2.1.

Objective 15.2.3 seeks activities in residential zones to maintain a good level of amenity on surrounding residential properties and public spaces. This objective is supported by **Policies 15.2.3.1 and 15.2.3.3**.

As detailed within section 6 of this report, this proposal will not adversely impact on the existing amenity of the adjacent properties and public spaces to the north, east and west. Buildings A and B are located to comply with the road and internal boundary setbacks, and the location of Carroll Street to the south minimises the potential impact on properties to the south. The existing streetscape of the neighbourhood is maintained and enhanced through the proposed approximately 3m deep road frontage which will be significantly landscaped, as well as providing appropriate respite areas. Therefore, this proposal is consistent with Objective 15.2.3 and Policies 15.2.3.1 and 15.2.3.3.

Objective 15.2.4 seeks to ensure that activities maintain or enhance the amenity of the streetscape and reflect the current or intended future character of the neighbourhood. This objective is supported by **Policies 15.2.4.1, 15.2.4.4, and 15.2.4.8**.

The existing and anticipated streetscape of the neighbourhood and the character of the locality will be maintained and enhanced through the significantly landscaped frontage, parking area being located behind Buildings A and B, and the location and design of the buildings. The proposed fencing along Carroll Street complies with the relevant fencing standards. Therefore, this proposal is consistent with Objective 15.2.4 and Policies 15.2.4.1, 15.2.4.4, and 15.2.4.8.

7.2.4 Summary

Overall, this proposal is consistent with the relevant objectives and policies of 2GP.

7.3 Other Matters

7.3.1 Resource Management (Enabling Housing supply and Other Matters) Amendment Act 2021

The Government with bipartisan support has introduced a bill to rapidly accelerate the supply of housing in New Zealand's five largest urban areas by bringing forward the implementation of intensification policies contained in the National Policy Statement on Urban Development (NPS-UD). The Bill proposes that all councils in the greater urban areas of Auckland, Hamilton, Tauranga, Wellington and Christchurch (Tier 1 territorial authority) will be required to apply medium density residential standards to most existing residential areas from August 2022.

Dunedin City Council is regarded as a 'Tier 2' territorial authority (TA) under the Amendment Act. A Tier 2 TA will only be required to implement the intensification policies if the Governor-General makes regulations under an Order in Council, requiring a Tier 2 TA to prepare and notify an intensification planning instrument. Before a Minister may recommend the making of these regulations under an Order in Council, they must consult the Minister of Housing and the Minister for Māori Crown Relations—Te Arawhiti and be satisfied that the district of the relevant TA is experiencing an acute housing need.

As such regulations have not been recommended for Dunedin City Council, the Amendment Act does not apply to the area.

8 Consultation/Notification

Section 6 of this report concluded that any environmental effects from this proposal will be less than minor. Consequentially, no affected parties are identified and, therefore, consultation is not required.

Under the provisions of the amended RMA there is now no presumption in favour of notification (section 95A). The requirement for the Council to be “*satisfied*” that the effects “*will be minor*” before proceeding on a non-notified basis has been removed. Instead, public notification is only required if the Council “*decides*” that the activity:

... will have or is likely to have adverse effects on the environment that are more than minor.

The adverse effects of the proposal have been discussed above and have been found to be less than minor.

The below table sets out the matters that are required to be considered under s95A and s95B. This consideration, in tandem with the above assessment of effects, has found that adverse effects on other parties are less than minor and that the application can be processed on a **non-notified basis**.

S95A Public Notification	
Step 1: Does the application fall within the criteria for mandatory public notification under s95A(3)?	No
Step 2: Does the application fall within the criteria for precluding public notification under s95A(5)?	No.
Step 3: Does the application fall within the criteria for public notification under s95A(8) & s95D?	No. Adverse effects are considered to be less than minor.
Step 4: Are there special circumstances that would warrant public notification under s95A(9)?	No, the application is for 40 residential units within the Inner City Residential Zone, where such activities are anticipated and where there is a clear consenting pathway for the rule breaches identified in this application.
S95B Limited Notification	
Step 1: Are there certain affected groups and affected persons who must be notified under s95B(2)-(3)?	No
Step 2: Does the application fall within the criteria for precluding limited notification under s95B(6)?	No
Step 3: Does the application fall within the criteria for other affected persons to be notified under s95B(7)-(8) and s95E?	No, adverse effects are considered to be less than minor.
Are there special circumstances that would warrant limited notification under s95B(10)?	As set out above, no special circumstances apply.

9 Volunteered Conditions

Construction works/ earthworks

1. The finished ground levels (after the cut and fill works) shall not cause ponding/drainage/run-off related nuisance to the neighbouring (surrounding) properties or change of the current drainage patterns (existing overland flow paths) to the detriment of the surrounding properties. In the event that the consented works result in the aforescribed effects these shall be rectified at the expense of the consent holder and to the satisfaction of Council Stormwater and Land Drainage Team.
2. All filling and excavation work shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Otago Regional Council's Earthworks Guidance for Otago (<https://www.orc.govt.nz/managing-our-environment/water/new-water-rules/earthworks-for-residential-development>). The ESCP must be held on site at all times and made available to Council on request.
3. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road, or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific ESCP, prior to discharge to the Council's stormwater system.
4. The ESCP shall be implemented on site and maintained over the construction phase, until the site is stabilised (i.e., no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are inadequate. All disturbed surfaces shall be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation.
5. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts or sprinklers shall be used on any exposed areas. The roads to and from the site, and entrance and exit, must remain tidy and free of dust and dirt at all times.
6. The consent holder shall notify Dunedin City Council no less than three working days prior to works commencing.
7. All loading and unloading of trucks with excavation or fill material is to be carried within the application site.

Community Room Management Plan

8. A Management Plan for the use of the Community Room prepared with input from a suitably qualified acoustic specialist shall be provided to the Council prior to use of the Community Room, confirming that the proposed use is capable of meeting the permitted noise standards in Rule 9.3.6 of the District Plan.

10 Conclusion

The Applicant is applying for land use consent from the Council to construct a multi-unit development on the site providing a total of 40 residential units. The proposal requires land use consent under 2GP with an overall status as a Restricted Discretionary Activity.

An assessment of the actual and potential adverse effects of the proposal is provided within Section 6 of this Report. That assessment concludes that any adverse effects of this proposal on the surrounding environment including neighbours and road users will be less than minor. No affected persons are identified.

The proposal is consistent with the relevant objectives and policies of NPS-UD and 2GP. For the reasons outlined earlier in this report, it is considered that the proposal is consistent with the requirements of Part 2 of the RMA.

Considering the above, this application for land use consent can be granted under Section 104C of the RMA on a non-notified basis.

The Applicant requests the opportunity to comment on any draft conditions of consent that the Council intends to impose when granting consent.

APPENDIX 3:

Record of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**




R.W. Muir
Registrar-General
of Land

Identifier **OT18B/977**

Land Registration District **Otago**

Date Issued 11 February 1998

Prior References

OT18A/334	OT18C/347	OT284/184
OT284/185	OT284/186	OT284/187
OT284/188	OT284/189	

Estate	Fee Simple
Area	4049 square metres more or less
Legal Description	Lot 1 Deposited Plan 26442

Registered Owners

Housing New Zealand Limited

Interests

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

Appurtenant to part Section 30 Block IV Town of Dunedin (formerly CT OT284/185) is a right of way over part Lot 1 DP19412 CT OT11A/827 created by Conveyance 78442 (112/655) - 29.11.1899 at 10.40 am

Guaranteed Search Copy Dated 03/05/23 10:54 am, Page 2 of 2
Register Only