



# APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

## Application details

I/We

(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:

The construction of a 3 to 4 level apartment block that will infringe the maximum height standard and require the removal of a scheduled tree.  
See attached AEE for full description.

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:

Legal description:

Certificate of Title:

## Contact details

Name:  ( ☐ applicant ☒ agent (tick one))

Address:

Postcode:

Phone (daytime):  Email:

**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?

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](mailto:planning@dcc.govt.nz)

### Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company):

Elim Group

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

Email Address of Deposit Payee:

Daytime contact phone number:

**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](http://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](mailto:development.contributions@dcc.govt.nz).

### Occupation of the site

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

the applicant

### 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.

See attached 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.

See attached AEE

*(Attach separate sheets if necessary)*

### District plan zoning

What is the District Plan zoning of the site? Smith Street York Place " Commercial Mixed Use 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.

Archaeological Alert overlay.

### 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.

See attached 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](http://www.mfe.govt.nz). Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

See attached AEE

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.

See attached 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):

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](mailto:planning@dcc.govt.nz)

There is also information on our website at [www.dunedin.govt.nz](http://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:

# **APPLICATION FOR RESOURCE CONSENT**

**ELIM GROUP LTD  
284 STUART STREET  
DUNEDIN**



*Prepared By*

**Cubitt Consulting Ltd**

**October 2023**

# **Table of Contents**

## **Form 9 - Land Use Application**

### **Page Number**

|           |                                                   |           |
|-----------|---------------------------------------------------|-----------|
| <b>1.</b> | <b>Description of Proposal</b>                    | <b>2</b>  |
| <b>2.</b> | <b>Effects Assessment of Proposal</b>             | <b>6</b>  |
| <b>3.</b> | <b>Objective and Policies of District Plan</b>    | <b>11</b> |
| <b>4.</b> | <b>Affected Persons Approval and Notification</b> | <b>12</b> |

## **Appendices**

|           |                       |
|-----------|-----------------------|
| <b>1.</b> | <b>Building Plans</b> |
| <b>2.</b> | <b>CFR</b>            |

# **1. Description of Proposal**

## **1.1 Description of Site**

The subject site is located 284 Stuart Street, Dunedin. The property has the Valuation Number of 27160-37400 and is legally described as Section 39 Block XIII DP 3985 Town of Dunedin. It is held in CFR OT 14C/70 in the name of the Elim Group Ltd the applicants.

The property is an irregular diamond shape and has an area of 1062m<sup>2</sup>. Legal access is available to both York place and Stuart Street although formed access is only available to Stuart Street.

A large, two-storey dwelling occupies the centre of the site of the property and is currently used as a commercial office. Associated with the office is a large area of sealed car parking that occupies a large portion of the east and north of the site. A single garage occupies the south-east corner, which accesses directly onto Stuart Street. A fringe of vegetation lines the northern boundary with York Place, including a protected Lime tree, which is the subject of this application. lean-to is attached to the northern facade of the building where the service area for the current tenants is located.

The surrounding neighbourhood is a mix of residential, commercial and community uses. The multi-use King Edward Court is directly across Stuart Street, with Trinity College and Otago Girls High School further south. A church is located directly across York Place while there are also a number of multi-unit residential activities in the area.

## **1.2 Proposed Activity**

The applicants are proposing to demolish the existing dwelling on the site and construct a modern three to four level apartment building as illustrated on the plans attached from Cadzow and Associates. The York Place frontage is retained by a relatively high wall on the street boundary. However, the wall is being compromised by a fringe of trees on the property. As the result of the wall constraining the root systems of these trees, the wall is being cracked and split by the roots.

To ensure the stability of the proposed development, this retaining wall will need to be removed and reinstated. However, this will severely impact on the root systems of the trees. One of the trees is listed in the District Plan as T1054 in the District Plan (we note here that the location of the tree on the planning maps is not accurate). This tree is located within the northern end of the York Place yard and sits below the existing car park of the property. The yard is only 2.7m deep and is also constrained by another wall that retains the car park area above the tree.

The reconstruction of the retaining wall will need to undermine the roots of the listed tree (and the other trees along the frontage) to build the foundation of the new retaining wall. The tree itself would also need to be supported to stop it collapsing under its own weight during this process, while the roots will also need to be cut back a significant amount.

The applicant's architect, Mr Mike Hunter, has consulted with Council's consultant arborist, Mr Mark Roberts on the matter. Mr Roberts advice was as follows:

- *I do not believe that the tree will survive the removal and replacement of the retaining wall.*
- *I am unable to propose (or envision) an option that involves retaining and securing the tree without creating an unacceptable level of risk to people and property and/or has a better than low likelihood of tree survival.*
- *furthermore - if somehow the tree could be retained there is high probability that the tree will compromise the wall within the useful life expectancy of that wall and the building (built on soil retained by the wall).*

As a consequence, the decision has been made to seek permission to remove the tree.

This has also led to the development 'filling' the gap on the site that the tree currently creates. However, this part of the site is significantly lower than the Stuart Street frontage and consequently this part of the building will exceed the 12-metre height limit above natural ground level by approximately 2.4m. The area of roof that is above the height maximum is 23m<sup>2</sup> which is 3% of the 784m<sup>2</sup> total roof area. The breach is shown on the plans attached at Appendix 1 and 2.

This height change has also led to the creation a baseline level on part of the York Place frontage. Most of this will be below natural ground level although a small portion of it will not. The basement area will generally be used for parking although there will be one residential unit at that level.

### 1.3 *The Status of the Activity*

The property is zoned "Smith Street York Place" Commercial Mixed Use zone (SSYP) in the Proposed District Plan (**2GP**). The site is also located within an Archaeological Alert overlay.

#### **(a) Land Use Activity**

Standard residential activity is permitted in the zone and is not subject to any conditions, including density or amenity open space controls.

In relation to the removal of the tree, Rule 7.3.2(3) identifies the "*removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree*", as a **non-complying activity**.

#### **(b) Development Activity**

As with the land use standards, there are very few conditions that apply to buildings within this zone. While there is no coverage or setback requirement in the zone, where a new building does not sit within 1.5m of boundary, "a landscaping area with a minimum width of 1.5m along the full length of any road boundary that does not have a building within 1.5m of that boundary" (Rule 18.6.1). The building, for the most part,

will be located at or within 1.5m of the boundary. However, discrete mitigation landscaping is proposed as shown on plan RC1.00.

Rule 18.6.11 sets out a minimum glazing and building modulation standard. Subsection 1(c) applies in this case, which requires a maximum distance of 20m between modulation elements or 20% glazing. As will be seen from the plans, the proposal complies with this standard.

There are no height recession planes applicable to this particular site, but the maximum height is 12m, while buildings are also restricted to 3 Storeys above ground. As we highlighted above, the sloping nature of the site means that these two standards are not complied with.

Overall, the development activity is a **restricted discretionary activity** in relation to the height breaches.

**(d) Earthworks**

In relation to earthworks, all the necessary earthworks (including the new retaining walls) will be consented via the 1.8m exemption zone under building consent process.

**(e) Overall status**

Overall, the proposal is a **non-complying activity**.

## **2. Effects Assessment of Proposal**

### *2.1 Scheduled Tree Removal*

Clause 7.8.2 (1) sets out the assessment matters Council will consider when considering the removal of scheduled tree. Essentially, the District Plan seeks the avoidance of removing such trees unless:

- i. there is a significant risk to personal/public safety or a risk to personal safety that is required to be managed under health and safety legislation;*
- ii. the tree poses a substantial risk to a scheduled heritage building or scheduled heritage structure;*
- iii. there is a moderate to significant risk to buildings;*
- iv. the removal of the tree is necessary to avoid significant adverse effects on existing infrastructure and network utilities;*
- v. removal of the tree will result in significant positive effects in respect of the efficient use of land; or*
- X. removal of the tree is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the tree (Policy 7.2.1.2).*

As written, if one of these conditions exist, then the consent may be granted to remove the tree. In this case, there are elements of a number of these matters that have led to the need to remove the tree. These matters are considered below.

- (i) there is a significant risk to personal/public safety or a risk to personal safety that is required to be managed under health and safety legislation;*

The reason for removing the tree is set out in section 1.2 of the application. The applicant is looking to redevelop the site. However, any redevelopment of the site necessitates the replacement of the York Place retaining wall. The existing retaining wall is in-situ concrete and has been assessed by the project engineer. They advise that it has multiple vertical cracks along it and is leaning out over the footpath by 2 degrees. They advise that this indicates that the wall “*is under excessive pressure as a result of poor drainage and from both surcharge and growing root pressure from a number of trees located directly behind the wall.*”

As a consequence, this wall will require replacement at some time in the future for both the safety of people occupying the subject site and people utilising the York Place footpath, regardless of the proposed development. As explained in the letter attached from the engineer, this will have significant implications for all the trees along the York place frontage. The reconstruction of the retaining wall will undermine the roots of the listed tree (and the other trees along the frontage) to build the foundation of the new retaining wall. The roots of all trees will also need to be cut back a significant amount.

As we noted in section 1.2, the applicant's consultation with Council's arborist confirms that the tree will not survive this.

- (ii) the tree poses a substantial risk to a scheduled heritage building or scheduled heritage structure;*

Not relevant.

- (iii) there is a moderate to significant risk to buildings;*

As we have highlighted throughout this assessment, the tree, along with the other trees along the York Place frontage, do pose a risk to the stability of the retaining wall on the York Place frontage. However, this risk is not immediate and but has been brought forward due to the desire of the applicant to redevelop the subject site.

- (iv) the removal of the tree is necessary to avoid significant adverse effects on existing infrastructure and network utilities*

Failure of the retaining wall would have a significant adverse effect on York Place. However, that risk is not immediate.

- (v) removal of the tree will result in significant positive effects in respect of the efficient use of land;*

The 2GP describes the Smith Street and York Place zone as:

*“... a small zone adjoining the CBD. The SSYP Zone provides for visitor accommodation, training and education and residential activity in keeping with its existing character. Offices are also provided for where undertaken within scheduled heritage buildings, to encourage their restoration.*

*Performance standards applied to this zone reflect the residential and commercial character of this zone.*

In relation to residential development, this translates into a zone that encourages high density residential accommodation within the inner city. There is no density standard, no setback and coverage standards, and no height recession plane standard unless it adjoins a residential zone. The zone appears to be giving effect to a number of Strategic Direction objectives which seek a compact and accessible city, with a reduction on the reliance of the private motorcar, by giving priority to infill development in the city centre that supports the vibrancy and vitality of the CBD. (See Objective 2.2.4, Policy 2.2.4.1, Policy 2.2.4.2, Policy 2.3.2.3, Policy 2.6.1.1, Objective 2.2.2, Policy 2.2.2.4, Objective 2.3.2, Policy 2.3.2.3, Policy 2.2.4.2, Objective 2.4.3, Policy 2.4.3.X, Objective 2.6.2, Policy 2.6.2.3).

The proposed redevelopment of the subject site is achieving these strategic objectives by providing a high quality, inner city residential development that maximises the use of the site. The original proposal for the site was set back from the scheduled tree. However, when advised by the engineer that the tree needed to be removed regardless (due to the structural issues with the retaining wall), the proposal was redesigned to fill the ‘gap’ that was caused by the original setback to the tree. The proposal is now considered an efficient use of valuable inner-city land.

(vi) *removal of the tree is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the tree* (Policy 7.2.1.2)

The development will provide high quality, inner city living that will reduce the reliance on the use of private motor vehicles. This will provide some public benefit although it may not meet the significant threshold of the exemption.

Overall, this combination factors indicates to us that the removal of the tree is necessary for safety reasons. Removal of the tree will enable the reconstruction of a failing retaining wall on York Place which will have the associated benefit of enabling the site to be developed to its potential, thereby achieving the strategic outcomes sought for the city.

While the tree has a STEM score of 156, Lime Trees are not uncommon and a significant proportion of this tree STEM score related to its solitary nature. Unfortunately, the current planting on the site cannot be replaced, although space has also been provided at the Stuart Street – York Place intersection and at the entrance on Stuart Street for planting. This is not anticipated by the zone standards and the new

building is of an attractive design that will positively contribute to the streetscape of the area. In our view, this will compensate for the loss of the tree.

## *2.2 Height Plane Infringement*

Controls are placed on the bulk and location of buildings in order to protect the amenity values of adjoining sites and neighbourhoods in general. Maximum heights and height plane recession angles are generally imposed to ensure adequate sunlight gets into the area beyond the frontage affected by the restriction. In this zone, the amenity of adjoining sites is of less importance than effects on the wider environment. In that context, Council has restricted its discretion in relation to these matters to the effects on streetscape amenity and the effects on views across Otago Harbour. Views across the harbour will not be compromised by this proposal.

In this instance, the height infringement occurs because in the change in elevation across the site from Stuart Street to York Place. This also enables the creation of a basement level on the York Place frontage, which enhances the efficiency of the project and creates space for on-site parking. In these circumstances, the building will have limited impact on the streetscape amenity in this location. The zone anticipates large buildings occupying the entire frontage of their site. The bulk of the proposal is in keeping with the outcomes sought for the zone and several buildings in the location. These minor infringements of the standards are unlikely to be perceptible to the passerby who will experience a modern, attractively designed building.

Shading and the sense of being 'overlooked' on York Place will be minimal. The property is essentially to the south of York Place so will not create any shading of the footpath, over and above the permitted baseline.

Overall, the effect of the height and maximum story breaches is considered less than minor.

## *2.3 Conclusion*

Overall, the effects of the proposal are considered no more than minor. On that basis, the proposal passes through the effects limb of the s104D test.

# **3. Objectives and Policies Assessment**

## *3.1 Commercial Zone Policies*

The proposed District Plan zones the site "Smith Street York Place" which is Commercial Mixed-Use zone. Objective 18.2.1 is that "*Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:*

....

*(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.*

This proposal gives effect to that objective and the strategic direction of the plan as outlined in Section 2.1 and 2.2 above.

Objective 18.2.2 is to ensure that *“the potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:*

- a. the amenity of adjoining residential and recreation zoned sites is maintained; and*
- b. the potential for reverse sensitivity effects is minimised as far as practicable.*

The development essentially complies with all bulk and location requirements as there are no setback or height recession plane standards applicable to this site. The only non-compliance is in relation to a small part of the York Place frontage where the 12m height maximum is breached. This has no impact on the amenity values of adjoining Residential zone and will not create any reverse sensitivity effect.

Objective 18.2.3 deals streetscape amenity values and requires land use and development to maintain or enhances these values. Policy 18.2.3.1 requires this through 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; and*
- d. an architecturally interesting façade through building modulation and use of glazing.*

Policy 18.2.3.11 also requires *“new buildings and structures to be of a height that:*

- a. reflects the general heights of the block; and*
- b. minimises as far as practicable adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, including through the use of quality and contextually appropriate architectural design.*

The proposed building essentially achieves this policy framework. For the most part, the building will be built up to or within the 1.5m yard where landscaping is not required. However, two spaces have been created for landscaping as described earlier. Car parking and service areas will be in the basement level, not visible to the public. The design of the building is considered attractive and uses the appropriate level of modulation and glazing. The buildings height is generally compliance, except

for the small breach on the York Place frontage. Its height will also be reflective of the King Edward Court directly across Stuart Street.

Overall, the proposal is consistent with and achieves the policy outcomes sought for the Smith Street York Place zone.

### *3.2 Scheduled Tree Policies*

The sole objective of this section of the plan (Objective 7.2.1) is to maintain the contribution the significant tree makes to the visual landscape and history of the neighbourhood. Clearly this proposal will not achieve that because it is to be removed. However, Policy 7.2.1.2 provides a number of exceptions to this, which are the same as the matters set out in clause 7.8.2 (1), which was assessed in Section 2.1 of this application.

Under that assessment, we concluded that there are a combination factors indicates that the removal of the tree is necessary for safety reasons. Removal of the tree will enable the reconstruction of a failing retaining wall on York Place which will have the associated benefit of enabling the site to be developed to its potential, thereby achieving the strategic outcomes sought for the city.

In our view, the proposal is consistent with Policy 7.2.1.2.

### *3.3 Conclusion on Policy Framework*

Overall, we conclude that the proposal is consistent with the policy framework of the 2GP. As a consequence, it passes through the policy limb of the s104D test also.

## **4. Affected Persons and Notification**

With regard to sections 95A, 95B and 95C of the Act, it is considered that the subject application should be processed on a non-notified basis, without written approvals, because:

- The activity will have or is likely to have adverse effects on the environment that are minor or less than minor.
- The applicant did not request public notification of the application.
- There is no rule or National Environmental Standard that requires public or limited notification of the application.
- The activity will NOT have adverse effects that are minor or more than minor on any person(s) or order holders(s).
- No special circumstances exist in relation to the application. A “special circumstance” is something outside the common run of things which is exceptional, abnormal or unusual but less than extraordinary or unique. There is nothing exceptional about removing a tree for safety reasons. We also note that merely because the public might be interested in a proposal does not mean it should be publicly notified. Case law states that Council has to be satisfied that public notification may elicit additional information bearing upon

the non-complying aspects of the application. Notification will not achieve that here as a structural engineer has determined that the retaining wall needs to be rebuilt due to it being compromised by the tree (and others). Councils' own arborist has confirmed that the tree will not survive the reconstruction of the retaining wall.

## **5. Conclusion**

While the loss of the scheduled tree will have a negative effect on streetscape and amenity values, this will be offset by removing a safety issue posed by the retaining wall. While the risk is not immediate, the wall will eventually need replaced. The scheduled tree is partly responsible for the damage to the wall and will not survive the construction of the replacement wall. The zone standards encourage high density development in this area, with no density controls, setback, or height recession plane standards. As a consequence, a different character and amenity is being sought for the area by the 2GP. In this context, the proposed building is seen as a positive addition to this streetscape. Overall, any adverse effects will be no more than minor while the policy provisions of the 2GP are not compromised.

In conclusion, we consider that the proposal will end up contributing to a positive outcome for the City.

# 284 STUART STREET

## DUNEDIN



SOUTH VIEW (STUART STREET)



WEST VIEW (YORK PLACE)



NORTH EAST VIEW (YORK PLACE)



SOUTH WEST (UPPER STUART STREET)



Contract Draughting - Architectural Design

|          |                        |    |
|----------|------------------------|----|
| 19-10-23 | Resource Consent Issue | A  |
| Date     | Revision Description   | No |

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract:  
**284 STUART STREET  
DUNEDIN**

AT Scales: Date: Feb 2023

Sheet Title:  
**COVER SHEET**

Contract: 20052  
Revision: A

Resource Consent

Sheet:  
**RC0.00**

A1





**Planting Legend**

- Planting and ground cover
- Trees
- Grass Area
- Paved Area

**WJ CADZOW & ASSOCIATES LTD.**  
Contract Draughting - Architectural Design

|          |                        |     |
|----------|------------------------|-----|
| 19-10-23 | Resource Consent Issue | A   |
| Date     | Revision Description   | No. |

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract: **284 STUART STREET DUNEDIN**

AT Scales: 1 : 100 Date: 10/10/23

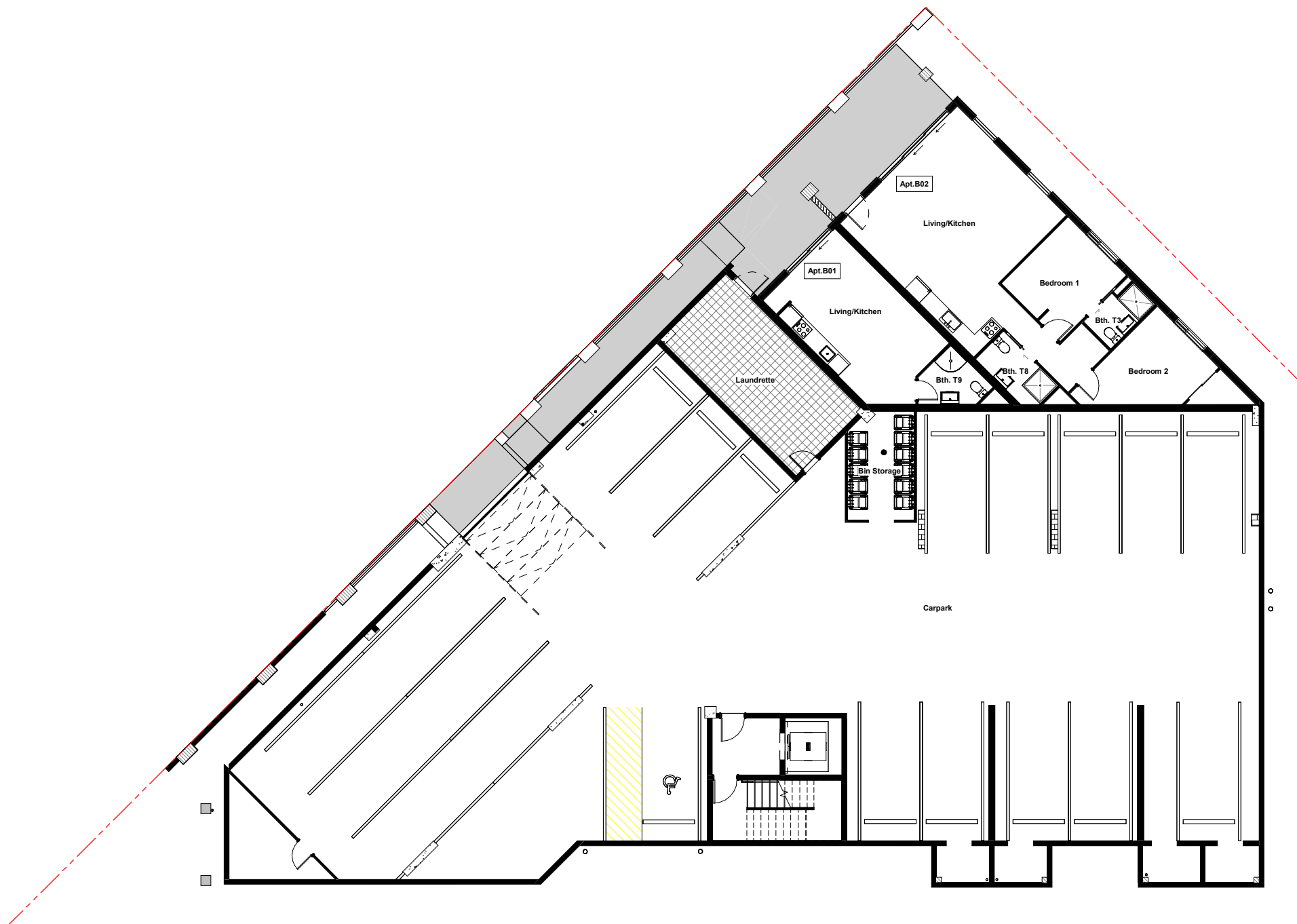
Sheet Title: **Site Plan**

Contract: 20052 Sheet: **RC1.00**

Revision: A

Resource Consent A1





Basement Plan  
Scale 1:100 @ A1, 1:200 @ A3



Contract Draughting - Architectural Design

|          |                        |    |
|----------|------------------------|----|
|          |                        |    |
|          |                        |    |
|          |                        |    |
|          |                        |    |
|          |                        |    |
| 19-10-23 | Resource Consent Issue | A  |
| Date     | Revision Description   | No |

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract:  
**284 STUART STREET  
DUNEDIN**

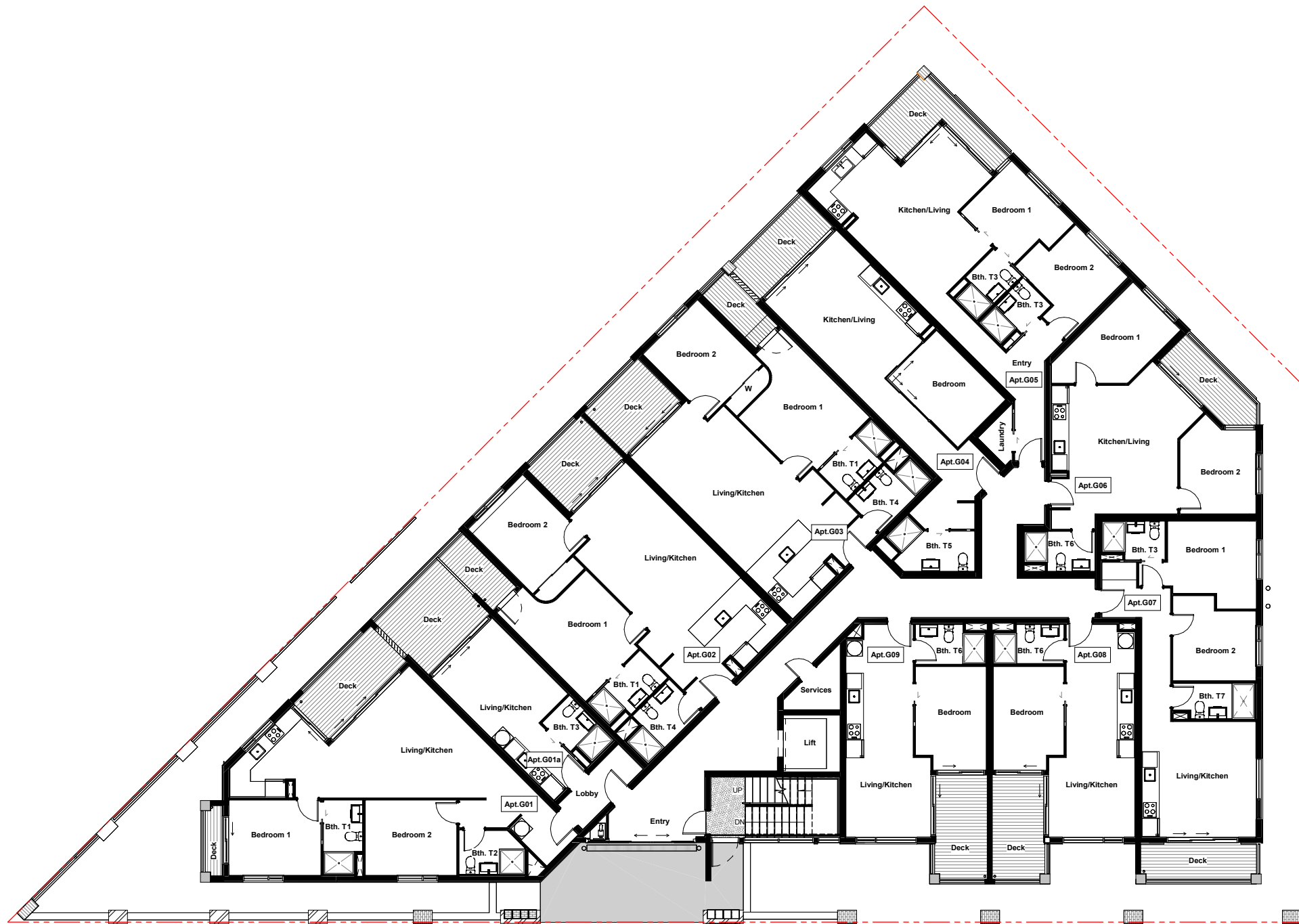
AT Scales: 1 : 100 Date: 10/10/23

Sheet Title :  
**Basement Plan**

Contract: 20052 Sheet:  
Revision: A **RC1.01**

Resource Consent A1





Ground, First and Second Floor Plan  
Scale 1:100 @ A1, 1:200 @ A3



Contract Draughting - Architectural Design

|          |                        |    |
|----------|------------------------|----|
| 19-10-23 | Resource Consent Issue | A  |
| Date     | Revision Description   | No |

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract:  
**284 STUART STREET  
DUNEDIN**

AT Scales: 1 : 100 Date: 10/10/23

Sheet Title:  
**Ground, First & Second Floor Plan**

Contract: 20052 Sheet: **RC1.02**

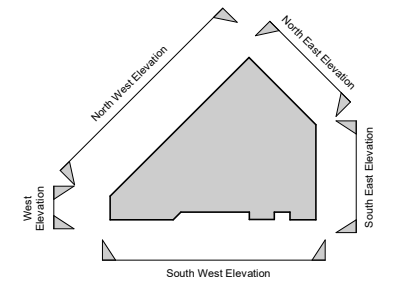
Revision: A

Resource Consent A1





**North West Elevation**  
Scale 1:100 @ A1, 1:200 @ A3



**North East Elevation RC**  
Scale 1:100 @ A1, 1:200 @ A3



| 19-10-23 | Resource Consent Issue | A  |
|----------|------------------------|----|
| Date     | Revision Description   | No |

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract: **284 STUART STREET DUNEDIN**

AT Scales: As indicated Date: 10/10/23

Sheet Title: **Elevations**

Contract: 20052 Sheet: **RC1.03**

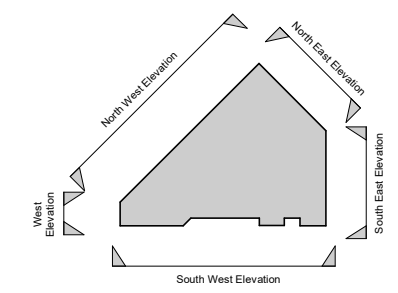
Revision: A

Resource Consent A1





**South East Elevation RC**  
Scale 1:100 @ A1, 1:200 @ A3



Contract Draughting - Architectural Design

|          |                        |    |
|----------|------------------------|----|
|          |                        |    |
|          |                        |    |
|          |                        |    |
|          |                        |    |
|          |                        |    |
| 19-10-23 | Resource Consent Issue | A  |
| Date     | Revision Description   | No |

Do Not Scale From These Drawings.  
Use Figured Dimensions Only.

Contract: 284 STUART STREET  
DUNEDIN

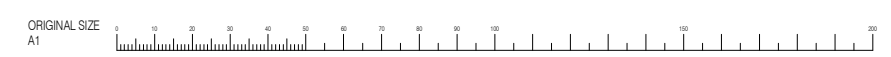
AT Scales: As indicated Date: 10/10/23

Sheet Title: Elevations

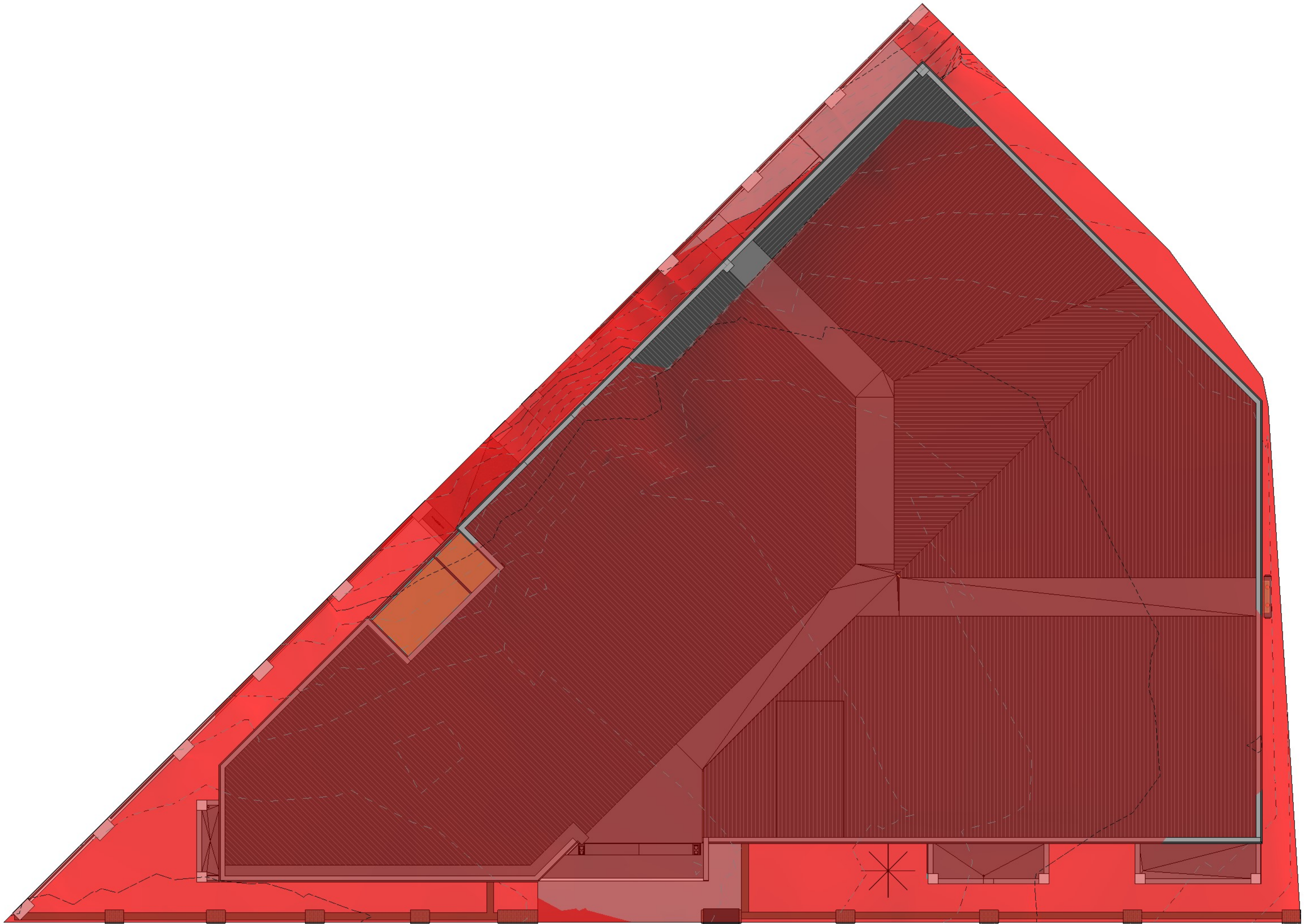
Contract: 20052 Sheet: RC1.04

Revision: A

Resource Consent A1





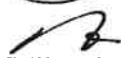




**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD**

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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** OT14C/70  
**Land Registration District** Otago  
**Date Issued** 14 May 1992

**Prior References**  
GN 568813

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|                          |                                              |
|--------------------------|----------------------------------------------|
| <b>Estate</b>            | Fee Simple                                   |
| <b>Area</b>              | 1062 square metres more or less              |
| <b>Legal Description</b> | Section 39 Block XIII Deposited Plan<br>3985 |

**Registered Owners**  
Elim Group Limited

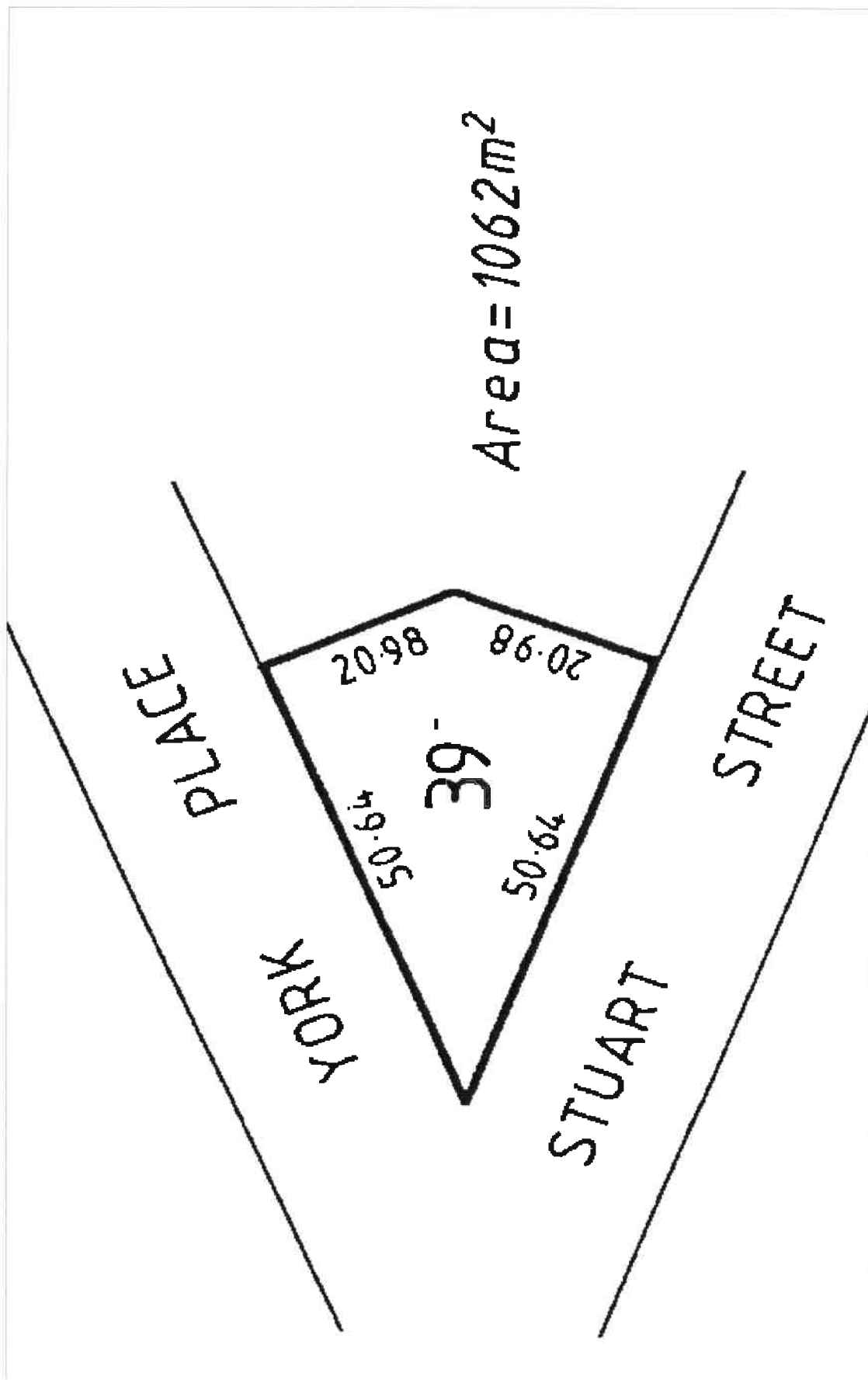
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**Interests**

Subject to Part IV A Conservation Act 1987  
Subject to Section 11 Crown Minerals Act 1991

Identifier

OT14C/70



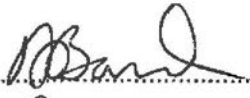
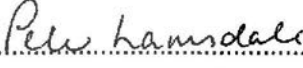
# STANDARD TREE EVALUATION FORM

T1054

|                      |                    |            |                          |             |                 |       |
|----------------------|--------------------|------------|--------------------------|-------------|-----------------|-------|
| Date                 | 9-3-2001           |            |                          |             |                 |       |
| Tree                 | Lime 284 Stuart St |            |                          |             |                 |       |
| Address              | (York place side)  |            |                          |             |                 |       |
|                      | 296                |            |                          |             |                 |       |
| Height (m)           | 16                 | Radius (m) | Circumference (m) @ 1.2m |             |                 |       |
| CONDITION EVALUATION |                    |            |                          |             |                 |       |
| Points               | 3                  | 9          | 15                       | 21          | 27              | Score |
| • Form               | Poor               | Moderate   | Good                     | Very Good   | Specimen        | 15    |
| • Occurrence         | Predominant        | Common     | Infrequent               | Rare        | Very Rare       | 9     |
| • Vigour & Vitality  | Poor               | Some       | Good                     | Very Good   | Excellent       | 15    |
| • Function           | Minor              | Useful     | Important                | Significant | Major           | 21    |
| • Age (Yr)           | 10 Yrs+            | 20 Yrs +   | 40 Yrs +                 | 80 Yrs +    | 100 Yrs+        | 15    |
|                      |                    |            |                          |             | Subtotal Points | 75    |

|                    |        |          |           |             |                 |       |
|--------------------|--------|----------|-----------|-------------|-----------------|-------|
| AMENITY EVALUATION |        |          |           |             |                 |       |
| Points             | 3      | 9        | 15        | 21          | 27              | Score |
| • Stature (m)      | 3-8    | 9-14     | 15-20     | 21-26       | 27+             | 15    |
| • Visibility (km)  | 0.5    | 1.0      | 2.0       | 4.0         | 8.0             | 9     |
| • Proximity        | Forest | Parkland | Group 10+ | Group 3+    | Solitary        | 27    |
| • Role             | Minor  | Moderate | Important | Significant | Major           | 15    |
| • Climate          | Minor  | Moderate | Important | Significant | Major           | 15    |
|                    |        |          |           |             | Subtotal Points | 81    |

|                    |            |               |                |                |                     |       |
|--------------------|------------|---------------|----------------|----------------|---------------------|-------|
| NOTABLE EVALUATION |            |               |                |                |                     |       |
| Recognition Points | Local<br>3 | District<br>9 | Regional<br>15 | National<br>21 | International<br>27 | Score |
| Stature            |            |               |                |                |                     |       |
| • Feature          |            |               |                |                |                     |       |
| • Form             |            |               |                |                |                     |       |
| Historic           |            |               |                |                |                     |       |
| • Age 100+         |            |               |                |                |                     |       |
| • Association      |            |               |                |                |                     |       |
| • Commemoration    |            |               |                |                |                     |       |
| • Remnant          |            |               |                |                |                     |       |
| • Relict           |            |               |                |                |                     |       |
| Scientific         |            |               |                |                |                     |       |
| • Source           |            |               |                |                |                     |       |
| • Rarity           |            |               |                |                |                     |       |
| • Endangered       |            |               |                |                |                     |       |
|                    |            |               |                |                | Subtotal Points     |       |
|                    |            |               |                |                | Total Points        | 156   |

  
 .....Arborist  
  
 .....

# STANDARD TREE EVALUATION FORM

|            |                  |                      |
|------------|------------------|----------------------|
| Date       | 21/3/2001        |                      |
| Tree       | Tilia x europaea |                      |
| Address    | 284 Stuart St    |                      |
| 296        |                  |                      |
| Height (m) | Radius (m)       | Diameter (mm) @ 1.2m |

| CONDITION EVALUATION |             |          |            |             |           |       |
|----------------------|-------------|----------|------------|-------------|-----------|-------|
| Points               | 3           | 9        | 15         | 21          | 27        | Score |
| • Form               | Poor        | Moderate | Good       | Very Good   | Specimen  | 15    |
| • Occurrence         | Predominant | Common   | Infrequent | Rare        | Very Rare | 9     |
| • Vigour & Vitality  | Poor        | Some     | Good       | Very Good   | Excellent | 15    |
| • Function           | Minor       | Useful   | Important  | Significant | Major     | 15    |
| • Age (Yr)           | 10 Yrs+     | 20 Yrs + | 40 Yrs +   | 80 Yrs +    | 100 Yrs+  | 15    |
| Subtotal Points      |             |          |            |             |           | 69    |

| AMENITY EVALUATION |        |          |           |             |          |       |
|--------------------|--------|----------|-----------|-------------|----------|-------|
| Points             | 3      | 9        | 15        | 21          | 27       | Score |
| • Stature (m)      | 3-8    | 9-14     | 15-20     | 21-26       | 27+      | 15    |
| • Visibility (km)  | 0.5    | 1.0      | 2.0       | 4.0         | 8.0      | 9     |
| • Proximity        | Forest | Parkland | Group 10+ | Group 3+    | Solitary | 21    |
| • Role             | Minor  | Moderate | Important | Significant | Major    | 15    |
| • Climate          | Minor  | Moderate | Important | Significant | Major    | 15    |
| Subtotal Points    |        |          |           |             |          | 75    |

| NOTABLE EVALUATION |            |               |                |                |                     |       |
|--------------------|------------|---------------|----------------|----------------|---------------------|-------|
| Recognition Points | Local<br>3 | District<br>9 | Regional<br>15 | National<br>21 | International<br>27 | Score |
| Stature            |            |               |                |                |                     |       |
| • Feature          |            |               |                |                |                     |       |
| • Form             |            |               |                |                |                     |       |
| Historic           |            |               |                |                |                     |       |
| • Age 100+         |            |               |                |                |                     |       |
| • Association      |            |               |                |                |                     |       |
| • Commemoration    |            |               |                |                |                     |       |
| • Remnant          |            |               |                |                |                     |       |
| • Relict           |            |               |                |                |                     |       |
| Scientific         |            |               |                |                |                     |       |
| • Source           |            |               |                |                |                     |       |
| • Rarity           |            |               |                |                |                     |       |
| • Endangered       |            |               |                |                |                     |       |
| Subtotal Points    |            |               |                |                |                     |       |
| Total Points       |            |               |                |                |                     | 144   |

.....Arboricultural Asset Officer

.....Landscape Architect

## 284 Stuart Street



*Tilia x europaea (Lime)*  
*09.03.01*

*Tree No 296*